

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

_____ day _____, 2016

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION TO ACCEPT A PERPETUAL EASEMENT AND TO
AUTHORIZE THE EXCHANGE OF REAL PROPERTY TO RELOCATE
A PORTION OF THE JUAN BAUTISTA DE ANZA NATIONAL HISTORIC TRAIL
IN THE UNINCORPORATED AREA OF SANTA MARGARITA

The following resolution is hereby offered and read:

WHEREAS, the County of San Luis Obispo, a political subdivision of the State of California (the “County”) owns an easement in fee in certain real property in the unincorporated area of Santa Margarita (hereinafter identified as “County Property”), further described and depicted in Exhibits X1, X2, X3, and X4 attached hereto; and

WHEREAS, Robin L. Rossi, Trustee of the Robin L. Rossi Living Trust utd 10-19-90; Stephen Rossi, Michele Rossi, Robin L. Rossi, Custodian FBO Luke Roger Rossi, a minor, Norte Road II, LLC, a California Limited Liability Company, John H. Jamrog and Lynda A. Jamrog, and Kathryn L. Loftus, Trustee of the Loftus Family Trust dated May 31, 1990 (collectively, “Rossi”) made an offer of dedication in fee, to the public, of the County Property for equestrian, pedestrian, and bicycle purposes through an Irrevocable and Perpetual Offer to Dedicate Land for Trail Purposes recorded in the Office of the County Clerk-Recorder of San Luis Obispo County on August 12, 2003 as Documents #2003090600 and #2003090602; and

WHEREAS, the County, through its Board of Supervisors, accepted the County Property in Resolution 2010-147 dated May 11, 2010, recorded June 2, 2010 as Document #2010025557; and

WHEREAS, even though the County Property was dedicated to the public as a segment of the Juan Bautista de Anza National Historic Trail, the County Property dead ends so it does not connect the community of Garden Farms to the community of Santa Margarita; and

WHEREAS, pursuant to Government Code Section 25365(b), the Board of Supervisors, by a four-fifths vote, may exchange real property with other private parties where the real property or interest therein to be granted by the County is not required for County use and the real property or interest therein to be received by the County is required for County use provided that the value of the property acquired by the County shall be equal to, or greater than, seventy-five percent of the value of the County property which is offered in exchange; and

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WHEREAS, County and Rossi have identified a preferred location for the segment trail on property owned by Rossi and other parties (hereinafter identified as “New Trail Property”) further described and depicted in Exhibits B-1 and B-2 attached to the Perpetual Easement Agreement Juan Bautista de Anza National Historic Trail (hereinafter “Easement Agreement”); and

WHEREAS, the New Trail Property is a standalone trail and provides the needed connection; and

WHEREAS, the terms of the exchange are set out in the Easement Agreement, which grants the County a non-exclusive perpetual easement for pedestrian use, bicycling, and equestrian, and staging area over the New Trail Property in exchange for the County granting a portion of the County Property to Rossi and the 2003 Luke Roger Rossi Irrevocable Trust dated May 20, 2004, as to an undivided 1/22 interest (“Luke Rossi Trust”); and

WHEREAS, the estimated value of the easement granted to the County over the New Trail Property is equal to, or greater than, seventy five percent of the value of the portion of the County Property to be conveyed by quitclaim deed to Rossi and Luke Rossi Trust, and the County shall not contribute cash or any other real property to balance the exchange; and

WHEREAS, it is necessary and desirable that this Board authorize the exchange of the portion of the County Property described and depicted in Exhibits C1, C2, C3, and C4 of the Perpetual Easement Agreement for the easement granted to the County over the New Trail Property; and

WHEREAS, the County Environmental Coordinator has issued a California Environmental Quality Act (CEQA) determination, citing Categorical Exemption Section 15316, Class 16 with respect to the acquisition by the County of an easement over the New Trail Property; and

WHEREAS, the County Planning Director had determined that the proposed abandonment of a small portion of the previously accepted trail easement and trail staging area, and acquisition of the new trail easement, for the Juan Bautista De Anza National Historic Trail, to be in conformity with the County’s General Plan; and

WHEREAS, it is in the public interest to relocate this portion of the Juan Bautista De Anza National Historic Trail to the New Trail Property in order to create a trail segment that connects the communities of Santa Margarita and Garden Farms; and

WHEREAS, the County and Rossi desire to enter into the Easement Agreement which specifies their rights and obligations with respect to the New Trail Property and the County’s relinquishment of a portion of the County Property by recording a quitclaim deed; and

WHEREAS, the Clerk of the Board of Supervisors gave notice of the intended action of this Board of Supervisors pursuant to Government Code Section 6061, as required by Government Code Section 25365.

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. Pursuant to Government Code 25365(b), the County Board of Supervisors declares, by a four-fifths vote, that the quitclaimed portion of the County Property is not required for County use and that the

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New Trail Property is required for County use.

2. Pursuant to Government Code 25365(b), the County Board of Supervisors declares that the value of the New Trail Property is greater than seventy-five percent of the value of the quitclaimed portion of the County Property.
3. The Board finds this project is not subject to CEQA, per CEQA Guidelines, Categorical Exemption Section 15316, Class 16.
4. The Chairperson of the Board is hereby authorized to execute the Perpetual Easement Agreement Juan Bautista de Anza National Historic Trail.
5. The County shall exchange said interests in real property pursuant to the terms and conditions stated in the Perpetual Easement Agreement.
6. The Chairperson of the Board is hereby authorized to execute a quitclaim deed conveying the County Property to Robin L. Rossi, Trustee of the Robin L. Rossi Living Trust UTD 10-19-90, as to an undivided 20/22 interest; Stephen Michael Rossi and Michele Marie Rossi, Trustees of the Stephen & Michele Rossi Revocable Trust dated May 16, 2004, as to an undivided 1/22 interest; and Paul G. Metchik and Donna J. Myers, Trustees of the 2003 Luke Roger Rossi Irrevocable Trust dated May 20, 2004, as to an undivided 1/22 interest (“Quitclaim Deed”).
7. The Clerk of the Board is hereby directed to record the Quitclaim Deed and the Perpetual Easement Agreement Juan Bautista de Anza National Historic Trail.

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: April 20, 2016

Attachment 1

That portion of Parcel 36 as shown on Parcel Map COAL 00-0292 recorded in Book 59, Page 17 through 25, inclusive, of Parcel Maps in the office of the County Recorder described as follows:

Parcel "A"

A 30.00 foot wide strip lying westerly of the following described line:

Beginning at the east terminus of that certain course in the south line of said Parcel 36 shown as N 83°28'29" E 2117.50' on said map thence, along the east line of said Parcel, the following courses:

N 1°46'28" E a distance of 159.94 feet;

thence, N 22°31'28" E a distance of 119.95 feet;

thence, N18°58'32" W a distance of 76.17 feet.

The west line of said strip is to be lengthened or shortened to terminate southerly at the south line of said Parcel 36, and northerly at the intersection with the west line of herein below described Parcel "B".

Parcel "B"

A 30.00 foot wide strip lying westerly of the following described line:

Beginning at a point in the east line of said Parcel 36, said point being the north terminus of the east line of herein above described Parcel "A"

thence, leaving said east line, N 63°27'42" W a distance of 140.46 feet;

thence, N 13°30'39" W a distance of 170.10 feet;

thence, N 25°54'11" E a distance of 293.80 feet to a point in said east line.

The west line of said strip is to be lengthened or shortened to terminate southerly at the intersection with the west line of herein above described Parcel "A" and northerly at the intersection with the southwest line of herein below described Parcel "C"

Parcel "C"

A 25.00 foot wide strip lying westerly of the following described line:

Beginning at a point in the east line of said Parcel 36, said point being the north terminus of the east line of herein above described Parcel "B"

thence, along said east line and the prolongation thereof, N 52°28'29" W a distance of 580.70 feet to a point in the west right-of-way of Walnut Avenue as said right-of-way is offered for dedication on said parcel map;

thence, along said right-of-way offer, N 37°31'31" E a distance of 578.48 feet to the point of beginning of a non-tangent curve in said right-of-way concave to the east having a radius of 51.00 feet to which point of beginning a radial line bears S 30°46'08" W;

thence, along said curve, 86.12 feet through a central angle of 96°45'23";

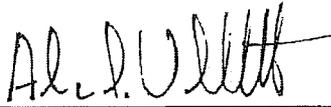
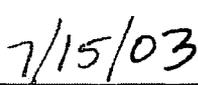
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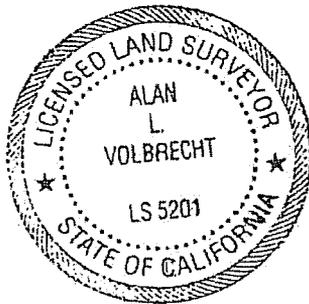
thence, leaving said right-of-way, N 37°31'31" E a distance of 230.05 feet;

thence, N 82°31'31" E a distance of 80.61 feet to a point in said right-of-way;
thence, along said right-of-way and the prolongation thereof, N 37°31'31" W a distance of 804.60 feet to the centerline of Harvest Way as shown on said Parcel Map.

The west line of said strip is to be lengthened or shortened to terminate southerly at the intersection with the west line of herein above described Parcel "B", and northerly at the centerline of Harvest Way as shown on said Parcel Map.

END OF DESCRIPTION.

 
Alan L. Volbrecht, LS 5201 Exp 06/30/07



Attachment 1

HARVEST WAY

Parcel 36
COAL 00-0292

25.00'

31

Parcel "C"

WALNUT AVENUE

33

M/B

34

3

6

25.00'

35

25.00'

POINT OF BEGINNING
PARCEL "C"

Parcel "B"

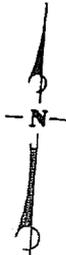
30.00'

POINT OF BEGINNING
PARCEL "B"

30.00'

Parcel "A"

N 83°28'29" W 2117.50'



VOLBRECHT
SURVEYS

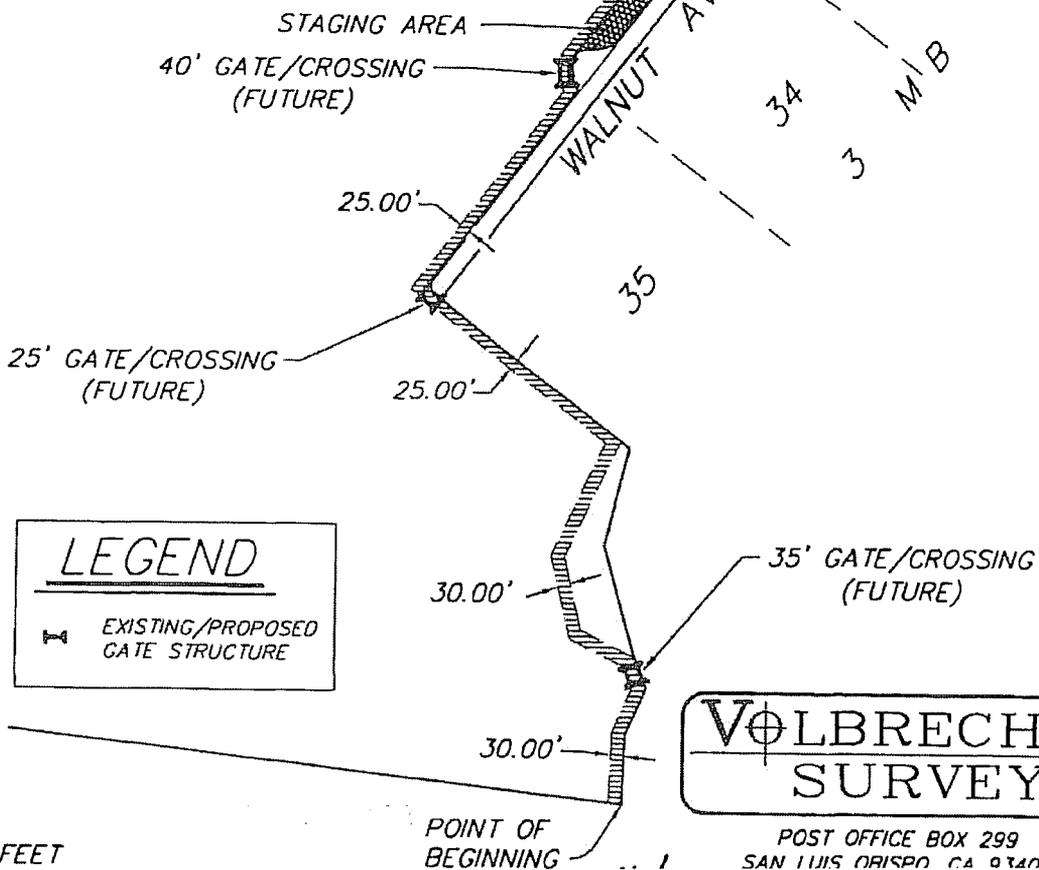
POST OFFICE BOX 299

Attachment

EXISTING AND PROPOSED GATE/CROSSING LOCATIONS

NOTE:
LOCATIONS OF EXISTING AND PROPOSED GATES ARE APPROXIMATE AND MAY BE RELOCATED FROM TIME TO TIME

Parcel 36 COAL 00-0292



LEGEND

EXISTING/PROPOSED GATE STRUCTURE

VOLBRECHT SURVEYS

POST OFFICE BOX 299
SAN LUIS OBISPO, CA 93406

SCALE IN FEET

Attachment 1

That portion of Parcel 36 of Parcel Map COAL 00-0292 recorded in Book 59, at Pages 17 Through 25, inclusive, of Parcel Maps in the office of the County Recorder described as follows:

Beginning at a point in the west right-of-way line of Walnut Avenue, as said right-of-way is offered for dedication on said parcel map, distant S 37°31'31" E 759.60 feet from the northwest terminus of that certain course in said line shown as N 37°31'31" E 931.30 feet on said map;

thence leaving said right-of-way S 82°31'31" W a distance of 80.61 feet;

thence S 37°31'31" W a distance of 230.05 feet to the beginning of a tangent curve in said right-of-way concave southeast and having a radius of 51.00 feet to which a radial line bears N52°28'29" W;

thence northeasterly along said right-of-way, the following courses:

along said curve 47.03 feet through a central angle of 52°49'42" to the beginning of a reverse curve concave northerly and having a radius of 93.00 feet:

thence along said curve 85.75 feet through a central angle of 52°49'52"

Thence N 37°31'31" E a distance of 172.30 feet to the Point of Beginning.

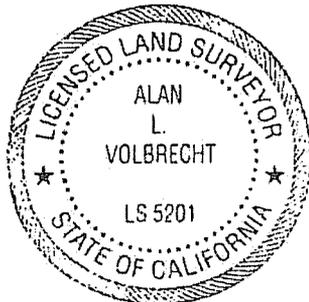
END OF DESCRIPTION

Alan L. Volbrecht

7/22/03

Alan L. Volbrecht, LS 5201

Exp 06/30/07



Attachment 1

Parcel 36 COAL 00-0292

