

**TO:** James L. App, City Manager  
**FROM:** Meg Williamson, Assistant to the City Manager  
**SUBJECT:** Abandonment of Interest in Expired Billboard Lease  
**DATE:** October 5, 2004

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**NEEDS:** For the City Council to consider formally abandoning interest in a lease that has expired for the use of a billboard currently used by the Chamber of Commerce.

**FACTS:**

1. In December of 1958, the City entered into a 10 year lease with a private property owner to establish a billboard on the north side of Highway 46 East, just west of Old Paso Robles Boulevard.
2. The term of the lease expired in 1968, but until terminated in writing, the framework of the lease still remains and “clouds the title” of the underlying private property.
3. Subsequent to the expiration of the City’s lease term, the Chamber of Commerce entered into an independent lease (currently with Mr. Richard Woodland) for the continued use of the billboard.
4. In the attached letter, dated September 2, 2004, Mr. Woodland’s agent is requesting that the City formally abandon their interest in the expired lease to clear title on the property to be conveyed to a new owner.
5. The Chamber of Commerce has confirmed that their independent lease for continued use of the billboard on this site is not jeopardized or affected if the City were to abandon their lease.

**ANALYSIS**

**AND**

**CONCLUSION:** The City did not keep the lease active after 1968 for the billboard on this property. The Chamber of Commerce has since taken over responsibility for the billboard and has an independent lease that is not affected by the City’s interest in the antiquated 1958 lease. There appears no reason for the City to retain interest in the lease. Abandonment of City interest would seem appropriate.

**POLICY**

**REFERENCE:** None.

**FISCAL**

**IMPACT:** None.

- OPTIONS:**
- A. Adopt Resolution No. 04-xx terminating the City’s interest in the 1958 lease of property for the purpose of a billboard sign.
  - B. Amend, modify or reject the above option.

Attachments: (2)

- 1) Resolution
- 2) Letter dated September 7, 2004 from John Goldsmith

RESOLUTION NO. 04-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
TERMINATING THE CITY'S INTEREST IN A 1958 LEASE OF PROPERTY  
FOR THE PURPOSE OF A BILLBOARD SIGN

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WHEREAS, in December 1958, the City entered into a 10 year lease with a private property owner to establish a billboard on the north side of Highway 46 East, just west of Old Paso Robles Boulevard; and

WHEREAS, the terms of the lease expired in 1968, but until terminated in writing, the framework of the lease still remains in effect and "clouds the title" of the underlying property; and

WHEREAS, the billboard still remains on the subject private property, but is under an independent lease between the Paso Robles Chamber of Commerce and the current property owner; and

WHEREAS, the City has no remaining public interest in the lease and/or maintenance of the billboard; and

WHEREAS, the Chamber of Commerce has confirmed that their independent lease for continued use of the billboard on this site is not jeopardized or affected if the City were to abandon interest in the antiquated lease.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The City Council of the City of El Paso de Robles does hereby terminate the City's interest in the 1958 lease of property for the purpose of a billboard sign.

SECTION 2. The City Council of the City of El Paso de Robles does hereby direct the City Manager to notify the current property owner, Richard Woodland, of said intent to terminate such interest.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 5<sup>th</sup> day of October 2004 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Frank R. Mecham, Mayor

ATTEST:

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Sharilyn M. Ryan, Deputy City Clerk

VINEYARD PROFESSIONAL REAL  
ESTATE, INC.

September 2, 2004

Meg Williamson  
Paso Robles Public Works  
1000 Spring Street  
Paso Robles, CA 93446

Dear Meg:

I am writing this letter as agent of Richard J. Woodland owner of the 45 acre parcel located off Highway 46 East, across from Union road (APN 025-431-022). As I indicated to you in today's phone conversation the property is currently in a sales escrow. Upon our receipt of the preliminary title report an obsolete lease is currently clouding the title to the property. I have enclosed a copy of the recorded document for your reference.

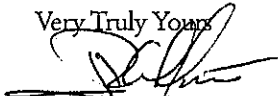
As you can see the lease is for a 10 year term beginning on December 1, 1958 for the purpose of advertising signs. Obviously the term of the lease has expired, however, as written, the lease will stay in force until the Lessee or the Lessor terminates it.

The purpose of this letter is twofold. 1) To request the City to provide me a letter terminating the Lease, as it has not exercised any of the Lease provisions, nor has it paid any consideration after the initial term of the Lease, and, 2) To provide the City of Paso Robles written notice of Mr. Woodland's intent to terminate this Lease.

As we discussed, the only signage currently on the property is owned by the Paso Robles Chamber of Commerce. That rental agreement is a separate issue between Mr. Woodland and the Chamber and will not be affected by the Lease termination.

I appreciate your assistance in helping us clear the title to this property. Please get back to me in the next 10 days.

Very Truly Yours



John R. Goldsmith  
President/Broker

LEASE

In consideration of Forty Dollars (\$40.00) per year payable annually in advance to Shirley W. & Marjorie

M. Owen  
the undersigned Lessor(s) hereby lease to The City of El Paso de Robles, Lessee, (for the purpose of erecting and maintaining painted, printed or illuminated advertising signs, including necessary structures, devices and connections), the exclusive use of the premises, with free access to and upon same, described as: the southerly eighty feet of that portion of the south half of the S. E. quarter of Sec. 23, T. 26 S., R. 12 E., M.D.B. & M. lying north of County Road No. 43 and State Highway Route No. 33.

County of San Luis Obispo, State of California, for a period of ten years from December 1, 1958 for the purpose of painting or erecting and maintaining thereon advertising signs.

Lessor agrees not to allow the erection of any sign or structure so as to obstruct the view of these sign boards. IF the view of the premises is obstructed, or impaired, or its use for advertising purposes prevented by law, the Lessee shall have the right to cancel this agreement and receive all rent paid for the unexpired term of this lease, by giving the Lessor notice in writing of such obstruction, impairing or prevention of use.

It is specifically understood and agreed that the Lessee shall remain the owner of all advertising structures and their appurtenances that he may place or cause to be placed on said premises and it is further understood and agreed that said Lessee reserves the right to remove same at any time.

After the term hereof, this lease shall continue in force from year to year unless terminated at the end of such term, or any additional year thereof, upon written notice of termination by the Lessor or Lessee, served not less than thirty (30) days before the end of such term or additional year.

The Lessor represents that he is the Owner of the premises above described.

It is expressly understood that the Lessee is not bound by any stipulation, representation or promises not written or printed on this contract.

Dated: December 17, 1958



Attest:

[Signature]  
Deputy City Clerk

[Signature]  
Marjorie M. Owen  
Lessors  
Address

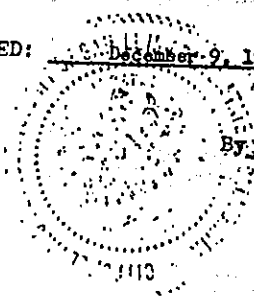
CITY OF EL PASO DE ROBLES  
By Vernon L. Sturgeon  
Mayor

REC-9-NEB 27469

CERTIFICATE OF ACCEPTANCE  
OF DEED; SECTION 27281,  
OF THE GOVERNMENT CODE

This is to certify that the interest in real property  
conveyed by deed or the grant deed dated December 15, 1958  
from Shirley W. & Marjorie M. Owen  
to the CITY OF EL PASO DE ROBLES, a political corporation  
and a governmental agency is hereby accepted by order of  
the City Council on January 5, 1959 and the grantee  
consents to recordation thereof by its duly authorized  
officer,

DATED: December 9, 1959



By [Signature]  
City Clerk

Document No. 27469  
RECORDED AT REQUEST OF  
[Signature] City Clerk  
AT 10 MIN. PAST 5 M.  
VOL. 1037 O.R. P. 10  
SAN LUIS OBISPO COUNTY, CAL.

DEC 9 - 1959

By [Signature]  
County Recorder  
By [Signature] Deputy  
Fee \$ 7.50 Indexed