

TO: James L. App, City Manager
FROM: Doug Monn, Director of Public Works
SUBJECT: Acceptance of Grant of Easement and Abandonment of Original Easement (Scolari)
DATE: May 1, 2007

Needs: That the City Council authorize the acceptance of an Easement Grant Deed and abandon an existing public utilities easement over the Scolari's market property.

Facts:

1. In conjunction with the redevelopment of his property, Joe Scolari removed an antiquated sewer line and constructed a new sewer line, from 22nd Street to 21st Street, in order to provide service to his new store.
2. The new sewer line, constructed in accordance with plans approved by the City Engineer, was located east of its original location to allow for expansion of the front of the store.
3. The original sewer line was located in an easement which was reserved from the abandonment of the alley within Block 171 in 1975. This easement must be abandoned in order to accommodate the expansion of the store.
4. For the purposes of replacing the abandoned easement, the City has received an Easement Grant Deed from Joe Scolari to allow for maintenance of the new sewer line.
5. Letters have been received from all public utility companies acknowledging the City's intent to abandon the original easement without protest.
6. The City Engineer has reviewed the new Easement Grant Deed and finds that it is accurately prepared and meets the needs of the City for operation and maintenance of the new sewer line.

**Analysis
and**

Conclusion: In 1975, the City abandoned the alley right-of-way in Block 171 to allow for the development of the original Scolari's store. When the alley was abandoned, an easement was retained for the operation of a City sewer line and other public utilities. During the course of remodel of the store, Scolari found that the existing sewer line was in poor condition and needed to be replaced. Furthermore, the design of the remodeled store conflicted with the location of the existing sewer line.

Scolari has constructed a new sewer line in accordance with plans approved by the City Engineer. The new sewer line is located east of its previous location, and therefore must be covered by a new easement. The City has received an

RESOLUTION NO. 07-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ACCEPTING AN EASEMENT GRANT DEED FOR A SEWER LINE
(SCOLARI)

WHEREAS, in conjunction with the redevelopment of his property, Joe Scolari removed an antiquated sewer line and constructed a new sewer line, east of its previous location, to serve his new store, and

WHEREAS, the new sewer line was constructed in accordance with all City Standards and plans approved by the City Engineer, and

WHEREAS, the City has received an Easement Grant Deed from Joe Scolari to allow for operation and maintenance of the new sewer line.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. That the City Council accept the 20-foot wide Easement Grant Deed for the operation and maintenance of a sewer line from Joe Scolari over his property extending from 21st to 22nd Streets 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 1st day of May, 2007 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor



ATTEST:

Deborah D. Robinson, Deputy City Clerk

JULIE RODEWALD
San Luis Obispo County – Clerk/Recorder

AM
3/27/2007
1:24 PM

RECORDING REQUESTED BY: and
WHEN RECORDED RETURN TO:

Service Planning
Charter Communications
755 San Luis Ave.
Atascadero, CA 93422

Recorded at the request of
VitalCheck Network

DOC#: 2007020483

Titles: 1 Pages: 3



Fees 13.00
Taxes 0.00
Others 0.00
PAID 13.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN: 008-223-008

EASEMENT GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Joseph Gordon Scolari, as Trustee of the Joseph Gordon Scolari and Eldeen W. Scolari 1979 Revocable Trust

Hereby GRANTS to Charter Communications Properties, LLC

An easement in the City of Paso Robles, County of San Luis Obispo, State of California, for public utility lines installation and maintenance and incidental purposes over that certain real property described in Exhibit "A".

THE JOSEPH GORDON SCOLARI AND
ELDEEN W. SCOLARI 1979 REVOCABLE TRUST

By: Joseph Gordon Scolari
Joseph Gordon Scolari, Trustee

FILED	FEE PAID	EXEMPT	OUT OF STATE

ACKNOWLEDGEMENT

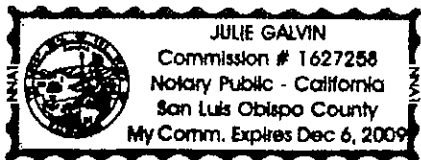
State of California

County of San Luis Obispo

On March 26, 2007 before me, Julie Galvin, Notary Public

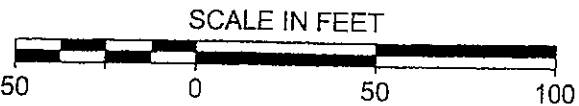
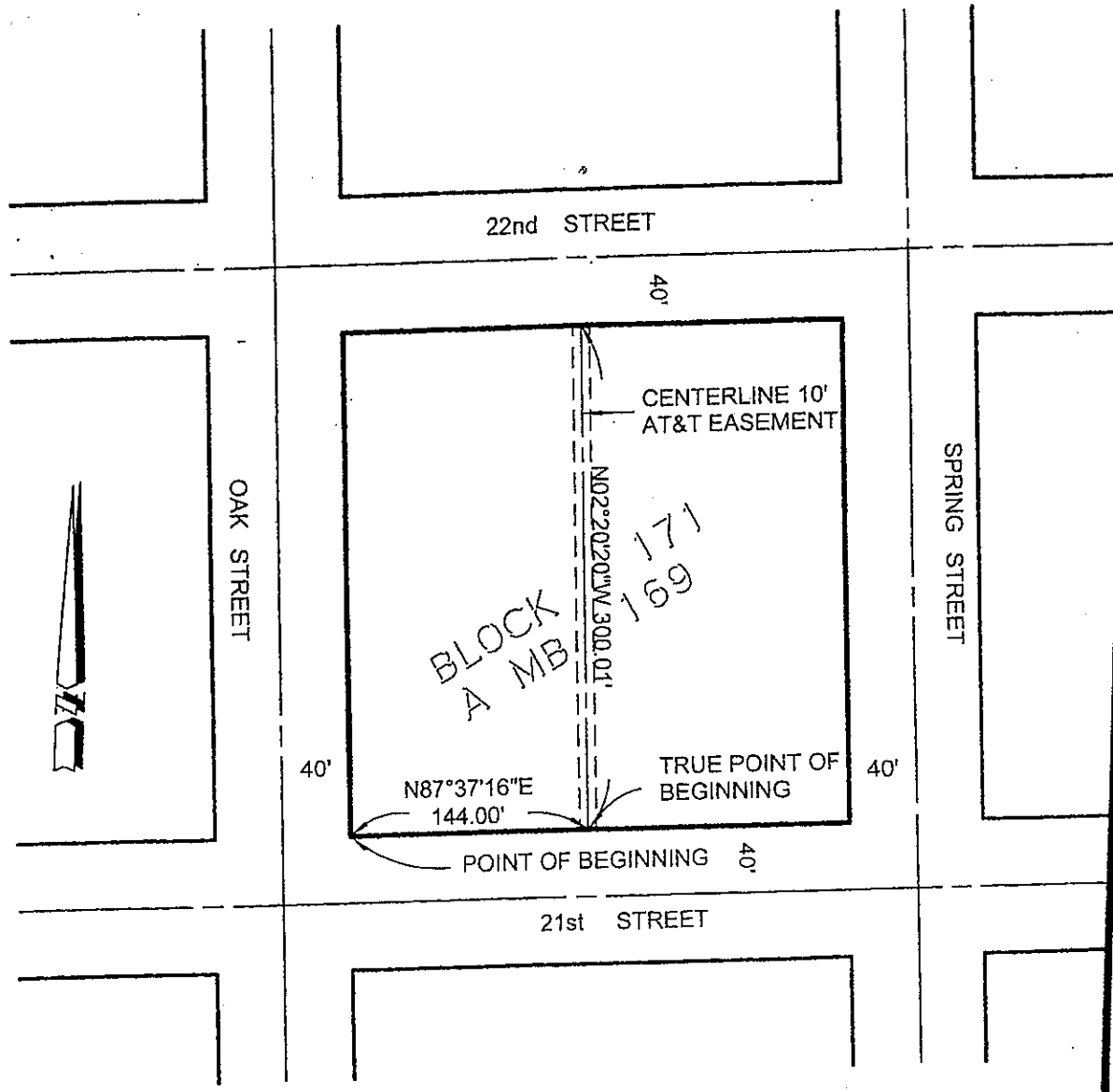
personally appeared * JOSEPH GORDON SCOLARI *

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.

Julie Galvin



eda design professionals
 civil engineers • land surveyors • land planners
 1998 santa barbara st • san luis obispo, ca 93401
 ph: 805/549-8658 • email: eda@edainc.com

EXHIBIT B

job. no. 2.3332.000

K:\23332000\4-Survey\Legal Exhibits\23332000-alt-esmt.dwg 2/22/07 11:56 AM LindaR

Date: 3-20-07

Mr. John Falkenstien
City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446

RE: Abandonment of Public Utility Easement (1862 OR 195)
2121 Spring Street

Dear Mr. Falkenstien:

STEVE PLEMMONS has reviewed the proposed abandonment of the subject utility easement and has no objections.

Thank you,



Right of Way

ATTY / PAL BELL

RECORDING REQUESTED BY: and
WHEN RECORDED MAIL TO:
The City of El Paso de Robles
1000 Spring Street
Paso Robles, CA 93446
Attention: John Falkenstein

SPACE ABOVE THIS LINE FOR RECORDER'S USE

DOCUMENTARY TRANSFER \$ _____
() 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: 008-223-008

EASEMENT GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Joseph Gordon Scolari, As Trustee of the Joseph Gordon Scolari and Eldeen W. Scolari 1979 Revocable Trust

Hereby GRANTS to The City of El Paso de Robles, a Municipal Corporation

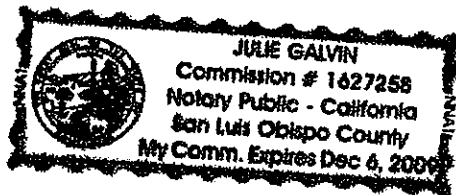
An easement in the City of City of El Paso de Robles, County of San Luis Obispo, State of California, for sewer and incidental purposes over that certain property as described in Exhibit "A".

Joseph Gordon Scolari, As Trustee of the Joseph Gordon Scolari and Eldeen W. Scolari 1979 Revocable Trust

By: Joseph Gordon Scolari
Joseph Gordon Scolari, Trustee

ACKNOWLEDGMENT

State of California
County of San Luis Obispo } SS



On October 5, 2006, before me, Julie Galvin, Notary Public, personally appeared Joseph Gordon Scolari, 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.

Julie Galvin
Name

ABOVE RESERVED FOR OFFICIAL NOTARY SEAL

MAIL TAX STATEMENTS TO: Same address as shown above

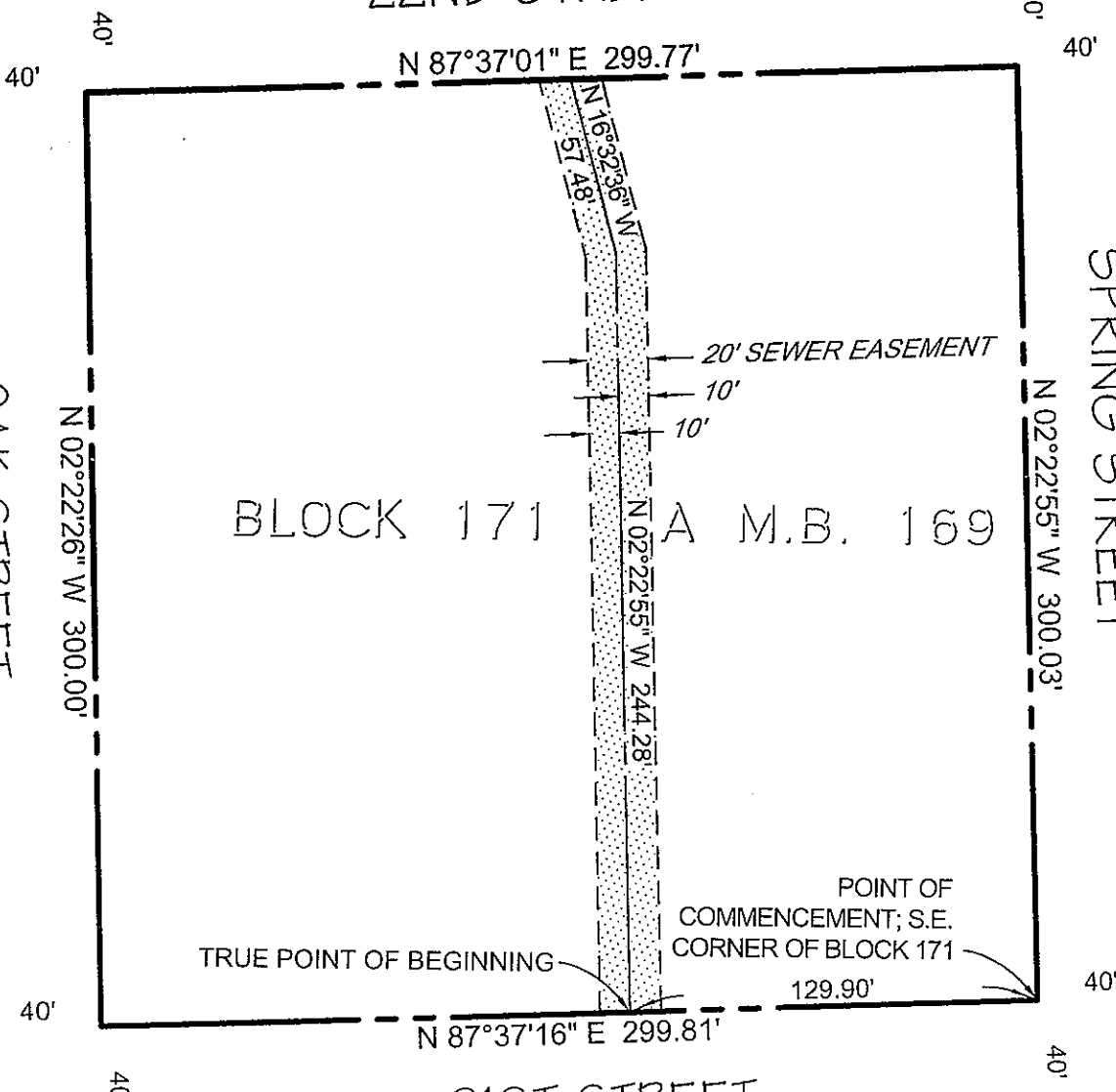
K:\23332000\4-Survey\Legal Exhibits\Sewer Easement.dwg 9-28-06 09:36:15 AM Roger

OAK STREET

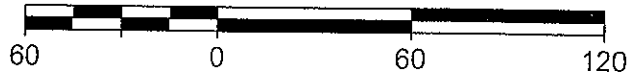
SPRING STREET

22ND STREET

21ST STREET



SCALE : 1"=60'



eda design professionals

civil engineers • land surveyors • land planners
 1998 santa barbara st • san luis obispo, ca 93401
 ph: 805/549-8658 • email: eda@edainc.com

EXHIBIT B

SEWER EASEMENT

job. no. 2.3332.000