

**TO:** JAMES L. APP, CITY MANAGER  
**FROM:** ROBERT A. LATA, COMMUNITY DEVELOPMENT DIRECTOR  
**SUBJECT:** ACCEPTANCE OF AVIGATION EASEMENT FOR PLANNED DEVELOPMENT  
01-029, BEA  
**DATE:** February 18, 2003

**Needs:** That the City Council authorize the acceptance of an avigation easement over property located at 2338 Prospect Avenue.

**Facts:**

1. On January 9, 2003, Jaime Bea and Franziska Bea, granted an avigation easement to the City of Paso Robles for the use and benefit of the public, a perpetual and assignable easement and right of way over property located at 2338 Prospect Avenue.
2. The granting of this easement is in compliance with Planned Development 01-029 (PD 01-029) approved by the Planning Commission on January 22, 2002 by Resolution 02-007.

**Analysis  
and**

**Conclusion:** The acceptance of the grant of avigation easement is one way in which the City can protect the airspace surrounding the Municipal Airport. The avigation easement provides for the City's use of airspace, in accordance with Federal Aviation Regulations, Part 77.25 (14 CFR 77.23) as applicable to the City's airport and insures that the airspace remains free and clear of any obstructions.

**Policy**

**Reference:** Paso Robles Municipal Code, Federal Aviation Regulations

**Fiscal**

**Impact:** Fiscal impacts are not anticipated from the acceptance of this easement.

**Options:** Based upon completion of construction of all required public improvements to the satisfaction of the City:

- a. Adopt Resolution No. 03-xx accepting the avigation easement as offered by Jamie and Franziska Bea for the property located at 2338 Prospect Avenue, Paso Robles.
- b. Amend, modify or reject the above option.

Attachments: (2)

1. Draft Resolution
2. Avigation Easement

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

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

ATTN: K. MARGASON, ASSOCIATE PLANNER

**FOR RECORDERS USE ONLY**

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RESOLUTION NO. 03-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
ACCEPTING A GRANT OF AVIGATION EASEMENT FROM JAMIE AND FRANZISKA BEA  
FOR THE AIRSPACE ABOVE PD 01-029 (MINI-STORAGE)  
FOR THE UNOBSTRUCTED PASSAGE OF AIRCRAFT  
APN: 025-401-014

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WHEREAS, the City of Paso Robles has received a Grant of Avigation Easement from Jamie and Franziska Bea; and

WHEREAS, the Grant of Avigation Easement is for the airspace in, on, and above the property associated with PD 01-029 and commonly known as 2338 Prospect Avenue and as approximately depicted in Exhibit A attached to the Grant of Avigation Easement; and

WHEREAS, this dedication is necessary for the right of flight for unobstructed passage 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 Paso Robles does consent to and cause this Resolution to be recorded in the office of the County Clerk Recorder of San Luis Obispo County, State of California.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 18<sup>th</sup> day of February 2003 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Frank R. Mecham, Mayor

ATTEST:

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Sharilyn M. Ryan, Deputy City Clerk