

**TO:** James L. App, City Manager  
**FROM:** Doug Monn, Director of Public Works  
**SUBJECT:** Acceptance of Grant of Easement and Abandonment of Original Easement (Scolari)  
**DATE:** May 1, 2007

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**Needs:** That the City Council authorize the acceptance of an Easement Grant Deed and abandon an existing public utilities easement over the Scolari's market property.

**Facts:**

1. In conjunction with the redevelopment of his property, Joe Scolari removed an antiquated sewer line and constructed a new sewer line, from 22<sup>nd</sup> Street to 21<sup>st</sup> Street, in order to provide service to his new store.
2. The new sewer line, constructed in accordance with plans approved by the City Engineer, was located east of its original location to allow for expansion of the front of the store.
3. The original sewer line was located in an easement which was reserved from the abandonment of the alley within Block 171 in 1975. This easement must be abandoned in order to accommodate the expansion of the store.
4. For the purposes of replacing the abandoned easement, the City has received an Easement Grant Deed from Joe Scolari to allow for maintenance of the new sewer line.
5. Letters have been received from all public utility companies acknowledging the City's intent to abandon the original easement without protest.
6. The City Engineer has reviewed the new Easement Grant Deed and finds that it is accurately prepared and meets the needs of the City for operation and maintenance of the new sewer line.

**Analysis  
and**

**Conclusion:** In 1975, the City abandoned the alley right-of-way in Block 171 to allow for the development of the original Scolari's store. When the alley was abandoned, an easement was retained for the operation of a City sewer line and other public utilities. During the course of remodel of the store, Scolari found that the existing sewer line was in poor condition and needed to be replaced. Furthermore, the design of the remodeled store conflicted with the location of the existing sewer line.

Scolari has constructed a new sewer line in accordance with plans approved by the City Engineer. The new sewer line is located east of its previous location, and therefore must be covered by a new easement. The City has received an

Easement Grant Deed from Joe Scolari for operation and maintenance of the new sewer line on his property.

All public utility companies have been notified of the City's intent to abandon the original easement. Scolari's has provided an easement to Charter Communications to continue operation of their facilities in their current location. No other utility company operates within the original easement.

**Policy**

**Reference:** 8333 California Streets and Highways Code

**Fiscal**

**Impact:** None.

- Options:**
- a. 1) Adopt Resolution No. 07-xxx accepting the Easement Grant Deed for operation and maintenance of sewer line from Joe Scolari.
  - 2) Adopt Resolution No. 07-xxx to vacate a public utility easement
  - b. Amend, modify or reject the above option.

Prepared by: John Falkenstien, City Engineer

Attachments: (9)

1. Vicinity Map
2. Letter From Charter Communications
3. Private Easement in Favor of Charter Communications
4. Letter From Gas Company
5. Letter From ATT
6. Letter From PGE
7. Grant of Easement
8. Resolution Accepting Grant of Easement
9. Resolution to Abandon Original Easement

RESOLUTION NO. 07-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
ACCEPTING AN EASEMENT GRANT DEED FOR A SEWER LINE  
(SCOLARI)

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WHEREAS, in conjunction with the redevelopment of his property, Joe Scolari removed an antiquated sewer line and constructed a new sewer line, east of its previous location, to serve his new store, and

WHEREAS, the new sewer line was constructed in accordance with all City Standards and plans approved by the City Engineer, and

WHEREAS, the City has received an Easement Grant Deed from Joe Scolari to allow for operation and maintenance of the new sewer line.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. That the City Council accept the 20-foot wide Easement Grant Deed for the operation and maintenance of a sewer line from Joe Scolari over his property extending from 21<sup>st</sup> to 22<sup>nd</sup> Streets and authorize its execution and recordation.

ADOPTED by the City Council of the City of El Paso de Robles at a regular meeting of said Council held on the 1<sup>st</sup> day of May, 2007 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Frank R. Mecham, Mayor



ATTEST:

\_\_\_\_\_  
Deborah D. Robinson, Deputy City Clerk

RESOLUTION NO. 07-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
TO VACATE A PUBLIC UTILITY EASEMENT  
(SCOLARI)

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WHEREAS, in conjunction with the redevelopment of his property, Joe Scolari removed an antiquated sewer line and constructed a new sewer line, east of its previous location, to serve his new store, and

WHEREAS, the original sewer line was located in a public utility easement retained with the abandonment of the alley in Block 171 by Resolution No. 1987 dated November 3, 1975 , and

WHEREAS, the City has received an Easement Grant Deed from Joe Scolari to allow for operation and maintenance of the new sewer line, and

WHEREAS, letters have been received from all public utility companies acknowledging the City's intent to abandon the easement without protest, and

WHEREAS, based on the staff report and having heard all evidence offered by any person interested in the proposed vacation, the City Council of the City of El Paso de Robles finds that the public utility easement described in Exhibit "A" and attached to this Resolution, is unnecessary for present or prospective public use.

THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL OF EL PASO de ROBLES AS FOLLOWS:

SECTION 1. The subject public utilities easement as herein before described be vacated for public purposes as shown on Exhibit "A".

SECTION 2. That the City Clerk of the City of El Paso De Robles is authorized to cause a certified copy of this Resolution to be recorded in the office of the County Clerk Recorder, County of San Luis Obispo, State of California.

SECTION 3. The above Recitals are incorporated into this Order.

ADOPTED by the City Council of the City of El Paso de Robles at a regular meeting of said Council held on the 1<sup>st</sup> day of May, 2007 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

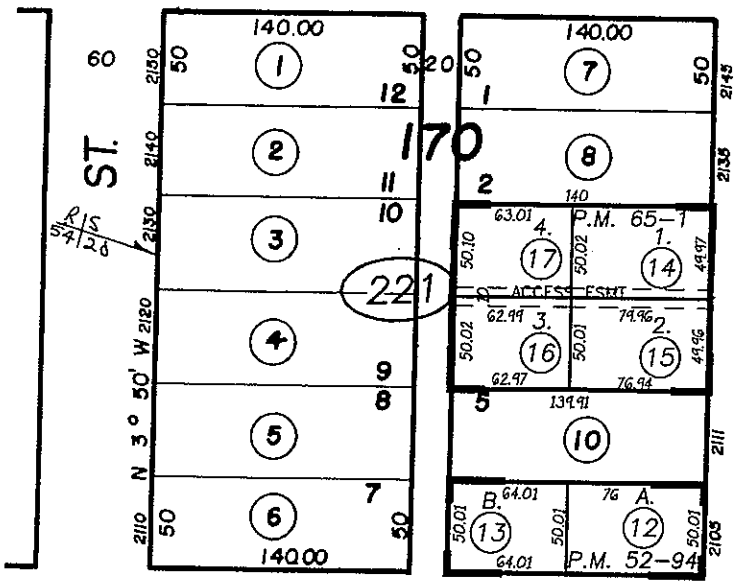
\_\_\_\_\_  
Frank R. Mecham, Mayor

\_\_\_\_\_  
Deborah D. Robinson, Deputy City Clerk

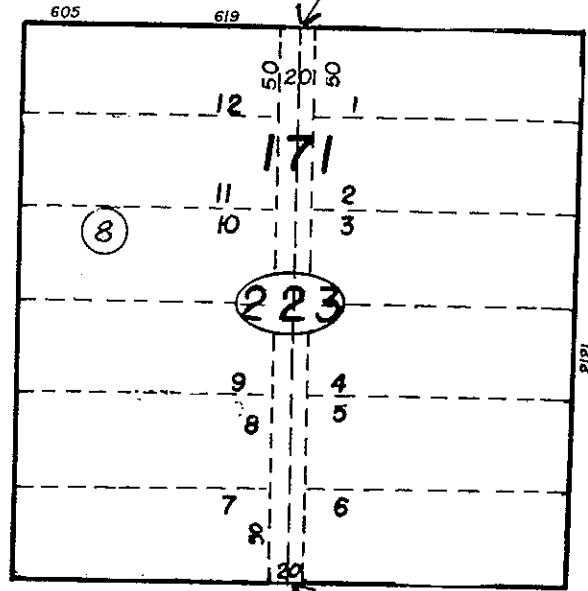
VICINITY MAP  
SHOWING EASEMENT

16

8 TWENTY-SECOND



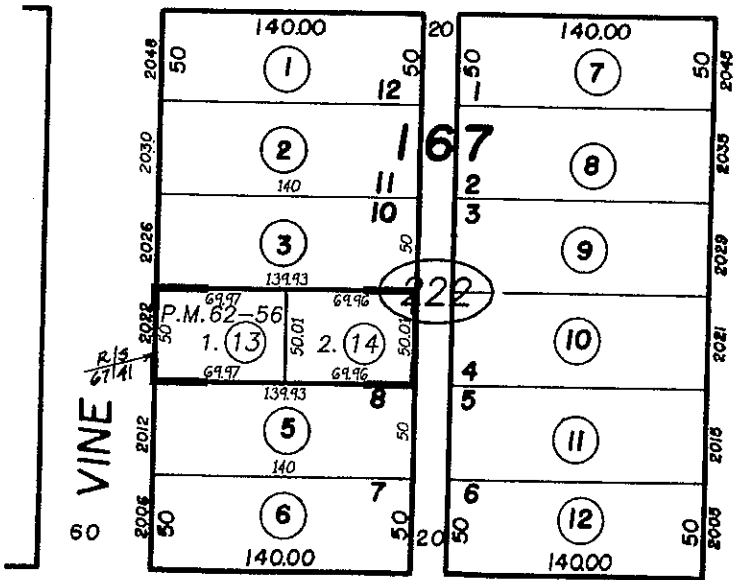
8  
ST.



ST.

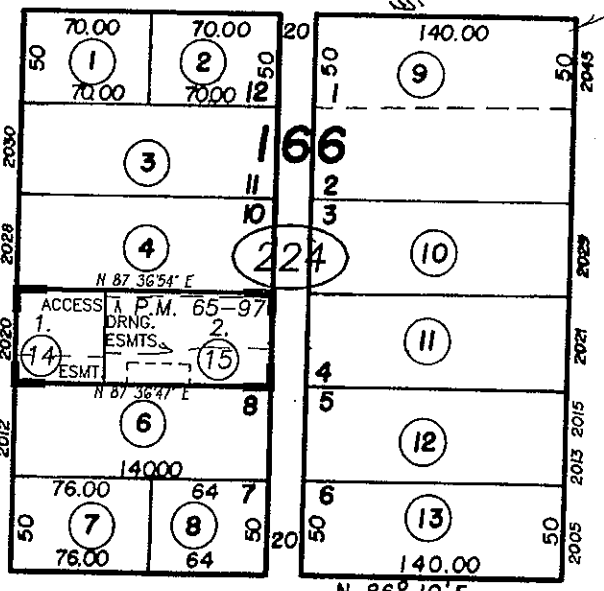
21

8 TWENTY-FIRST



60  
VINE

8  
OAK



80  
SPRING

8 TWENTIETH

23



March 17, 2007

R POLTL and ASSOCIATES  
1328 Madonna Rd.  
San Luis Obispo, CA 93405  
Attn: Julie Galvin

**Reference:**

Abandonment of Existing  
Public Utility Easement  
2121 Spring Street  
LOT 171 of the City of Paso de Robles  
APN:008-223-008

This letter refers to the proposed abandonment of a existing Public Utility Easement on Lot 171 within the above referenced location. Please be advised that Charter Communications **DOES MAINTAIN** facilities within the proposed area, and will require a easement reserved in its name. Therefore Charter Communications does hereby Agree to abandon the public utility easement within the above referenced location such that there is a 10' wide PUE remaining, Commencing at the SW corner of said Block 171; thence N. 87 degrees 37'16" East, along the Southerly line of said Block 171, a distance Of 144.00 feet; thence N. 2 degrees 20'20" West, 300.01 feet, to a point on the Northerly line of said Block 171.

Charter Communications also requests that a copy of the recorded abandonment document, sent to the address below .

Please call me at (805) 466-4423 if you have any questions or concerns regarding this Correspondence.

Sincerely,

*Tim Lindsay*  
*Charter Communications*  
*Const. Manager*  
*Office 805-466-4423*  
*Fax 805-461-7104*  
*E-mail, Tim.Lindsay@chartercom.com*

Charter Com. Planning Dept. - 7555 San Luis ave. Atascadero, CA. 93422

**JULIE RODEWALD**  
San Luis Obispo County – Clerk/Recorder

AM  
3/27/2007  
1:24 PM

RECORDING REQUESTED BY: and  
WHEN RECORDED RETURN TO:

Service Planning  
Charter Communications  
755 San Luis Ave.  
Atascadero, CA 93422

Recorded at the request of  
VitalCheck Network

DOC#: 2007020483

Titles: 1 Pages: 3



Fees 13.00  
Taxes 0.00  
Others 0.00  
PAID 13.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN: 008-223-008

EASEMENT GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Joseph Gordon Scolari, as Trustee of the Joseph Gordon Scolari and Eldeen W. Scolari 1979 Revocable Trust

Hereby GRANTS to Charter Communications Properties, LLC

An easement in the City of Paso Robles, County of San Luis Obispo, State of California, for public utility lines installation and maintenance and incidental purposes over that certain real property described in Exhibit "A".

THE JOSEPH GORDON SCOLARI AND  
ELDEEN W. SCOLARI 1979 REVOCABLE TRUST

By: Joseph Gordon Scolari  
Joseph Gordon Scolari, Trustee

FILED	FEE PAID	EXEMPT	OUT OF STATE

ACKNOWLEDGEMENT

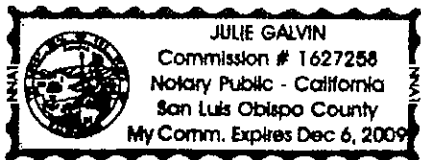
State of California

County of San Luis Obispo

On March 26, 2007 before me, Julie Galvin, Notary Public

personally appeared \* JOSEPH GORDON SCOLARI \*

personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Julie Galvin

February 22, 2007

**EXHIBIT A  
Legal Description  
(Easement)**

That portion of Block 171 of the City of El Paso de Robles, in the City of El Paso de Robles, County of San Luis Obispo, State of California according to map filed in Book A, page 169 of maps in the office of the County Recorder of said County, described as follows:


A strip of land ten (10) feet wide lying five (5) feet each side of the following described centerline:

Commencing at the southwesterly corner of said Block 171; thence North  $87^{\circ}37'16''$  East, along the Southerly line of said Block 171, a distance of 144.00 feet to the **true point of beginning**; thence North  $2^{\circ}20'20''$  West, 300.01 feet, more or less, to a point on the Northerly line of said Block 171.

Said strip is to be lengthened or shortened, as necessary, to meet the Northerly and Southerly lines of said Block 171.

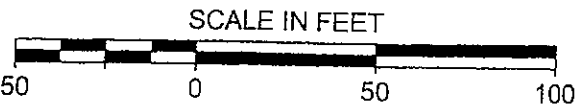
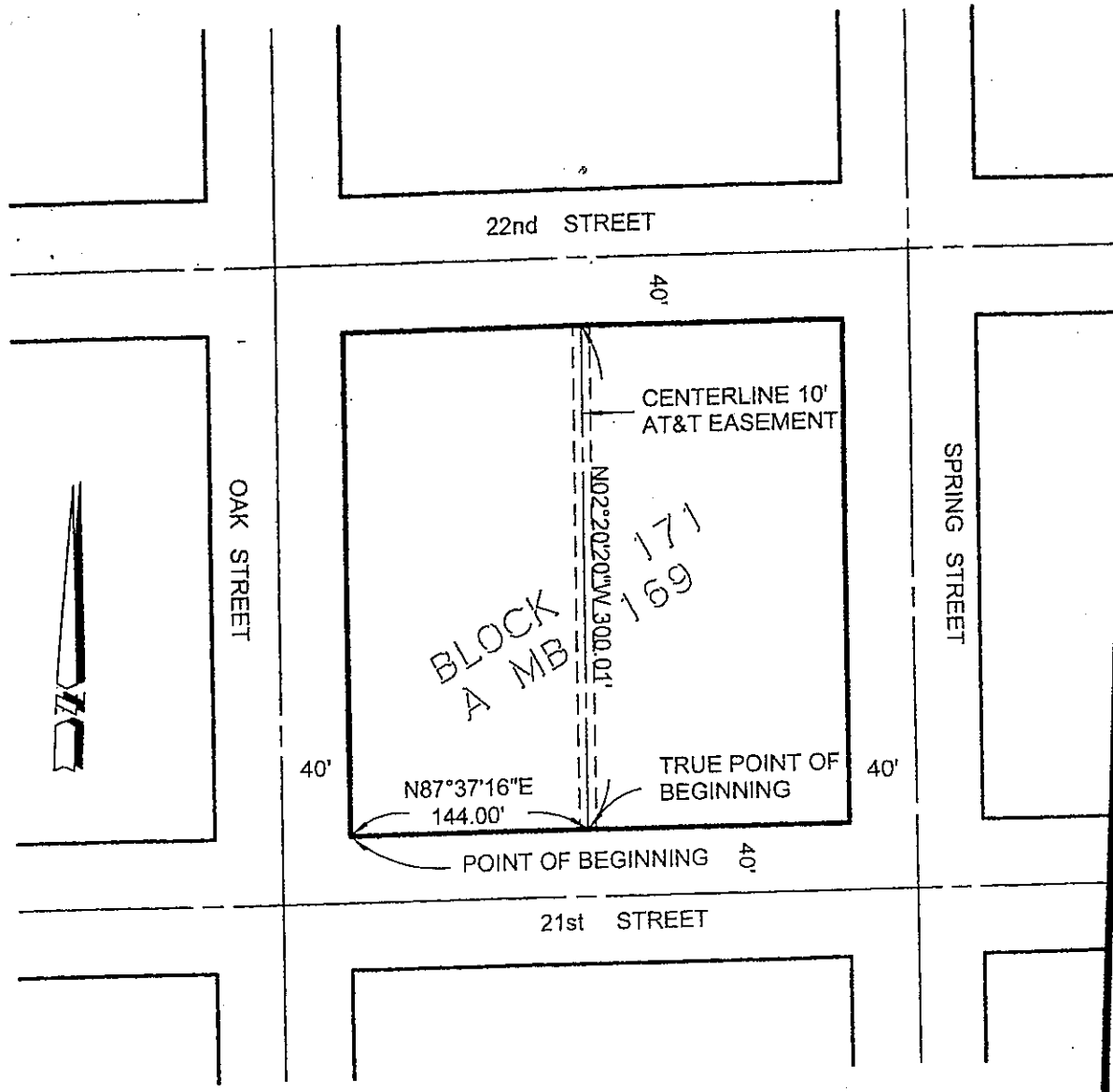
The above described easement is graphically shown on Exhibit B attached hereto and made a part hereof.

Subject to covenants, conditions, reservations, restrictions, rights of way and easements, if any, of record.

  
Linda M. Richardson, P.L.S. 6904 (exp. 6-30-2007)








**eda** design professionals  
 civil engineers • land surveyors • land planners  
 1998 santa barbara st • san luis obispo, ca 93401  
 ph: 805/549-8658 • email: eda@edainc.com

# EXHIBIT B

job. no. 2.3332.000

K:\23332000\4-Survey\Legal Exhibits\23332000-alt-esmt.dwg 2/22/07 11:56 AM LindaR



A  Sempra Energy™ company

March 12, 2007

R. Polt And Associates, Inc.  
Attn: Julie Galvin  
1328 Madonna Road  
San Luis Obispo, CA. 93405

**Subject: Notice of Proposed Abandonment of Public  
Utility Easement, 2121 Spring St. Paso Robles.**

Southern California  
Gas Company

1171 More Road  
Goleta, CA

Mailing Address:  
P. O. Box 818  
Goleta, CA  
93116-0818  
M.L.9360

Julie,

Our Company does not maintain gas piping facilities within the area of this proposed public utility easement vacation. We have enclosed a copy of our atlas print(s) of the area for your reference.

However, when the resolution and/or ordinance has been recorded, please send a copy to us so that we may update our records and mapping. Also, we request that you acknowledge receipt of this request by returning the enclosed copy to us for our records.

**RECEIPT ACKNOWLEDGED** \_\_\_\_\_

SIGNATURE

**DATE** \_\_\_\_\_

Thank you for bringing this matter to our attention. Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

Claudia Turner

Technical Services  
Northern Region  
tel (805) 681-8024  
fax (805) 681-8018

Date: 3-20-07

Mr. John Falkenstien  
City of Paso Robles  
1000 Spring Street  
Paso Robles, CA 93446

RE: Abandonment of Public Utility Easement (1862 OR 195)  
2121 Spring Street

Dear Mr. Falkenstien:

STEVE PLEMMONS has reviewed the proposed abandonment of the subject utility easement and has no objections.

Thank you,



Right of Way

ATTY / PAL BELL



**Pacific Gas and  
Electric Company®**

**LOS PADRES DIVISION**  
4325 S. Higuera Street  
San Luis Obispo, CA 93401

March 15, 2007

Paso Robles

MAR 16 2007

Planning Division

Mr. John Falkenstien  
City of Paso Robles  
1000 Spring Street  
Paso Robles, CA 93446

Re: Public Utility Easement (1862 OR 195)  
2121 Spring Street

Dear Mr. Falkenstien:

This is regarding the abandonment of the above referenced Public Utility Easement.

PG&E does not have facilities within this alley and have no objection to the abandonment.

If you have any questions about this matter, please call me at (805) 546-3888.

Sincerely,

Claire Mastin  
Land Agent

90190

RECORDING REQUESTED BY: and  
WHEN RECORDED MAIL TO:  
The City of El Paso de Robles  
1000 Spring Street  
Paso Robles, CA 93446  
Attention: John Falkenstein

SPACE ABOVE THIS LINE FOR RECORDER'S USE

DOCUMENTARY TRANSFER \$ \_\_\_\_\_  
( ) Computed on the consideration or value of property conveyed; OR  
( ) Computed on the consideration or value less liens or encumbrances remaining at time of sale.

Signature of Declarant or Agent determining tax - Firm Name

APN: 008-223-008

### EASEMENT GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Joseph Gordon Scolari, As Trustee of the Joseph Gordon Scolari and Eldeen W. Scolari 1979 Revocable Trust

Hereby GRANTS to The City of El Paso de Robles, a Municipal Corporation

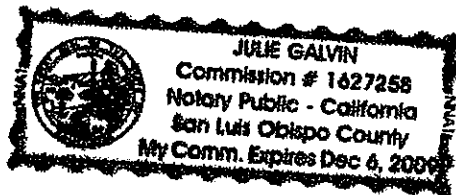
An easement in the City of City of El Paso de Robles, County of San Luis Obispo, State of California, for sewer and incidental purposes over that certain property as described in Exhibit "A".

Joseph Gordon Scolari, As Trustee of the Joseph Gordon Scolari and Eldeen W. Scolari 1979 Revocable Trust

By: Joseph Gordon Scolari  
Joseph Gordon Scolari, Trustee

### ACKNOWLEDGMENT

State of California  
County of San Luis Obispo } SS



On October 5, 2006, before me, Julie Galvin, Notary Public, personally appeared Joseph Gordon Scolari, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

Julie Galvin  
Name

ABOVE RESERVED FOR OFFICIAL NOTARY SEAL

MAIL TAX STATEMENTS TO: Same address as shown above

**EXHIBIT A**  
LEGAL DESCRIPTION

THAT PORTION OF BLOCK 171 OF THE MAP OF EL PASO DE ROBLES IN THE CITY OF PASO ROBLES, THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA ACCORDING TO THE MAP FILED OCTOBER 25, 1889, IN BOOK A OF MAPS AT PAGE 169, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A STRIP OF LAND TWENTY (20) FEET IN WIDTH, LYING TEN (10) FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

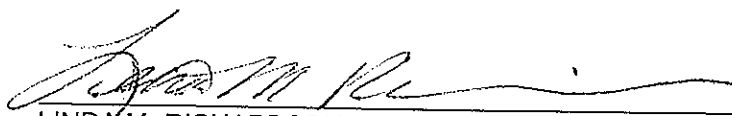
**COMMENCING** AT THE SOUTHEASTERLY CORNER OF SAID BLOCK 171; THENCE SOUTH 87°37'16" WEST ALONG THE SOUTH LINE OF SAID BLOCK 171, SAID LINE ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF 21ST STREET, AN 80.00 FOOT WIDE ROAD, 129.90 FEET TO **THE TRUE POINT OF BEGINNING**; THENCE

- 1) NORTH 02°22'55" WEST, 244.28 FEET; THENCE
- 2) NORTH 16°32'36" WEST, 57.48 FEET TO A POINT ON THE NORTH LINE OF SAID BLOCK 171, SAID LINE ALSO BEING THE SOUTHERLY RIGHT-OF-WAY LINE OF 22ND STREET, AN 80.00 FOOT WIDE ROAD, AND **THE TERMINUS** OF THIS DESCRIPTION

SAID STRIP IS TO BE PROLONGED OR SHORTENED TO TERMINATE SOUTHERLY AT SAID SOUTH LINE OF SAID BLOCK 171 AND NORTHERLY AT SAID NORTH LINE OF BLOCK 171.

SUBJECT TO COVENANTS, CONDITIONS, RESERVATIONS, RIGHTS OF WAY AND EASEMENTS, IF ANY, OF RECORD.

THE ABOVE DESCRIBED LAND IS GRAPHICALLY SHOWN ON EXHIBIT B ATTACHED HERETO AND MADE A PART HEREOF

  
LINDA M. RICHARDSON P.L.S. 6904 (exp. 6-30-2007)



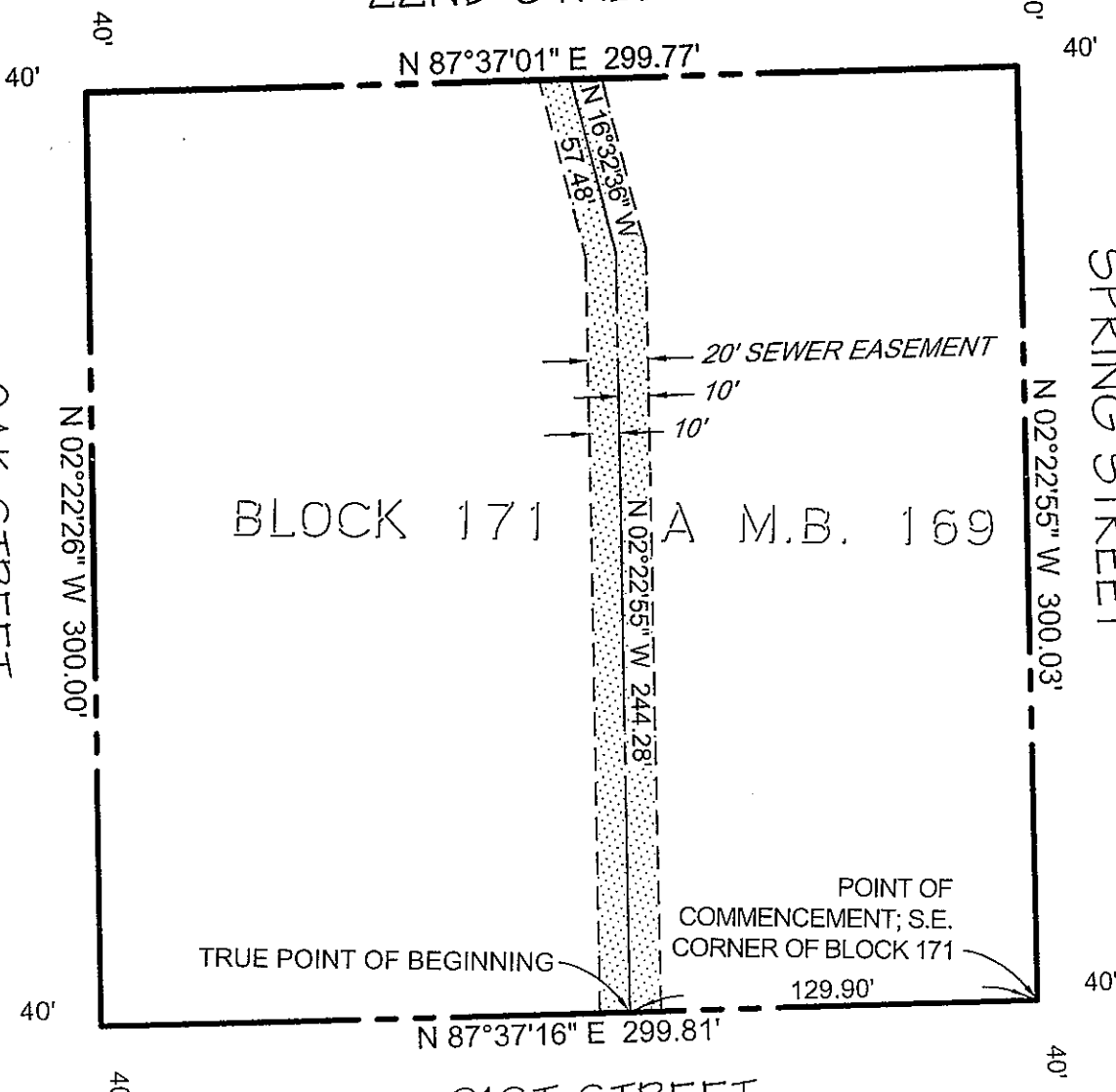
K:\23332000\4-Survey\Legal Exhibits\Sewer Easement.dwg 9-28-06 09:36:15 AM Roger

OAK STREET

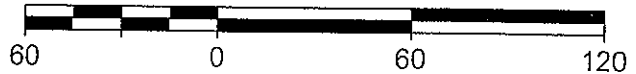
SPRING STREET

22ND STREET

21ST STREET



SCALE : 1"=60'



**eda** design professionals

civil engineers • land surveyors • land planners  
 1998 santa barbara st • san luis obispo, ca 93401  
 ph: 805/549-8658 • email: eda@edainc.com

# EXHIBIT B

# SEWER EASEMENT

job. no. 2.3332.000