

TO: James L. App, City Manager
FROM: Doug Monn, Public Works Director
SUBJECT: Nacimiento Water Project Easements
DATE: July 17, 2007

NEEDS: For the City Council to authorize City Manager to execute an Easement Deed to the County of San Luis Obispo Flood Control and Water Conservation District for the Nacimiento Water Project.

FACTS:

1. The City has executed an Entitlement Agreement with County of San Luis Obispo Flood Control and Water Conservation District for the Nacimiento Water Project to provide 4,000 acre-feet of raw water to the City.
2. The Project is currently out-to-bid on several of the construction phases, and therefore securing easements is timely.
3. The Project's pipeline alignment will require permanent construction and temporary construction easements on City-owned property.
4. Easement Deeds have been drafted for APN 025-541-001 (Park Land) and APN 009-631-001 and 009-631-002 (Paso Robles Turnout).

ANALYSIS &

CONCLUSION: The City has been working with County staff on the development of the Nacimiento Water Project. The Park Land property is located west of North River Road, near the Nacimiento Water Project's northern entrance to the City. The Paso Robles Turnout property is located near the Thunderbird Well field, at the site of the future Water Treatment Plant. Securing Nacimiento water supply is consistent with the City's Integrated Water Resource Management Plan.

POLICY

REFERENCE: City of Paso Robles Integrated Water Resource Management Plan

FISCAL

IMPACT: There is no fiscal impact from this action.

OPTIONS:

- A. Authorize the City Manager to execute an Easement Deed to the County of San Luis Obispo Flood Control and Water Conservation District for easements as legally described on properties identified as APN 025-541-001, 009-631-001, and 009-631-002.
- B. Amend, modify or reject the above option.

Prepared by: Katie DiSimone, Utilities Manager

Attachments: (1)
1. Easement Deed

Recorded at request of and
When recorded return to:

County of San Luis Obispo
Attn: Right of Way Agent
Public Works Department
County Government Center Room 207
San Luis Obispo, CA 93401

A.P. No. 025-541-001, 009-631-001, -002 [SLO County]

SPACE ABOVE THIS LINE FOR RECORDER'S USE

No recording fee per Government Code § 6103
No Documentary Transfer Tax per Revenue & Taxation Code § 11922

County of San Luis Obispo Flood Control & Water Conservation District

EASEMENT DEED

Nacimiento Water Project

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

City of El Paso de Robles, a municipal corporation ("GRANTOR")

does hereby GRANT to the

COUNTY OF SAN LUIS OBISPO FLOOD CONTROL & WATER
CONSERVATION DISTRICT ("DISTRICT")

the following Permanent Easement, Temporary Construction Easement and related interests in real property as described herein within that certain real property in the County of San Luis Obispo, State of California, described in the attached Exhibit A (hereafter the "Real Property").

A. PERMANENT EASEMENT

Grantor hereby grants District a Permanent Easement in gross to survey, install, construct, reconstruct, enlarge, lay, alter, operate, patrol, remove, replace, repair and maintain District Facilities, consisting of an underground water pipeline, communication conduits and cables, and related facilities, in the "Permanent Easement Area" described herein. These related facilities may include but are not limited to markers; shutoff valves; air/vacuum valves; blowoff facilities with appurtenances; survey monuments; manholes; turnouts with inline valves, flow meters, pressure regulation valves, and/or energy recovery facilities; surge control devices; test stations including flow, pressure, communication and cathodic protection; buried and aboveground communication conduits, cables, junction boxes, and devices; buried and

aboveground electrical conduits, cables, junction boxes, and devices; pull boxes; auxiliary waterlines; communication conduits and cables; and cathodic protection facilities including anode beds; and other related facilities, all which are facilities associated with the delivery and distribution of water to participants of the Nacimiento Water Project (“Project”).

The following facilities, marked with an “✓”, may be located above or partially above ground:

✓	markers	✓	test stations	✓	pull boxes
✓	blowoff facilities	✓	air/vacuum valves		energy recovery facilities
	pressure regulation valves		pipelines		Manholes
✓	turnouts		electrical conduits, cables, devices and termination boxes		communication conduits, cables, devices and boxes
✓	other related facilities				

This Permanent Easement shall be in, over, on, through, within, under, along and across the easement area described in Exhibit B and depicted in Exhibit D, attached hereto and incorporated by reference herein (herein the “Permanent Easement Area”).

The Permanent Easement described herein shall be subject to the following terms and conditions:

1. The facilities installed in the Permanent Easement Area collectively are referred to herein as “District Facilities.” Plans for District Facilities as they exist from time to time shall be maintained at the District’s principal offices. The underground water pipe, communication conduits and other underground facilities will be constructed and installed as one project within the same trenching process. The communication cables may be pulled through the communication conduits at a later date once the trenching operation is complete.
2. District shall have the right of ingress and egress for personnel, vehicles, and construction equipment to, from, and along the Permanent Easement Area at any time, including the right to use lanes, drives, rights-of-way, and roadways within the Real Property which now exist or which hereinafter may be constructed, as shall be convenient and necessary for the purpose of exercising the rights herein set forth; provided, however, that nothing herein shall prevent or limit Grantor’s rights to close such roadways, lanes, or rights-of-way, and to provide District with comparable alternative access to the Permanent Easement Area, as deemed reasonable by the District. The District shall be responsible for repairing any damages to any lanes, drives, rights-of-way, and roadways within the Real Property caused by District use thereof.
3. Grantor shall not conduct, or permit others to conduct, any activities within or proximate to the Permanent Easement Area which damage District Facilities, including but not limited to digging, drilling, excavating, earthmoving, grading operations, ripping, stockpiling, or using (or permitting others to use) explosives. Grantor shall not store, or permit others to store, any explosives within or proximate to the Permanent Easement Area.

4. As the amount of earth or other fill over the District's Facilities can affect the structural integrity of these underground facilities, District shall have the right to maintain the height of earth or other fill over District's underground facilities. Grantor shall not temporarily or permanently modify, or allow others to in any way modify, the ground surface elevation in the Permanent Easement Area from the elevation established upon completion of construction of the District's Facilities without the District's written consent, which consent shall not be withheld unreasonably.
5. This Permanent Easement is subject to all existing fencing, canals, irrigation ditches, laterals, pipelines, roads, electrical transmission facilities, and communication lines existing on the date this easement is granted, and all future uses which do not directly or indirectly impede, obstruct, interfere, or conflict with the District's exercise of the rights described herein. Grantor may use the Permanent Easement Area for agricultural purposes which do not endanger the integrity of District Facilities; provided, however, that Grantor shall not install, plant, or construct, nor permit others to install, plant or construct: buildings, structures, roofs, walls, and other facilities of a permanent nature; trees; vineyards; and any earth cover or stockpile of material without the District's written consent. Grantor may stockpile hay within the Permanent Easement Area with the understanding that said stockpiles would need to be relocated at Grantor's expense if the District deems it necessary to access the Permanent Easement Area pursuant to the District's rights described herein.
6. District shall have the right of exclusive use and possession in, over, on, through, within, under, and across that portion of the Permanent Easement Area encompassed by the outside surface of the District Facilities, plus a distance of two (2) feet in every direction around the outside surface of the District Facilities. To the extent Grantor has easement or other rights on other parcels affected by the Project, Grantor agrees to exercise those rights in compliance with and in recognition of the rights of District on said other parcels.
7. No hazardous or toxic materials shall be stored within the Permanent Easement Area. It is the intent of this paragraph that the application of agricultural fertilizers, pesticides, and herbicides shall be allowed, so long as such application is consistent with applicable health standards, industry standards and governmental regulations. If the underlying fee owner of the Permanent Easement Area becomes aware of the storage or spillage of hazardous or toxic materials in violation of this paragraph, said owner shall immediately so advise the District.
8. District is further granted the right to discharge water into any and all streams, channels, and culverts traversed by District Facilities and to disburse trench spoils along, within, on, through and across the Permanent Easement Area.

B. TEMPORARY CONSTRUCTION EASEMENT

Grantor hereby grants to District a Temporary Construction Easement for the purposes of facilitating construction of District Facilities, including the right to place equipment and vehicles, pile earth thereon, and utilize said Temporary Construction Easement for all other

related activities and purposes in, on, over, under, through, within, along and across that certain portion of the Real Property described in Exhibit C and depicted in Exhibit D, attached hereto and incorporated by reference herein (herein the "Temporary Construction Easement Area"). Upon completion of said construction, said Temporary Construction Easement Area will be generally restored to the condition that existed prior to construction excepting that trench spoils may be disbursed and left permanently thereon, to the extent reasonably practical, unless otherwise agreed to in writing between Grantor and District.

This Temporary Construction Easement shall commence thirty (30) days following the date a Notice of Commencement of Construction is sent by District to Grantor by US Mail or other reputable carrier, and shall automatically terminate upon completion of the construction project. In any event, this Temporary Construction Easement shall terminate on or before December 31, 2012. No hazardous or toxic materials shall be stored within the Temporary Construction Easement Area during the term of said easement. It is the intent of this paragraph that the application of agricultural fertilizers, pesticides, and herbicides shall be allowed, so long as such application is consistent with applicable health standards, industry standards and governmental regulations. If the underlying fee owner of the Temporary Construction Easement Area becomes aware of the storage or spillage of hazardous or toxic materials in violation of this paragraph, said owner shall immediately so advise the District.

C. GENERAL TERMS AND CONDITIONS

In addition to the covenants, terms and conditions set forth above, the Permanent Easement and Temporary Construction Easement are also governed by the following covenants, terms and conditions.

1. The Temporary Construction Easement and/or Permanent Easement shall be binding to the Grantor and to the Grantor's successors and assigns, herein collectively referenced to as "Grantor".
2. The Grantor hereby warrants and represents that the Grantor has no reason to believe that any hazardous waste, extremely hazardous waste, or hazardous substance (as those terms are defined in sections 25117, 25115, and 25316 of the California Health and Safety Code) has come to be located on, beneath or within the Permanent Easement Area or Temporary Construction Easement Area. If Grantor ever becomes aware of the presence of any hazardous waste, extremely hazardous waste, or hazardous substance on, beneath, or within these areas, Grantor shall immediately so advise the District.
3. Grantor hereby warrants and represents that it is the sole owner of the Real Property, and that Grantor holds sufficient title in said property to fully grant to the District the Permanent Easement and Temporary Construction Easement described herein. Subsequent to the grant of this Easement Deed, Grantor shall not grant any easements of any kind whatsoever to others in, over, on, through, within, under and across the easement areas described herein without the prior written approval of the District, which approval shall not be withheld unreasonably.

4. In addition to any other legal or equitable remedies available to District for violations of this Easement Deed, District shall have the right to do all things necessary and proper to remove, at Grantor's expense, any materials or objects within the Permanent Easement Area or Temporary Construction Easement Area which are in violation of the terms of this Easement Deed.
5. District reserves the right to assign this Easement Deed to another entity or public agency specifically for the purposes and under the terms and conditions described herein.
6. This Easement Deed may be executed in counterparts, each of which so executed shall irrespective of the date of its execution and delivery be deemed an original, and all such counterparts together shall constitute one and the same instrument.

GRANTOR:

City of El Paso de Robles, a municipal corporation

Date: _____

By: _____

Name:

Title:

State of California

County of _____

On _____ before me, _____, Notary Public,

personally appeared _____

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

Signature _____ (Seal)

CERTIFICATE OF ACCEPTANCE, GOVERNMENT CODE SECTION 2781

This is to certify that the **COUNTY OF SAN LUIS OBISPO FLOOD CONTROL AND WATER CONSERVATION DISTRICT**, grantee herein, hereby accepts for public purposes the real property, or interest therein, described in the foregoing Easement Deed dated _____, 2007, from City of El Paso de Robles, grantor herein, and consents to the recordation thereof.

In Witness Whereof, I have hereunto set my hand this ____ day of _____, 2007.

COUNTY OF SAN LUIS OBISPO FLOOD CONTROL AND WATER CONSERVATION DISTRICT

By: _____
Name:
Title:

ATTEST:

LEGAL DESCRIPTION

That portion of Parcel B of Parcel Map No. PRAL-90-259, in the City of Paso Robles, County of San Luis Obispo, State of California, according to Map recorded May 30, 1995 in Book 51 at Page 51 of Parcel Maps, lying Westerly of the following described line:

Beginning at a point on the Northerly line of said Parcel B, said point being South 89°57'33" East, a distance of 705.72 feet from the most Westerly corner of said Parcel B;
Thence South 41°18'41" East, a distance of 56.05 feet to a curve concave Southwesterly, having a radius of 950 feet;
Thence Southeasterly and Southerly along said curve through a central angle of 23°36'11", a distance of 391.35 feet;
Thence South 17°42'30" East, a distance of 941.59 feet to a curve concave Westerly, having a radius of 850 feet;
Thence Southerly along said curve through a central angle of 05°36'19", a distance of 83.16 feet;
Thence South 12°06'11" East, a distance of 267.48 feet to a curve concave Northeasterly, having a radius of 950 feet;
Thence Southerly and Southeasterly along said curve through a central angle of 16°32'23", a distance of 274.26 feet;
Thence South 28°38'39" East, a distance of 70.63 feet to a curve concave Southwesterly, having a radius of 850 feet;
Thence Southeasterly and Southerly along said curve through a central angle of 11°58'20", a distance of 177.61 feet;
Thence South 16°40'19" East, a distance of 308.33 feet to a curve concave Northeasterly, having a radius of 1450 feet;
Thence Southerly and Southeasterly along said curve through a central angle of 04°41'26", a distance of 118.71 feet;
Thence South 21°21'45" East, a distance of 281.91 feet to the Southerly line of said Parcel B

Assessor's Parcel No: 025,541,001

LEGAL DESCRIPTION

PARCEL 1: APN 009,631,001

Parcel A:

That portion of Lots 3 and 4 of the Subdivision of a part of the Ranchos Paso de Robles, in the County of San Luis Obispo, State of California, according to Map recorded October 22, 1886 in Book A, Page 164 of Maps, described as follows:

Beginning at Stake R-3 in said Lot 4, as described in Deed recorded in Book 101, Page 219 of Deeds;
Thence South 77°45'00" West, 350.56 feet to a point on the West line of the Southern Pacific Railroad;
Thence North 8°25'30" West along said West line, 272.09 feet;
Thence South 77°45'00" West, 210.48 feet;
Thence North 77°35'00" West, 332.89 feet to the East right of way of the California State Freeway;
Thence North 12°56'00" East along said East line, 162.66 feet to a 6" concrete monument;
Thence on a curve to the left with a radius of 1550 feet, through an angle of 24°58'30" for a distance of 675.64 feet;
Thence North 12°06'00" West, 336.53 feet to a 6" concrete monument;
Thence on a curve to the right, with a radius of 50 feet, through an angle of 101°54'30" for a distance of 78.93 feet to a 6" concrete monument;
Thence South 89°36'00" East, 100.11 feet to a 6" concrete monument;
Thence North 0°24'00" East, 80.12 feet to a 6" concrete monument and the North line of said Lot 3;
Thence East along said North line, 1265.48 feet to the Northeast corner of the property conveyed to Paso Robles Development Company, a California corporation, by deed dated October 1, 1959 and recorded December 8, 1959 in Book 1036, Page 461 of Official Records;
Thence along the Easterly line of the property so conveyed, South 17°36'30" West, 919.10 feet; and South 2°00'00" East, 607.31 feet;
Thence South 77°45'00" West, 224.40 feet to the Point of Beginning.

EXCEPTING THEREFROM that portion thereof conveyed to the Southern Pacific Branch Railway Company, a corporation, by deed dated December 8, 1886 and recorded December 16, 1886 in Book V, page 394 of Deeds.

ALSO EXCEPTING THEREFROM that portion thereof lying Westerly of the Westerly line of that portion thereof conveyed to the Southern Pacific Branch Railway Company, a corporation, by deed dated December 8, 1886 and recorded December 16, 1886 in Book V, page 394 of Deeds.

Parcel B:

An easement to be used in common with others for ingress and egress, and for the installation, maintenance and replacement of utility lines, provided such installation, maintenance and replacement does not affect the access to grantors, their successors or assigns remaining land in said Lot 3, on, over and under the Northerly 20 feet of that portion of Lot 3 of the Subdivision of a part of the Ranchos Paso de Robles, in the County of San Luis Obispo, State of California, according to Map recorded October 22, 1886 in Book A, Page 164 of Maps, which portion lies Westerly of the Westerly line of that portion

EXHIBIT A PAGE 2 OF 3

thereof conveyed to Southern Pacific Branch Railway Company, a corporation, by deed recorded December 16, 1886 in Book V, Page 394 of Deeds.

EXCEPTING THEREFROM that portion thereof conveyed to the State of California.

PARCEL 2: APN 009,631,002

Parcel A:

That portion of Lot 2 of the Subdivision of a part of the Rancho Paso de Robles, in the County of San Luis Obispo, State of California, according to Map recorded October 22, 1886 in Book A, Page 164 of Maps, described as follows:

Beginning at the intersection of the South line of said Lot 2 and the East line of the Southern Pacific Railroad right of way;
Thence Easterly along the South line of said lot, 800 feet to a point;
Thence Northerly at right angles to said South line 150;
Thence Westerly in a direct line to a point in the East line of said Southern Pacific Railroad right of way that is distant thereon 70 feet North from the point of beginning;
Thence South along said right of way line 70 feet to the Point of Beginning.

Parcel B:

An easement for ingress and egress over that portion of Lot 3 of the subdivision of a part of the Rancho Paso de Robles, in the County of San Luis Obispo, State of California, according to Map recorded October 22, 1886 in Book A, Page 164 of Maps, described as follows:

Beginning at a post PR 24 at the Northerly corner of said Lot 3;
Thence Easterly along the North line of said lot to a point in the West line of the Southern Pacific Railroad right of way;
Thence Southerly along said right of way line to its intersection with a line that is parallel with and distant South 16 feet at right angles from the North line of said Lot 3;
Thence Westerly along said parallel line to the Westerly line of said lot;
Thence Northerly along the Westerly line of said lot to the Point of Beginning.

End of Legal Description

EXHIBIT "B"

**Permanent Right-Of-Way
Legal Description**

All that portion of Parcel B of Parcel Map PRAL-90-259 in the City of Paso Robles, County of San Luis Obispo, State of California according to that map recorded May 30th, 1995, filed in Book 51, at Page 51 of Parcel Maps in the office of the Recorder for said County;

Being a 30.00 foot wide strip of land lying 15.00 feet on each side of the following described centerline:

Commencing from a ½ inch iron pipe with tag stamped "RCE 14994" (referred to as "S.Y. 166") marking a point on the North line of Parcel 2 of Parcel Map CO 81-54 according to that map recorded December 11th, 1984, filed in Book 36, at Page 27 of Parcel Maps in the office of the Recorder for said County;

Thence, South 39° 50' 31" East, 1743.36 feet to the Northerly boundary of said Parcel B, being the Northerly boundary of that Public Park dedicated to the City of Paso Robles by their City Council Resolution No. 98-88, recorded June 9th, 1998, filed in as Document No. 1998-034512 of Official Records in the office of the Recorder for said County, and the **True Point of Beginning**;

Thence, across the Northerly portion of said Parcel B, South 40° 10' 15" East, 237.26 feet;

Thence, on a tangent curve to the right with a radius of 495.00 feet, through a central angle of 23° 50' 32", an arc length of 205.98 feet;

Thence, South 16° 25' 42" East, 619.52 feet;

Thence, on a tangent curve to the left with a radius of 505.00 feet, through a central angle of 16° 47' 32", an arc length of 148.01 feet;

Thence, South 33° 13' 14" East, 26.76 feet to the Westerly boundary of the North River Road right-of-way as shown on said Parcel Map CO 81-54, being South 33° 27' 36" East, 2936.75 feet from said ½ inch iron pipe marking corner "S.Y. 166", and being designated here as Point "A";

Furthermore, the sidelines of the herein above described strip of land shall be lengthened and/or shortened to intersect each other at angle points and where the sidelines intersect property boundaries.

And, all that portion of Parcel B of Parcel Map PRAL-90-259 in the City of Paso Robles, County of San Luis Obispo, State of California according to that map recorded May 30th, 1995, filed in Book 51, at Page 51 of Parcel Maps in the office of the Recorder for said County more particularly described as follows:

Commencing from the herein above described Point "A";

Thence, on the Westerly boundary of the North River Road right-of-way as shown on said Parcel Map CO 81-54, North 11° 50' 47" West, 41.56 feet (course L1) to the Easterly line of the herein above described 30.00 foot wide strip of land and the **True Point of Beginning(2)**;

Thence, continue on the Westerly boundary of said North River Road right-of-way, North 11° 50' 47" West, 92.82 feet (course L2);

Thence, North 16° 25' 42" West, 37.57 feet (course L3);

Thence, leaving the Westerly boundary of said North River Road right-of-way, South 73° 34' 18" West, 25.00 feet (course L4) to the Easterly line of the herein above described 30.00 foot wide strip of land;

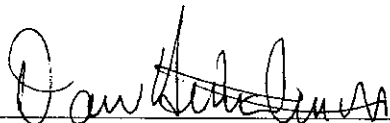
Thence, Southerly, on a curve that is concave Easterly with a radius of 490.00 feet from a radial bearing South 73° 34' 18" West, through a central angle of 15° 23' 46", an arc length of 131.67 feet (course C1) to the point of beginning(2);

The land area for the herein described Permanent Right-of-Way contains 39,278 square feet, more or less.

Bearings shown hereon are based upon the World Geodetic System of 1984 (WGS84) reference frame as determined from GPS observations obtained in September 2005.

End Description

Prepared by:



Daniel S. Hutchinson, LS 5139 license renewal 6/30/07)

Date:

05/29/07

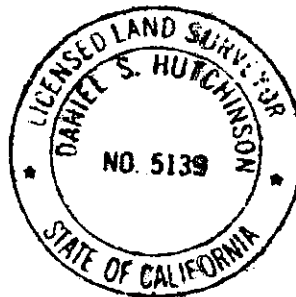


EXHIBIT "B"

**Permanent Right-Of-Way
Legal Description**

A strip of land with various widths across a portion of Lot 3 of the Subdivision of a part of the Rancho Paso de Robles, in the County of San Luis Obispo, State of California according to the map recorded October 22nd, 1886, filed in Book "A", at Page 164 of Maps in the office of the Recorder for said County, conveyed to the City of Paso Robles by Grant Deed recorded November 5th, 1970, filed in Volume 1592, at Page 104 of Official Records in the office of the Recorder for said County, more particularly described as follows:

A 20.00 foot wide strip of land lying 10.00 feet on each side of the following described centerline:

Commencing at a 1" iron pipe with tag stamped LS 4845 marking a point on the North line of said Lot 3, at the Southeast corner of Parcel 1 of Parcel Map CO 76-485 according to that map recorded February 23rd, 1978, filed in Book 25, at Page 8 of Parcel Maps in the office of the Recorder for said County, being South 87°50'49" East, 423.49 feet from that nail with tag stamped "LS 4845" in lead plug in concrete marking a point on the South line of said Parcel 1 as shown on that map recorded September 30th, 2002, filed in Book 83, at Page 97 of Record of Surveys in the office of the Recorder for said County;

Thence, leaving the North line of said Lot 3, South 74°29'48" East, 102.60 feet to the East line of the Southern Pacific Rail Road Right-of-Way and the **True Point of Beginning**;

Thence, leaving the East line of said Right-of-Way, South 88°46'08" East, 25.39 feet;

Thence, South 03°46'08" East, 70.63 feet;

Thence, South 48°46'08" East, 238.05 feet;

And, a 40.00 foot wide strip of land lying 20.00 feet on each side of the following described centerline:

Beginning at a point that lies, South 86°13'51" West, 34.14 feet from the Southeasterly end of said last course;

Thence, North 86°13'51" East, 495.54 feet to the East line of said portion of Lot 3 conveyed to the City of Paso Robles;


Furthermore, the sidelines of the herein above described strip of land shall be lengthened and/or shortened to intersect each other at angle points and where the sidelines intersect property boundaries.

The area of the Permanent Right-of-Way described herein above contains 25,946 square feet, more or less.

Bearings shown hereon are based upon the World Geodetic System of 1984 (WGS84) reference frame as determined from GPS observations obtained in September 2005.

End Description

Prepared by:


Daniel S. Hutchinson, LS 5139 license renewal 6/30/07)

Date:

05/29/07

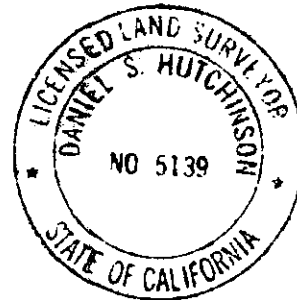


EXHIBIT "C"

Temporary Construction Easement
Legal Description

All that portion of Parcel B of Parcel Map PRAL-90-259 in the City of Paso Robles, County of San Luis Obispo, State of California according to that map recorded May 30th, 1995, filed in Book 51, at Page 51 of Parcel Maps in the office of the Recorder for said County;

Being a 60.00 foot wide strip of land lying 35.00 feet Southwesterly of and 25.00 feet Northeasterly of the following described centerline:

Commencing from a ½ inch rebar with cap stamped "RCE 14994" (referred to as "S.Y. 166") marking a point on the North line of Parcel 2 of Parcel Map CO 81-54 according to that map recorded December 11th, 1984, filed in Book 36, at Page 27 of Parcel Maps in the office of the Recorder for said County;

Thence, South 39° 50' 31" East, 1743.36 feet to the Northerly boundary of said Parcel B, being the Northerly boundary of that Public Park dedicated to the City of Paso Robles by their City Council Resolution No. 98-88, recorded June 9th, 1998, filed in as Document No. 1998-034512 of Official Records in the office of the Recorder for said County, and the **True Point of Beginning**;

Thence, across the Northerly portion of said Parcel B, South 40° 10' 15" East, 237.26 feet;

Thence, on a tangent curve to the right with a radius of 495.00 feet, through a central angle of 23° 50' 32", an arc length of 205.98 feet;

Thence, South 16° 25' 42" East, 619.52 feet;

Thence, on a tangent curve to the left with a radius of 505.00 feet, through a central angle of 16° 47' 32", an arc length of 148.01 feet;

Thence, South 33° 13' 14" East, 26.76 feet to the Westerly boundary of the North River Road right-of-way as shown on said Parcel Map CO 81-54, being South 33° 27' 36" East, 2936.75 feet from said ½ inch iron pipe marking corner "S.Y. 166", and being designated here as Point "A";

Furthermore, the sidelines of the herein above described strip of land shall be lengthened and/or shortened to intersect each other at angle points and where the sidelines intersect property boundaries.

And, a 10.00 foot wide strip of land across a portion of said Parcel B of Parcel Map PRAL-90-259 adjoining and lying Northerly of "course L4" of the "Permanent Right-of-Way" described in Exhibit "B" attached herewith and lying between the Westerly boundary of said North River Road right-of-way and the Easterly boundary of said "Permanent Right-of-Way" described in Exhibit "B" attached herewith;

Excepting from the herein above described 60.00 foot wide strip of land that portion lying within the "Permanent Right-of-Way" described in Exhibit "B" attached herewith.

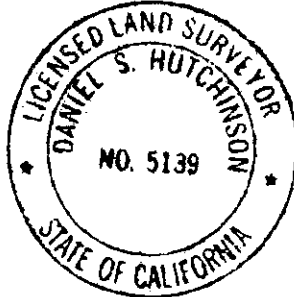
The land area for the herein described Temporary Construction Easement contains 37,094 square feet, more or less.

Bearings shown hereon are based upon the World Geodetic System of 1984 (WGS84) reference frame as determined from GPS observations obtained in September 2005.

End Description

Prepared by: Dan Hutchinson
Daniel S. Hutchinson, LS 5139 license renewal 6/30/07)

Date: 05/29/07



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EXHIBIT "C"

Temporary Construction Easement
Legal Description

A portion of Lot 3 of the Subdivision of a part of the Rancho Paso de Robles, in the County of San Luis Obispo, State of California according to the map recorded October 22nd, 1886, filed in Book "A", at Page 164 of Maps in the office of the Recorder for said County, conveyed to the City of Paso Robles by Grant Deed recorded November 5th, 1970, filed in Volume 1592, at Page 104 of Official Records in the office of the Recorder for said County, more particularly described as follows:

Commencing at a 1" iron pipe with tag stamped LS 4845 marking a point on the North line of said Lot 3, at the Southeast corner of Parcel 1 of Parcel Map CO 76-485 according to that map recorded February 23rd, 1978, filed in Book 25, at Page 8 of Parcel Maps in the office of the Recorder for said County, being South 87°50'49" East, 423.49 feet from that nail with tag stamped "LS 4845" in lead plug in concrete marking a point on the South line of said Parcel 1 as shown on that map recorded September 30th, 2002, filed in Book 83, at Page 97 of Record of Surveys in the office of the Recorder for said County;

Thence, leaving the North line of said Lot 3, South 74°29'48" East, 102.60 feet to the East line of the Southern Pacific Rail Road Right-of-Way;

Thence, leaving the East line of said Road Right-of-Way, South 88°46'08" East, 25.39 feet;

Thence, South 03°46'08" East, 70.63 feet;

Thence, South 48°46'08" East, 238.05 feet;

Thence, North 86°13'51" East, 135.86 feet to a point on the centerline of that 40.00 foot wide strip of land described herewith in Exhibit "B", and designated here as Point "A", being the True Point of Beginning;

Thence, South 03°46'08" East, 75.00 feet;

Thence, South 86°13'51" West, 200.00 feet;

Thence, North 03°46'08" West, 150.00 feet;

Thence, North 86°13'51" East, 200.00 feet;

Thence, South 03°46'08" East, 75.00 feet to the point of beginning at said Point "A";

Excepting that portion of said Lot 3 lying with the land described herewith in Exhibit "B";

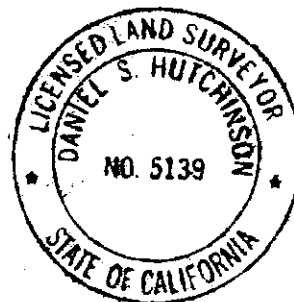
The area of the Temporary Construction Easement described herein above contains 21,911 square feet, more or less.

Bearings shown hereon are based upon the World Geodetic System of 1984 (WGS84) reference frame as determined from GPS observations obtained in September 2005.

End Description

Prepared by: Daniel S. Hutchinson
Daniel S. Hutchinson, LS 5139 license renewal 6/30/07)

Date: 05/25/07



LINE TABLE		
LINE	LENGTH	BEARING
L1	41.56	N11°50'47"W
L2	92.82	N11°50'47"W
L3	37.57	N16°25'42"W
L4	25.00	S73°34'18"W

BASIS OF BEARINGS

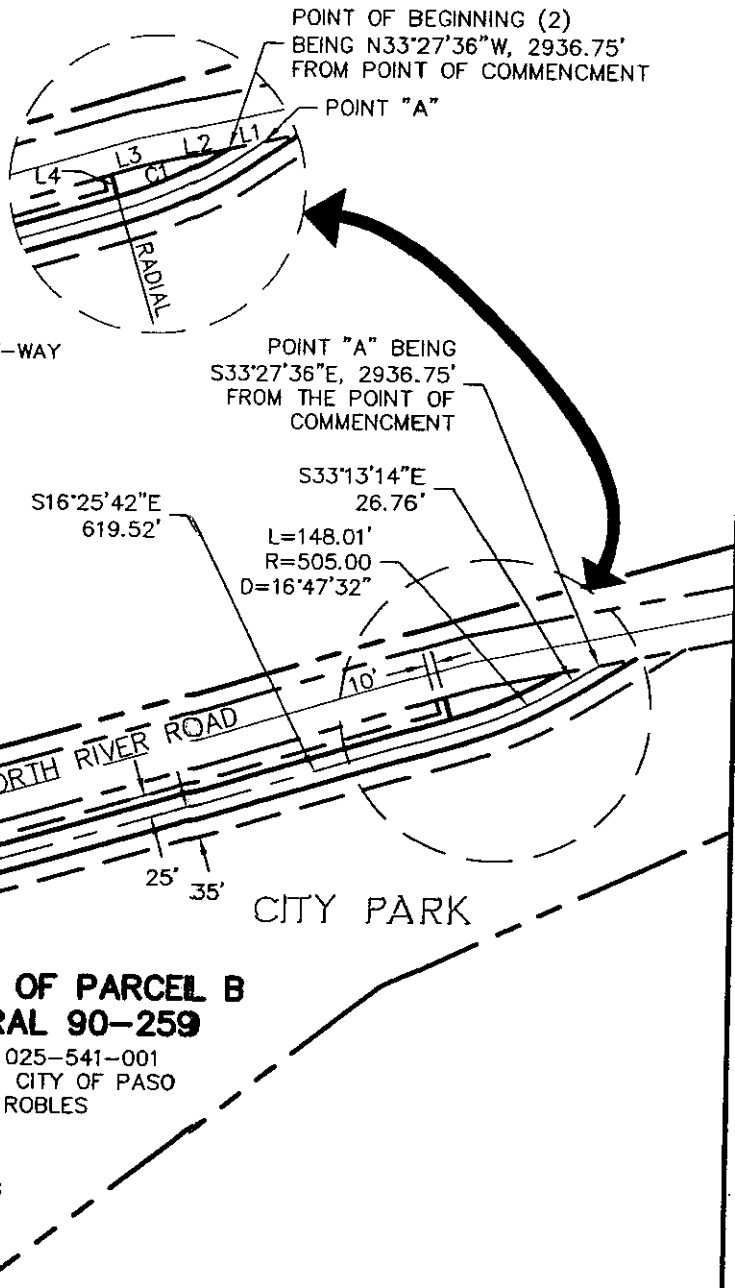
BEARINGS SHOWN HEREON ARE BASED UPON THE WORLD GEODETIC SYSTEM OF 1984 (WGS84) REFERENCE FRAME AS DETERMINED FROM GPS OBSERVATIONS OBTAINED IN SEPTEMBER 2005.

CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	TANGENT
C1	131.67	490.00	15°23'46"	66.23



1 INCH = 200 FEET

- = CENTERLINE OF PERMANENT RIGHT-OF-WAY
- - - = TEMPORARY CONSTRUCTION EASEMENT
- = PERMANENT RIGHT-OF-WAY



POINT OF COMMENCEMENT
1/2" IF ACCEPTED AS
SY 166 PER 19/PM/51

PERMANENT RIGHT-OF-WAY AREA= 39278 S.F.
TEMPORARY EASEMENT AREA= 37094 S.F.
TOTAL EASEMENT AREA= 76372 S.F.

EXHIBIT D

Cannon ASSOCIATES
ENGINEERS
PLANNERS
SURVEYORS

NWP NACIMIENTO WATER PROJECT
San Luis Obispo County Flood Control & Water Conservation District

PTN. OF LOTS 6 & 11 OF SUB. RANCHO SANTA YSABEL		
CITY OF PASO ROBLES, CALIFORNIA		
DRAWN BY: BIS	CHECKED BY: DSH	DATE: 09/05/06

CUESTA TITLE ORDER #T6800045

EXHIBIT D PAGE 1 OF 2

F:\proj\2004\041921\Survey\Drawings\Legal Description\Plan\T6800045-Fppp Robles City Park Exhibit D.dwg 9-07-06 03:14:50 PM botava

BASIS OF BEARINGS

BEARINGS SHOWN HEREON ARE BASED UPON THE WORLD GEODETIC SYSTEM OF 1984 (WGS84) REFERENCE FRAME AS DETERMINED FROM GPS OBSERVATIONS OBTAINED IN SEPTEMBER 2005.

- = CENTERLINE OF PERMANENT RIGHT-OF-WAY
- - - - - = TEMPORARY CONSTRUCTION EASEMENT (TCE)
- = PERMANENT RIGHT-OF-WAY (PE)

LINE TABLE		
LINE	LENGTH	BEARING
L1	25.39	S88°46'08"E
L2	70.63	S03°46'08"E
L3	238.05	S48°46'08"E
L4	135.86	N86°13'51"E
L5	325.54	N86°13'51"E
L6	495.54	N86°13'51"E

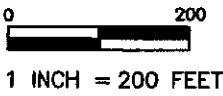
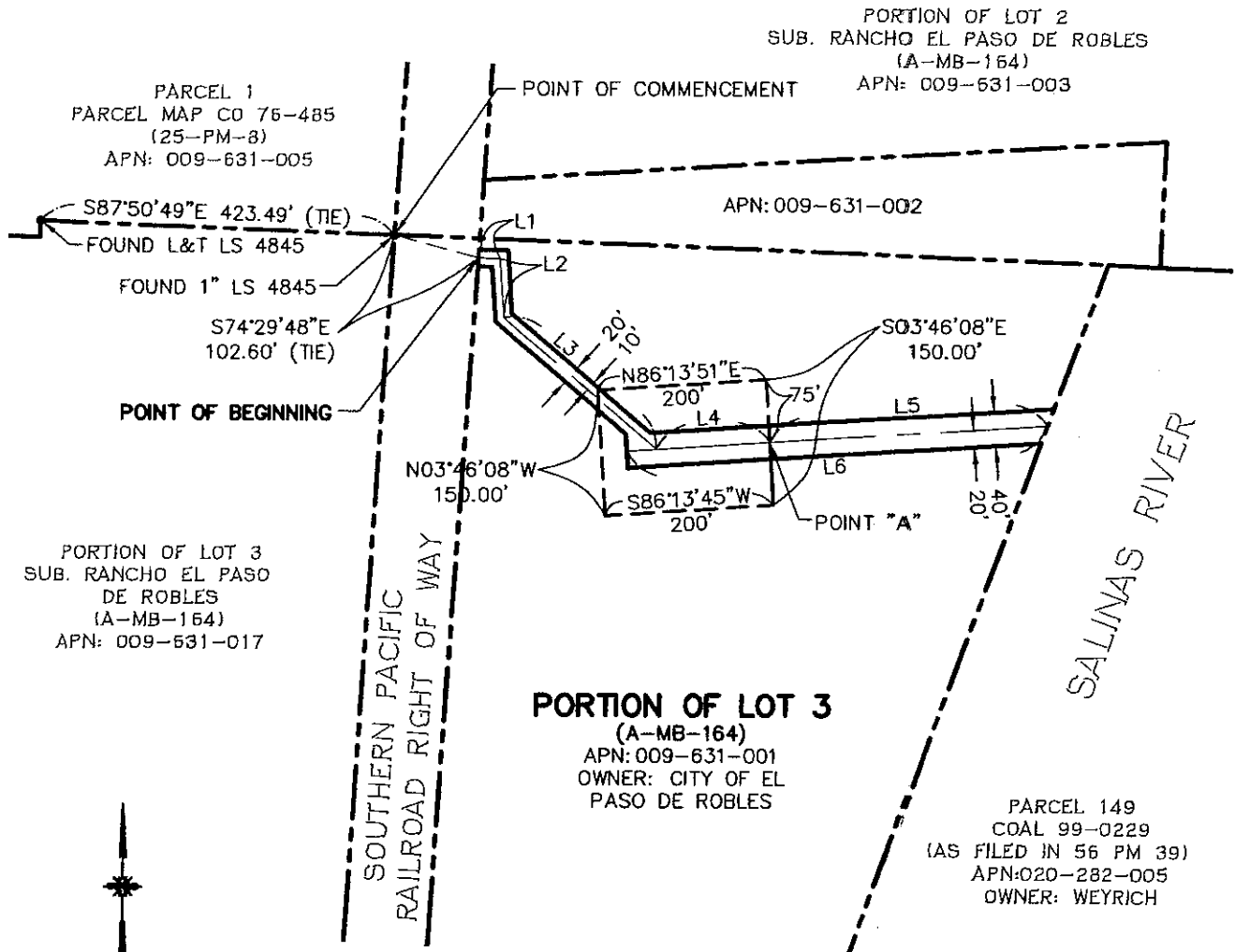
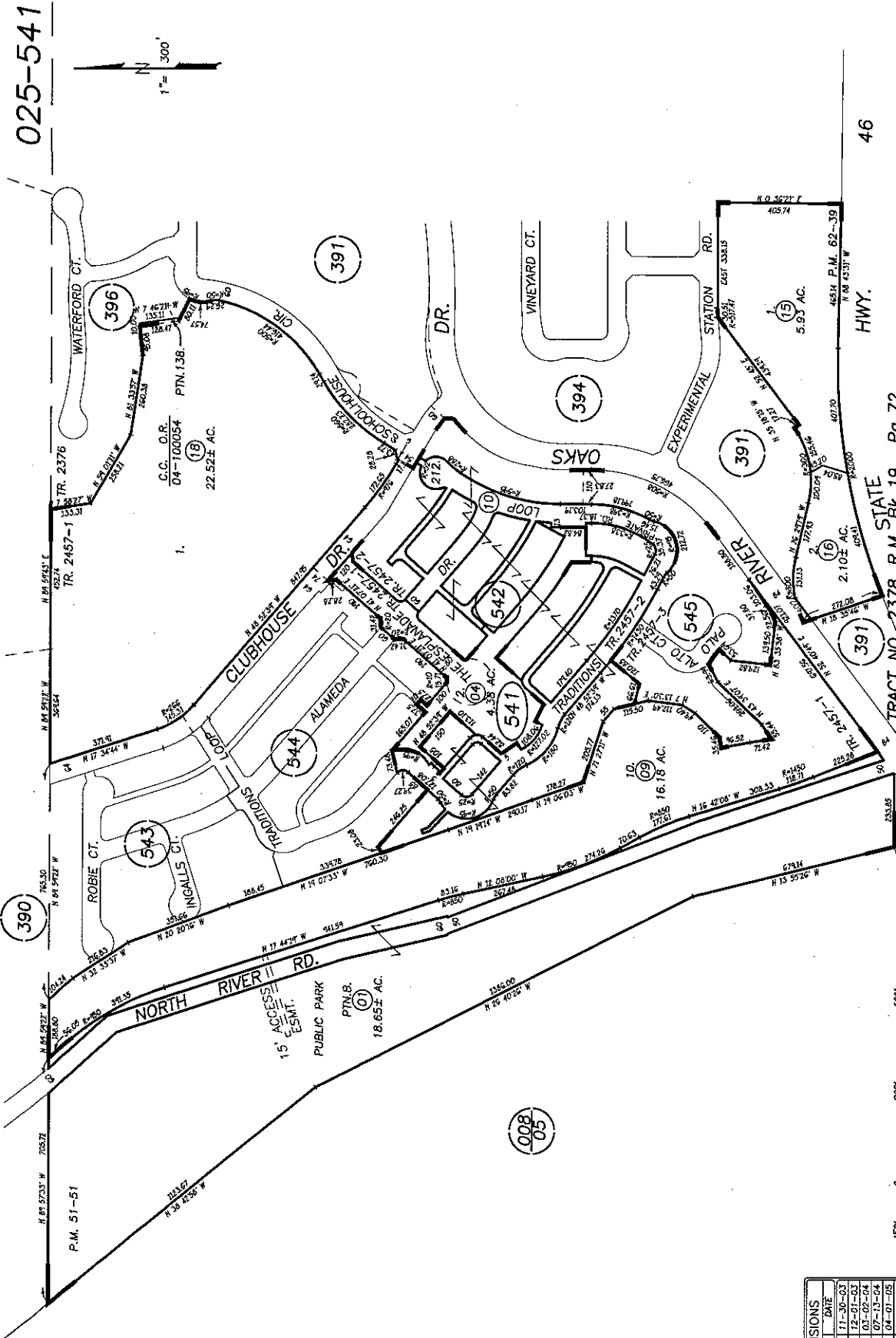


EXHIBIT D

PERMANENT EASEMENT AREA= 25,946 S.F.
 TEMPORARY EASEMENT AREA= 21,911 S.F.
 TOTAL EASEMENT AREA= 47,857 S.F.

Cannon ASSOCIATES ENGINEERS PLANNERS SURVEYORS <small>200 Pacific Street San Luis Obispo, CA 93401 (805) 781-7007</small>	NWP NACIMIENTO WATER PROJECT <small>San Luis Obispo County Flood Control & Water Conservation District</small>	LOT 3 OF SUBDIVISION OF RANCHO EL PASO DE ROBLES COUNTY OF SAN LUIS OBISPO, CALIFORNIA	
	DRAWN BY: DS CHECKED BY: DSH DATE: 05/15/07		
	CUESTA TITLE ORDER #XXXXXX		

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CITY OF PASO ROBLES
 ASSESSOR'S MAP, COUNTY OF
 SAN LUIS OBISPO, CA.
 BOOK 025 PAGE 541

46

HWY.

STATE

TRACT NO. 2378, R.M. Bk. 19, Pg. 72.
 TRACT NO. 2457-2, R.M. Bk. 23, Pg. 56-59.
 TRACT NO. 2457-1, R.M. Bk. 22, Pg. 26-30.
 TRACT NO. 2457-3, R.M. Bk. 22, Pg. 21-25.

REVISIONS	DATE
04-22-11	11-30-03
04-22-11	12-01-03
05-12-04	05-12-04
05-12-04	04-30-05
05-12-04	05-23-05
05-12-04	10-05-05
05-12-04	10-07-05

150' 0 300' 600'

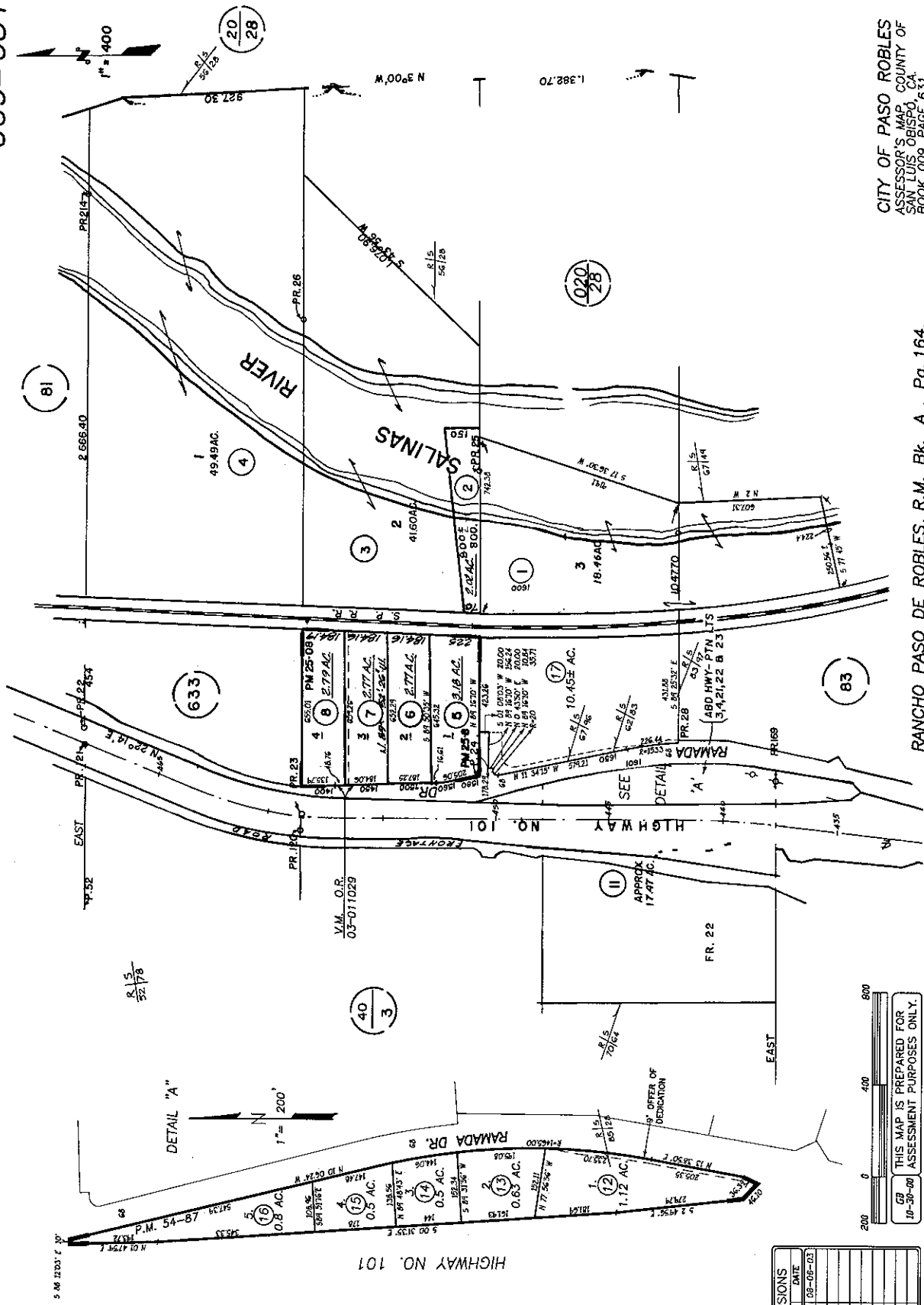
JAV
 12-01-03
 THIS MAP IS PREPARED FOR
 ASSESSMENT PURPOSES ONLY.

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009-631

CITY OF PASO ROBLES
 ASSESSOR'S MAP, COUNTY OF
 SAN LUIS OBISPO, CA.
 BOOK 009 PAGE 631

RANCHO PASO DE ROBLES, R.M. Bk. A, Pg. 164.



REVISIONS	
N.	DATE

200 0 400 800

THIS MAP IS PREPARED FOR
 GB
 10-30-06
 ASSESSMENT PURPOSES ONLY.