

TO: James L. App, City Manager
FROM: Doug Monn, Director of Public Works
SUBJECT: Abandonment of Sewer Easement (Paso Robles Motorcoach)
DATE: December 1, 2009

Needs: That the City Council authorize the abandonment of an existing sanitary sewer easement over property being developed as the Paso Robles Motorcoach Resort.

- Facts:**
1. In conjunction with the development of their property, Paso 160, LLC will relocate a short portion of an existing sewer line.
 2. Research in the preparation of a parcel map on the subject property has revealed that the existing sewer easement held by the City is not consistent with the actual location of the line.
 3. The existing easement must be abandoned in order to accommodate the development of the Motorcoach Resort and to facilitate the recordation of an easement accurately described over the location of the existing sewer line.
 4. Prior to recordation of a resolution abandoning the existing easement, the City will receive an Easement Grant Deed from Paso 160, LLC.

**Analysis
and**

Conclusion: Planned Development 08-001, Paso Robles Motorcoach Resort, was approved by the City Council on March 17, 2009. Research associated with the preparation of a parcel map on the property has revealed that the existing sewer easement held by the City is not consistent with the actual location of the sewer line. Additionally, the applicants wish to relocate a short portion of the existing sewer line as part of the development of the Resort.

The applicants will construct a new sewer line in accordance with plans approved by the City Engineer. The applicants will follow with submittal of an Easement Grant Deed accurately describing an easement over the entire length of the existing (and new) sewer line located within the boundaries of the Resort property.

Policy

Reference: 8333 California Streets and Highways Code

Fiscal

Impact: None.

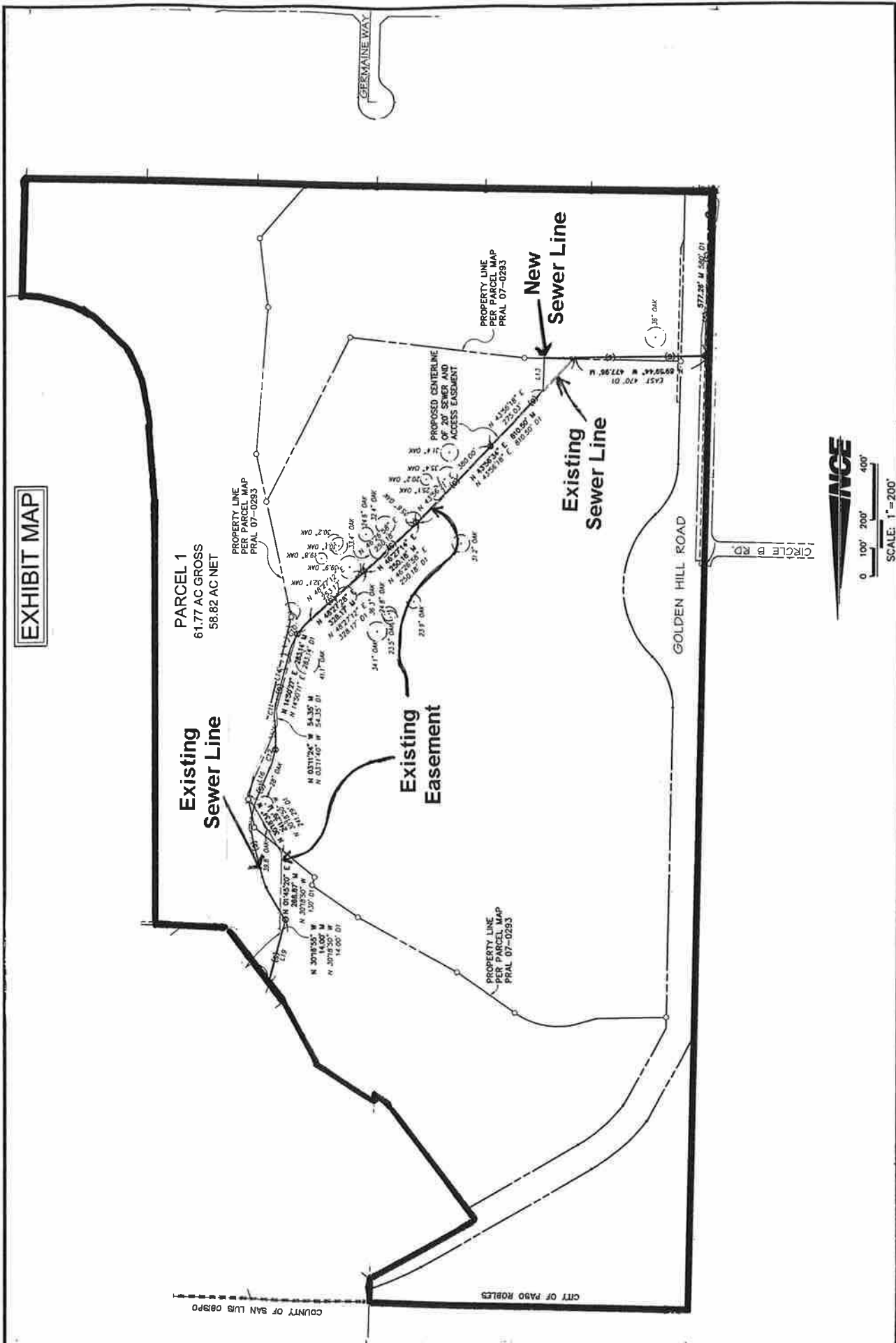
- Options:**
- a. Adopt Resolution No. 09-xxx abandoning a City sanitary sewer easement subject to a condition to dedicate a new easement accurately described over the existing sewer line.
 - b. Amend, modify or reject the above option.

Prepared by: John Falkenstien, City Engineer

Attachments: (2)

- 1. Sewer Easement and relocation exhibit
- 2. Resolution to Abandon Original Easement

EXHIBIT MAP



PARCEL 1
61.77 AC GROSS
58.82 AC NET

Existing
Sewer Line

Existing
Easement

New
Sewer Line

Existing
Sewer Line

GOLDEN HILL ROAD

GERMAINE WAY



SCALE: 1"=200'

COUNTY OF SAN LUIS OBISPO

CITY OF PAGO PAGO

RESOLUTION NO. 09-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
TO VACATE A SANITARY SEWER EASEMENT
(PASO 160, LLC)

WHEREAS, in conjunction with the development of the Paso Robles Motorcoach Resort, Paso 160, LLC will relocate a portion of an existing sewer line, and

WHEREAS, it has been determined that the sanitary sewer easement recorded as Document No. 1994-052995 and located on the Paso 160, LLC property is not consistent with the location of the existing sewer line, and

WHEREAS, the City will receive an Easement Grant Deed from Paso 160, LLC to accommodate and allow for operation and maintenance of the sewer line, 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 sanitary sewer 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 sewer easement as herein before described be vacated for public purposes as shown on Exhibit "A".

SECTION 2. Paso 160, LLC shall provide to City a sewer easement accurately described over the existing sewer line on their property and over that portion of the sewer line constructed by Paso 160, LLC.

SECTION 3. 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 4. 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 1st day of December, 2009 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Lonnie Dolan, Deputy City Clerk

Duane Picanco, Mayor

Formatted: Font: 11 pt, No underline

Doc No: 1994-052995

Rec No: 00064894

Recording Requested and
When Recorded, Mail To:
City Clerk's Office
P.O. Box 307
Paso Robles, CA 93447

Official Records
San Luis Obispo Co.
Francis M. Cooney
Recorder
Sep 12, 1994
Time: 13:05

NF	0.00

TOTAL	0.00

[4]

RESOLUTION NO. 92-118

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF PASO ROBLES
ACCEPTING AN OFFER OF DEDICATION FROM PRAP PARTNERSHIP
FOR A SEWER MAIN AND ACCESS EASEMENT**

WHEREAS, the City has received an offer of dedication from PRAP Partnership; and

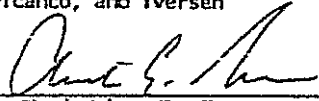
WHEREAS, the offer of dedication is for Airport sewer main right-of-way purposes across a portion of the southeast quarter of the southwest quarter of Section 14, Township 26S, Range 12E and a portion of the northwest quarter of Section 23 of said township and range, MDB & M; and

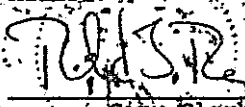
NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. That the City Council accept the offer of dedication (attached as Exhibit "A") from PRAP Partnership and authorize its recordation.

PASSED AND ADOPTED by the City Council of the City of Paso Robles, this 21st day of July, 1992, on the following vote:

AYES: Haggarty, Macklin, Martin, Picanco, and Iversen
NOES: None
ABSENT: None


Christian E. Iversen, Mayor

ATTEST

City Clerk
prep. recd

RECORDING REQUESTED BY

CITY OF EL PASO DE ROBLES

AND WHEN RECORDED MAIL THIS DEED AND, UNLESS OTHERWISE SHOWN BELOW, MAIL TAX STATEMENTS TO:

CITY CLERK'S OFFICE
CITY OF EL PASO DE ROBLES
910 PARK STREET
PASO ROBLES, CA 93446

ESCROW NO. _____
TITLE ORDER NO. _____

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT OF EASEMENT

FILED	FEE PAID	EXEMPT	OUT OF STATE
		5	

The undersigned grantor(s) declare(s):

Documentary transfer tax is \$ 0

A.P.N. 25-191-11

- () computed on full value of property conveyed, or
- () computed on full value less value of liens and encumbrances remaining at time of sale.
- (X) Unincorporated area: () City of _____, and

By this instrument dated _____, for a valuable consideration

FRAP PARTNERSHIP, A California General Partnership,

hereby GRANTS to the CITY OF EL PASO DE ROBLES

the following described real property in the County of SAN LUIS CRISPO, State of CALIFORNIA

A twenty foot (20') sewer and access easement and a fifty foot (50') temporary construction easement for the purpose of constructing a sewer main, said temporary construction easement to cease on completion of project, and being more particularly described in the attached EXHIBIT "B".

(EXHIBIT "A")

FRAP PARTNERSHIP:

Fred J. Broderick
FRED J. BRODERICK, PARTNER

STATE OF CALIFORNIA,
COUNTY OF _____

On _____ before me
the undersigned, a Notary Public in and for said County and State,
personally appeared _____

- personally known to me
 - proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) _____ subscribed to the within instrument, and acknowledged that _____ executed it.
- WITNESS my hand and official seal.

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE; IF NO PARTY IS SHOWN, MAIL AS DIRECTED ABOVE.

EXHIBIT "A"

LEGAL DESCRIPTION

That portion of the southeast quarter of the southwest quarter of Section 14, Township 26S, Range 12E, MDB&M;

The centerline of both easements being more particularly described as follows:

Beginning at the South quarter corner of said Section 14;

- 1) Thence West along the southerly section line of said Section 14, 971 feet more or less to the true point of beginning;
- 2) Thence North 3018'50" West, 14.00 feet more or less;
- 3) Thence North 1441'10" East, 290 feet more or less to a point on the southwesterly line of the City of El Paso de Robles CYA Treatment Plant deed parcel recorded in Book 475, Page 14 of Official Records. And also,

Beginning at the West quarter corner of said Section 23;

- 1) Thence northerly along the westerly line of said Section 23, 580 feet more or less;
- 2) Thence leaving said westerly line, East, 470 feet more or less;
- 3) Thence North 4356'18" East, 810.50 feet;
- 4) Thence North 4626'58" East, 250.18 feet;
- 5) Thence North 4827'12", East, 328.17 feet;
- 6) Thence North 1450'11" East, 283.14 feet;
- 7) Thence North 311'40" West, 54.35 feet;
- 8) Thence North 2301'32" East, 273.42 feet;
- 9) Thence North 3018'50" West, 241.29 feet;
- 10) Thence North 3018'50" West, 130 feet more or less to a point on the northerly line of said Section 23, said point bears West, 971 feet more or less of the northerly quarter corner.

END DESCRIPTION

x:\deeds\prop1egl.des

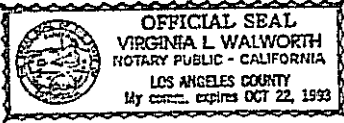
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5193

State of CALIFORNIA
County of Los Angeles

On 3-18-93 before me, VIRGINIA L. WALWORTH, Notary
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"
personally appeared FRED J BRADREICH, Partner
NAME(S) OF SIGNER(S)

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/hor/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.
Virginia L. Walworth
SIGNATURE OF NOTARY

OPTIONAL SECTION

CAPACITY CLAIMED BY SIGNER

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

- INDIVIDUAL
- CORPORATE OFFICER(S)
- TITLE(S)
- PARTNER(S) LIMITED GENERAL
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: _____

SIGNER IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)
P.A.P. PARTNERSHIP

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT:

Though the data requested here is not required by law, it could prevent fraudulent reattachment of this form.

OPTIONAL SECTION
TITLE OR TYPE OF DOCUMENT GRANT OF EASEMENT
NUMBER OF PAGES ONE DATE OF DOCUMENT _____
SIGNER(S) OTHER THAN NAMED ABOVE NONE

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