

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION
FROM: ED GALLAGHER, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: APPEAL OF DENIAL OF CERTIFICATE OF COMPLIANCE, APN 009-214-002
(APPLICANT – PAUL VIBORG)

DATE: FEBRUARY 28, 2012

Needs: For the Planning Commission to consider an appeal filed by Paul Viborg regarding staff's issuance of a single conditional certificate of compliance for portions of Blocks 73 and 82 and adjacent paper street segments, as shown on the 1889 original town map.

- Facts:**
1. The applicant acquired property which includes Blocks 73 and 82 and certain paper street segments, all as shown on the original El Paso De Robles Town Map recorded in October, 1889. The property comprises approximately eight acres.
 2. In June of 2011, Paul Viborg submitted an application for two certificates of compliance, one each for Blocks 73 and 82. Deed history was submitted to support the application.
 3. A review of the deed history revealed that Blocks 73 and 82, along with the adjacent paper street segments, have never been transferred separately since the town map was recorded in 1889. In addition, the "streets" have never been dedicated to the City, or accepted by it or improved by it.
 4. Based on a memo provided by the City Attorney, the Community Development Director issued one conditional certificate covering the entire property. A conditional certificate of compliance may be issued when property does not comply with the requirements of the Subdivision Map Act and local ordinances enacted pursuant thereto.
 5. Paul Viborg has appealed the Director's decision and has provided a memo from his attorney.
 6. The project is exempt from requirements of the California Environmental Quality Act (CEQA) Class 15, Minor Land Divisions.

**Analysis
and**

Conclusions: In her memo dated February 13, 2012, the City Attorney provides background on when and how Certificates of Compliance can be issued and an overview of the Viborg application. The City Attorney supports the issuance of one Conditional Certificate of Compliance for the Property as a whole, based on a California Supreme Court decision regarding antiquated subdivision maps involving very similar facts. A copy of that memo is attached.

In the process of issuing a Conditional Certificate of Compliance the City must also document the fundamental deficiencies of the property. The property does not abut or

have access to a public right-of-way. A portion of Block 73 is encumbered by the Floodway as designated on the FEMA Flood Maps. Wetlands, identified in a previous land development application, cover a substantial portion of the properties.

Reference: Subdivision Map Act, Gov. Code section 66499.35; *Gardner v. County of Sonoma* (2003) 29 Cal.4th 990.

Fiscal

Impact: None.

Options: After opening the public hearing and taking public testimony, the Planning Commission is requested to take one of the actions listed below:

- a. Adopt the attached Resolution to deny the appeal and support issuance of one conditional Certificate of Compliance for the entire property, including Blocks 73 and 82 and the adjacent paper street segments.
- b. Amend, modify, or reject the above-listed action.

Attachments:

- 1. Letter of Appeal
- 2. Resolution
- 3. Opinion from City Attorney dated February 13, 2012
- 4. Vicinity Map
- 5. Recorded Conditional Certificate of Compliance

ANTHONY LOMBARDO & ASSOCIATES

A PROFESSIONAL CORPORATION

ANTHONY L. LOMBARDO
KELLY MCCARTHY SUTHERLAND
LINDA NEFF SUNDE

450 LINCOLN AVENUE, SUITE 101
P.O. BOX 2330
SALINAS, CA 93302
(831) 751-2330
FAX (831) 751-2331

December 27, 2011

File No. 01992.003

Iris P. Yang, Esq.
Best Best & Krieger, LLP
400 Capitol Mall, Suite 1650
Sacramento, CA 95814

Re: **Viborg Request for Certificates of Compliance**

Dear Ms. Yang:

I apologize for my delay in responding to your correspondence of October 31st. I have recently relocated my practice (note my new contact information).

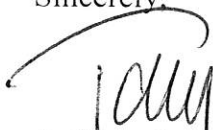
I understand why the City may not wish to issue two certificates of compliance since it has been in negotiations with the Viborgs for the acquisition of the property, however, that is not a legitimate reason to deny certificates of compliance for properties that should otherwise qualify for the issuance of the certificates.

I believe you have identified the portion of the *Gardner* case which is relevant to this matter, that is the provision where the Court identified the issue of the parcels having either been separately conveyed or described in a deed. It is clear in this case that the Viborg parcels have always been separately described in deeds. In addition, it does not appear that you have been apprised of all of the facts in this matter since the public record contains a Resolution of the City Council ordering the streets closed sometime after the turn of the century. It doesn't seem logical, nor does the law presume, that the City would abandon the use of streets in which it has no interest.

In answer to your question regarding the street rights-of-way, I have, in the past, seen jurisdictions issue certificates of compliance for the boundaries of the parcel which are created by the abandonment of the street right-of-way. In all likelihood, the Viborgs are probably entitled to three certificates of compliance, one for Block 73, one for Block 82 and one for the abandoned street rights-of-way.

I believe my clients have appealed the staff determination to the City Planning Commission and will present these facts to the decision makers at the City.

Sincerely,



Anthony L. Lombardo

ALL:ncs

cc: Mr. Paul Viborg
Mr. Ed Gallagher
Mr. John Falkenstien

RESOLUTION NO. 12-xxx

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
DENYING APPEAL FOR SEPARATE CERTIFICATES OF COMPLIANCE
(VIBORG) APN: 009-214-002

WHEREAS, in October 2010, Paul Viborg and Debbie Sturgis-Viborg (“Applicant”) acquired certain real property which included portions of Blocks 73 and 82 and adjacent street segments (the “Property”), all as depicted on a town map recorded in October 1889 and shown on Attachment A to this Resolution; and

WHEREAS, Applicant has filed an appeal of an administrative denial for separate certificates of compliance for Blocks 73 and 82; and

WHEREAS, Government Code section 66499.35 provides that if the city finds that property complies with the Subdivision Map Act (Gov. Code § 66410 *et seq.*) and local ordinances enacted pursuant thereto, the city shall issue a certificate of compliance for such property upon the request of the property owner; and

WHEREAS, the issuance of a certificate of compliance allows the owner to sell, lease or finance a parcel without further compliance with the Subdivision Map Act or local ordinance enacted pursuant thereto; and

WHEREAS, the California Supreme Court, in *Gardner v. County of Sonoma*, (2003) 29 Cal.4th 990, determined that Sonoma County’s denial of separate certificates of compliance for parcels depicted on an 1865 subdivision map was correct and appropriate because the 1865 map preceded the 1893 enactment of the Subdivision Map Act and was therefore considered an antiquated subdivision; and

WHEREAS, the California Supreme Court further determined that the denial of separate certificates of compliance was appropriate because the parcels in question had continuously been transferred together and within a single deed; and

WHEREAS, the town map showing the Property was recorded in 1889 and therefore the Property is part of an antiquated subdivision; and

WHEREAS, the street segments within the Property are “paper streets” and have never been dedicated to the City, accepted by the City or improved by the City; and

WHEREAS, the Property has continuously been conveyed together in a single deed since 1889; and

WHEREAS, Government Code section 66499.35(b) allows a city to issue a conditional certificate of compliance for property that does not comply with the Subdivision Map Act, which certificate can impose conditions under the Subdivision Map Act and local ordinances in effect at the time the owner acquired the property; and

WHEREAS, the land is currently vacant and is located in the Manufacturing M zoning district and has no public street access; and

WHEREAS, a significant portion of the land has been determined to be subject to environmentally sensitive wetlands, and

WHEREAS, a portion of the land is located in the Salinas River Floodway and is therefore restricted from development in accordance with the City's Floodplain Ordinance, and

WHEREAS, the Planning Commission held a public hearing on February 28, 2012 to consider the information presented in the staff report and to accept public testimony regarding the application;

NOW, THEREFORE BE IT RESOLVED by the Paso Robles Planning Commission, as follows:

SECTION 1. The information contained in the recitals above is true and correct and is hereby incorporated by reference.

SECTION 2. Based on the facts and analysis presented in the staff report and the public testimony received, the Planning Commission makes the following findings as required by Government Code Sections 66499.35:

- a. Neither Block 73 nor Block 82 complies with the Subdivision Map Act, or the local ordinances enacted thereto.
- b. Blocks 73 and 82 and the street segments that comprise the Property, as depicted on the 1889 town map, are part of an antiquated subdivision, as defined by the California Supreme Court in *Gardner v. County of Sonoma*.
- c. The evidence indicates that the Property, which includes Blocks 73 and 82 and adjacent street segments, have continuously been conveyed together since 1889 in a single deed.
- d. The issuance of separate certificates of compliance for Blocks 73 and 82 would be inappropriate, as neither block has public street access, and would not address the planning and safety issues created by the remainder adjacent paper street segments, which Applicant also owns.
- e. The issuance of a single conditional certificate of compliance for the Property was correct and appropriate and will help ensure that any future conveyance and/or development of the Property will comply with the requirements of the Subdivision Map Act and City ordinances.

SECTION 3. Based on all of the above, the Planning Commission hereby finds and determines that the appeal should be denied, and that the issuance of one conditional certificate of compliance for the entire Property was correct and appropriate.

PASSED AND ADOPTED THIS 28th day of February, 2012 by the following roll call vote:

AYES:

NOES:

ABSTAIN:

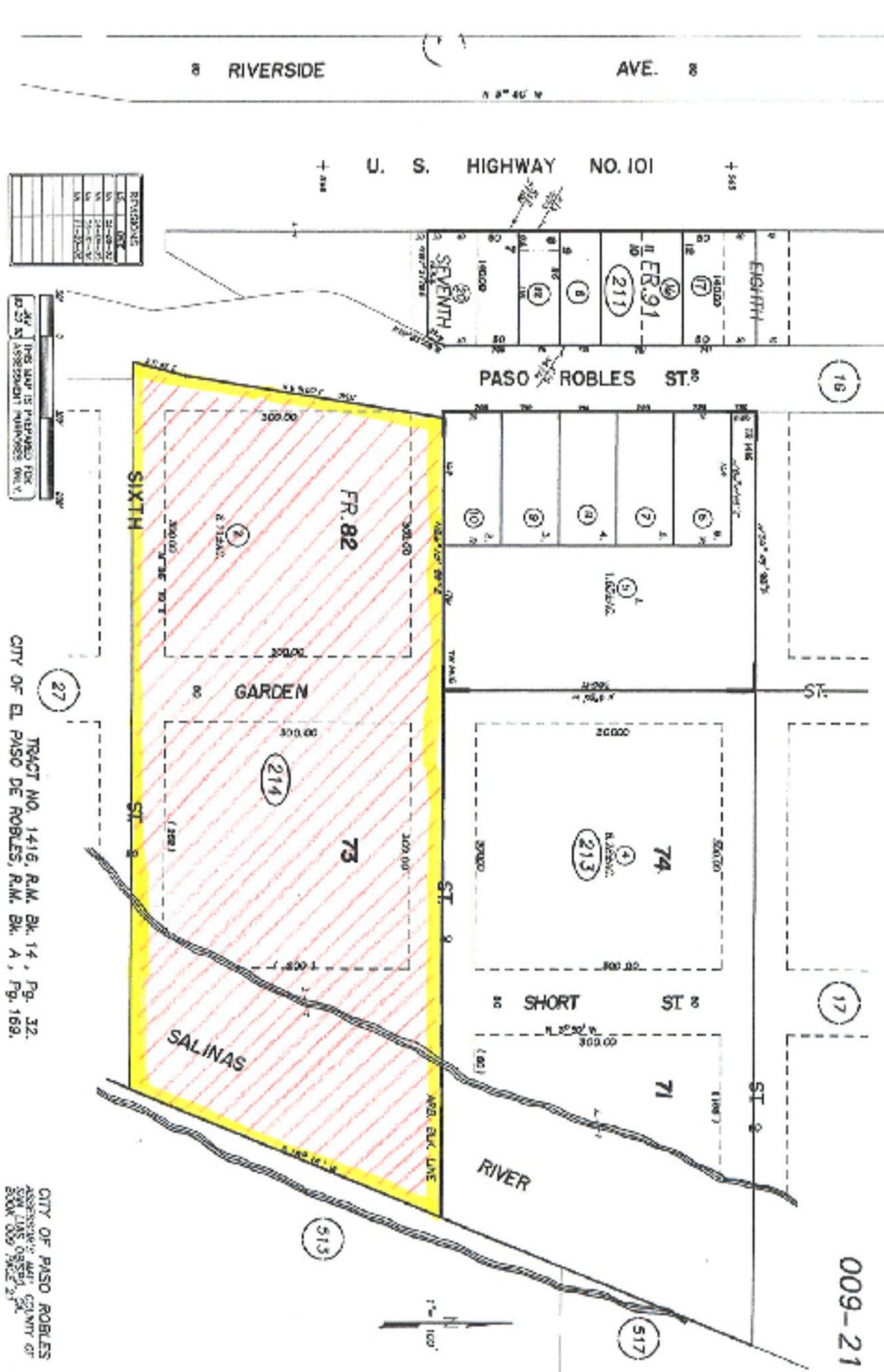
ABSENT:

CHAIRMAN, AL GARCIA

ATTEST:

ED GALLAGHER
SECRETARY OF THE PLANNING COMMISSION

ATTACHMENT A






BEST BEST & KRIEGER
ATTORNEYS AT LAW

Memorandum

To: Ed Gallagher, Community Development Director
John Falkenstien, City Engineer
File No.: 82473.03022

From: Iris P. Yang, City Attorney; Kara K. Ueda 

Date: February 13, 2012

Re: Viborg's Appeal

INTRODUCTION

Paul Viborg and Debbie Sturgis-Viborg sought to have the City issue two certificates of compliance for property they purchased in October of 2010. As explained in greater detail below, we reviewed the application and the relevant maps and determined that it was not legally appropriate to issue two certificates of compliance. City staff then issued one conditional certificate of compliance, which was recorded in July of last year. Paul Viborg now has appealed the administrative issuance of the certificate of compliance.

The central question for the Planning Commission is whether the Blocks 82 and 73, as shown on Attachment A, should be considered separate legal parcels (in which case two certificates of compliance would be appropriate) or not, in which case issuance of one conditional certificate of compliance was proper and appropriate. Based on the facts and a California Supreme Court case, we believe the issuance of a single certificate of compliance is correct, as explained further below.

BACKGROUND FACTS

The Viborgs purchased the property on October 18, 2010. Their property includes Blocks 82 and 73 as well as portions of certain streets, all as shown on an 1889 map of the City (Attachment A). As shown on the 1889 map, Block 82 is bordered by Sixth Street, Paso Robles Street, Seventh Street, and Garden Street. Block 73 is bordered by Sixth Street, Garden Street, Seventh Street, and Short Street/the Salinas River. All of these portions of streets are so-called "paper streets." According to the title report, the Viborgs own Blocks 82 and 73, and the adjacent street segments.

These two blocks have been designated in the same manner as the current designation since at least October 1889 and are reflected as separate blocks on an old City map (which, we understand formed the basis for the recorded map). We reviewed the chain of title for the two blocks, which shows that they have continuously been transferred together since 1889. In other words, at no time has Block 82 ever been sold or otherwise conveyed separate and apart from Block 73 or from the adjacent paper streets that make up their property.



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The Viborgs requested that the City issue two separate certificates of compliance, one for each block so that each would be determined to be a separate legal parcel. The Viborgs believe they are entitled to individual certificates of compliance based on the original town map, because the two lots are not contiguous and are separated by abandoned street rights-of-ways,¹ and because (as described further below) at least one deed describes them as separate blocks.

The Viborgs also own properties contiguous to and south of Blocks 82 and 73. We understand that these properties were transferred between 1929 and 1955 and that at least some of these properties were conveyed in configurations different from those shown on the 1889 map due to CalTrans work on Highway 101. In 2006, the City issued nine certificates of compliance to the Viborgs for these other properties.

LEGAL BACKGROUND

A. Certificate of Compliance

As a general matter, the Subdivision Map Act prohibits the sale, lease, or financing of any parcel of a subdivision until an approved map has been recorded in full compliance with the law. Gov. Code § 66499.30.² Government Code section 66499.35 provides that any property owner may request the City to determine whether the property complies with the Subdivision Map Act and local ordinances enacted pursuant to the Map Act. If the City finds the property to be in compliance, then it must issue a certificate of compliance, which will be recorded with the County Recorder. When parcels are validated by certificates of compliance, “they may be sold, leased or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto.” Gov. Code § 66499.35(f)(1)(E).

A conditional certificate of compliance may be issued by the City where (as here) the City determines that the property does not comply with the Subdivision Map Act or a local ordinance enacted pursuant to the Map Act. Gov Code § 66499.35(b). As a condition to granting a conditional certificate of compliance, the City may impose any conditions that would have been applicable to the division of property at the time the owner acquired the property and that had been established by the Map Act or local subdivision ordinance.

The City issued a conditional certificate of compliance (Attachment B), which was recorded on July 11, 2011. The conditional certificate of compliance was for one parcel, which includes all of the property acquired by the Viborgs in October 2010 from the Reeds. The conditional certificate of compliance states that the parcel may not be sold, leased, or financed

¹ While there is a City resolution that purports to abandon certain rights-of-way, there is no evidence that the affected street segments were ever dedicated to the City, accepted by the City or improved by the City.

² The importance of this policy is highlighted by the fact that a grantee or purchaser of property that results in a violation of the Map Act has the option of seeking to void the purchase within one year after the date of the discovery of the violation and seek damages. However, the purchaser cannot bring such an action if a certificate of compliance has been issued. Gov. Code § 66499.32



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without further compliance with the Subdivision Map Act or any local ordinance and that development may require issuance of a permit(s) or other grant of approval. Thus, if and when the Viborgs (or any successor) want to develop their property, they would be required to file an appropriate map under the Subdivision Map Act and satisfy all other City requirements in effect on the date the Certificate of Compliance was recorded.

B. Subdivision Map Act and Antiquated Subdivisions

This issue concerns the application of the Subdivision Map Act, which was originally enacted in 1893. Properties such as the Viborgs', which were originally shown as separate parcels prior to the Map Act's adoption, are often referred to as "antiquated subdivisions."

The California Supreme Court addressed an issue very similar to this in a case entitled *Gardner v. County of Sonoma* (2003) 29 Cal.4th 990. In that case, property owners requested 12 separate certificates of compliance based on a subdivision map recorded in 1865. The court concluded that the 1865 map recordation did not establish or create legally cognizable parcels for purposes of the Subdivision Map Act.

The court reached its conclusion primarily based on two factors. The first was that the map preceded the Subdivision Map Act in time. There was also no preexisting Sonoma County statute or regulation governing subdivisions in 1865. Thus, neither local nor state law specified how these types of subdivisions should be treated, and the map was not recorded pursuant to a local statute or regulation.

Second, the property at issue had been continuously transferred as one parcel, meaning that the subdivision could not be established by conveyance. *Id.* at 1002-1003. None of the twelve lots the owner claimed were separate had ever been separately transferred or described in a grant deed. *Id.* at 996 (the property had been "repeatedly and consistently conveyed as a single unit of land"). The court explained that, consistent with applicable case law, "where an antiquated map was not recorded pursuant to any subdivision statute, ordinance, or regulation, a subdivided lot shown on that map generally enjoyed no independent legal status until the owner actually conveyed the lot separately from the surrounding lands through a deed or patent." *Id.* at 1001; underlining added. This second factor is critical to understanding the court's reasoning. While the court was willing to protect subdividers who relied, to their detriment, on earlier maps, this purpose would "hardly [be] served by allowing later purchasers of property which has never been sold in subdivided land form to take advantage of" this. *Hays v. Vanek* (1989) 217 Cal.App.3d 271, 289. Thus, this so called "grandfather clause" did not apply to the map at issue in *Gardner*.

The Supreme Court also cited public policy reasons. The court stated that if it were to adopt the property owners' position, it would effectively be allowing the sale, lease, and financing of parcels without consideration of regulations that require consistency with applicable general and specific plans, with no consideration to dedications and impact mitigation fees and



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without affording notice and an opportunity to be heard to interested parties who might be deprived of their property rights. *Id.* at 1005.

ANALYSIS

As stated above, it was and remains our opinion that the City should not issue two certificates of compliance to the Viborgs because the two purported lots are not legal parcels under the Subdivision Map Act. We instead recommended that the City issue one conditional certificate of compliance for the property. We based our conclusion on the two factors from the *Gardner* case discussed above, as follows:

1. Map Preceded the Subdivision Map Act. The map the Viborgs rely on pre-dates the 1893 enactment of the Subdivision Map Act. It appears that the recorded 1889 map is the same as the town map.

We also do not believe that the 1889 map was recorded pursuant to a local subdivision regulation or statute. We are unaware of any local regulation or statute that was in effect in Paso Robles at that time.

2. Conveyance. We reviewed the chain of title for the property. The two lots have continuously been transferred together over time, along with the adjacent paper street sections. We have not seen any document showing that the two lots have ever been conveyed separately. The City provided our previous analysis of this issue to the Viborgs and their representatives, and they have not provided any documentation that the lots were ever conveyed as separate parcels. In fact, Anthony Lombardo, the Viborgs' attorney, acknowledged in an October 27, 2011 letter that, "There is no record that Block 82 and Block 72 were transferred in separate deeds." Additionally, the title report states that the Viborgs also own the property shown on the map as streets between the two lots. (In fact, Mr. Lombardo even suggested that the Viborgs might be entitled to a third certificate of compliance for the "abandoned street rights of way." A certificate for the allegedly abandoned street rights of way would create an even more untenable situation from a planning standpoint, as it would create a separate parcel surrounding Blocks 72 and 83!)

The Viborgs base their claim for separate certificates of compliance based on a description in an old deed. They provided one page from what appears to be an undated Deeds Book which does separately describe Block 73 and 82 in a manner that would lead one to believe that they are separate parcels, separated by streets. However, it appears that this page describes each block individually, as they were shown on the 1889 map, as part of one large, overall conveyance. As mentioned above, the Supreme Court has held that a lot shown on an antiquated map is not entitled to "independent legal status until the owner actually conveyed the lot separately from the surrounding lands through a deed or patent." That has not occurred here.

BBK
BEST BEST & KRIEGER
ATTORNEYS AT LAW

CONCLUSION

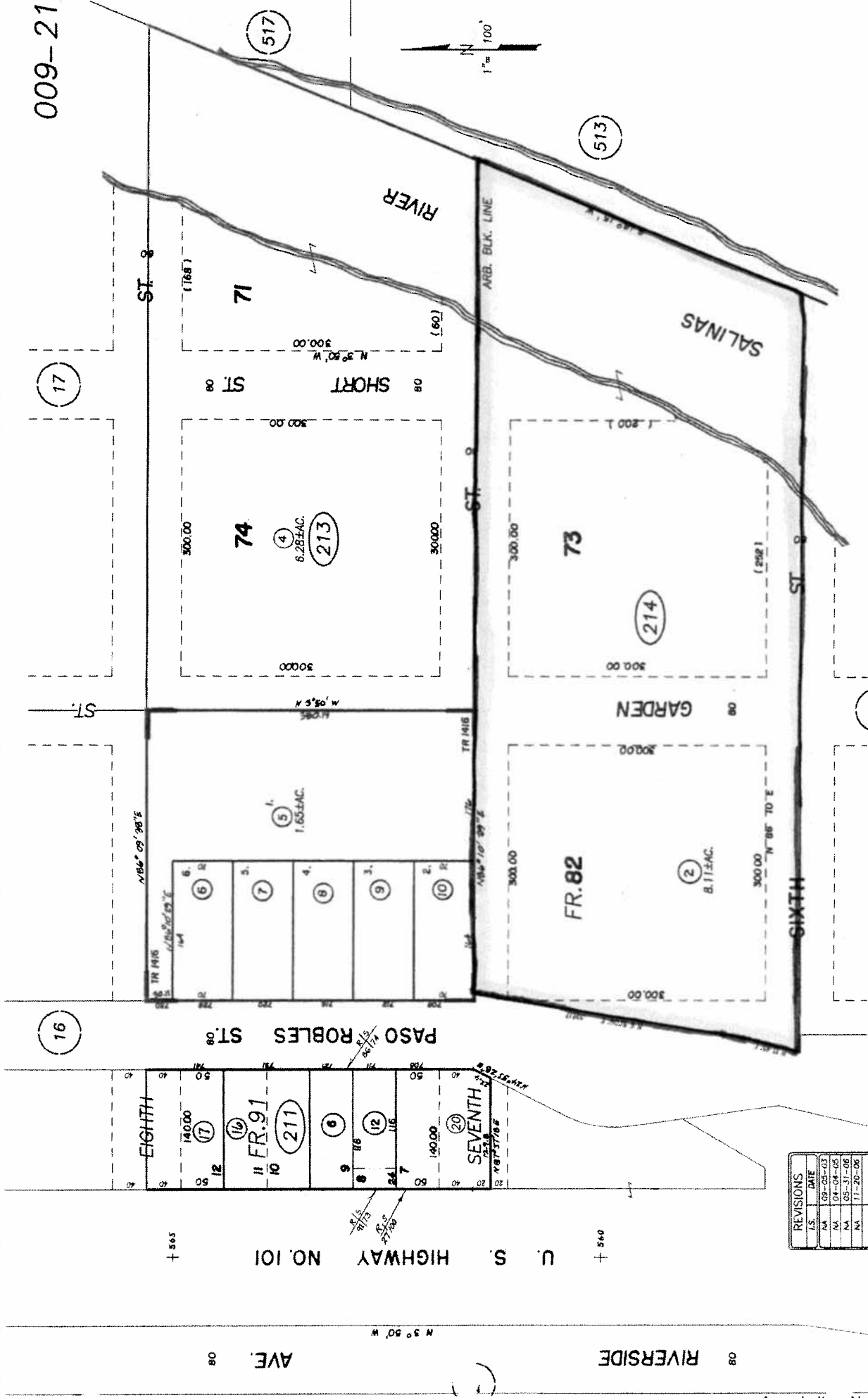
Because the Viborgs' property has been continuously conveyed together, and no evidence has been provided to establish otherwise, we strongly recommend that the Planning Commission deny the appeal and uphold the administrative decision to issue a single conditional certificate of compliance.

Attachment A – Map of the Property

Attachment B – Recorded Certificate of Compliance

cc: Jim App
Ed Gallagher
John Falkenstein

EXHIBIT A



009-21

17

16

27

CITY OF PASO ROBLES
ASSESSOR'S MAP, COUNTY OF
SAN LUIS OBISPO, CA.
BOOK 009, PAGE 21

TRACT NO. 1416, R.M. Bk. 14, Pg. 32.
CITY OF EL PASO DE ROBLES, R.M. Bk. A, Pg. 169.

REVISIONS	DATE
NA	09-25-03
NA	04-04-05
NA	05-31-06
NA	11-20-06

50' 0 100' 200'

JAN
03-29-06
THIS MAP IS PREPARED FOR
ASSESSMENT PURPOSES ONLY.

EXHIBIT B

JULIE RODEWALD
San Luis Obispo County – Clerk/Recorder

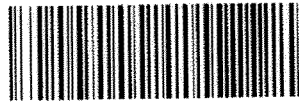
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7/11/2011
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Recorded at the request of
Public

RECORDING REQUESTED BY AND
WHEN RECORDED, RETURN TO:

CITY OF PASO ROBLES
ENGINEERING DIVISION
1000 SPRING STREET
PASO ROBLES, CA 93446

DOC#: **2011032677**



Titles:	1	Pages:	3
Fees			20.00
Taxes			0.00
Others			0.00
PAID			<u>\$20.00</u>

APN: 009-214-002

CONDITIONAL CERTIFICATE OF COMPLIANCE

Pursuant to Government Code section 66499.35, the City of El Paso de Robles (“City”) hereby issues this Conditional Certificate of Compliance as follows:

Name of Owners: Paul S. Viborg and Debbie K. Sturgis-Viborg, husband and wife as community property, with right of survivorship

Assessor Parcel No.: 009-214-002

This Conditional Certificate of Compliance is issued and recorded for one (1) parcel. A legal description of the parcel, which is located in the City of El Paso de Robles, San Luis Obispo County, State of California, is more particularly described in Exhibit “A,” attached hereto and incorporated herein by reference.

Notice

This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval.

Owner acquired the parcel on October 18, 2010 (“Acquisition Date”). Therefore, as a specific condition of this Conditional Certificate, prior to the issuance of a permit or any other grant of approval for the development of the parcel, Owner or any successor in interest, shall be required to comply with all requirements set forth in the Subdivision Map Act and the provisions of the Paso Robles Municipal Code enacted pursuant to the Subdivision Map Act, in effect as of the Acquisition Date.

[SIGNATURES ON FOLLOWING PAGE]

CONDITIONAL CERTIFICATE OF COMPLIANCE



CITY OF EL PASO DE ROBLES

[Signature]
JOHN R. FALKENSTIEN, RCE 33760
City Engineer

6-30-11
DATE

[Signature]
RONALD WHISENAND
Director of Community Development

6/30/2011
DATE

ACKNOWLEDGMENT

State of California }
County of San Luis Obispo } ss.

On June 30, 2011, before me, Lisa Simpson
(here insert name and title of the officer)

personally appeared Ronald Whisenand
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) (s) 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]*

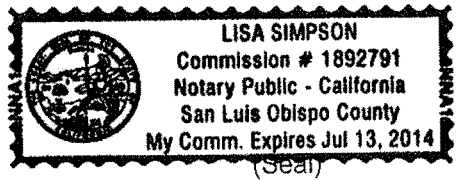


Exhibit A

Legal Description of Parcel

Real property in the City of Paso Robles, County of San Luis Obispo, State of California, described as follows:

ALL OF BLOCK 73, 82, 90 AND THAT PORTION OF PASO ROBLES STREET (FORMERLY SALINAS STREET) LYING BETWEEN SAID BLOCKS 90 AND 82, THAT PORTION OF GARDEN STREET LYING BETWEEN SAID BLOCKS 82 AND 73, THAT PORTION OF SHORT STREET LYING ADJACENT TO THE EAST LINE OF SAID BLOCK 73, THE NORTH HALF OF THAT PORTION OF SIXTH STREET ADJOINING SAID BLOCKS 73, 82 AND 90 ON THE SOUTH, AND THE SOUTH HALF OF THAT PORTION OF SEVENTH STREET ADJOINING SAID BLOCK 73, 82 AND 90 ON THE NORTH, AS SAID BLOCKS AND STREETS ARE SHOWN ON MAP OF THE CITY OF EL PASO DE ROBLES, IN THE CITY OF PASO ROBLES, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, ACCORDING TO MAP RECORDED OCTOBER 25, 1889, IN BOOK A PAGE 169 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING FROM BLOCK 90, THOSE PORTIONS OF BLOCK 82, SIXTH STREET, SEVENTH STREET AND SALINAS STREET, THE FOLLOWING DESCRIBED PARCEL:

BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF THE ABOVE SAID SEVENTH STREET WITH THE EASTERLY BOUNDARY LINE OF RIVERSIDE AVENUE AS SAID INTERSECTION IS DELINEATED ON THE ABOVE SAID MAP; THENCE

- 1) ALONG SAID EASTERLY BOUNDARY LINE OF RIVERSIDE AVENUE, SOUTH 02°22'42" EAST (BEARING BASED ON THE GRID MERIDIAN OF THE CALIFORNIA COORDINATE SYSTEM, ZONE S) A DISTANCE OF 380.00 FEET TO A POINT ON THE CENTER LINE OF THE ABOVE SAID SIXTH STREET; THENCE
- 2) ALONG SAID CENTER LINE, NORTH 87°37'18" EAST, 320.01 FEET; THENCE
- 3) NORTH 11°45'32" EAST, 66.99 FEET; THENCE
- 4) NORTH 06°51'06" EAST, 319 FEET.17 FEET TO A POINT ON THE ABOVE SAID CENTER LINE OF SEVENTH STREET; THENCE
- 5) ALONG SAID CENTER LINE, SOUTH 87°37'18" WEST, 387.56 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM ALL OIL, GAS AND OTHER HYDROCARBON SUBSTANCES, AND ALL OTHER MINERALS, WHETHER SIMILAR TO THOSE ENUMERATED OR NOT, IN, UPON OR UNDER OR THAT MAY BE PRODUCED FROM SAID LAND, AS CONVEYED TO CLARKE MINERAL CO. BY DEED RECORDED JUNE 3, 1961, IN BOOK 1101 PAGE 83 OF OFFICIAL RECORDS.

82473.03022\6054268.1
Cond. Cert. of Compliance
(Viborg)

Exhibit A to
Conditional Certificate of Compliance

U. S. HIGHWAY NO. 101

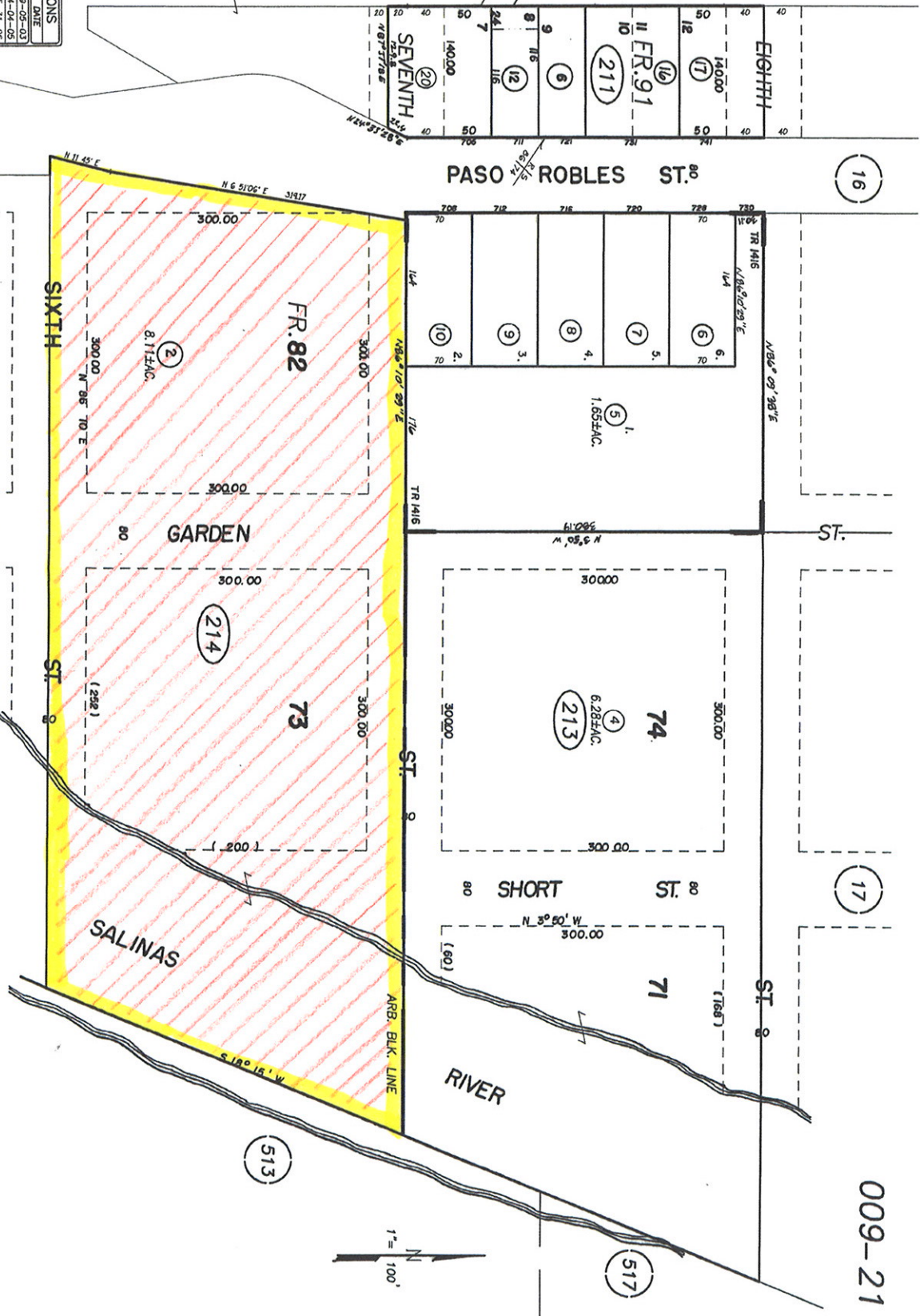
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NA	04-04-05
NA	05-31-06
NA	11-20-08

JAV
03-23-12
THIS MAP IS PREPARED FOR
ASSESSMENT PURPOSES ONLY.



TRACT NO. 1416, R.M. BK. 14, Pg. 32.
CITY OF EL PASO DE ROBLES, R.M. BK. A, Pg. 169.

CITY OF PASO ROBLES
ASSESSOR'S MAP COUNTY OF
SAN LUIS OBISPO CA
BOOK 009 PAGE 21



009-21

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Notice

This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval.

Owner acquired the parcel on October 18, 2010 (“Acquisition Date”). Therefore, as a specific condition of this Conditional Certificate, prior to the issuance of a permit or any other grant of approval for the development of the parcel, Owner or any successor in interest, shall be required to comply with all requirements set forth in the Subdivision Map Act and the provisions of the Paso Robles Municipal Code enacted pursuant to the Subdivision Map Act, in effect as of the Acquisition Date.

[SIGNATURES ON FOLLOWING PAGE]

CONDITIONAL CERTIFICATE OF COMPLIANCE



CITY OF EL PASO DE ROBLES

[Signature]
JOHN R. FALKENSTIEN, RCE 33760
City Engineer

6-30-11
DATE

[Signature]
RONALD WHISENAND
Director of Community Development

6/30/2011
DATE

ACKNOWLEDGMENT

State of California
County of San Luis Obispo } ss.

On June 30, 2011, before me, Lisa Simpson
(here insert name and title of the officer)

personally appeared Ronald Whisenand
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]*

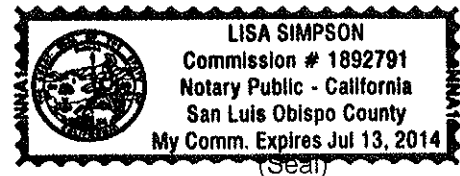


Exhibit A

Legal Description of Parcel

Real property in the City of Paso Robles, County of San Luis Obispo, State of California, described as follows:

ALL OF BLOCK 73, 82, 90 AND THAT PORTION OF PASO ROBLES STREET (FORMERLY SALINAS STREET) LYING BETWEEN SAID BLOCKS 90 AND 82, THAT PORTION OF GARDEN STREET LYING BETWEEN SAID BLOCKS 82 AND 73, THAT PORTION OF SHORT STREET LYING ADJACENT TO THE EAST LINE OF SAID BLOCK 73, THE NORTH HALF OF THAT PORTION OF SIXTH STREET ADJOINING SAID BLOCKS 73, 82 AND 90 ON THE SOUTH, AND THE SOUTH HALF OF THAT PORTION OF SEVENTH STREET ADJOINING SAID BLOCK 73, 82 AND 90 ON THE NORTH, AS SAID BLOCKS AND STREETS ARE SHOWN ON MAP OF THE CITY OF EL PASO DE ROBLES, IN THE CITY OF PASO ROBLES, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, ACCORDING TO MAP RECORDED OCTOBER 25, 1889, IN BOOK A PAGE 169 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING FROM BLOCK 90, THOSE PORTIONS OF BLOCK 82, SIXTH STREET, SEVENTH STREET AND SALINAS STREET, THE FOLLOWING DESCRIBED PARCEL:

BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF THE ABOVE SAID SEVENTH STREET WITH THE EASTERLY BOUNDARY LINE OF RIVERSIDE AVENUE AS SAID INTERSECTION IS DELINEATED ON THE ABOVE SAID MAP; THENCE

- 1) ALONG SAID EASTERLY BOUNDARY LINE OF RIVERSIDE AVENUE, SOUTH 02°22'42" EAST (BEARING BASED ON THE GRID MERIDIAN OF THE CALIFORNIA COORDINATE SYSTEM, ZONE S) A DISTANCE OF 380.00 FEET TO A POINT ON THE CENTER LINE OF THE ABOVE SAID SIXTH STREET; THENCE
- 2) ALONG SAID CENTER LINE, NORTH 87°37'18" EAST, 320.01 FEET; THENCE
- 3) NORTH 11°45'32" EAST, 66.99 FEET; THENCE
- 4) NORTH 06°51'06" EAST, 319 FEET.17 FEET TO A POINT ON THE ABOVE SAID CENTER LINE OF SEVENTH STREET; THENCE
- 5) ALONG SAID CENTER LINE, SOUTH 87°37'18" WEST, 387.56 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM ALL OIL, GAS AND OTHER HYDROCARBON SUBSTANCES, AND ALL OTHER MINERALS, WHETHER SIMILAR TO THOSE ENUMERATED OR NOT, IN, UPON OR UNDER OR THAT MAY BE PRODUCED FROM SAID LAND, AS CONVEYED TO CLARKE MINERAL CO. BY DEED RECORDED JUNE 3, 1961, IN BOOK 1101 PAGE 83 OF OFFICIAL RECORDS.

82473.03022\6054268.1
Cond. Cert. of Compliance
(Viborg)

Exhibit A to
Conditional Certificate of Compliance