

RESOLUTION NO. C-58-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HALF MOON BAY, CALIFORNIA APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT TO EXCHANGE REAL PROPERTY WITH THE COUNTY OF SAN MATEO AND PENINSULA OPEN SPACE TRUST, AND TO ACCEPT OR EXECUTE ON BEHALF OF THE CITY, ANY AND ALL NOTICES, CERTIFICATES OF ACCEPTANCE, CONSENTS, APPROVALS, TERMINATIONS, DEEDS, ESCROW INSTRUCTIONS AND OTHER DOCUMENTS IN CONNECTION THEREWITH

RECITALS

- A. In 2001, the City of Half Moon Bay, by a resolution accepting offer of dedication, acquired a parcel of land consisting of approximately 1.1 acres along Arnold Way for parks and recreational purposes (the "Arnold Way Parcel"); and
- B. Subsequent to the acquisition, no funds were expended toward developing the parcel as a park, and no plans for development of the subject property as a park were undertaken; and
- C. On May 17, 2011, the City Council adopted a resolution establishing the regular council meeting of July 19, 2011 at 7:00 p.m. as the date and time of a public hearing to consider abandonment of the Arnold Way Parcel as a public park site, and to hear all statements in support of and objecting to the proposed abandonment. Notice of the hearing was published in a newspaper of general circulation and posted conspicuously along the boundaries of the property in accordance with applicable legal requirements; and
- D. At the appointed date and time, no members of the public appeared and spoke in favor of or in opposition to the proposed abandonment. Whereupon the City Council adopted a resolution "MAKING CERTAIN FINDINGS, OVERRULING ALL OBJECTIONS AND ORDERING THE ABANDONMENT OF PLANS FOR ESTABLISHING A PUBLIC PARK (APN: 056-210-360—North Side of Arnold Way, ±500 Feet East of Main Street); and
- E. There has been presented to the City Council for its consideration and acceptance an Agreement to Exchange Real Property (the "Agreement") between the City as owner of the Arnold Way Parcel, the County of San Mateo as owner of property holdings consisting of eighty-six unimproved parcels (the "County Parcels"), a total of approximately 20 acres, and Peninsula Open Space Trust, a California non-profit public benefit agency, as owner of Assessor Parcel Numbers 065-011-040 and 065-011-050 (POST Property); reference to which is hereby made for further particulars, and the City Council has examined and approved same as to form and content and desires to enter into same.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HALF MOON BAY DOES RESOLVE AS FOLLOWS:

Section 1. That all facts as set forth in the Recitals of this Resolution, are true and correct.

Section 2. The City Council hereby approves the Agreement and authorizes and directs the City Manager to execute the same on behalf of the City of Half Moon Bay.

Section 3. The City Manager or her designee is hereby authorized to accept, or execute on behalf of the City, any and all notices, certificates of acceptance, consents, approvals, terminations, deeds, escrow instructions and other documents in connection with the Agreement or to meet the intent of this Resolution.

I, the undersigned, hereby certify that the forgoing Resolution was duly passed and adopted on the 16th day of August, 2011 by the City Council of Half Moon Bay by the following vote:


AYES, Councilmembers: Alifano, Fraser, Kowalczyk, Muller & Mayor Patridge

NOES, Councilmembers: _____


ABSTAIN, Councilmembers: _____

ABSENT, Councilmembers: _____

ATTEST:



Siobhan Smith, City Clerk



Naomi Patridge, Mayor