

Agenda Report

DATE: OCTOBER 6, 2008

TO: CITY COUNCIL
PASADENA COMMUNITY DEVELOPMENT COMMISSION

FROM: CITY MANAGER/CHIEF EXECUTIVE OFFICER

SUBJECT: ADOPT RESOLUTION AUTHORIZING THE CITY MANAGER, CHIEF EXECUTIVE OFFICER OR DESIGNEE TO ACCEPT GRANTS AND DEEDS FROM PROPERTY OWNERS CONVEYING INTERESTS IN REAL PROPERTY TO ENABLE CITY DEPARTMENTS TO PROVIDE PUBLIC WORKS AND OTHER SERVICES.

RECOMMENDATION:

It is recommended that the City Council/Pasadena Community Development Commission ("Commission") adopt a resolution authorizing the City Manager/Chief Executive Officer ("CEO") or designee to accept grants, deeds, easements and dedications approved as to form by the City Attorney's Office from property owners conveying interests in real property to the City/Commission for Public Works and other purposes.

BACKGROUND:

It is routinely necessary to obtain easement dedications from property owners in order to upgrade or maintain public works facilities for City customers, and occasionally accept donated real property interests. Primary examples are: 1) deed acceptances required for housing acquisitions previously approved by Commission, 2) street widening or extension projects where easements or a fee interest (if adjacent to City fee owned right of way) must be obtained from property owners in order to construct right of way improvements adjacent to the properties they serve, and 3) donations.

Section 27281 of the Government Code provides that a public agency may not have deeds or grants from third parties conveying interests in real property to the agency accepted for recordation without a certificate or resolution of acceptance evidencing the agency's consent. The law permits agencies to adopt a general resolution authorizing its officers to accept and consent to such grants.

As with similar authority granted in Resolution No. 7042 by City Council on December 6, 1993 to the General Manager of the Water and Power Department, it is in the interest of convenience and efficiency to delegate authority to the City Manager, CEO or designee to accept various types of grants related to the transfer of real property interests including, but not limited to, deeds, easements and dedications from property owners.

Staff will continue to exercise due diligence in investigating a parcel's condition and its benefit to the City/Commission prior to accepting a grant of real property interest to insure that there are no substantial liabilities being assumed for remediation of the site or correction of defective or hazardous conditions. The Chief Executive Officer and City Manager would be able to accept property where due diligence discloses that the City is not incurring liabilities reasonably in excess of \$100,000. Where the potential liability exceeds this amount, City Council approval would be required to accept the deed or grant.

Approval of this item will eliminate the present need for a City Council/Commission action each time such a deed or grant must be accepted on behalf of the City or Commission for all departments except the Department of Water & Power, which was previously granted such authority.

FISCAL IMPACT:


No direct fiscal impact. Staff time in the preparation and processing of several agenda reports presently presented to the City Council/Commission on these matters each year will be eliminated, as well as a like reduction in the number of matters on City Council/Commission Council agendas.

Concur:



RICHARD J. BRUCKNER
Director of Planning & Development

Respectfully submitted,




MICHAEL J. BECK
City Manager/Chief Executive
Officer

Prepared by:



KELLY KITASATO
Real Property Manager

Concur:



MARTIN PASTUCHA
Director of Public Works

RESOLUTION No. _____

**A RESOLUTION AUTHORIZING THE CITY MANAGER OR ITS
DESIGNEE TO ACCEPT GRANTS, DEEDS AND EASEMENTS FROM
PROPERTY OWNERS CONVEYING INTERESTS IN REAL PROPERTY
TO THE CITY AND THE PASADENA COMMUNITY DEVELOPMENT
COMMISSION.**

WHEREAS, in order to maintain and upgrade public works facilities to City of Pasadena ("City") customers, it is frequently necessary to obtain grants, deeds, easements and dedications from private property owners/customers; and

WHEREAS, it is occasionally necessary for the City to accept donations of real property interests from property owners; and

WHEREAS, it is occasionally necessary for the Commission to obtain grants, deeds, easements and dedications from private property owners/customers; and

WHEREAS, it is occasionally necessary for the Commission to accept donations of real property interests from property owners; and

WHEREAS, Section 27281 of the Government Code provides that a public agency may not have deeds or grants conveying to it an interest in or easement upon real estate accepted for recordation without the consent of the public agency as evidenced by a certificate or resolution of acceptance; and

WHEREAS, the City and Commission may, by general resolution, authorize an officer to accept and consent to a deed or grant conveying an interest in or easement upon real estate to the City and Commission; and

WHEREAS, it is in the interest of convenience and efficiency to delegate authority to the City Manager and designee to accept grants, deeds, easements and dedications from property owners to the City and Commission;

WHEREAS, it is in the interest of convenience and efficiency to delegate authority to the Chief Executive Officer and designee to accept grants, deeds, easements and dedications from property owners to the City and Commission;

WHEREAS, this delegation is expressly conditioned upon due diligence by the City Manager and the Chief Executive Officer to insure that the City is not incurring outstanding or potential liability reasonably in excess of \$100,000. Where the potential liability exceeds the amount, City Council approval would be required to accept the deed or grant.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pasadena and Commission as follows:

1. The City Manager and Chief Executive Officer are hereby authorized on behalf of the City and Commission to accept and consent to grants, deeds, easements and dedications from property owners which convey an interest in or easement upon real property where due diligence by the City Manager or Chief Executive Officer has disclosed that the City is not incurring outstanding or potential liability in excess of \$100,000 in the acceptance of a grant or deed.

2. Whenever a grantor conveys an interest in or easement upon real property by deed or grant to the City or Commission, the City Manager, Chief Executive Officer and designee are hereby authorized to accept and consent to the grant, deed, easement or dedication and to execute a certificate of acceptance and consent in substantially the following form:

"This is to certify that the interest in real property conveyed by the grant or deed dated _____ from _____ to the City of Pasadena (or the Pasadena Community Development Commission) is hereby accepted by the undersigned City Manager (or Chief Executive Officer) on behalf of the City (or Commission) pursuant to authority conferred by resolution of the City of Pasadena adopted on _____, 2008 and the grantee consents to recordation thereof by such duly authorized officer."

3. Nothing contained in this Resolution shall alter the authority granted by Resolution No. 7042, dated December 6, 1993 authorizing the General Manager of the Water & Power Department to accept grants and deeds from property owners which enable the City's utilities to furnish water and/or power.

Adopted at the Regular meeting of the City Council on the ____ day of _____, 2008, by the following vote:

AYES:
 NOES:
 ABSENT:
 ABSTAIN:

MARK JOMSKY, CMC
 City Clerk
 Secretary

Approved as to form:



BRAD L. FULLER
 Assistant City Attorney
 Assistant General Council