

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 2014

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION TO AMEND DEED RESTRICTION ON PARKING LOT PROPERTY
OWNED BY THE PORT SAN LUIS HARBOR DISTRICT IN THE UNINCORPORATED AREA OF AVILA BEACH

The following resolution is hereby offered and read:

WHEREAS, the County of San Luis Obispo (“Grantor”) granted to the Port San Luis Harbor District (“Grantee”) by Quitclaim Deed and Grant of Easement (“Original Deed”) recorded on July 7, 1983 real property located in the unincorporated area of Avila Beach, CA at the intersection of First and San Francisco Streets, Assessor’s Parcel Numbers 076-213-009 and 076-215-012; and

WHEREAS, the Original Deed contains a reversionary clause, in favor of Grantor, should Grantee fail to hold the real property in the public trust, “substantially open and available for public parking and unencumbered by any commercial or residential development. ‘Substantially open and available’ shall mean not less than 300 parking spaces located in said parking lot shall be available for use by the general public not less than 365 days per year”; and

WHEREAS, Grantor recorded a Notice of Intent to Preserve Interest (“Notice”) on May 23, 2013 as Document No. 2013029876 of the Official Records of the County of San Luis Obispo in order to preserve Grantor’s power of termination contained in the Original Deed; and

WHEREAS, Grantor and Grantee desire to amend the definition of “substantially open and available” described within the Original Deed at Page 879 in Book 2500 of the Official Records of San Luis Obispo County to mean “not less than 300 parking spaces located in said parking lot shall be available for use by the general public from Memorial Day weekend through Labor Day weekend, inclusive.”; and

WHEREAS, on January 9, 2014, the County Environmental Coordinator issued a Notice of Exemption stating that the modification of the deed restriction is categorically exempt from the California Environmental Quality Act in accordance with General Rule Exemption, Section 15061 (b)(3); and

WHEREAS, on April 22, 2014, the Port San Luis Harbor District approved the Amendment to Quitclaim Deed and Grant of Easement and the Amendment to Notice of Intent to Preserve Interest by Resolution #14-04 and authorized the Harbor Manager to sign the amendments; and

WHEREAS, it is in the public interest to amend the deed restriction; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California as follows:

1. The Chairperson of the Board is hereby authorized to sign the Amendment to Quitclaim Deed and Grant

of Easement and the Amendment to Notice of Intent to Preserve Interest.

2. The Clerk of the Board is hereby directed to record the Amendment to Quitclaim Deed and Grant of Easement and the Amendment to Notice of Intent to Preserve Interest.

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:

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

BY: _____
Deputy Clerk

APPROVED AS TO FORM AND LEGAL EFFECT

RITA L. NEAL
County Counsel

By: Sharon G. Matuszewicz
Deputy County Counsel

Dated: May 22, 2014