TO: **James L. App, City Manger**

FROM: **Robert A. Lata, Community Development Director**

SUBJECT: **Acceptance of Easement Grant Deed of Landscape and Tree Easement (Lot 65, Tract 2254-3, Bermant Development)**

DATE: **February 3, 2004**

Needs: That the City Council authorize the acceptance of an Easement Grant Deed of a landscape and tree easement provided by Bermant Development Company related to the development of Tract 2254-3 located on Silver Oak Drive, east of Creston Road.

Facts:

1. The City has received an Easement Grant Deed for a variable width landscape and tree easement adjacent to the east side of City owned Lot A, on a portion of Lot 65, Tract 2254-3.

Analysis And Conclusion: As part of the development of Tract 2254-1, the City accepted the Offer of Dedication of Lot A on the Final Tract Map which accommodated the development of a storm water detention basin. Adjacent to Lot A, Bermant Development has provided an Easement Grant Deed for the maintenance of landscaping, by the Landscape and Lighting District, of a variable width strip of land on Lot 65 of Tract 2254-3. The dedication of the easement does not affect the owner's ability to reasonably develop and use the subject property. (see Exhibit "B")

Policy Reference: Paso Robles Municipal Code, Section 22, Subdivision Map Act

Fiscal Impact: none

Options: Upon receipt of Easement Grant Deed and proper guarantee of title:

a. Adopt Resolution No. 04-xxx accepting the variable width Easement Grant Deed for a landscape and tree easement on Lot 65 of Tract 2254-3.

b. Amend, modify or reject the above option.

Attachments: (2)
1. Easement Grant Deed - Exhibits "A" and "B"
2. Resolution

RESOLUTION NO. 04 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES ACCEPTING AN EASEMENT GRANT DEED FOR A LANDSCAPE EASEMENT (BERMANT DEVELOPMENT, TRACT 2254-3)

WHEREAS, the City has received an Easement Grant Deed from Bermant Development Company for a variable width landscape and tree easement on property known as Lot 65 of Tract 2254-3.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. That the City Council accept the variable width Easement Grant Deed for a landscape and tree easement provided by Bermant Development Company on property known as Lot 65 of Tract 2254-3 in the City of Paso Robles and authorize its execution and recordation.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 3rd day of February 2004 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
Frank R. Mecham, Mayor

ATTEST:

_____
Sharilyn M. Ryan, Deputy City Clerk

DRAFT

Recording Requested By And
When Recorded, Return To:
City of Paso Robles
City Clerk
1000 Spring Street
Paso Robles, CA 93446

DOCUMENT TRANSFER $___-0-___

( ) **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.**

*

Signature of Declarant or Agent determining tax - Firm Name -

APN 009-861-016

EASEMENT GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

BDC-Paso Robles, LLC, a California Limited Liability Company **hereby GRANT(S) to** the City of El Paso de Robles, A Municipal Corporation

AN EASEMENT FOR LANDSCAPE AND TREE PURPOSES, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" AND EXHIBIT "B" CONTAINED HEREIN AND MADE A PART HEREOF.

Arthur F Burke
Name, Title (Printed) CFO, Bernat Development Company, Manager, BDC - Paso Robles, LLC

Signature

ACKNOWLEDGMENT

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

On November 18, 2003, 2003, before me, Randee Martin, a notary public for the State of California, personally appeared Arthur F. Burke, 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/~~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.

Witness my hand and official seal.

Randee Martin
Notary Public

RANDEE MARTIN
Commission # 1373529
Notary Public - California
Santa Barbara County
My Comm. Expires Sep 8, 2006

EXHIBIT "A"

LEGAL DESCRIPTION

BEING A PORTION OF LOT 65 OF TRACT 2254-3 IN THE CITY OF PASO ROBLES, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, ACCORDING TO THE MAP RECORDED SEPTEMBER 22, 2003, IN BOOK 22 OF MAPS, AT PAGES 82 THROUGH 86 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 65; THENCE, ALONG THE NORTHERLY LINE OF SAID LOT 65, SOUTH 89°18'00 EAST 30.69 FEET; THENCE SOUTH 00°41'50" WEST 6.00 FEET; THENCE SOUTH 41°15'25" EAST 122.43 FEET; THENCE SOUTH 48°44'35" WEST 6.37 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID LOT 65; THENCE, ALONG SAID SOUTHWESTERLY LINE, NORTH 46°07'35" WEST 147.83 FEET TO THE EASTERLY LINE OF CRESTON ROAD; THENCE, ALONG SAID LINE, NORTH 00°04'08" WEST 0.16 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 1,916± SQUARE FEET.

SEE EXHIBIT 'B' CONTAINED HEREIN AND MADE A PART HEREOF.

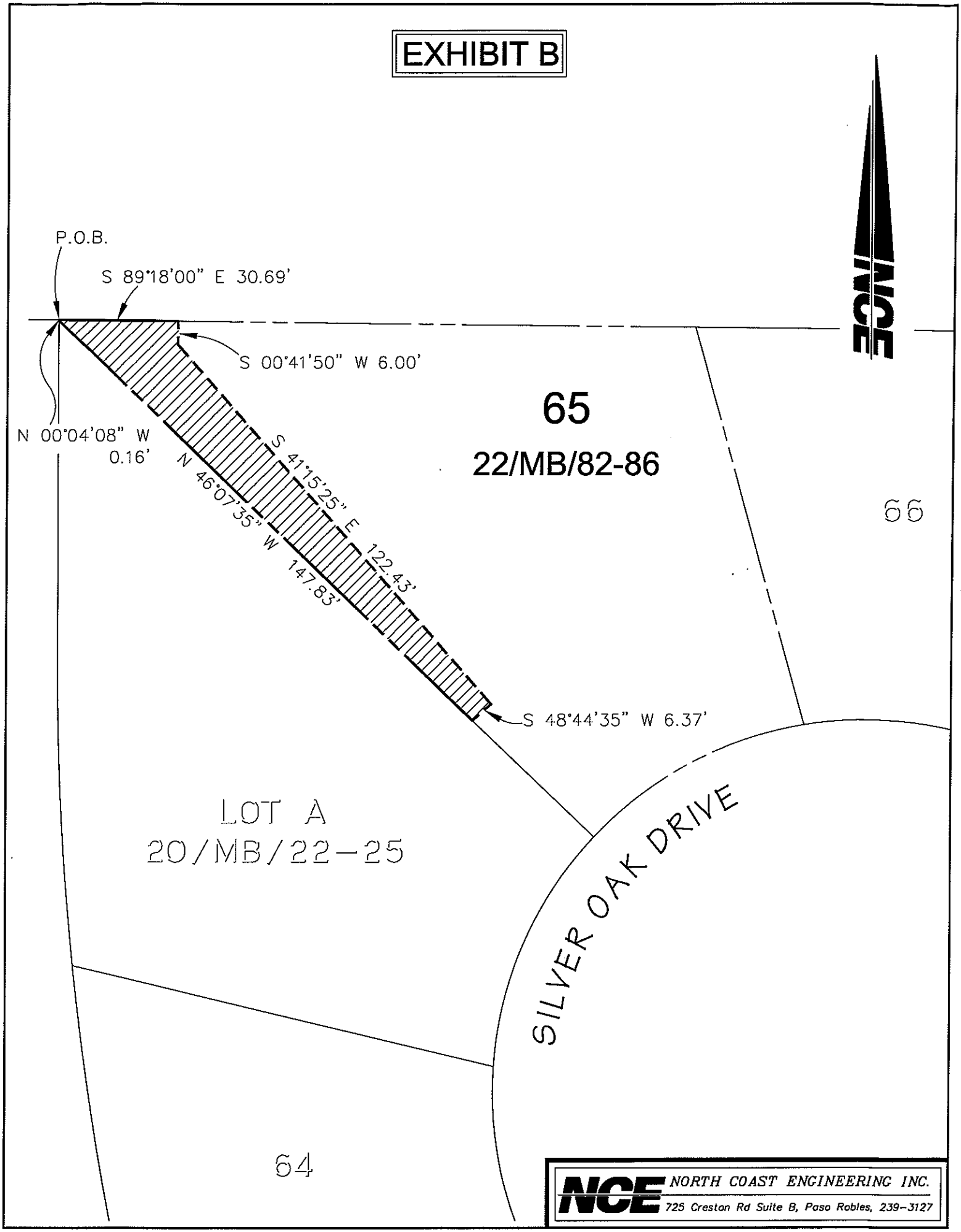
John R. Sanders 11-7-03

JOHN R. SANDERS — DATE

L.S. 5812 — EXP. 6/30/2004

LICENSED LAND SURVEYOR
JOHN R. SANDERS
EXP. 6-30-04
No. 5812
STATE OF CALIFORNIA

EXHIBIT B


P.O.B.
S 89°18'00" E 30.69'
S 00°41'50" W 6.00'
N 00°04'08" W
0.16'
S 41°15'25" E
122.43'
N 46°07'35" W
147.83'
S 48°44'35" W 6.37'
65
22/MB/82-86
66
LOT A
20/MB/22-25
SILVER OAK DRIVE
64
NCE
NORTH COAST ENGINEERING INC.
725 Creston Rd Suite B, Paso Robles, 239-3127