

TO: James L. App, City Manager
FROM: Ron Whisenand, Director of Community Development
SUBJECT: Acceptance of Grant Deed (Paso 160, LLC)
DATE: December 15, 2009

Needs: That the City Council accept the grant deed of open space property in the Huer Huero Creek adjacent to the Paso Robles Motorcoach Resort.

Facts:

1. PD 08-001, the Paso Robles Motorcoach Resort, was approved by the City Council on March 17, 2009. Paso Robles Motorcoach Resort is located on the north end of Golden Hill Road north of Highway 46E.
2. Parcel Map PRAL 07-0293, was approved for recordation by the City Council on December 1, 2009.
3. Parcel 2 of Parcel Map PRAL 07-0293 establishes the property that will comprise the Paso Robles Motorcoach Resort. Parcel 1 establishes a property comprised primarily of the Huer Huero creek bed.
4. The Parks and Recreation Element of the General Plan advises acquisition of floodplain land in the Salinas River and the Huer Huero Creek where feasible.
5. Paso 160, LLC, owners of the Paso Robles Motorcoach Resort, have provided a Grant Deed to the City for Parcel 1 subject to the condition that they will continue to maintain the property for a period of up to 10 years.

**Analysis
and**

Conclusion: The Grant Deed of the open space parcel on the map for the Paso Robles Motorcoach Resort will help protect the natural stream channel of the Huer Huero Creek. The property owners have agreed to continue to maintain this open space parcel for a period of up to 10 years.

Policy

Reference: Parks and Recreation Element of the General Plan.

Fiscal

Impact: Maintenance of the open space property will be provided by the current owners for up to 10 years. After 10 years, maintenance at a minimum comprised of compliance with weed abatement ordinances will be the responsibility of the City.

- Options:**
- a. Adopt Resolution No. 09-xxx accepting the offer of dedication of an open space parcel comprising the Huer Huero creek land adjacent to the Paso Robles Motorcoach Resort.
 - b. Amend, modify or reject the above option.

Attachments: (2)

1. Vicinity Map
2. Resolution

OWNER'S STATEMENT

WE, THE UNDERSIGNED, HEREBY STATE THAT WE ARE ALL THE OWNERS OF AND ALL PARTIES HAVING ANY RECORD TITLE INTEREST IN THE REAL PROPERTY INCLUDED WITHIN THE SUBDIVISION AND PROJECT SHOWN ON THIS MAP, AND THAT EACH OF US DOES HEREBY CONSENT TO THE FILING AND/OR RECORDED OF THIS MAP.

WE HEREBY DEDICATE TO THE PUBLIC FOR PUBLIC USE ALL STREETS AND 20' PUBLIC UTILITIES EASEMENTS FOR MAINTENANCE PURPOSES AS DELINEATED ON SAID MAP AND ALL USES INCIDENT THEREON.

WE HEREBY RESERVE TO OURSELVES, OUR HEIRS, AND ASSIGNS THOSE CERTAIN PRIVATE ACCESS AND MAINTENANCE EASEMENTS, FOR THE USE AND BENEFIT OF THE PRESENT OR FUTURE OWNERS OF THE LOTS AFFECTED BY SUCH EASEMENTS, AS DELINEATED ON SAID MAP.

WE ALSO HEREBY RESERVE TO OURSELVES, OUR HEIRS, AND ASSIGNS FOR THE USE AND BENEFIT OF SEVERAL PUBLIC UTILITY COMPANIES WHICH ARE AUTHORIZED TO SERVE ON SAID PARCELS, EASEMENTS FOR PUBLIC UTILITY PURPOSES DELINEATED ON SAID MAP AS "PUBLIC UTILITY EASEMENT" OR "P.U.E."

PASO 180, LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: SIGNATURE _____

BY: PRINTED NAME AND TITLE _____

ACKNOWLEDGMENT

STATE OF CALIFORNIA } S.S.
COUNTY OF _____

ON _____, 2009, BEFORE ME _____, A NOTARY PUBLIC, PERSONALLY APPEARED _____ WHO 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/IT/HEY EXECUTED THE SAME IN HIS/HER/THEIR CAPACITY(IES), AND THAT UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

NOTARY SIGNATURE _____ NAME PRINTED _____
COUNTY OF _____, CA. NOTARY EXPIRES _____ NOTARY COMMISSION NUMBER _____

TRUSTEE'S STATEMENT

PENINSULA FUNDING CORPORATION, A CALIFORNIA CORPORATION, TRUSTEE UNDER DEEDS OF TRUST RECORDED JANUARY 18, 2006 AS INSTRUMENT NO. 2006-003766 AND RECORDED SEPTEMBER 26, 2007 AS INSTRUMENT NO. 2007-064339 OF OFFICIAL RECORDS.

BY: _____ TITLE _____
BY: PRINTED NAME _____

ACKNOWLEDGMENT

STATE OF CALIFORNIA } S.S.
COUNTY OF _____

ON _____, 2009, BEFORE ME _____, A NOTARY PUBLIC, PERSONALLY APPEARED _____ WHO 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/IT/HEY EXECUTED THE SAME IN HIS/HER/THEIR CAPACITY(IES), AND THAT UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

NOTARY SIGNATURE _____ NAME PRINTED _____
COUNTY OF _____, CA. NOTARY EXPIRES _____ NOTARY COMMISSION NUMBER _____

CITY CLERK'S STATEMENT

I, DENNIS FANSLER, CITY CLERK OF THE CITY OF EL PASO DE ROBLES, CALIFORNIA, HEREBY STATE THAT THE CITY COUNCIL OF SAID CITY DID ON THE _____ DAY OF _____, 2009, APPROVE THE MAP OF PARCEL MAPS PRAL 07-0293 SHOWN HEREON AND ACCEPTED ON BEHALF OF THE PUBLIC THE RIGHT-OF-WAY FOR ROAD PURPOSES TO THE TERMS OF OFFER OF DEDICATION BY THE PARTIES HAVING A RECORD TITLE INTEREST IN SAID LAND, WITH THE FILING OF THIS MAP.

WITNESS MY HAND AND SEAL THIS _____ DAY OF _____, 2009

DENNIS FANSLER, CITY CLERK

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES THEREUNDER. THE MAP SUBMITTED CONFORMS TO THE APPROVED OR STATE THAT THIS PARCEL MAP SUBMITTED CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY. I ALSO STATE THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR WILL BE SET WITHIN ONE YEAR OF THE DATE OF THIS MAP. THE MONUMENTS SHOWN HEREON ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.



JOHN R SANDERS L.S. 5812 DATE _____
EXP. 6/30/10

CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THE ANNEXED MAP ENTITLED PARCEL MAP PRAL 07-0293, THAT THE SUBDIVISION AS SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, IF REQUIRED, AND ANY APPROVED ALTERATIONS THEREOF AND THAT ALL THE PROVISIONS OF THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA AND OF ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF THE APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH AND THAT I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.

DATE: _____
JOHN R. FALKENSTEIN
CITY ENGINEER
CITY OF PASO ROBLES
R.C.E. C33760 (EXP. 6/30/10)

PLANNING COMMISSION STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP AND THAT I AM SATISFIED THAT THE MAP CONFORMS WITH THE ACTION OF THE CITY OF EL PASO DE ROBLES FOR PARCEL MAP PRAL 07-0293 ON MARCH 17, 2009.

RONALD WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR DATE _____

RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 2009, AT _____ M., IN BOOK _____ OF PARCEL MAPS AT PAGE(S) _____, AT THE REQUEST OF JOHN R. SANDERS.

DOCUMENT NO. _____
FEE: _____
JULIE L. RODEWALD
COUNTY RECORDER
DEPUTY RECORDER

PARCEL MAP PRAL 07-0293

IN THE CITY OF PASO ROBLES, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA BEING A LOT LINE ADJUSTMENT BETWEEN PARCELS 1, 2, AND 3 OF PARCEL MAP PRAL 95-0065, RECORDED IN BOOK 52 OF PARCEL MAPS, AT PAGE 78 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY



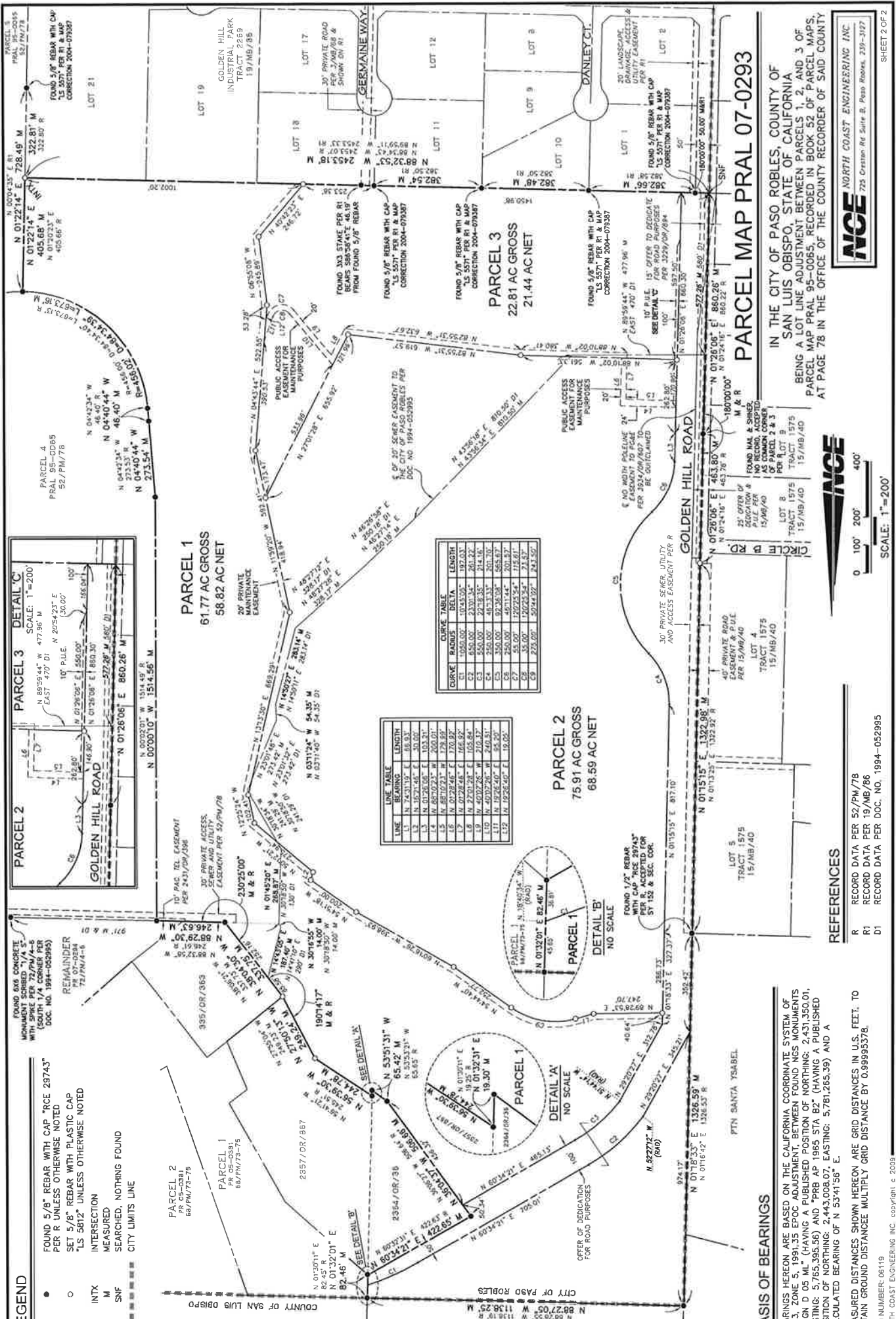
SHEET 1 OF 2

FIDELITY NATIONAL TITLE: 07-40090795



SITE

VICINITY MAP
NO SCALE



IN THE CITY OF PASO ROBLES, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA
BEING A LOT LINE ADJUSTMENT BETWEEN PARCELS 1, 2, AND 3 OF PARCEL MAP PRAL 95-0085, RECORDED IN BOOK 52 OF PARCEL MAPS, AT PAGE 78 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY

SCALE: 1" = 200'
0 100' 200' 400'

RECORD DATA PER 52/PW/78
RECORD DATA PER 19/MB/86
RECORD DATA PER DOC. NO. 1994-052395

RECORD DATA PER 52/PW/78
RECORD DATA PER 19/MB/86
RECORD DATA PER DOC. NO. 1994-052395

RESOLUTION NO. 09-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ACCEPTING OFFER OF DEDICATION OF AN OPEN SPACE PARCEL COMPRISING
A PORTION OF THE HUER HUERO CREEK (PASO 160, LLC)

WHEREAS, at their meeting of March 17, 2009, the City Council approved PD 08-001, the Paso Robles Motorcoach Resort and Parcel Map PRAL 07-0293 establishing the boundary of the parcel comprising the resort; and

WHEREAS, the Parks and Recreation Element of the General Plan advises the acquisition of floodplains in the Salinas River and Huer Huero Creek where feasible; and

WHEREAS, Paso 160, LLC, owners of the Paso Robles Motorcoach Resort have provided the City with a Grant Deed of Lot 1 of Parcel Map PRAL 07-0293, an open space parcel comprising Huer Huero Creek land; and

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. That the City of Paso Robles does hereby accept the Grant Deed of Parcel 1 of Parcel Map PRAL 07-0293 from Paso 160, LLC. as described and shown in Exhibit "A".

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 15th day of December, 2009 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Duane Picanco, Mayor

ATTEST:

Lonnie Dolan, Deputy City Clerk

Exhibit "A"

Recording Requested By And
When Recorded, Return To:

City Engineer
City of El Paso de Robles
Community Development
1000 Spring Street
Paso Robles, CA 93446

DOCUMENT TRANSFER \$ -0-

- (x) 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,
() Unincorporated Area; (x) City of Paso Robles *

Signature of Declarant or Agent determining tax –
Firm Name –

APN: 025-435-005, 006 & 007

GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Paso 160, LLC, a Delaware Limited Liability Company **hereby GRANT(S) to** City of El Paso de Robles the following described property.

PARCEL 1 OF PARCEL MAP PRAL 07-0293, IN THE CITY OF PASO ROBLES, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, ACCORDING TO THE MAP RECORDED _____, 2009 IN BOOK ____ OF MAPS, AT PAGES _____ IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY. SEE EXHIBIT "B" CONTAINED HEREIN AND MADE A PART HEREOF.

Grantee hereby agrees that said Parcel 1 shall be maintained by the Grantee for a maximum period of 10 years from the date of parcel acceptance by the City or until the City develops a funding mechanism for the development and maintenance of the property, whichever occurs first. The maintenance obligation is defined by the Weed and Rubbish Abatement Laws, Government Code Sections 39500 et esq. and 39560 et esq.

Dated: 11-30-09

GRANTOR (S):
Paso 160, LLC, a Delaware Limited Liability Company

By: [Signature]
Signature

By: DOUG McCLURDY, MANAGER- OWNER
Printed Name & Title

TRUST DEED TRUSTEES and/or MORTGAGEES:
Peninsula Funding Corporation, a California Corporation

By: [Signature]
Signature

By: Robert H. McCrackin IV, President
Printed Name & Title

ACKNOWLEDGMENT

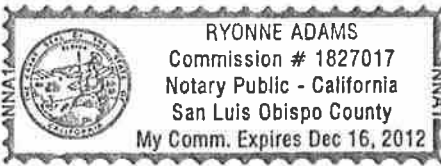
State of California)
) SS
County of San Luis Obispo)

On NOV 30 2009, 2009, before me, Ryenne Adams,
a notary public, personally appeared Doug McCurdy, who proved to me
on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and
acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the
instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true
and correct.

Witness my hand and official seal.

Ryenne Adams
Notary Public



ACKNOWLEDGMENT

State of CALIFORNIA)
) SS
County of SAN DIEGO)

On DEC. 3, 2009, before me, Amie Jones,
a notary public, personally appeared Robert H. McCrackin IV, who proved to me
on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and
acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the
instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

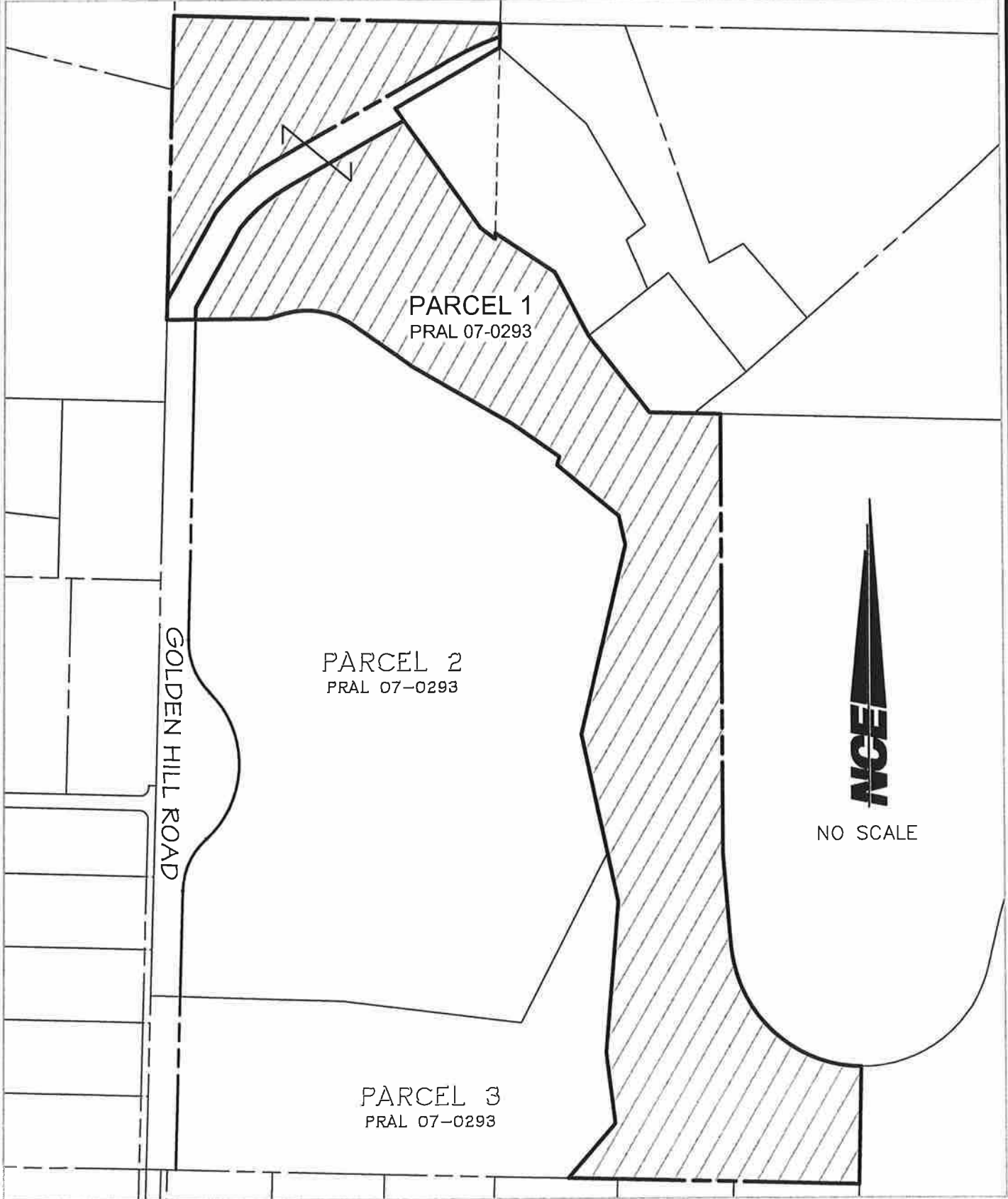
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true
and correct.

Witness my hand and official seal.

Amie Jones
Notary Public



EXHIBIT B



PARCEL 1
PRAL 07-0293

PARCEL 2
PRAL 07-0293

PARCEL 3
PRAL 07-0293

GOLDEN HILL ROAD



NO SCALE

NCE NORTH COAST ENGINEERING INC.
725 Creston Rd Suite B, Paso Robles, 239-3127

JOB NUMBER: 06119