

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

(1) DEPARTMENT Public Works		(2) MEETING DATE July 18, 2006		(3) CONTACT/PHONE Timothy J. Smith, County Right of Way Agent (805) 781-5290	
(4) SUBJECT Submittal of a Resolution Accepting Conveyance to the County from Grace Kobbe Tevis et al, for a Drainage Easement in the Town of Los Osos, Supervisor District 2					
(5) SUMMARY OF REQUEST Transmittal pertains to a drainage easement near the Mountain View Road and South Bay Boulevard vicinity. Adoption of the resolution will clarify property rights and will allow the Department of Public Works to provide drainage for this vicinity.					
(6) RECOMMENDED ACTION It is recommended that the subject resolution be adopted accepting conveyance to the County from Grace Kobbe Tevis et al, for a drainage easement in the Town of Los Osos.					
(7) FUNDING SOURCE(S)		(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):					
(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 type="checkbox"/> 1st, <input checked="" type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input 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 <input checked="" type="checkbox"/> N/A
(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) _____			(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 Barron</i></p>					

Reference: 06JUL18-C-8

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*7-18-06
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SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS

Noel King, Director

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

Fax (805) 781-1229

email address: pwd@co.slo.ca.us

TO: Board of Supervisors

FROM: Timothy J. Smith, Right of Way Agent 

VIA: Glen L. Priddy, Deputy Director of Public Works- Engineering Services 

DATE: July 18, 2006

SUBJECT: Submittal of a Resolution Accepting Conveyance to the County from Grace Kobbe Tevis et al, for a Drainage Easement in the Town of Los Osos, Supervisor District 2

Recommendation

It is recommended that the subject resolution be adopted accepting conveyance to the County from Grace Kobbe Tevis et al, for a drainage easement in the Town of Los Osos.

Discussion

The attached resolution, together with appropriate easement deed, is submitted for your Board's consideration. These instruments relate to the drainage ditch facility from Mountain View Drive to South Bay Boulevard. This ditch was shown on original tract map. The adoption of the recommendation will clarify property rights and will allow the County to provide maintenance necessary to protect the County road system

Other Agency Involvement/Impacts

County Counsel has reviewed and approved said documents.

Financial Considerations

There are no financial considerations involved in this action.

Results

Approval of the recommended action will clarify title. This project will result in greater safety for the public.

Attachments: Vicinity Map
Resolution of Acceptance
Drainage Easement Deed

File: TJS- R/W Parcel 06-10

Reference: 06JULY18-C-8

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B-34
2

IN THE BOARD OF SUPERVISORS
County of San Luis Obispo, State of California

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO.

**RESOLUTION ACCEPTING CONVEYANCE FROM
GRACE KOBBE TEVIS, F. W. KOBBE AND RAMONA KOBBE
MOUNTAIN VIEW AVENUE DRAINAGE
SUPERVISORIAL DISTRICT NO. 2**

The following resolution is now offered and read:

WHEREAS, GRACE KOBBE TEVIS, as Trustee of the Tevis Trust, and F. W. KOBBE and RAMONA KOBBE, as Trustees of the Kobbe Family Trust, have executed and delivered to the County of San Luis Obispo, a political subdivision and one of the counties of the State of California, a certain Drainage Easement Deed conveyance dated April 30, 2006, attached hereto, and by this reference made a part hereof as though fully set forth herein; and

WHEREAS, it is provided by Section 27281 of the Government Code of the State of California, that the foregoing document shall not be accepted for recordation without the consent of the County evidenced by its resolution of acceptance attached thereto.

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

1. That said Drainage Easement Deed is accepted and the Chairperson of this Board is hereby authorized and directed to execute the documents necessary therefor.
2. That the Clerk of this Board attach a copy of this resolution to said conveyance as evidence of acceptance and consent to the recordation of same.

B-34
4

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: *Patricia J. Foran*
Deputy County Counsel

Dated: 6/26/06

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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 _____.

B-345

(SEAL)

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

By _____
Deputy Clerk.

RECORDING REQUESTED BY:

County Public Works Department
County of San Luis Obispo

Project: Mountain View Avenue Drainage

R/W No. 05-21

APN: ptn 74-281-16

WHEN RECORDED RETURN TO:

County Clerk

DRAINAGE EASEMENT DEED

THIS INDENTURE, made the 11th day of April, 2006, by GRACE KOBBE TEVIS, as Trustee of the Tevis Trust, and F.W. KOBBE and RAMONA KOBBE, as Trustees of the Kobbe Family Trust, hereinafter referred to as "Grantor", and the COUNTY OF SAN LUIS OBISPO, a subdivision of the State of California, hereinafter referred to as "County":

WITNESSETH:

That Grantor, for a valuable consideration, receipt of which is hereby acknowledged, does hereby grant unto County, its successors and assigns, an easement for the present and future operation of drainage facilities as County, or its successors in interest, from time to time, deem necessary to install over, upon, and under that certain real property situate in the County of San Luis Obispo, State of California, as described:

in EXHIBIT "A", and shown on EXHIBIT "B" (map), each attached hereto and made a part hereof.

The easement granted herein includes the right to plant and maintain grass, plants, or shrubs within the easement area for soil erosion purposes and for the protection of the lateral support for said drainage facilities. Additionally, Grantor does hereby further grant to County, its successors and assigns, the necessary rights of entry to and from the hereinabove described property for future operation of said easement.

B-34
6

The provisions hereof shall inure to the benefit of the County, its successors and assigns, and shall bind the heirs, executors, administrators, assigns and successors in interest of the respective parties hereto, and all covenants shall apply to and run with the above described property.

IN WITNESS WHEREOF, Grantor has hereunto set his hand the day and year first above written.

(As used above the term "GRANTOR" shall include the plural as well as the singular number and the word "his" shall include the feminine gender as the case may be.)

GRANTORS

By: Grace Kobbe Tevis
Grace Kobbe Tevis, as Trustee

By: F. W. Kobbe
F. W. Kobbe, as Trustee

By: Ramona Kobbe
Ramona Kobbe, as Trustee

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B-34
7

EXHIBIT "A"

**LEGAL DESCRIPTION OF TEN FOOT WIDE DRAINAGE EASEMENT
TO COUNTY OF SAN LUIS OBISPO**

That portion of real property being a strip of land ten feet (10') in width, described as the northerly ten feet (10') of that portion of Lot 1, Block B, Tract No. 90, Vista Del Morro No. 4, said lot as shown on a map filed September 7, 2004 in Book 89 of Record of Surveys Page 77 in the Office of the County Recorder of San Luis Obispo County, State of California

EXHIBIT "A"

B-34
8

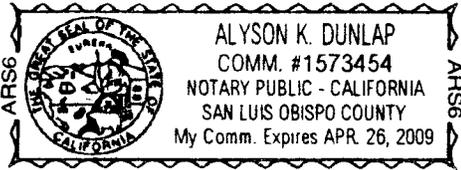
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of San Luis Obispo } ss.

On April 21, 2006 before me, Alyson K. Dunlap
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
personally appeared Grace Kabe Tevis
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.

Alyson K. Dunlap
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: Drainage Deed Easement

Document Date: April 21, 2006 Number of Pages: _____

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: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

B-34
10

California All-Purpose Acknowledgment

State of California
County of Orange

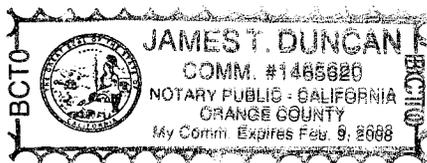
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On April 17 2006 before me, James T. Duncan, Notary Public,
DATE

personally appeared, F.W. Kosbe Ramona Kosbe,
NAME(S) OF SIGNER(S)

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.



[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 prevents fraudulent reattachment of this form.

Type or Title of Document

Divorce Decree Dad
TITLE OR TYPE OF DOCUMENT

Number of pages: 4

Date of Document: —

Signer(s) Other Than Named Above:

Grace Kosbe Tevis

Capacity Claimed by Signer

- Individual(s)
- Corporate
- Partner(s) General
..... Limited
- Attorney-in-Fact
- Guardian/Conservator
- Trustee(s)
- Other: _____

Signer is Representing

B-34
11

Name of Person(s) or Entity(ies)