

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Public Works		(2) MEETING DATE June 13, 2006		(3) CONTACT/PHONE Dan Manion, (805) 781-5275	
(4) SUBJECT The following maps have been received and have satisfied all the conditions of approval that were established in the public hearings on their Tentative Maps: A. CO 04-0530, a proposed subdivision resulting in 4 lots, by Sill Investments LLC, South El Pomar Road, east of Templeton. <b>Supervisorial District: 1</b> 1. Reject the Offer of Dedication without prejudice to future acceptance. B. CO 03-0450, a proposed subdivision resulting in 4 lots, by Ocean Street Investments LLC, Ocean Street, Oceano. <b>Supervisorial District: 4</b> 1. Act on the attached Resolution accepting an avigation easement.					
(5) SUMMARY OF REQUEST The above-listed maps have satisfied all the conditions of approval that were established in the public hearings on their Tentative Maps. Your Board is requested to approve the maps and the related listed actions, so that the subdivisions may go forward for recordation.					
(6) RECOMMENDED ACTION We recommend that your Board approve the maps and any related actions listed above.					
(7) FUNDING SOURCE(S) N/A		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
(10) BUDGETED? <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): Planning & Building, Clerk-Recorder, Local advisory councils – B referred					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) <input checked="" type="checkbox"/> 1st, <input type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input checked="" type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input type="checkbox"/> All		(14) LOCATION MAP <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A		(15) Maddy Act Appointments Signed-off by Clerk of the Board	
(16) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)		(17) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A			
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		(19) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A			
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(21) W-9 <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		(22) Agenda Item History <input checked="" type="checkbox"/> N/A    Date _____	
(23) ADMINISTRATIVE OFFICE REVIEW <p align="center"><i>OK Leslie Brown</i></p>					

*B-19  
6-13-06*



# SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS

Noel King, Director

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County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252

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Fax (805) 781-1229

email address: [pwd@co.slo.ca.us](mailto:pwd@co.slo.ca.us)

**TO:** Board of Supervisors

**FROM:** Dan Manion, Development Services Division *DM*

**VIA:** Glen L. Priddy, County Surveyor *GLP for GP*

**DATE:** June 13, 2006

**SUBJECT:** Submittal of Maps for Board Action

## Recommendation

We recommend that your Honorable Board:

- A. Approve CO 04-0530, a proposed subdivision resulting in 4 lots, by Sill Investments, LLC, South El Pomar Road, east of Templeton.  
**Supervisorial District 1**
1. Reject the Offer of Dedication without prejudice to future acceptance.
- B. Approve CO 03-0450, a proposed subdivision resulting in 4 lots, by Ocean Street Investments, LLC, Ocean Street, Oceano.  
**Supervisorial District 4**
1. Act on the attached Resolution accepting an avigation easement.

## Discussion

The above-listed Maps have satisfied all the conditions of approval that were established in the public hearings on their Tentative Maps. The maps were processed by the County Planning Department with input from County Fire, County Public Works, Environmental Health, the Air Pollution Control District, the Sheriff's Department and other affected County Departments as well as California Department of Transportation (Caltrans), and local cities and service districts.

At a public hearing, the Subdivision Review Board granted tentative approval to the proposed lot line adjustments and parcel maps, and the Planning Commission granted tentative approval to the proposed tract maps. All proposed real property divisions are subject to a number of conditions of approval. Each of these projects' owners have satisfied their conditions.

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The Real Property Division Ordinance requires that when the conditions of approval have been met, and when an adequate final or parcel map that is substantially in conformance with the design of the tentative map has been submitted to the County Surveyor, the County Surveyor will transmit the map with his approval and certification to the County Clerk awaiting your Board's approval to record the map. Section 21.06.050 of the County Code requires your Board to approve the map if it is determined to be in conformity with the Real Property Division Ordinance and the Subdivision Map Act. Your Board must also accept or reject any offers of dedication.

### **Other Agency Involvement/Impact**

The Clerk is to hold the maps until your Board approves them. The Clerk also certifies the Board's approval, arranges receipt of the recording fee and after the signatures and seals have been affixed, transmits the maps to the County Recorder. The County Recorder certifies and files the maps and/or resolutions of acceptance as prescribed by the Subdivision Map Act.

### **Financial Considerations**

As there is no acceptance of a road into the County maintained road system, there will be no ongoing cost to the County associated with this action. All costs related to the processing of this item have been paid by the applicant(s).

### **Results**

Approval of the recommended action will allow these final maps to be formally recorded.

Attachments:       Vicinity Maps  
                          Avigation Easement w/Resolution

File:   See above

Reference:   06JUN13-C-11

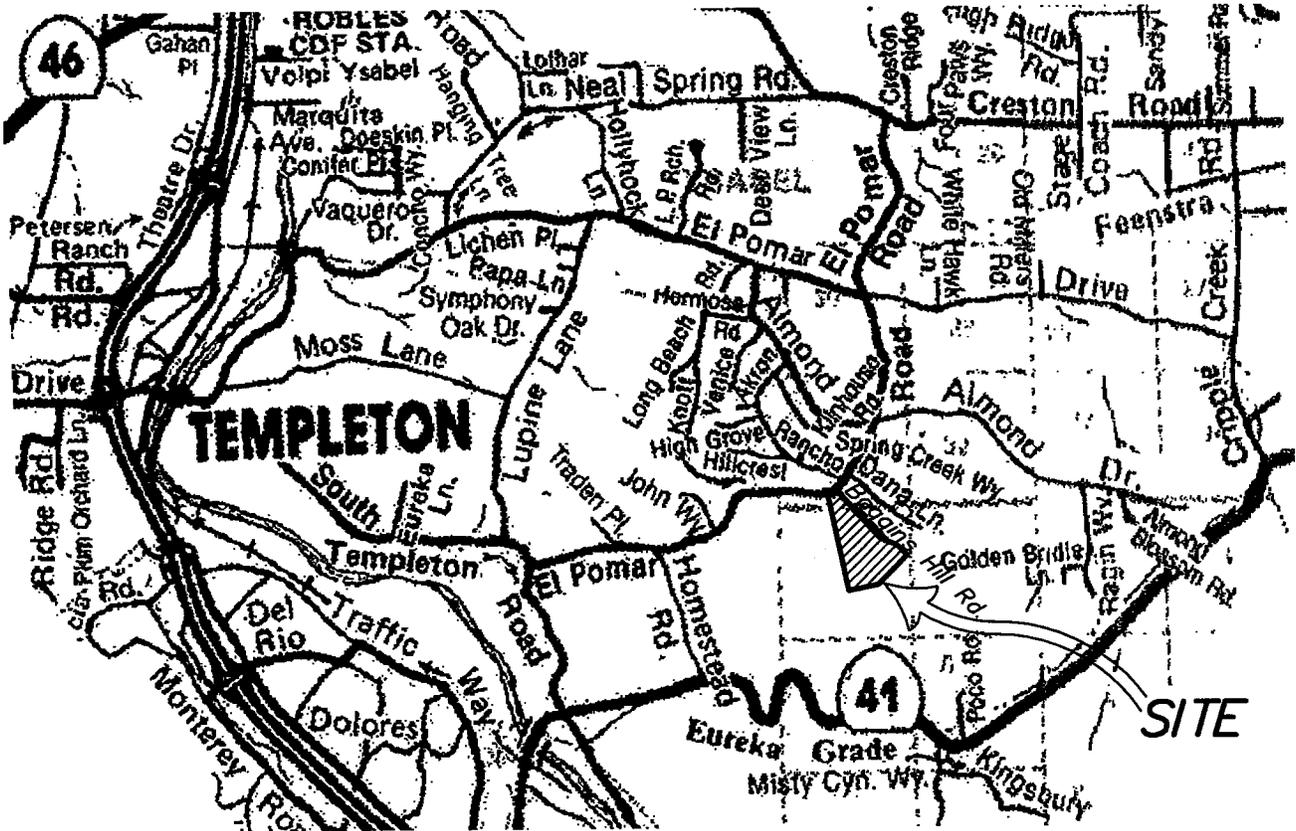
L:\DEVELOP\JUN06\BOS\MAPS 6-13-06.doc.CAH.DJM

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**ITEM A**

**CO 04-0530**

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VICINITY MAP



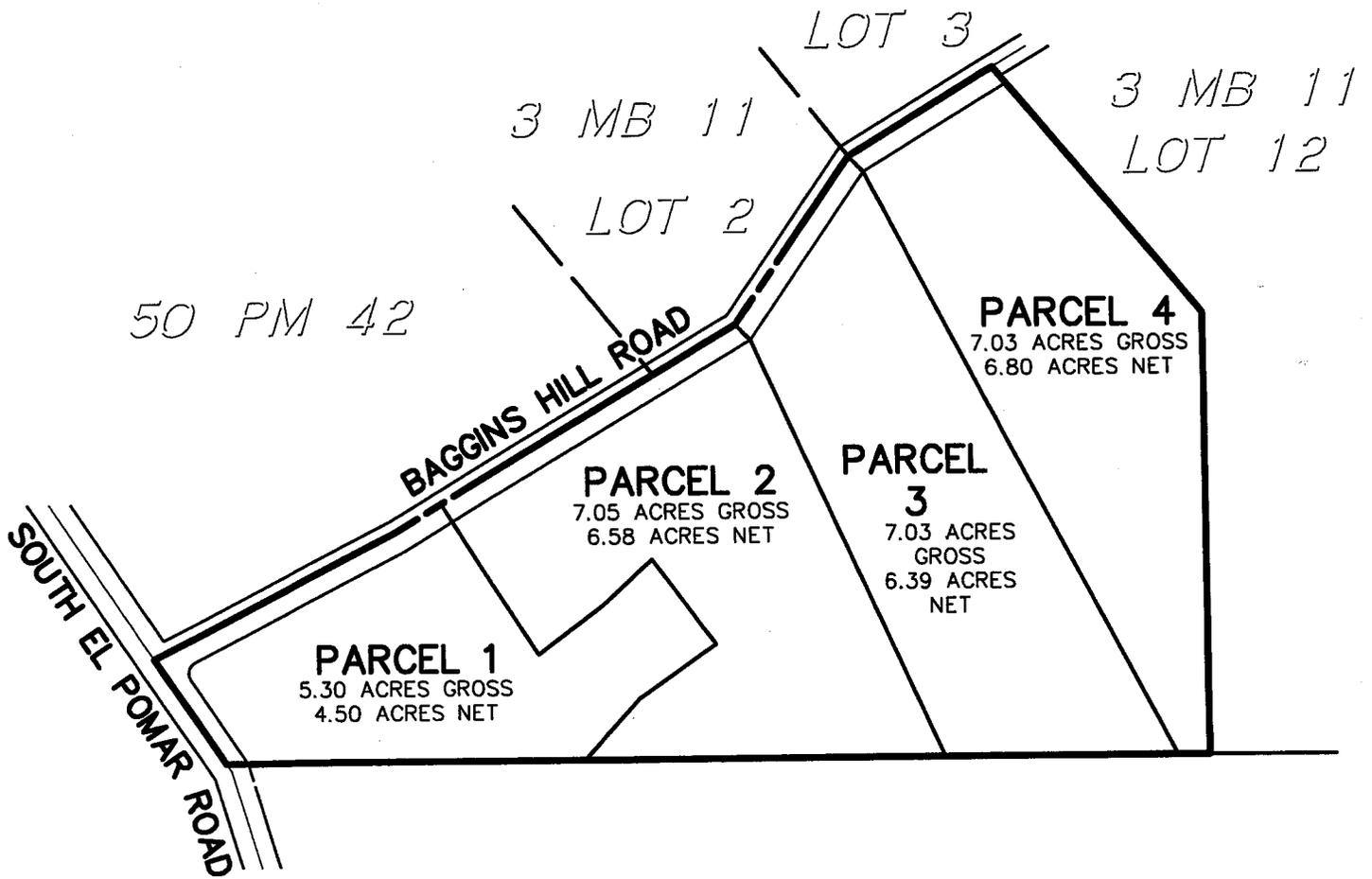
NO SCALE

**VOLBRECHT**  
**SURVEYS**

P.O. BOX 299  
 SAN LUIS OBISPO, CA. 93406  
 (805) 781-9296

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*5*

CO 04-0530

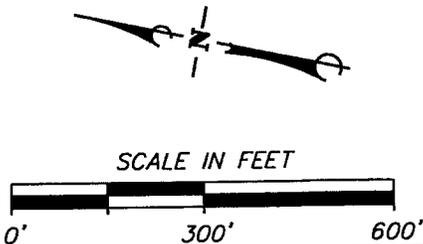


**VOLBRECHT**  
SURVEYS

P.O. BOX 299  
SAN LUIS OBISPO, CA. 93406  
(805) 781-9296

3/19  
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JANUARY, 2006 67307pmLayout.dwg JOB NO. 668-02



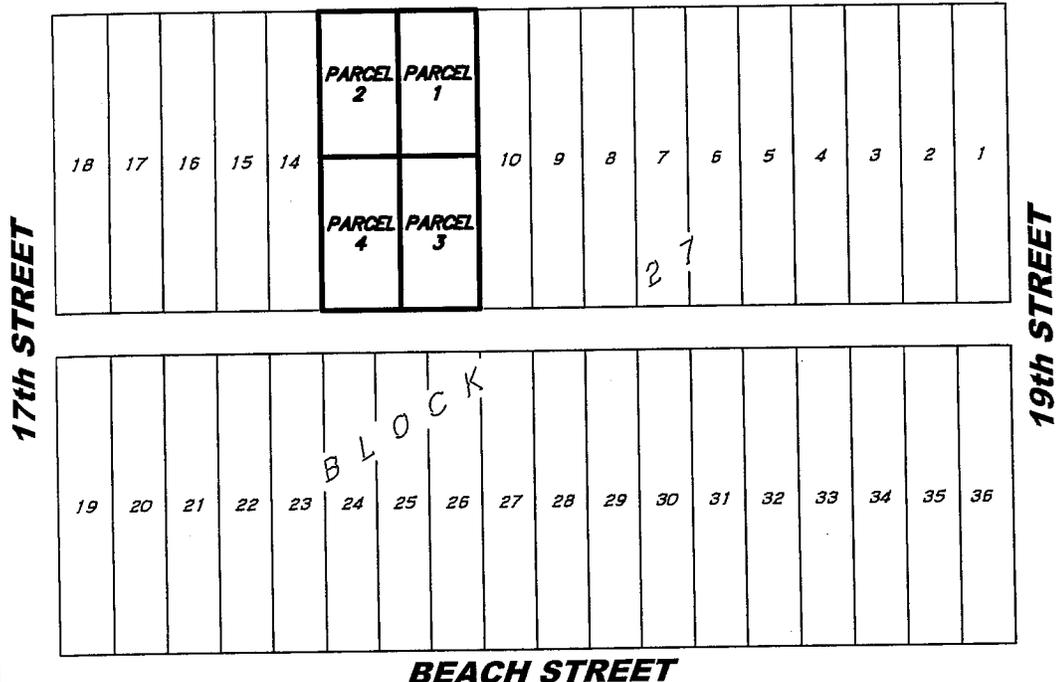
**ITEM B**

**CO 03-0450**

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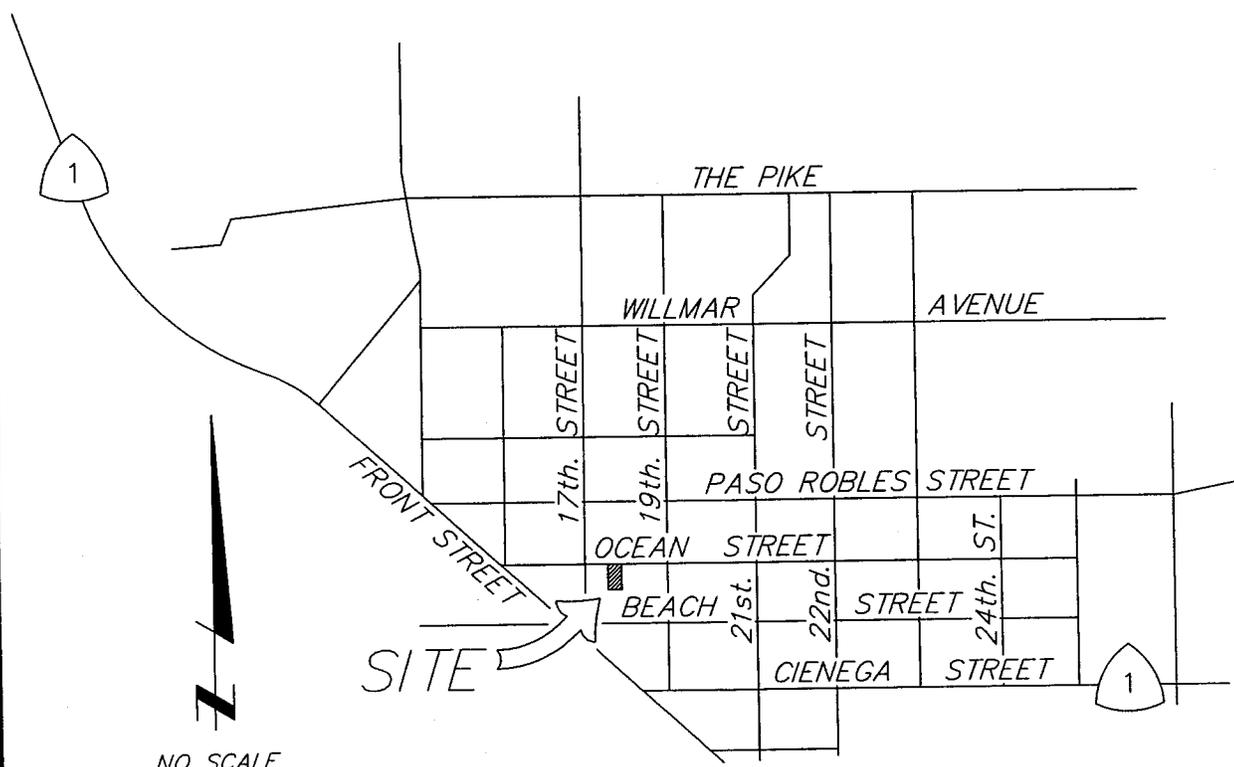
# PARCEL MAP CO-03-0450

OCEAN STREET



NO SCALE

BEACH STREET



NO SCALE

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

\_\_\_\_\_ day \_\_\_\_\_, 20\_\_\_\_

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. \_\_\_\_

**RESOLUTION ACCEPTING AVIGATION EASEMENT  
FROM OCEAN STREET INVESTMENTS, LLC, A CALIFORNIA LIMITED  
LIABILITY COMPANY**

The following Resolution is hereby offered and read:

**WHEREAS**, the County has need of avigation easements in the vicinity of the Oceano County Airport (062,086,004); and,

**WHEREAS**, Ocean Street Investments, LLC, a California Limited Liability Company, has submitted a proposed avigation easement for property in the vicinity of the Oceano County Airport, to the County of San Luis Obispo, and it is in the public interest that said avigation easement be recorded.

**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. That the recitals set forth herein above are true, correct and valid.
2. That the avigation easement, dated April 13, 2006, from Ocean Street Investments, LLC, a California Limited Liability Company, to the County of San Luis Obispo, concerning land in the area of the Oceano County Airport, be and hereby is accepted by the County of San Luis Obispo in the form set forth in the document attached hereto, which is incorporated herein by reference as though herein fully set forth.

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3. That the County of San Luis Obispo hereby consents to the recordation of said avigation easement and the County Clerk/Recorder be and hereby is authorized and directed to record said avigation easement in the San Luis Obispo County Recorder's official records.

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

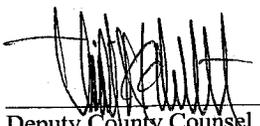
**ATTEST:**

\_\_\_\_\_  
Clerk of the Board of Supervisors

[SEAL]

**APPROVED AS TO FORM AND LEGAL EFFECT:**

**JAMES B. LINDHOLM, JR.**  
County Counsel

By:   
Deputy County Counsel

Dated: 4.5.06

5/19/10



(Page 2)

IT IS AGREED by Grantor(s) that he/they shall not hereafter erect, enlarge or grow, or permit the erection, enlargement or growth of, or permit or suffer to remain, any building, structure, or other object, or any tree, bush, shrub or other vegetation, within or into the airspace above said Imaginary Surfaces overlying said real property.

IT IS FURTHER AGREED by Grantor(s) that the easement and rights hereby granted to County are for the purpose of ensuring that occupants of the real property burdened by this easement are aware that the quiet enjoyment of this real property may be interrupted by noise generated by over-flying aircraft and by aircraft operations at the Airport, and for the additional purpose of ensuring that said Imaginary Surfaces shall remain free and clear of any building, structure or other object, and of any tree, bush shrub or other vegetation, which is or would constitute an obstruction or hazard to the flight of aircraft landing at and/or taking off from said Airport. These rights shall include, but not be limited to, the following:

1. The continuing and perpetual right of County, at Grantor(s)' sole cost and expense, to cut off, trim, and/or prune those portions of any tree, bush, shrub and/or other vegetation extending, projecting or infringing into or upon the airspace above said Imaginary Surfaces.
2. The continuing and perpetual right of County, at Grantor(s)' sole cost and expense, to remove, raze or destroy those portions of any building, structure or other object, infringing, extending or projecting into or upon said Imaginary Surfaces.
3. The right of County, at Grantor(s)' sole cost and expense, to mark and light, as obstructions to air navigation, any building, structure or other object, any tree, bush, shrub or other vegetation, that may at any time infringe, project or extend into or upon said Imaginary Surfaces.
4. The right of County for ingress to, egress from, and passage on or over said real property of Grantor(s) for above purposes. County shall exercise said right of ingress and egress only after County gives Grantor(s) twenty-four (24) hours notice of County's intent to enter Grantor(s)' property. County shall not be precluded from exercising its right of ingress and egress by the failure of Grantor(s) to receive notice if County has made a reasonable effort to notify Grantor(s). If, in the opinion of the Airport manager, an obstruction or hazard exists within or upon said Imaginary Surfaces overlying said real property, which creates an immediate danger to the flight of aircraft landing at and/or taking off from the Airport such that immediate action is necessary, County may exercise its right of ingress and egress for the above purposes without notice to Grantor(s).
5. The right of flight for the unobstructed passages of aircraft, for the use and benefit of the public, in the airspace above said Imaginary Surfaces, together with the right to cause in or about said airspace such noise, light, electromagnetic emissions, vibrations, fumes, dust, fuel particles, and all other effects as may be inherent in the navigation or flight of aircraft now or hereafter used or known, using said airspace for landing at, taking off from, or operating from, to, at, on, or over said Airport. Note: Noise from over flying aircraft and from aircraft operations on the airport may be considered significant to persons residing and/or working on this real property.
6. The continuing and perpetual right of the County to allow aircraft flight and ground operations at said Airport at all times.

IT IS FURTHER AGREED by Grantor(s) that he/they fully realize that any negative effects of aircraft operations at County Airports, as they pertain to this real property, are not expected to diminish from the level at the time of granting this easement.

(Continued following page)

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**GRANT OF AVIGATION EASEMENT**

(Page 3)

The easement granted herein and all rights appertaining thereto are granted unto the County, its successors and assigns, until said Airport shall be abandoned and ceased to be used for airport purposes.

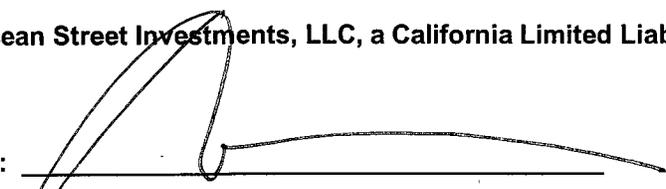
If any item, covenant, condition or provision of this easement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall no way be affected, impaired or invalidated thereby.

IT IS UNDERSTOOD AND AGREED by Grantor(s) that this easement and the covenants and restrictions contained herein shall run with the land described above and shall be binding upon the heirs, successors and assigns of Grantor(s). For purposes of this instrument, the above-described real property shall be the servient tenement and the Airport shall be the dominant tenement.

✓ April  
Dated: May 10, 2006

**GRANTOR(S):**

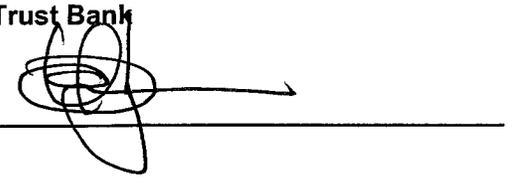
Ocean Street Investments, LLC, a California Limited Liability Company

By: 

Its: Manager/Member

**TRUST DEED BENEFICIARIES and/or MORTGAGEES**

San Luis Trust Bank

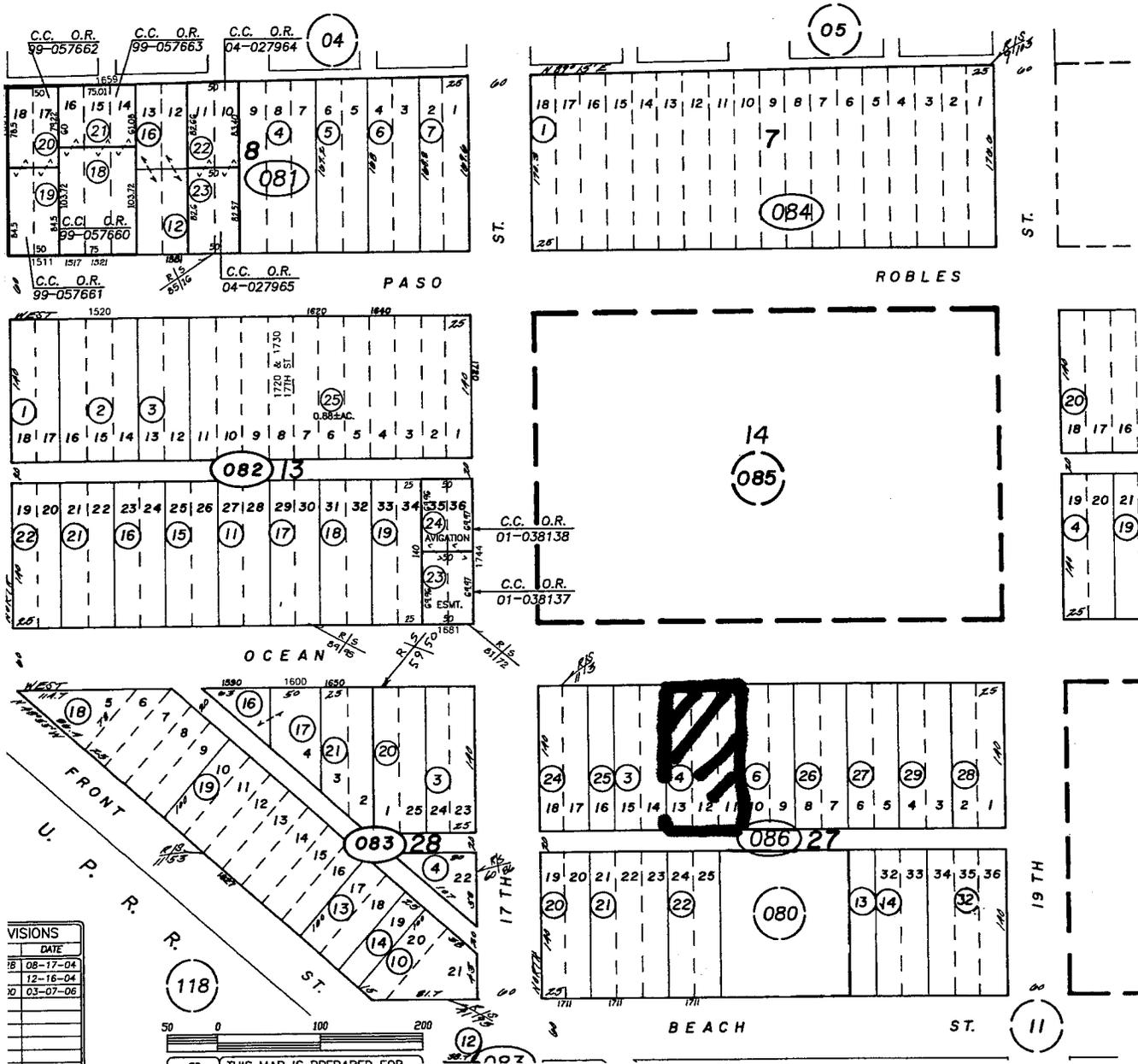
By: 

Its: \_\_\_\_\_

*Handwritten initials/signature*

EXHIBIT

MAP



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**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

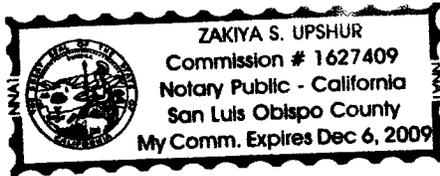
County of San Luis Obispo } ss.

On 4/26/06 before me, Zakiya S. Upshur  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Bradley Lyon  
Name(s) of Signer(s)

personally known to me  
 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.

[Signature]  
Signature of Notary Public

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: Grant of Avigation Easement

Document Date: 4/10/06 Number of Pages: 4

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer**

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

<b>RIGHT THUMBPRINT OF SIGNER</b>
Top of thumb here

*B 19 15*