

recording requested by and
when recorded return to

City of El Paso de Robles

City Clerk, City of Paso Robles
P.O. Box 307
Paso Robles, CA 93447

NO FEE

RESOLUTION NO. 87-100

A RESOLUTION ACCEPTING CONDITION CERTIFYING PROTECTION OF STATE AND FEDERAL INTEREST IN REAL PROPERTY ACQUIRED WHOLLY OR IN PART WITH STATE AND FEDERAL MONIES (CYA TREATMENT PLANT)

WHEREAS, The City of El Paso de Robles is indebted to the Environmental Protection Agency, a Federal Governmental Agency and the California State Water Resources Control Board as a result of their advancing through the Clean Water Grant Program, monies used to purchase property for the CYA Treatment Plant; and

WHEREAS, the City of El Paso de Robles is required to certify that the State and Federal interest in the real property is protected.

BE, AND IT IS HEREBY RESOLVED, by the City of El Paso de Robles as follows:

That the condition for protection of State and Federal interest in real property acquired wholly or in part with State and Federal monies is hereby accepted and the City of El Paso de Robles consents to its recordation by its duly authorized officer.

PASSED AND ADOPTED this 15TH day of December, 1987.

AYES: Cousins, Ovitt, Dolan, Martin and Russell

NOES: None

ABSENT: None

Nick Russell
NICK RUSSELL, MAYOR

ATTEST:
Jerry Bankston
JERRY BANKSTON, CITY CLERK

DOC. NO. **89225**
OFFICIAL RECORDS
SAN LUIS OBISPO, CAL

DEC 30 1987

FRANCIS M. COONEY
County Clerk Recorder
TIME **2:35 PM**

City of El Paso de Robles

CONDITION FOR PROTECTION OF STATE AND FEDERAL INTEREST IN REAL PROPERTY ACQUIRED WHOLLY OR IN PART WITH STATE AND FEDERAL GRANT MONIES

WHEREAS, the City of El Paso de Robles is indebted to the Environmental Protection Agency, a Federal Governmental agency, 215 Fremont Street, San Francisco, California (hereinafter known as "EPA") and the California State Water Resources Control Board, a State governmental agency, 1416 Ninth Street, Sacramento, California (hereinafter known as "SWRCB") as a result of EPA's and SWRCB's advancing through the Clean Water Grant Program, \$24,183.00 used to pay part of the purchase of property hereinafter described:

SEE EXHIBITS "A" AND "B" ATTACHED

WHEREAS, Title 40, Section 30.810-4 CFR requires the Grantee to adequately reflect and protect EPA's interest in property acquisitions of \$1,000 or more, per unit, in compliance with all recordation or registration requirements of the laws of the State of California.

WHEREAS, Article 16, Section 6 of the California Constitution prohibits the State from making any gift of public money or thing of value to any individual, municipal or other corporation. Therefore, the SWRCB requires the Grantee to adequately reflect and protect that interest in compliance with all recordation or registration requirements of the laws of the State of California.

NOW, THEREFORE, Grantee grants to EPA and SWRCB security interest in the property hereinafter described "Collateral". The Collateral is security for performance of Grantee's obligation under the Grant Agreement between EPA and SWRCB and Grantee dated March 27, 1981.

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GRANTEE warrants, covenants and agrees with EPA and SWRCB that:

1. **WARRANTIES** - (A) Statements contained in the Grantee's grant application are true and correct; (B) Proceeds from the grant were used for the purpose agreed upon; (C) Grantee is the owner of the Collateral free and clear of any lien, encumbrance or security interest; and (D) Grantee will defend the Collateral against any claim or demand adverse to EPA's and SWRCB's interest.

2. **INTEREST** - EPA and SWRCB shall have the right to inspect the Collateral at any time.

3. **USE OF PROPERTY IN OTHER PROJECTS** - The Grantee shall obtain approval from EPA and SWRCB for the use of the Collateral in other projects when the Grantee determines that the property is no longer needed for the original grant purpose. To the extent of EPA's interest, use in other projects shall be limited to those under other Federal Government Grant programs or programs that have purposes consistent with those authorized for support by EPA.

4. **REAL PROPERTY NO LONGER NEEDED FOR GRANT PURPOSES** - When the real property is no longer needed for the grant purposes or for other projects, Grantee shall request disposition instructions from EPA and SWRCB.

5. **DISPOSITION INSTRUCTIONS** - The EPA and SWRCB shall observe the following rules in disposition instructions for the real property hereinafter described:

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(1) In the case of the real property purchased in part with EPA and SWRCB funds, Grantee at the direction of EPA's and SWRCB's Project Officers, may:

(i) Retain title with Federal and State restrictions removed if it compensates the Federal Government and the State Government an amount computed by applying the Federal and State percentage of participation in the net cost of the project to the current fair market value of the property, or

(ii) Sell the property under guidelines provided by EPA and SWRCB and pay the Federal Government and State Government an amount computed by applying the Federal and State percentage of participation in the net cost of the project to the proceeds from sale (after deducting actual and reasonable selling and fix-up expenses, if any from the sales proceeds), or

(iii) Transfer title of the property to the Federal Government and State Government with their consent provided that in such cases the Grantee shall be entitled to compensation computed by applying the Grantee's percentage of participation in the net cost of the project to the current fair market value of the property.

EXHIBIT "A"

DESCRIPTION

LOT 3 OF SECTION 14 IN TOWNSHIP 26 SOUTH, RANGE 12 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF SAID LOT 3, SAID POINT BEING THE NORTHWEST CORNER OF A PARCEL OF LAND DESIGNATED AS PARCEL NO. 5 IN THE GRANT DEED FROM JAMES Y. BRAME JR., TO HASKEL ENGINEERING AND SUPPLY COMPANY; SAID GRANT DEED RECORDED DECEMBER 23, 1968 IN BOOK 1501, PAGE 276 OF OFFICIAL RECORDS OF SAN LUIS OBISPO COUNTY, CALIFORNIA;

THENCE ALONG THE EAST LINE OF SAID LOT 3, NORTH 00° 15' 00" EAST, 636.24 FEET;

THENCE LEAVING SAID EAST LINE SOUTH 59° 18' 20" WEST, 422.63 FEET;

THENCE SOUTH 37° 21' 38" EAST, 506.64 FEET;

THENCE SOUTH 55° 08' 32" EAST, 64.74 FEET TO THE EAST LINE OF SAID LOT 3;

THENCE ALONG SAID EAST LINE NORTH 00° 15' 00" EAST, 19.19 FEET TO THE POINT OF BEGINNING.

EXCEPT THEREFROM ONE-HALF OF THE MINERAL RIGHTS IN SAID REAL PROPERTY FOR A PERIOD OF 10 YEARS FROM DECEMBER 3, 1959, AS FOLLOWS:

RESERVING, HOWEVER, TO THE ESTATE OF SAID ROLAND A. GRUBB, DECEASED, ITS SUCCESSORS AND ASSIGNS, BUT WITHOUT THE RIGHT OF ACCESS, ONE-HALF OF ONE-EIGHTH OF THE ACTUAL PROCEEDS DERIVED FROM THE SALE OF ALL OIL, GAS, GASOLINE, ASPHALTUM OR OTHER HYDROCARBON SUBSTANCES PRODUCED AND SOLD BY THE GRANTEES, THEIR SUCCESSORS OR ASSIGNS, OR IF THE PREVAILING ROYALTY RATE ON FIELD IS DIFFERENT FROM ONE-EIGHTH, THEN ONE-HALF OF SUCH ROYALTY RATES OF SUCH PROCEEDS BUT IN NO EVENT MORE THAN ONE-HALF OF ONE-SIXTH THEREOF, FOR A TERM OF TEN YEARS AFTER RECORDATION OF DEED, OR SO LONG THEREAFTER AS PRODUCTION MAY CONTINUE, AS RESERVED BY WELLS FARGO BANK, A CORPORATION, AS TO DULY APPOINTED, QUALIFIED AND ACTING ADMINISTRATOR OF THE ESTATE OF ROLAND A. GRUBB, DECEASED, IN DEED RECORDED DECEMBER 3, 1959 IN BOOK 1035, PAGE 573 OF OFFICIAL RECORDS.

(END OF DESCRIPTION)

EXHIBIT "B"

DESCRIPTION

A portion of the SE 1/4 of the SW 1/4 of Sec. 14, T26S, R12E, M.D.B. and M. and more particularly described as follows:

Beginning at a point on the W line of said SE 1/4 of SW 1/4; said point being the NW corner of that certain parcel of land designated as Parcel No. 5 in Grant Deed from James Y. Brame Jr. to Haskel Engineering and Supply Company, a California Corporation; said Grant Deed recorded 23 December, 1968 in Vol. 1501, Page 276, Official Records of San Luis Obispo County, California; thence along the W line of said W line N00° 15'00"E 636.24 ft.; thence leaving said W line N59° 18'20"E 8.87 ft.; thence S48° 47'01"E 394.94 ft.; thence S31° 17'25"E 404.21 ft.; thence S51° 57'00"W 82.04 ft.; thence S24° 18'00"E 192.61 ft. to the NW line of that certain 3.37 acre parcel of land described in Quit Claim Deed from the United States of America to the State of California, said Quit Claim Deed recorded in Vol. 475, Page 14 Official Records of San Luis Obispo County, California; thence along said NW line S50° 14'30"W 249.87 ft. to the Northeasterly line of the above mentioned Parcel No. 5; thence along said Northeasterly line N29° 31'13"W 249.23 ft.; thence N58° 20'30"W 255.17 ft. to the Point of Beginning.

(END OF DESCRIPTION)