

TO: James L. App, City Manger
FROM: Meg Williamson, Assistant to the City Manager
SUBJECT: Acceptance of Grant of Easement for Bike Path and Pedestrian Trail
(Woodland Plaza II)
DATE: July 5, 2005

Needs: That the City Council authorize the acceptance of a Grant of Easement for Bike Path and Pedestrian Trail across a portion of the northwestern corner of the Woodland Plaza II site. The Grant of Easement will allow for the future extension of public trail access connecting the commercial site to points north along this segment of the Salinas river.

Facts:

1. The Woodland Plaza II project was approved with a requirement for a pedestrian/bike trail along its western boundary. Easements for the trail were established in conjunction with the parcel map establishing the original commercial parcels.
2. When Kohl's Department Store moved forward with construction of this phase of the Plaza project, they acquired an additional triangular piece of land from an adjoining property owner to the west (so they could expand their building footprint).
3. While the footprint expansion was made with all required planning approvals, the continuation of the easement for pedestrian/bicycle path access was not obtained at the time.
4. The City has now received a variable width Grant of Easement for bike and pedestrian path over property owned by Kohl's Department Stores, Inc., located along the east side of the Salinas River, south of Niblick Road.

**Analysis
And**

Conclusion: As necessary to allow a continuous connection along the western boundary of the Woodland Plaza II center for bicycle and/or pedestrian access, the City has received a variable width Grant of Easement. It is necessary for the City to accept this Grant of Easement before the document can be recorded with the Clerk Recorder's Office, thereby formally establishing the easement.

Policy

Reference: Paso Robles Municipal Code Section 14.04.040; 14.08.070

Fiscal

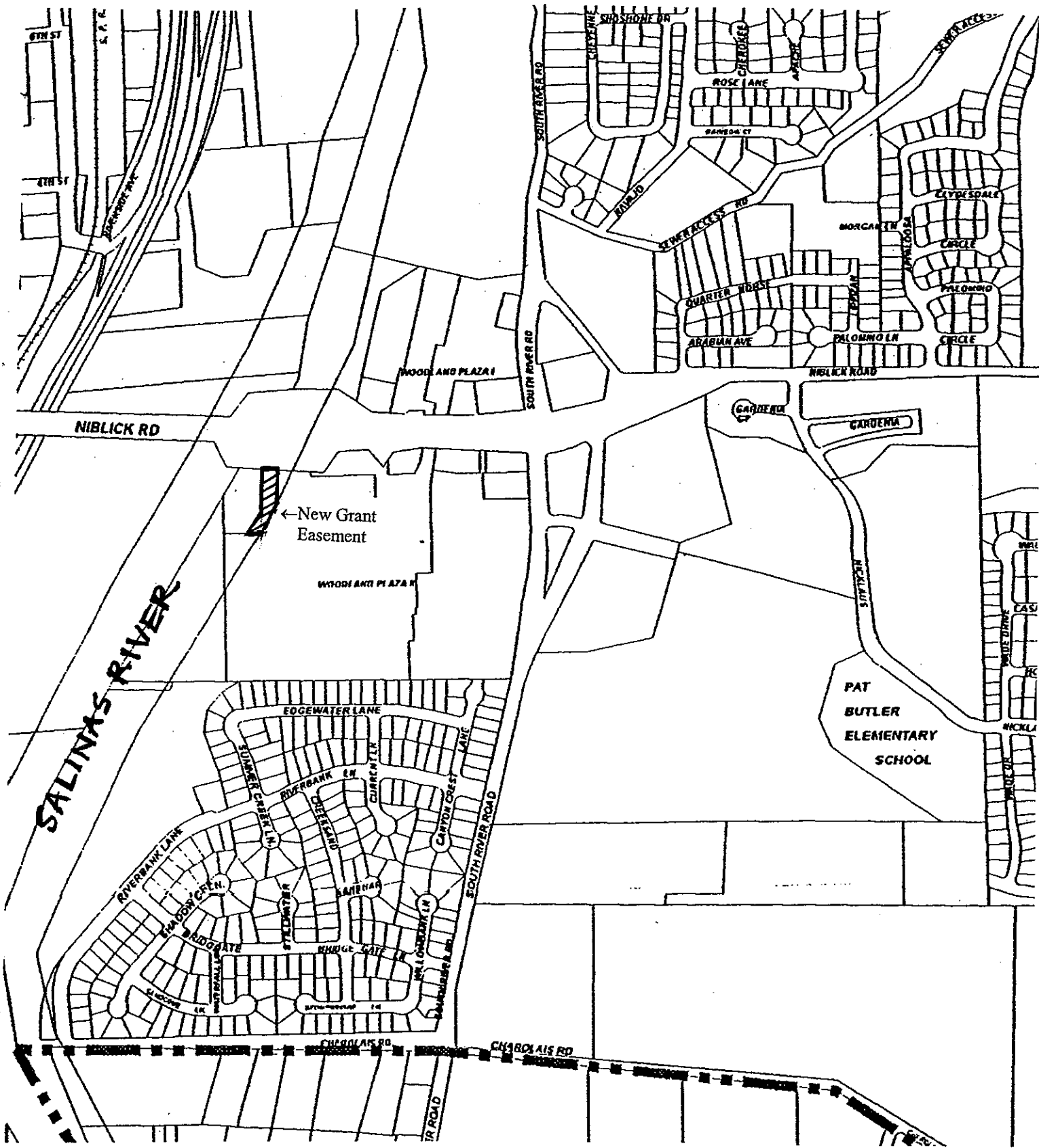
Impact: None

Options:

- a. Adopt Resolution No. 05-xxx accepting the variable width Grant of Easement for bicycle and pedestrian access from Kohl's Department Stores, Inc.
- b. Amend, modify or reject the above option.

Attachments: (3)

1. Vicinity Map
2. Grant of Easement
3. Resolution



Location Map

Kohl's Department Store Grant of Easement



North

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 \$0.00

A.P.N. 009-814-036

() 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 June 8, 2005, for a valuable consideration

hereby GRANTS to the City of El Paso de Robles, a municipal corporation of the State of California 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: "PUBLIC ACCESS, AND INSTALLATION AND MAINTENANCE OF LANDSCAPING, BIKE PATH AND PEDESTRIAN TRAIL," as described in attached Exhibit "A" (legal description) and attached Exhibit "B" (map exhibit).



~~KOHL'S DEPARTMENT STORES, INC.~~

By [Signature]
Print Name Richard D. Schepp
Executive Vice President and
Secretary

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:

CALIFORNIA ALL-PURPOSE NOTARY ACKNOWLEDGMENT

State of WISCONSIN

County of WAUKESHA

On this 21st day of June, 2005, before me,

L. Ann M. Lipke
Name, Title of Officer

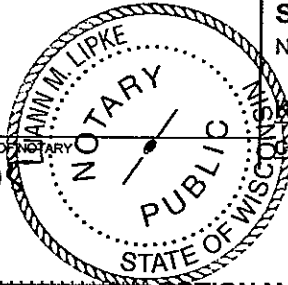
personally appeared Richard D. Schepp,
Name(s) of Signer(s)

personally known to me - OR - proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

L. Ann M. Lipke
SIGNATURE OF NOTARY

My commission expires 11-20-08



*** OPTIONAL SECTION ***

CAPACITY CLAIMED BY SIGNER

Through statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document

- INDIVIDUAL
- CORPORATE OFFICERS(S)
- PARTNER(S) LIMITED GENERAL
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: _____

SIGNER IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)

Kohl's Department Stores, Inc., a Delaware Corporation

***** OPTIONAL SECTION *****

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED BELOW:

TITLE OR TYPE OF DOCUMENT Grant of Easement

NUMBER OF PAGES 4 total including this page DATE OF DOCUMENT June 8, 2005

SIGNER(S) OTHER THAN NAMED ABOVE None

Though the data requested here is not required by law, it could prevent fraudulent reattachment of this form.

EXHIBIT 'A'
LEGAL DESCRIPTION

Being a portion of Parcel 2, in the City of Paso Robles, County of San Luis Obispo, State of California, according to the Certificate of Compliance recorded April 15, 2004 as Document No. 2004-031165, in the Office of the County Recorder of said County, more particularly described as follows:

Commencing at the southwest corner of said Parcel 2;

Thence along the west line of said Parcel 2, North 01°42'54" East, 324.48 feet;

Thence North 32°43'23" East, 126.17 feet to the Point of Beginning;

Thence North 32°43'23" East, 9.36 feet;

Thence North 01°42'54" East, 191.79 feet;

Thence North 46°42'54" East, 21.21 feet;


Thence South 88°17'06" East, 16.38 feet;

Thence South 06°09'19" West, 211.58 feet;

Thence South 32°43'23" West, 38.47 feet;

Thence North 01°42'54" East, 29.12 feet to the Point of Beginning and containing 5,107 square feet, more or less.

See Exhibit 'B' contained herein and made a part hereof.


John R. Sanders
L.S. 5812

3-11-05
Date
Exp. 6/30/2006

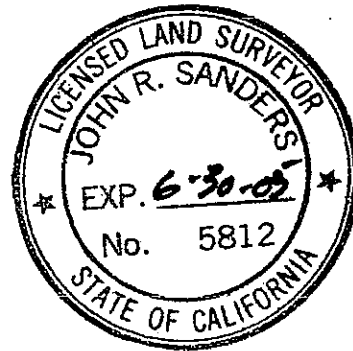


EXHIBIT B

PARCEL 4

NIBLICK ROAD
(PUBLICLY DEDICATED)

PARCEL 3
2004-031163

PARCEL 1
PER 50/PM/45
(NOT A PART)

VARIABLE WIDTH
BIKE PATH EASEMENT

PARCEL 2
2004-031165

LEGEND

- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT



NO SCALE

NCE NORTH COAST ENGINEERING INC.
725 Creston Rd Suite B, Paso Robles, 239-3127

S. 88°17'06" E 16.38'
N 46°42'54" E 21.21'

N 01°42'54" E 191.79'
S 06°09'19" W 211.58'
N 32°43'23" E 9.36'
P.O.B.
N 32°43'23" E 126.17'
S 32°43'23" W 38.47'
N 01°42'54" E 29.12'

N 01°42'54" E 324.48'
P.O.C.

65' LANDSCAPE EASEMENT
PER 50/MB/45

PARCEL 1
2004-031164

PARCEL 3
PER 52/PM/15
(NOT A PART)

PARCEL 4
PER 52/PM/15
(NOT A PART)

RESOLUTION NO. 05-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ACCEPTING A GRANT OF EASEMENT FOR BIKE PATH AND PEDESTRIAN TRAIL
(KOHL'S DEPARTMENT STORES, INC.)

WHEREAS, the Woodland Plaza II project was approved with a requirement for a pedestrian/bike path trail along its western project boundary and easements for the trail were originally established in conjunction with the parcel map establishing the original commercial parcels within that commercial center; and

WHEREAS, when Kohl's Department Store constructed this phase of the Woodland Plaza II project they acquired an additional triangular piece of land from an adjoining property owner to the west, but a continuation of the bike path/pedestrian access easement was not obtained at that time, and

WHEREAS, the City has received a variable width Grant of Easement from Kohl's Department Stores, Inc. for a bike path and pedestrian trail which will allow for a continuous connection along the western boundary of the Woodland Plaza II.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. That the City Council accepts the variable width Grant of Easement for the bike path and pedestrian trail from Kohl's Department Store, Inc. over property located along the east side of the Salinas River, south of Niblick Road 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 5th day of July 2005 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk