Planning S.Funs

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TR 2262 Phase 1

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

Tues day August 7, 20 07

PRESENT: Supervisors Harry L. Ovitt, Bruce S. Gibson, K.H. 'Katcho' Achadjian, James R. Patterson, and Chairperson Jerry Lenthall

ABSENT: None

RESOLUTION NO. 2007-299

RESOLUTION APPROVING AND ACCEPTING AMENDMENT NO. 1 TO OPEN-SPACE AGREEMENT GRANTING AN OPEN-SPACE EASEMENT TO THE COUNTY OF SAN LUIS OBISPO BY GEORGE WIDMARK, LYDIA WIDMARK, DONALD A. COURDRIET AND JOANNE M. COURDRIET

The following resolution is now offered and read:

WHEREAS, the County of San Luis Obispo has been duly requested to approve and accept a certain grant and offer to dedicate to the County of San Luis Obispo as open-space that certain real property described in the open-space agreement attached hereto and made a part hereof; and

WHEREAS, the Director of Planning and Building by letter dated August 7, 2007, has duly recommended that the Board of Supervisors approve and accept such offer of dedication to the County of San Luis Obispo, and has further recommended that such action is consistent with the County's general plan.

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 Board of Supervisors finds and determines that the preservation of land offered for dedication to the County of San Luis Obispo as open-space in the attached agreement is consistent with the County's general plan; that the land is essentially unimproved and if retained in its natural state has scenic value to the public and is valuable as a watershed, and the offer of dedication contained in said agreement contains appropriate covenants to that end; that it is in the public interest that the land be retained as open-space because such land will add to the amenities of living in neighboring urbanized areas; and that approval of the above agreement is categorically exempt from the requirements of the California Environmental Quality Act.

2. Amendment No. 1 to Open-Space Agreement Granting An Open-Space Easement To The County of San Luis Obispo, a copy of which is attached hereto and is incorporated by reference herein as though set forth in full, is hereby approved and the dedication contained therein is hereby accepted by the County of San Luis Obispo and the Chairperson of the Board of Supervisors is hereby authorized and directed to execute said agreement on behalf of the County of San Luis Obispo.

3. The County Clerk is hereby authorized and directed to record the above agreement and a certified copy of this resolution in the office of the County Recorder of the County of San Luis Obispo, and file a copy of said agreement and resolution with the County Assessor of the County of San Luis Obispo.

Upon motion of Supervisor Gibson, seconded by Supervisor Patterson, and on the following role call vote, to-wit:

AYES: Supervisors Gibson, Patterson, Ovitt, Achadjian, Chairperson Lenthall

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

JERRY LENTHALL

Chairman of the Board of Supervisors

ATTEST:

JULIE L. RODEWALD
Clerk of the Board of Supervisors
of the Board of Supervisors, County
of San Luis Obispo, State of California

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: VICKI M. SHELBY
Deputy Clerk

BY: _____
Deputy County Counsel

DATED: July 19, 2007

[SEAL]

STATE OF CALIFORNIA)
COUNTY OF SAN LUIS OBISPO) ss

I, JULIE L. RODEWALD, County Clerk of the above entitled County, and Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Super-visors, and now remaining of record in my office.

Witness, my hand and seal of said Board of Supervisors this August 10, 2007

JULIE L. RODEWALD
County Clerk and Ex-Officio Clerk of the Board of Supervisors

By Sandy Currens Deputy Clerk

RECORDING REQUESTED BY:

County of San Luis Obispo

AND WHEN RECORDED MAIL TO:

Clerk of the Board of Supervisors
County of San Luis Obispo
County Government Center
San Luis Obispo, CA 93408

APN: 092-163-013

AMENDMENT NO. 1 TO OPEN-SPACE AGREEMENT
GRANTING AN OPEN-SPACE EASEMENT TO
THE COUNTY OF SAN LUIS OBISPO

THIS AMENDMENT is made and entered into this 7th day of August, 2007, by and between GEORGE WIDMARK, LYDIA WIDMARK, DONALD A. COURDRIET, and JOANNE M. COURDRIET, hereinafter collectively referred to as "Owner," and the COUNTY OF SAN LUIS OBISPO, a political subdivision of the State of California, hereinafter referred to as "County."

WITNESSETH:

WHEREAS, on November 12, 2002, the Board of Supervisors duly adopted Resolution No. 2002-471 whereby the County entered into an agreement with the Owner entitled "Open-Space Agreement Granting An Open-Space Easement To The County Of San Luis Obispo" (hereinafter referred to as the "Original Agreement"), which was recorded on November 18, 2002, as Document No. 2002-100030, of the Official

ck. title rpt./Monarch butterfly habitat preservation area

Records in the office of the County Recorder of the County of San Luis Obispo and which is incorporated by reference herein as though set forth in full; and

WHEREAS, Owner and County entered into the Original Agreement for the purpose of preserving under an open space easement the "Monarch butterfly habitat preservation area," which is located on a portion of Lot 13 and is described in Exhibit B of the Original Agreement; and

WHEREAS, Owner desires to amend the Original Agreement with County by adding the remaining portion of Lot 13 to the land already restricted and subject to an open-space easement as described in Exhibit B of the Original Agreement; and

WHEREAS, the Board of Supervisors finds that the property subject to the open-space restrictions should be increased by adding thereto the real property described below in this amendment, and that such addition of said real property is consistent with the County's General Plan and the Open-Space Easement Act of 1974.

WHEREAS, Owner has supplied County with a current title company preliminary title report or lot book guarantee listing all trust deed beneficiaries and mortgagees, if any, under prior recorded deeds of trust and mortgages on the real property to be added to the Original Agreement.

NOW, THEREFORE, in consideration of the mutual promises, covenants and conditions herein contained, the parties hereto agree to amend the Original Agreement as follows:

1. Exhibit B of the Original Agreement (the "Subject Property") is hereby amended to add the following described real property:

All of that real property in the County of San Luis Obispo, State of California, being a portion of Lot 13 of Tract 2262, Phase 1 as shown on a map recorded November 18, 2002, in Book 21, Pages 11 through 15 inclusive of Maps, in the office of the County Recorder of said County; said portion of Lot 13 being more particularly described as follows:

All of Lot 13 of Tract 2262, Phase 1 as shown on said map, except therefrom that portion described as follows:

Beginning at the most westerly corner of said Lot 13, said point being on the centerline of Camino Mariposa as shown on said Map; Thence, along the westerly line of said Lot 13, N 22° 50' 00" E 30.45 feet; Thence, leaving said westerly line, S 67° 10' 00" E 20.00' to a point which lies 35.00 feet northeasterly of the southwesterly line of said Lot 13 and the centerline of said Camino Mariposa, said point being 20.00 feet southeasterly of said northwesterly line of said Lot 13, said point being the True Point of Beginning; Thence, parallel with said northwesterly line, N 22° 50' 00" E 239.55 feet to a point which lays 20.00 feet southerly of the northerly line of said Lot 13; Thence, parallel with said northerly line, S 80° 12' 09" E 289.42; Thence, S 8° 04' 46" W 261.69 feet to a point which lays 20.00 feet northerly of the southerly line of said Lot 13; Thence, parallel with said southerly line, S 84° 43' 51" W 258.35 feet to a point which lays 35.00 feet northeasterly of said southwesterly line of said Lot 13 and said centerline of Camino Mariposa; Thence, parallel with said southwesterly line and said centerline, along a curve concave southwesterly which is tangent to a line which bears N 25° 03' 59" W, said curve having a radius of 335.00 feet, a central angle of 24° 02' 08", and an arc length of 140.53 feet to the True Point of Beginning. Containing 2.16 acres.

3. Except as expressly amended herein, all provisions of the Original Agreement shall remain in full force and effect.

4. This amendment sets forth the full and entire understanding of the parties regarding the matter set forth herein, and any other prior or existing understandings or agreements by the parties, whether formal or informal, regarding any of said matters are hereby superseded or terminated in their entirety.

IN WITNESS WHEREOF, the parties hereto have executed this amendment as of this day and year first above written.

OWNER

GEORGE WIDMARK

LYDIA WIDMARK

DONALD A. COUDRIET

JOANNE M. COUDRIET

TRINITY SMITH
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No. 06-103585-2 - Expires January 24, 2010

COUNTY OF SAN LUIS OBISPO

By: JERRY LENTHALL
Chairman of the Board of Supervisors

ATTEST:

JULIE L. RODEWALD
Clerk of the Board of Supervisors
By: VICKI M. SHELBY
Deputy Clerk

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: _____
Deputy County Counsel

Dated: July 19, 2007

LEGAL DESCRIPTION APPROVED AS TO FORM:

GLEN L. PRIDDY
County Surveyor

By: _____

Dated: 7/11/07

[NOTE: This Amendment No. 1 will be recorded. All signatures to this amendment must be acknowledged by a notary.]

11919ktagr.doc

STATE OF CALIFORNIA)
)
COUNTY OF SAN LUIS OBISPO) ss.

On August 7, 2007, before me, VICKI M. SHELBY, Deputy County Clerk-Recorder, County of San Luis Obispo, State of California, personally appeared JERRY LENTHALL, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

JULIE L. RODEWALD, County Clerk-Recorder
and Ex-Officio Clerk of the
Board of Supervisors, County of
San Luis Obispo, State of California

By: VICKI M. SHELBY
Deputy County Clerk-Recorder

[SEAL]

MIDSTATE BANK & TRUST

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Santa Barbara

On 06-08-08 before me, Elizabeth Castillo, personally appeared George Widmark & Lydia Widmark,

☐ 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.

SM01 ELIZABETH CASTILLO COMM. #1527746 NOTARY PUBLIC-CALIFORNIA SANTA BARBARA COUNTY My Comm. Expires November 19, 2008 SM01

WITNESS my hand and official seal.

Signature of Notary

OPTIONAL

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

CAPACITY CLAIMED BY SIGNER (PRINCIPAL)

☐ Individual
☐ Corporate Officer

Title

☐ Partner(s) ☐ Limited ☐ General

☐ Attorney-in-Fact
☐ Trustee(s)
☐ Guardian/Conservator
☐ Other:

Absent Signer (Principal) is Representing:

DESCRIPTION OF ATTACHED DOCUMENT

Amendment #1 To Open Space Agreement Granting an Open Space Easement to The County Of San Luis Obispo

Title or Type of Document

6

Number of Pages

Blank

Date of Document

Signer(s) Other Than Name(s) Above

Amendment No. 1 to Open-Space Agreement 6-18-07

Joanne M. Coudriet

Donald A. Coudriet

State of Nevada County of Washoe
Subscribed and sworn before me on 6-18-07 (Date)
(Notary Signature)

TRINITY SMITH
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No. 06-103585-2 - Expires January 24, 2010

State of Nevada
County of Washoe

This instrument was acknowledged before me on 6-18-07
by Joanne M. Coudriet and Donald A. Coudriet
(Signature of notarial officer)

TRINITY SMITH
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No. 06-103585-2 - Expires January 24, 2010