

TO: James L. App, City Manager

FROM: Ed Gallagher, Community Development Director

SUBJECT: Acceptance of Grant of Easement for Water Main, 1052 Par Avenue

DATE: January 7, 2014

Needs: That the City Council authorize the acceptance of a water main Grant of Easement from Gonzalez Construction related to the development of a single family residence at 1052 Par Avenue and abandon an existing water line easement.

Facts:

1. In 1985 a water main was constructed from Player Lane east across the golf course and then north to connect to Par Avenue for the purposes of providing a second source of water to Tract 1290.
2. The northerly leg of this water main extension was placed in the center of vacant Lot 1, Block 9, of Tract 147, also known as the Golf Course Tract. Vacant Lot 1 was located adjacent to the golf course parking lot.
3. Dave Gonzalez, aka Gonzalez Construction, purchased Lot 1 in January of 2012 with the intention of building a single family residence. Gonzalez was aware that the existing water main would have to be relocated.
4. Gonzalez has subsequently relocated the water main in accordance with City Standards and to the satisfaction of the Water Division Manager. Gonzalez has provided a Grant of Easement over the new water main location along the east boundary of Lot 1.
5. The existing easement, offered and accepted by the City in 1984, must be abandoned to remove any unnecessary cloud of title on the Gonzalez property.

**Analysis
and**

Conclusion: In 1985, in response to the conditions of approval of Tract 1290, a water main was constructed connecting Player Lane to Par Avenue. The portion of this line encumbering Lot 1, of Block 9 of Tract 147 (1052 Par Avenue) had to be relocated to accommodate a new residence constructed by Gonzalez Construction. Gonzalez has relocated the line in accordance with City standards and specifications.

Gonzalez Construction has provided the City with a Grant of Easement over the location of the new water line for acceptance by the City for operation and maintenance purposes.

The easement offered and accepted by the City in 1984 must be abandoned to remove its cloud of title on the Gonzalez property.

Policy

Reference: Paso Robles Municipal Code Sections 17.04.020D; 14.04.040D

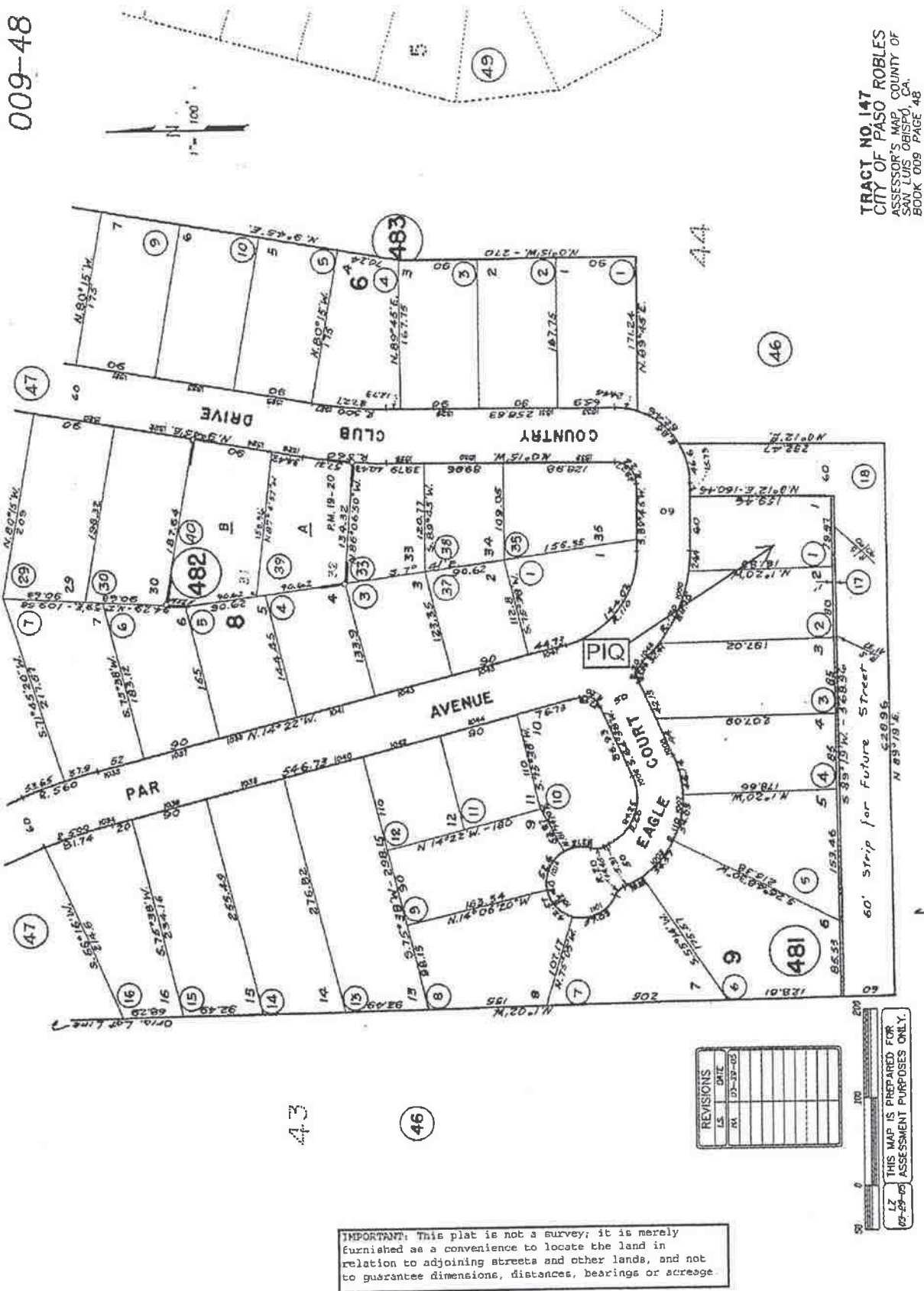
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Impact: None.

- Options:**
- a.
 - 1. Adopt Resolution No. 14-xxx accepting the Grant of Easement for a water line from Gonazalez Contruction;
 - 2. Adopt Resolution No. 14-xxx abandoning that portion of the 1984 easement which affects Lot 1, Block 9 of Tract 147.
 - b. Amend, modify or reject the above option.

Attachments: (3)

- 1. Vicinity Map
- 2. Resolution and Easement Deed for water main
- 3. Resolution abandoning 1984 easement



RESOLUTION NO. 14-xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ACCEPTING A GRANT OF EASEMENT FOR A WATERLINE
(GONZALEZ)

WHEREAS, the City has received a 15-foot wide Grant of Easement from Gonzalez Construction for a waterline located along the easterly boundary of Lot 1 of Block 9, in Tract 147, also known as 1052 Par Avenue; and

WHEREAS, the easement will accommodate the maintenance of a City water main relocated by Gonzalez as necessary for development of a single family residence.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. That the City Council accept the 15-foot wide Grant of Easement for a waterline received from Gonzalez Construction 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 7th day of January, 2014 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Duane Picanco, Mayor

Caryn Jackson, Deputy City Clerk

EXHIBIT "A"

THAT PORTION OF LAND DESCRIBED IN THE GRANT OF EASEMENT FROM PASO ROBLES GOLF AND COUNTRY CLUB, INC. TO THE CITY OF EL PASO DE ROBLES AS RECORDED IN VOLUME 2729 OF OFFICIAL RECORDS AT PAGE 550 IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA LYING WITHIN THE BOUNDARIES OF LOT 1 OF BLOCK 9 OF TRACT 147 IN THE CITY OF PASO ROBLES AS RECORDED IN VOLUME 6 OF MAPS AT PAGE 26 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

**CITY ENGINEER
CITY OF EL PASO DE ROBLES
1000 SPRING STREET
PASO ROBLES, CA 93446**

Escrow No. _____
Title Order No. _____

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT OF EASEMENT

The undersigned grantor(s) declare(s):

Documentary transfer tax is \$

A.P.N. 025-039-013

☐ computed on full value of property conveyed, or

☐ computed on full value less value of liens and encumbrances remaining at time of sale.

☐ Unincorporated area:

☐ City of El Paso de Robles, and

By this instrument dated _____, for a valuable consideration

GONZALEZ CONSTRUCTION, A CALIFORNIA GENERAL PARTNERSHIP

hereby GRANTS to the City of El Paso de Robles, the following described real property in the City of El Paso de Robles, County of San Luis Obispo, State of California, as an easement for the purpose of:

Construction, operation and maintenance of a water pipeline and related facilities over the real property described as:

EXHIBIT "A"


Property owner

NOTE: SIGNATURES MUST BE NOTARIZED

PLEASE ATTACH PROPER NOTARY CERTIFICATE

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

Name:

Street Address:

City/State/Zip:

ACKNOWLEDGMENT

State of CALIFORNIA

County of SAN LUIS OBISPO

ss.

On 12-12-2013

, before me,

DAVID GONZALEZ

(here insert name and title of the officer)

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/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.

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.

Signature _____

(Seal)

ACKNOWLEDGMENT

State of CALIFORNIA

County of SAN LUIS OBISPO

ss.

On December 12th 2013

, before me,

Kerry Cooper Notary Public

(here insert name and title of the officer)

personally appeared

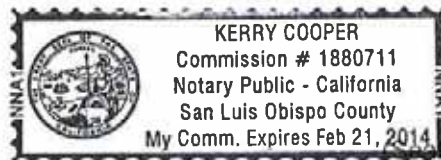
DAVID GONZALEZ

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/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.

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.

Signature [Signature]



ACKNOWLEDGMENT

State of _____

County of _____

ss.

On _____

, before me,

(here insert name and title of the officer)

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/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.

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.

Signature _____

(Seal)

EXHIBIT "A"

THE EASTERLY FIFTEEN (15.00) FEET OF LOT 1 OF BLOCK 9 OF TRACT 147 IN THE CITY OF PASO ROBLES AS RECORDED IN VOLUME 6 OF MAPS AT PAGE 26 IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

TOGETHER WITH THE EASTERLY FORTY (40.00) FEET OF THE SOUTHERLY TWENTY (20.00) FEET OF LOT 1.

RESOLUTION NO. 14-xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
TO VACATE A PORTION OF A WATER LINE EASEMENT
(GONZALEZ)

WHEREAS, in conjunction with the development of a single family residence on his property, Gonzalez Construction removed an existing water line and constructed a new water line, east of its previous location, to allow for his residence, and

WHEREAS, the original water line was located in a Grant of Easement accepted by the City Council by Resolution No. 2935 dated September 4, 1984 , and

WHEREAS, the City has received a Grant of Easement from Gonzalez Construction to allow for operation and maintenance of the new water 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 water line 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 water line 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 7th day of January, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Duane Picanco, Mayor

Caryn Jackson, Deputy City Clerk

EXHIBIT "A"

THAT PORTION OF LAND DESCRIBED IN THE GRANT OF EASEMENT FROM PASO ROBLES GOLF AND COUNTRY CLUB, INC. TO THE CITY OF EL PASO DE ROBLES AS RECORDED IN VOLUME 2729 OF OFFICIAL RECORDS AT PAGE 550 IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA LYING WITHIN THE BOUNDARIES OF LOT 1 OF BLOCK 9 OF TRACT 147 IN THE CITY OF PASO ROBLES AS RECORDED IN VOLUME 6 OF MAPS AT PAGE 26 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.