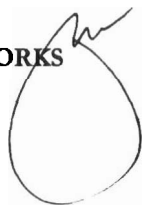


TO: JAMES L. APP, CITY MANAGER
FROM: JOHN R. McCARTHY, DIRECTOR OF PUBLIC WORKS
SUBJECT: GRANT OF AVIGATION EASEMENT (TR 2281)
DATE: SEPTEMBER 7, 1999



Needs: That the City Council consider adopting a resolution authorizing the acceptance of a Grant of Avigation Easement from Canyon Park, LLC.

- Facts:**
1. The City has received a Grant of Avigation Easement from Canyon Park, LLC for the right of flight for the unobstructed passages of aircraft at the Airport above Tract 2281.
 2. The Grant of Avigation Easement is a condition of Tentative Tract 2281 approval per Resolution No. 98-059, Condition No. 10, dated August 25, 1999.
 3. Per the Federal Aviation Regulations, Part 77, as applicable to the Paso Robles Airport, the property owner is required to grant to the City for the use and benefit of the public, a perpetual and assignable easement and right-of-way in, on, or over certain property that lies below, in whole or in part, the horizontal limits of the civil airport imaginary surfaces.
 4. The Easement, located within the airspace above the property of Canyon Park, LLC grants the right of air travel above the property, and for the right of flight for the unobstructed passages of aircraft for the use and benefit of the public, in the airspace above said imaginary surfaces, together with the right to cause in or about said airspace such effects as may be inherent in the navigation or flight of aircraft.

Analysis and

Conclusion: Staff requests for the City Council to adopt a Resolution authorizing the acceptance of a Grant of Avigation Easement.

Policy

Reference: Municipal Code 17.04.020 Section C (f). Federal Aviation Regulations, Part 77. Resolution No. 98-059 of the Planning Commission.

Fiscal

Impact: None

Options:

- A. That the City Council adopt a resolution authorizing the acceptance of a Grant of Avigation Easement from Canyon Park, LLC for the right of flight for the unobstructed passages of aircraft.
- B. That the City Council amend, modify or reject the above option.

Attachments: (2)

- 1) Resolution
- 2) Avigation Easement

**RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:**

CITY OF EL PASO DE ROBLES
ENGINEERING DIVISION
1000 SPRING STREET
PASO ROBLES, CA 93446

ATTN.: CITY ENGINEER

FOR RECORDERS USE ONLY

RESOLUTION NO. 99-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ACCEPTING A GRANT OF AVIGATION EASEMENT FROM CANYON PARK, LLC
FOR THE AIRSPACE ABOVE TRACT 2281 FOR THE UNOBSTRUCTED PASSAGES OF AIRCRAFT**

WHEREAS, the City of Paso Robles has received a Grant of Avigation Easement from Canyon Park, LLC;
and

WHEREAS, the Grant of Avigation Easement is for the airspace in, on, and above Tract 2281, as described in
the attached Exhibit 'A'; and

WHEREAS, this dedication is necessary for the right of flight for unobstructed passages of aircraft at the Paso
Robles Municipal Airport.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. That the City Council of the City of Paso Robles does hereby accept the Grant of Avigation
Easement and consent to the recordation of said Grant of Avigation Easement by its duly authorized officers.

Section 2. That the City Clerk of the City of El Paso de Robles does consent to and cause this
Resolution to be recorded in the office of the County Clerk Recorder of the San Luis Obispo County, State of
California.

PASSED AND ADOPTED by the City Council of the City of Paso Robles, this 7th day of **September**, 1999,
by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Duane J. Picanco, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

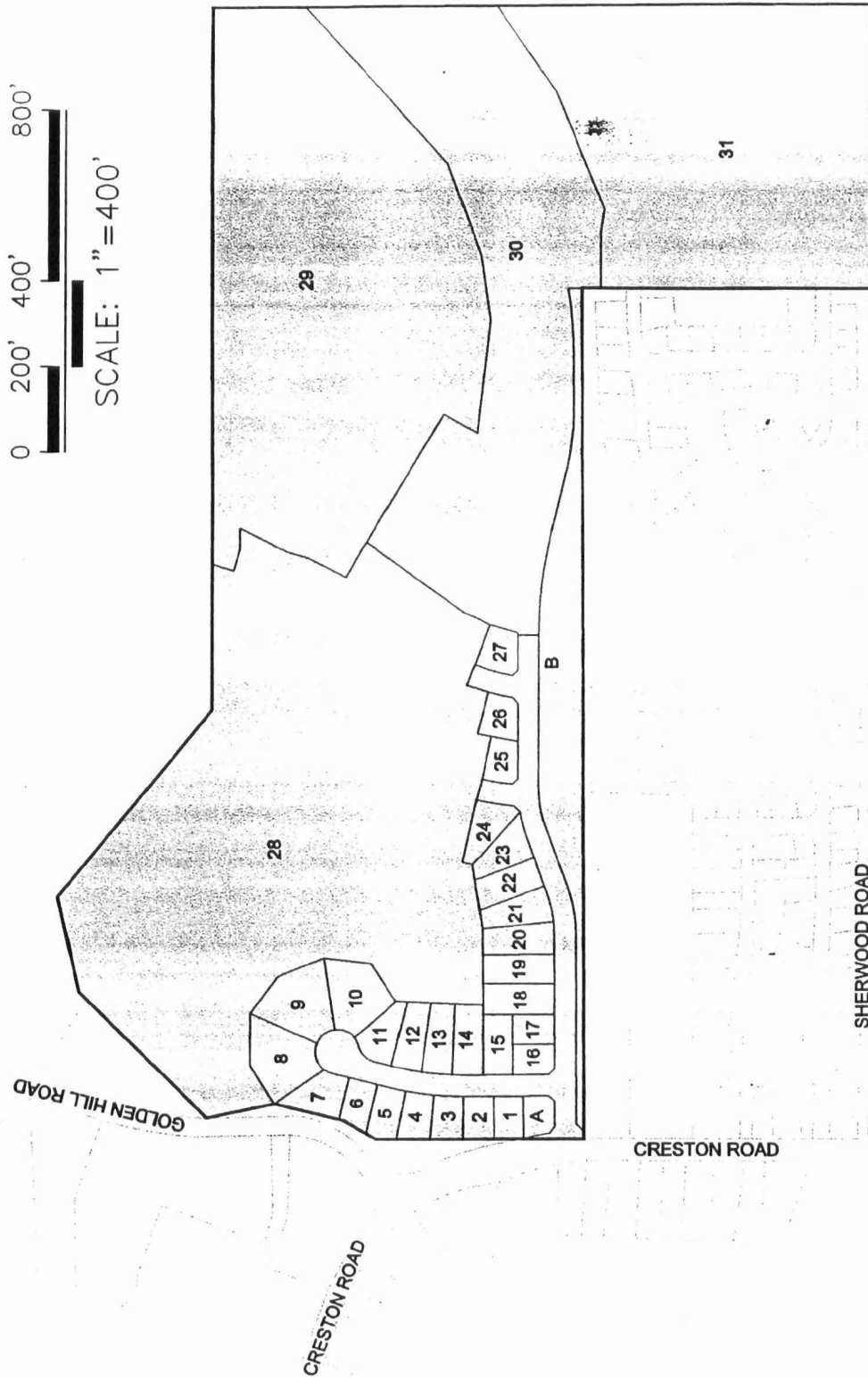


EXHIBIT A

EXHIBIT A / ATTACHMENT TO RES/ORD# _____
 PAGE 1 OF 4

Recording Requested By And
When Recorded, Return To:
Robert A. Lata
Community Development Director
City of Paso Robles
1000 Spring Street
Paso Robles, California 93446

APN 025-361-021
025-361-022
009-571-014
009-571-018
009-571-021
DEPT. REFERENCE _____

No Fee Document
(Public Entity Grantee,
Gov't Code Section 27383)

GRANT OF AVIGATION EASEMENT

For a valuable consideration, receipt of which is hereby acknowledged, Canyon Park, LLC A California Limited Liability Company, hereinafter referred to as "Grantors, hereby grant to the City of Paso Robles, a political subdivision of the State of California, hereinafter referred to as "City", for the use and benefit of the public, a perpetual and assignable easement and right-of-way, and certain rights appurtenant to said easement as hereinafter set forth, in, on and over the following described real property situated in the City of Paso Robles, County of San Luis Obispo, State of California, in which Grantors hold a fee simple estate, lying below, in whole or in part, the horizontal limits of the civil airport imaginary surfaces described in Federal Aviation Regulations, Part 77, as applicable to the Paso Robles Airport, situated in the City of Paso Robles, County of San Luis Obispo, State of California, hereinafter referred to as "Airport", which parcel of real property is described as follows:

PARCELS 3 AND 4 OF PARCEL MAP PR 82-188 RECORDED IN BOOK 33 OF PARCEL MAPS AT PAGE 86 AND PORTIONS OF LOT 24 OF THE RANCHO SANTA YSABEL PER THE MAP RECORDED IN BOOK A OF MAPS AT PAGE 29, RECORDS OF SAID COUNTY.

That portion of said real property lying below the imaginary surfaces described above is delineated by hatched lines on the map attached hereto as Exhibit "A" and incorporated by reference herein as though set forth in full.

It is agreed by Grantors that they shall not hereafter erect, enlarge or grow, or permit the erection, enlargement or growth of, or permit or suffer to remain, any building, structure, or other object, or any tree, bush, shrub or other vegetation, within or into the airspace above said imaginary surfaces overlying said real property.

It is further agreed by Grantors that the easement and rights hereby granted to City are for the purpose of insuring that said imaginary surfaces shall remain free and clear of any building, structure or other object, and of any tree, bush, shrub or other vegetation, which is or would constitute an obstruction or hazard to the flight of aircraft landing at and/or taking off from said Airport. These rights shall include, but not be limited to, the following:

EXHIBIT A / ATTACHMENT TO RES/ORD# 7
PAGE 2 OF 7

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1. The continuing and perpetual right of City, at Grantors' sole cost and expense, to cut off, trim, and/or prune those portions of any tree, bush, shrub, or other vegetation extending, projecting or infringing into or upon the airspace above said imaginary surfaces.

2. The continuing and perpetual right of City, at Grantors' sole cost and expense, to remove, raze or destroy those portions of any building, structure or other object, infringing, extending or projecting into or upon said imaginary surfaces.

3. The right of City, at Grantors' sole cost and expense, to mark and light, as obstructions to air navigation, any building, structure, or other object, any tree, bush, shrub or other vegetation, that may at any time infringe, project or extend into or upon said imaginary surfaces.

4. The right of City for ingress to, egress from, and passage on or over said real property of Grantors for above purposes. City shall exercise said right of ingress and egress only after City gives Grantors twenty-four (24) hours notice of City's intent to enter Grantors' property. City shall not be precluded from exercising its right of ingress and egress by the failure of Grantors to receive notice if City has made a reasonable effort to notify Grantors. If, in the opinion of the Airport manager, an obstruction or hazard exists within or upon said imaginary surfaces overlying said real property, which creates an immediate danger to the flight of aircraft landing at and/or taking off from the Airport such that immediate action is necessary, City may exercise its right of ingress and egress for the above purposes without notice to Grantors.

5. The right of flight for the unobstructed passages of aircraft, for the sue and benefit of the public, in the airspace above said imaginary surfaces, together with the right to cause in or about said airspace such noise, sight, electromagnetic emissions, vibration, fumes, dust, fuel particles, and all other effects as may be inherent in the navigation flight of aircraft now or hereafter used or known, using said airspace for landing at, taking off from, or operating from, to, at, on, or over said Airport.

The easement granted herein and all rights appertaining thereto are granted unto the City, its successors and assigns, until said Airport shall be abandoned and ceased to be used for airport purposes.

It is understood and agreed by Grantors that this easement and the covenants and restrictions contained herein shall run with the land described above and shall be binding upon the heirs, successors and assigns of Grantors. For purposes of this instrument, the above-described real property shall be the servient tenement and the Airport shall be the dominant tenement.

Dated: _____

CANYON PARK, LLC A CALIFORNIA LIMITED LIABILITY COMPANY

BY: THE CHARTER PACIFIC GROUP, A CALIFORNIA CORPORATION,
CO-GENERAL MANAGER

BY: [Signature]
JAMES N. GUTHRIE, JR.
PRESIDENT

BY: [Signature]
SUZANNE CORTNEY, CO-GENERAL MANAGER

NOTARY ACKNOWLEDGMENT

STATE OF CALIFORNIA)
) S.S.
COUNTY OF LOS ANGELES)

ON August 16, 1999, BEFORE ME, ROBERT L. RUCKER SR,
A NOTARY PUBLIC FOR THE STATE OF CALIFORNIA, PERSONALLY APPEARED JAMES N.
GUTHRIE, JR., AND SUZANNE CORTNEY, PERSONALLY KNOWN TO ME (~~OR PROVED TO ME ON~~
~~THE BASIS OF SATISFACTORY EVIDENCE~~) TO BE THE PERSONS WHOSE NAMES ARE
SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY
EXECUTED THE SAME IN THEIR AUTHORIZED CAPACITIES AND THAT BY THEIR SIGNATURES
ON THE INSTRUMENT THE PERSONS, OR THE ENTITIES UPON BEHALF OF WHICH THE
PERSONS ACTED, EXECUTED THE INSTRUMENT.

[Signature]
NOTARY SIGNATURE

ROBERT L. RUCKER SR
NAME PRINTED

