IN THE BOARD OF SUPERVISORS

County of San Luis Obispo, State of California

_____day _____, 20___

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION DECLARING CERTAIN COUNTY REAL PROPERTY INTERESTS IN THE WILLOW ROAD INTERCHANGE AS SURPLUS PROPERTY AND AUTHORIZING CONVEYANCE TO THE ADJOINING OWNER, NIPOMO, SUPERVISORIAL DISTRICT NO. 4

The following resolution is hereby offered and read:

WHEREAS, pursuant to Government Code Section 25526.5, this Board of Supervisors may convey its interest in real property no longer required for County use in the manner and upon the terms and conditions approved by this Board provided that the estimated value of said interest in real property does not exceed twenty-five thousand dollars ($25,000); and

WHEREAS, the County acquired certain real property interests for the Willow Road Interchange Project by Grant Deed from Charles A. Mehlschau, et al, recorded June 7, 2010, as Document No. 2010-026107, and by Final Order of Condemnation, recorded October 18, 2011, as Document No. 2011-051759, and by Final Order of Condemnation recorded December 2, 2011, as Document No. 2011-0061078 (2011 FOC); and

WHEREAS, the properties described in the attached Exhibits “A” and “B” (hereafter collectively the “Surplus Property”) are small, odd-shaped, incapable of independent development, have a higher and better use as part of the adjoining property, and if sold to other than the adjoining owner, would cause an undue or unfair hardship to such adjoining owner in the normal development or operation of their property; and

WHEREAS, said Surplus Property proposed for conveyance is located adjacent to real property located at the south east quadrant of the intersection of State Highway 101 and Willow Road near Nipomo, California, in the County of San Luis Obispo and owned by Michael J. Cavaletto Farms, LLC (Cavaletto Property); and

WHEREAS, the 2011 FOC further provided the County with a right of ingress and egress over said Cavaletto Property as described in Exhibit “A” attached hereto. The County, on behalf of the State of California, no longer requires said right of ingress and egress and wishes to eliminate it; and

WHEREAS, the County has tentatively agreed to convey said Surplus Property to said adjoining owner in correction and as a supplement to the County's previous conveyance of surplus by Quitclaim Deed recorded December 2, 2011, as Document No. 2011-061077 in Official County Records. The intention of this proposed supplemental conveyance is to assure that certain guard rail and drainage improvements constructed in conjunction with the County's Willow Road Interchange Project and serving the adjoining property will lie entirely within and upon said adjoining property and the conveyance will further support elimination of the described right of ingress and egress; and

WHEREAS, County staff has estimated the value of the Surplus Property at a nominal amount not exceeding one thousand dollars ($1,000). Non-monetary consideration to be received from the adjoining owner, in lieu of cash, includes the assumption of maintenance and liability for the guard rail and drainage improvements previously noted, and the elimination of risk associated with the right of ingress included in the transaction; and

WHEREAS, the proposed conveyance has been reviewed by the pertinent functional units of County Government and it has been determined that the described real property rights are not required for County use; and

WHEREAS, the County Planning Director previously considered the proposed conveyance and reported on September 22, 2011, to the County Planning Commission that said disposal of surplus real property is in conformity with the General Plan; and

WHEREAS, the County Environmental Coordinator considered the proposed conveyance and determined that the proposal has no potential for significant environmental effect pursuant to Section 15206(b)(4) and is therefore Categorically Exempt as evidenced by filing of a Notice of Exemption with the County Clerk dated July 21, 2010; and

WHEREAS, it is in the public interest that the hereinafter described portions of said County real property be disposed by conveyance as proposed.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors of the County of San Luis Obispo, State of California, finds, declares and determines as follows:

1. That the recitals set forth above are true and correct.

2. That this Board finds, from all of the evidence submitted, that the interests in real property more particularly described and depicted in Exhibit "A" and Exhibit "B," attached hereto and made a part hereof, are unnecessary for present or prospective County use and are hereby declared to be County surplus real property.

3. That prior to adopting this resolution, this Board considered the General Plan and the recommendation of the Planning Director that the conveyance of said Uneconomic Remnants is in conformity with the General Plan.

4. That this project is not subject to CEQA, per CEQA Guidelines, Section 15206(b)(4).

5. The Chairperson is hereby authorized and directed to execute said conveyance of County surplus real property, and the Clerk shall record the executed conveyance and deliver a certified copy to the Department of Public works for further processing.

6. The Director of Public Works, or his designee, are hereby authorized and directed to execute any remaining escrow documents or procedures necessary to close the transaction(s) associated with the hereinabove described conveyance of County surplus real property interests.

7. That the County Clerk of the County of San Luis Obispo be and hereby is ordered and directed to record a certified copy of this resolution, attested by the Clerk under seal, in the Office of the County Recorder of the County of San Luis Obispo, State of California.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing Resolution is hereby adopted on the ____ day of _____, 20___.

_____
Chairperson of the Board of Supervisors

ATTEST:

_____
Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: _____
Deputy County Counsel

Dated: September 16, 2013

L:\DESIGN\OCT13\BOS\Cavaletto XS Land 2 Board rsl.doc.PA:lc

STATE OF CALIFORNIA,
County of San Luis Obispo, } ss.

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____ day of _____, 20 _____.

_____
County Clerk and Ex-Officio Clerk of the Board of Supervisors

(SEAL)

By _____
Deputy Clerk.

EXHIBIT A

RIGHT OF INGRESS AND EGRESS: The interests described herein shall include the right of ingress and egress to, from, along, over and across the remaining portion of the Larger Parcel using existing access roads or pathways to get to the fee and easement areas described herein. For so long as a Nursery exists on said remainder portion of the Larger Parcel, County and County's successors in interest shall honor pedestrian and vehicular disinfection procedures utilized by said Nursery whenever entering said remainder portion of the Larger Parcel. Nothing herein shall prevent or limit the rights of the owner of said remainder portion of the Larger Parcel to close such roadways, lanes, pathways, or rights-of-way, and to provide County and its successors in interest with comparable alternative access. (For purposes of this Exhibit A, "Larger Parcel" shall refer to the Larger Parcel described in Final Order of Condemnation recorded December 2, 2011, as Document No. 2011061078)

EXHIBIT B

Legal Description

That real property in the unincorporated area of San Luis Obispo County, California consisting of portions of the following properties: Parcel 2 of COAL 97-095 as said parcel is described in the deed recorded in Document Number 2001-013988 of Official Records, Parcel 2 of Parcel Map CO 89-389 as said parcel is delineated on the map recorded in Book 49 at Page 25 of Parcel Maps, Lot 7 of H. C. Ward's Subdivision of the Nipomo Rancho according to the map of a re-survey of Lot 22 titled "Map of Nipomo Reserve Tract" recorded in Book A at Page 26 of Maps, Parcel 1 as said parcel is described in the deed recorded in Volume 3433 at Page 26 of Official Records, and Parcel A as said parcel is described in the deed recorded in Volume 886 at Page 261 of Official Records, all afore-mentioned documents being on file in the office of the County Recorder of San Luis Obispo County, State of California, said property being more particularly described as follows:

Beginning at a 1-inch iron pipe marked LS 6192 located at the southeasterly corner of Parcel 1 as shown on the map recorded in Book 80 at Page 7 of Records
Of Survey on file in the office of the County Recorder, County of San Luis Obispo, State of California, distant North 49°17'46" East, 446.79 feet from a 1-inch iron pipe marked LS 6192 located at the southwesterly corner of said Parcel 1; thence North 69°34'59" West, a distance of 782.58 feet to a point on the southwesterly property line of said Parcel 1, said point being the True Point of Beginning (TPOB) and the beginning of curve, a radial of said curve through said point bearing North 54°57'47.3" East, thence along said southwesterly line, in a southeasterly direction along said curve, concave southwesterly having a radius of 70,125.00 feet, through a central angle of 00°01'38.1", an arc distance of 33.35 feet through which a radial of said curve bears North 54°59'25.4" East; thence departing from said southwesterly line, along the southwesterly line of the property described in the deed recorded in Document Number 2011061077 of Official Records on file in the office of the County Recorder of said county and state, South 33°07'41" East, a distance of 118.32 feet; thence South 55°02'09" West, a distance of 3.00 feet; thence along the northeasterly line of Parcel B as said parcel is described in the deed recorded in Document Number 2011061077 of Official Records on file in the office of said County Recorder, South 33°07'41" East, a distance of 60.03 feet to the northwesterly line of the property titled "Fee-Right of Way", the plat of which is labeled "Exhibit C-2" described in Document Number 2011051759 of Official Records on file in the office of said County Recorder; thence along said northwesterly line, North 55°02'09" East, a distance of 3.00 feet; thence along the southeasterly line of said property, South 33°07'41" East, a distance of 109.12 feet; thence South 56°52'19" West, a distance of 3.99 feet; thence South 33°07'41" East, a distance of 193.71 feet to the beginning of a tangent curve; thence southesterly along said curve, concave southwesterly having a radius of 2,526.00 feet, through a central angle of 03°02'29", an arc distance of 134.09 feet; thence tangent to last described curve, South 30°05'12" East, a distance of 43.98 feet; thence departing from said southeasterly line, North 34°57'51" West, a distance of 19.77 feet; thence North 30°09'21" West, a distance of 31.38 feet to the beginning of a tangent curve; thence in a

northwesterly direction along said curve, concave southwesterly having a radius of 2,361.00 feet, through a central angle of 02°52'44", an arc distance of 118.64 feet; thence tangent to last described curve, North 33°02'06" West, a distance of 218.89 feet; thence North 32°46'25" West, a distance of 72.44 feet; thence North 32°58'54" West, a distance of 94.97 feet; thence North 32°50'09" West, a distance of 100.59 feet; thence North 32°00'55" West, a distance of 22.83 feet; thence North 21°49'05" West, a distance of 13.33 feet to the True Point of Beginning.

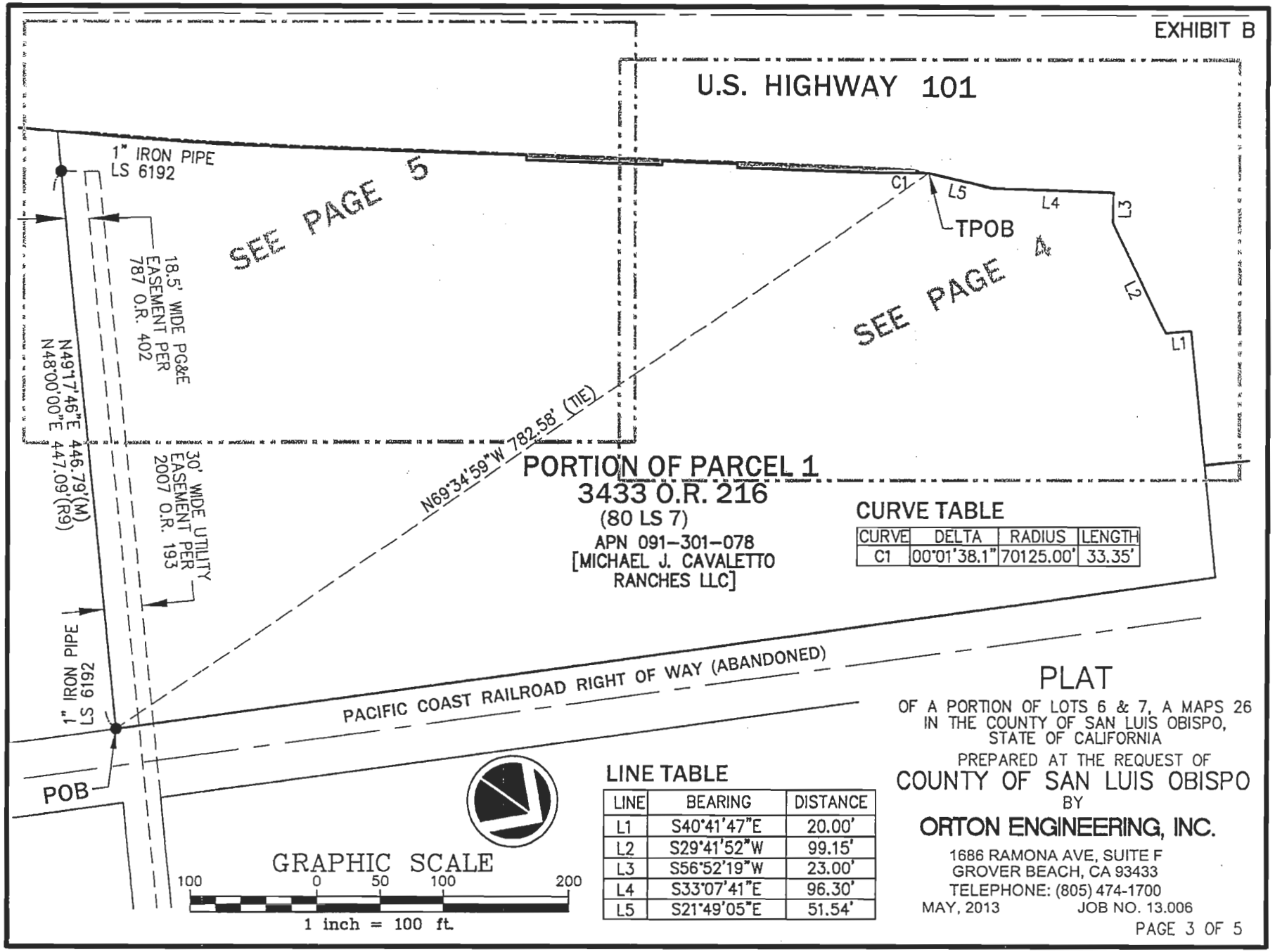
Containing 1,870 square feet, more or less.

7/5/13

Terence K. Orton, PE 21,807

REGISTERED PROFESSIONAL ENGINEER
TERENCE K. ORTON
No. 21807
exp. 9/30/2013
CIVIL
STATE OF CALIFORNIA

EXHIBIT B



CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH
C1	00°01'38.1"	70125.00'	33.35'

LINE TABLE

LINE	BEARING	DISTANCE
L1	S40°41'47"E	20.00'
L2	S29°41'52"W	99.15'
L3	S56°52'19"W	23.00'
L4	S33°07'41"E	96.30'
L5	S21°49'05"E	51.54'

PLAT

OF A PORTION OF LOTS 6 & 7, A MAPS 26
IN THE COUNTY OF SAN LUIS OBISPO,
STATE OF CALIFORNIA

PREPARED AT THE REQUEST OF

COUNTY OF SAN LUIS OBISPO

BY

ORTON ENGINEERING, INC.

1686 RAMONA AVE, SUITE F
GROVER BEACH, CA 93433
TELEPHONE: (805) 474-1700

MAY, 2013 JOB NO. 13.006

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EXHIBIT B

LINE TABLE

LINE	BEARING	DISTANCE
L5	S21°49'05"E	51.54'
L9	N32°00'55"W	22.83'
L10	N21°49'05"W	13.33'

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH
C1	00°01'38.1"	70125.00'	33.35'

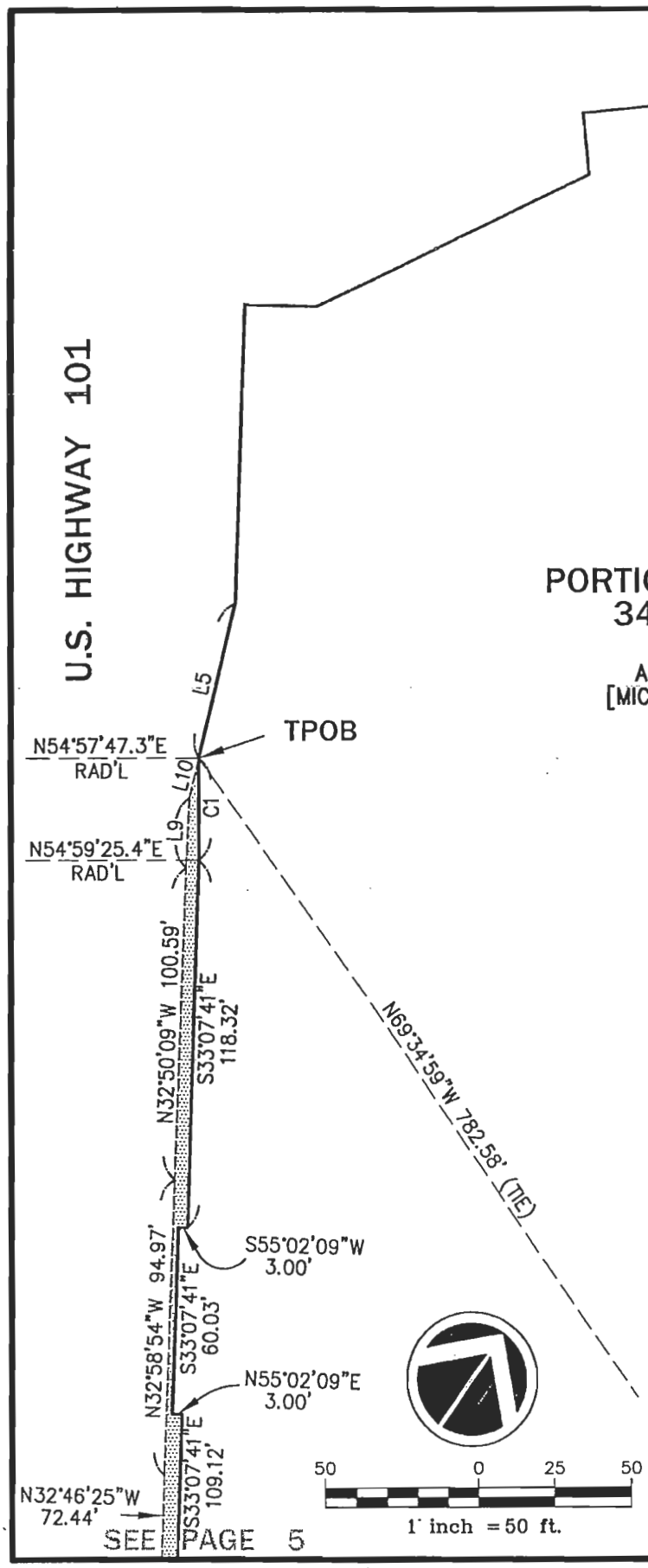

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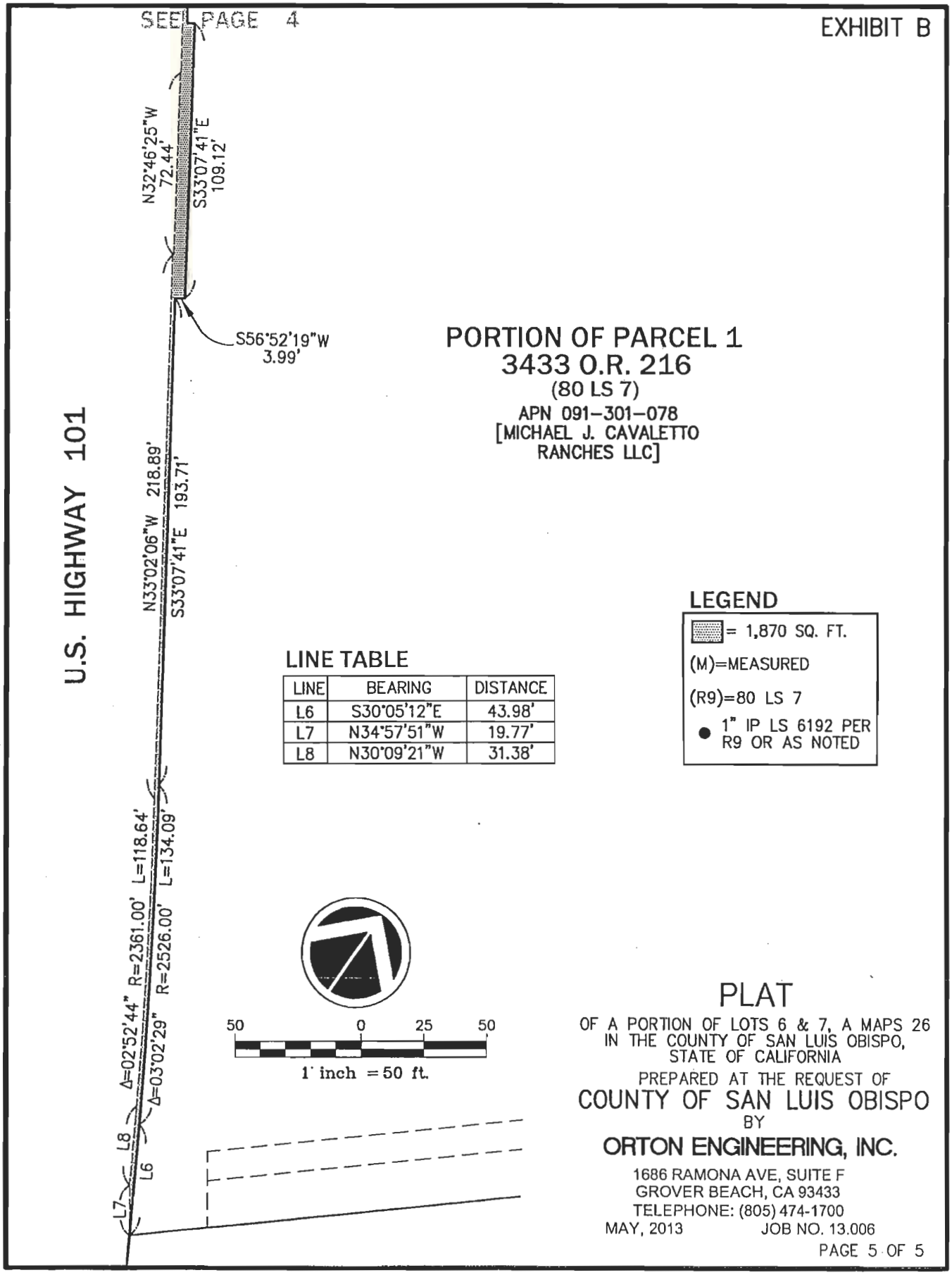
EXHIBIT B



PORTION OF PARCEL 1
3433 O.R. 216
(80 LS 7)

APN 091-301-078
[MICHAEL J. CAVALETTO
RANCHES LLC]

LINE TABLE

LINE	BEARING	DISTANCE
L6	S30°05'12"E	43.98'
L7	N34°57'51"W	19.77'
L8	N30°09'21"W	31.38'

LEGEND

= 1,870 SQ. FT.

(M)=MEASURED

(R9)=80 LS 7

● 1" IP LS 6192 PER R9 OR AS NOTED

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