

RESOLUTION NO. 17-15

A RESOLUTION OF THE CITY COUNCIL AFFIRMING THE PUBLIC STATUS OF THE STEPS, LANES AND PATHS OF THE CITY OF MILL VALLEY, OFFICIALLY NAMING AND NUMBERING PUBLIC STEPS, LANES AND PATHS, AUTHORIZING AND DIRECTING DELIVERY OF A MAP OF PUBLIC STEPS, LANES AND PATHS FOR RECORDING AT THE MARIN COUNTY RECORDER'S OFFICE, AND ADOPTING AN ENCROACHMENT REMOVAL POLICY

WHEREAS, the early subdivision maps of the City over one hundred years ago provided for a network of pedestrian paths serving residents within the City which over time was expanded by later subdivision maps and grants of easements.

WHEREAS, this network was reflected in numerous official City maps and plans, adopted by prior City Councils and published widely, including but not limited to the 1912 Official Map, the Official Street Naming and Numbering Map of 1931, the City of Mill Valley Map of 1942, the 1962 Master Plan Map, the 1964 City Map and the 1974 Zoning Map. This network of public pedestrian paths is known as Steps, Lanes and Paths ("SLPs"); and

WHEREAS, the SLPs provide several benefits, including direct access from the hillsides to key destinations such as schools, transit stops, City parks and other public facilities such as the City Library, and commercial areas; an alternative method of travel from automobiles; direct access and routes away from danger when narrow streets and roadways may not be readily accessible or useable during an emergency; venues for outdoor health and fitness activities, such as the annual Dipsea Race – the oldest trail race in America; and a sense of community, by connecting residents and neighborhoods with pedestrian opportunities in areas not typically served by sidewalks; and

WHEREAS, the City's current General Plan known as MV 2040 sets forth the City's policy goal to maintain, preserve and restore SLPs; and

WHEREAS, the City has concluded that a comprehensive restatement and reaffirmation of the existence and public status of the City's SLPs, and the preparation of a map to be delivered for recording at the Recorder's Office of the County of Marin, are formal ways to support the administrative functions of the City, protect the City's public SLP assets, and provide consistency in title searches and private property transfers; and

WHEREAS, since 2003 the City staff has internally used a consistent numbering system for the City's SLPs, which numbering system is essential for tracking, record keeping, and identification purposes and the City Council desires to formally adopt this numbering system to assist in the protection and preservation of the SLP network.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED AS FOLLOWS:

Section 1. Preservation and Protection of SLPs. The City of Mill Valley shall preserve and protect its network of SLPs, including the SLPs listed in Attachment A. As provided by Policy M.12-1 of the General Plan, "Official abandonment of any such easements or fee simple rights of way should occur only in the most extraordinary circumstances and then only by vote of City Council." Further, any abandonment shall be subject to the requirements of the Public Streets,

Highways and Service Easements Vacation Law set forth at California Streets and Highways Code Section 8300 et seq., provided however, that no SLP shall be abandoned through a summary procedure.

Section 2. Establishment of SLP Inventory. The SLPs listed in Attachment A shall constitute the initial list of the Official City of Mill Valley SLP Inventory (“SLP Inventory”) hereby established, except the following SLPs in the SLP Inventory will be added to said map only upon confirmation by a licensed land surveyor to be engaged by the Director of Public Works that such SLPs do not traverse any privately owned parcel: SLP 45, SLP 159, SLP 162, SLP 175, and SLP 181. The City Council hereby ratifies and affirms that each SLP on Attachment A, and each SLP added to SLP Inventory in the future, is official public property of the City of Mill Valley, due to an express or implied acceptance by the City of Mill Valley of a fee or easement interest in the SLP between the incorporation date of the Town of Mill Valley on August 27, 1900 and adoption of this Resolution, and in the case of future additions the date of the addition to the SLP Inventory. Any prior implied acceptance of an SLP is deemed confirmed and made express by this Resolution and in the case of future additions upon that SLP’s addition to the SLP Inventory.

Section 3. Recordation. The Director of Public Works is directed to prepare and deliver to the Recorder’s Office of the County of Marin for recording by August 31, 2017 a map of all SLPs in the SLP Inventory on such date (“SLP Map”). The SLP Map shall be posted on the City’s website and the map information, along with any additional SLPs in the SLP Inventory, shall be incorporated in the computerized mapping system used by City staff so that it is readily accessible for public works, planning, enforcement, recreation, and any other governmental purpose.

Section 4. Formal Identification of SLPs. The numbers associated with the SLPs listed on Attachment A are hereby adopted as the official City SLP numbers of each such SLP.

Section 5. No Abandonment, Waiver or Relinquishment. The City Council is aware that there are other public SLPs that are not included on Attachment A hereto and may not be included on the SLP Map. Neither the provisions of this Resolution, a failure to include a public asset or property in Attachment A, nor a failure to include a public asset or property on the SLP Map, is intended to or shall be construed to abandon, waive or relinquish any public rights. Such reservation of public rights shall be indicated on the SLP Map.

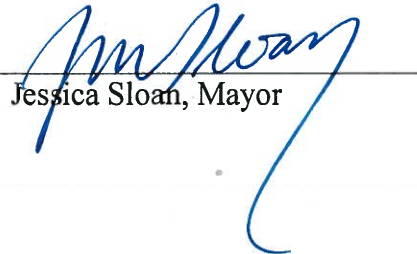
Section 6. SLPs Requiring Further Review. There are certain SLPs whose public property status has been disputed by private property owners which require further review and analysis before their public property status may be formally ratified and affirmed by the City Council. Accordingly, the City Attorney is directed to undertake a further review and analysis of these SLPs and determine whether the City Council should add some or all of these SLPs to the SLP Inventory. This review shall be completed on or before October 31, 2017. The City Attorney is hereby authorized and directed to take all actions necessary to review, establish, affirm, protect and preserve the public property status of these SLPs. The City Attorney shall issue a public report setting forth his determinations and actions with respect to all these SLPs on or before December 31, 2017.

Section 7. **Removal of Encroachments.** The City Manager is hereby authorized and directed to investigate any complaints of encroachments, obstructions, waste, damage or blockages of SLPs and to take all actions necessary to remove or to cause adjoining property owners to remove such encroachments, obstructions, waste, damage or blockages. The City shall not issue any encroachment permits for any SLP on the SLP Inventory.

Section 8. **Reporting of Complaints.** Commencing in April 2017, the City Manager shall make publicly available a report describing any complaints received of SLP encroachments, obstructions, waste, damage or blockages, summarizing the status of the City's investigations and specifying the actions taken to remove any confirmed encroachments, obstructions, waste, damage or blockages. The report shall be posted on the City's website and regularly updated.

THE FOREGOING RESOLUTION WAS PASSED AND ADOPTED by the City Council of Mill Valley on the 20th day of **March, 2017**, by the following vote:

AYES: Councilmembers: McCauley, McEntee, Wickham, Moulton-Peters, Sloan
NOES: None
ABSENT: None
ABSTAIN: None



Jessica Sloan, Mayor

ATTEST:


Kelsey Rogers, City Clerk/Administrative Analyst

Attachment A

Attachment A

Official City of Mill Valley SLP Inventory

SLP Pipeline
SLP 1
SLP 2
SLP 3
SLP 5
SLP 6
SLP 7
SLP 8
SLP 9
SLP 11
SLP 12
SLP 13
SLP 14
SLP 15
SLP 17
SLP 18
SLP 19
SLP 19A
SLP 20
SLP 21
SLP 22
SLP 23
SLP 23A
SLP 24
SLP 25
SLP 26
SLP 27
SLP 28
SLP 29
SLP 30
SLP 31

SLP 32
SLP 33
SLP 34
SLP 35
SLP 36
SLP 36A
SLP 36B
SLP 37
SLP 38
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SLP 193 RR Gr
SLP 194
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SLP 208
SLP 214
SLP 215
SLP 216
SLP 218
SLP 220
SLP 221
SLP 222
SLP 223
SLP 224
SLP 225
SLP 227 - original
SLP 227 alt (Greenwood/Hillside)
SLP 230
SLP 236
SLP 237
SLP 238
SLP 239
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SLP 302
SLP 304
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SLP 316
SLP 317
SLP 318
SLP 320
SLP 323
SLP 324
SLP 326
SLP 331
SLP 335 (partial)
SLP 336
SLP 339
SLP 340
SLP 341
SLP 347
SLP 352
SLP 411
SLP 1900
SLP 4701