

COPY of Document Recorded
24-Jun-2016 2016-0015348
Has not been compared with
original
NAPA COUNTY RECORDER

WHEN RECORDED RETURN TO:

CITY OF CALISTOGA
DIRECTOR OF PUBLIC WORKS
1232 WASHINGTON STREET
CALISTOGA, CA 94515

EXEMPT FROM RECORDING FEES
SECTION 27383

EASEMENT DEED

RANCHO DE CALISTOGA MOBILE HOME PARK, A CALIFORNIA GENERAL PARTNERSHIP

GRANT(S) TO

THE CITY OF CALISTOGA, A MUNICIPAL CORPORATION

An easement for utility purposes over, above and to a reasonable depth with a right of immediate entry and continued possession for construction, improvement, maintenance, repairs, operation and replacement of a water line and facilities appurtenant thereto.

Said easement is more particularly described and delineated in Exhibits "A" & "B" attached hereto and by reference made a part hereof.

Said easement shall preclude property owner from actions which inhibit City's use of the easement including but not limited to the installation of fences, planting of agricultural crops, storage of materials and construction of structures.

This easement shall run with the land and is intended to and shall be binding upon the property owner, its successors, heirs, and assigns and shall be for the benefit of City, its successors, transferees, heirs, and assigns. The easement will not merge with the underlying fee title interest, and any deeds, leases, agreements, licenses, or other contracts purporting to grant rights in or otherwise transfer part or all of the property are expressly subject and subordinate to City's rights under this easement.

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed above is hereby accepted by order of the Council of the City of Calistoga pursuant to Council Resolution No. 2001-110, dated October 16, 2001, and Grantee consents to recordation thereof by its duly authorized officer.

Recording of this document is requested for and on behalf of the City of Calistoga pursuant to Section 27383 of the Government Code.

**CITY OF CALISTOGA
A Municipal Corporation**

By: 
Dylan Feik, City Manager

Date: June 20, 2016

A notary certificate is required.

**By: Rancho de Calistoga Mobile Home Park
Its: Managing Director**

Date: 6/14, 2016

By: 
Dean Moser, Managing Director

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of NAPA)

On JUNE 30, 2016 before me, KATHLEEN M. FLAMSON, NOTARY PUBLIC,
Date Here Insert Name and Title of the Officer

personally appeared DYLAN FEIK
Name(s) of Signer(s)

who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Kathleen M. Flamson
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: EASEMENT DEED Document Date: JUNE 30, 2016
Number of Pages: Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name:
Corporate Officer Title(s):
Partner Limited General
Individual Attorney in Fact
Trustee Guardian or Conservator
Other:
Signer Is Representing:

Signer's Name:
Corporate Officer Title(s):
Partner Limited General
Individual Attorney in Fact
Trustee Guardian or Conservator
Other:
Signer Is Representing:

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Marin)
On 6-14-16 before me, Carrie Lee, Notary Public
Date Here Insert Name and Title of the Officer
personally appeared Dean J. Moser
Name(s) of Signer(s)

who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Carrie Lee
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Easement Deed Document Date: _____
Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Date: June 10, 2016

File: 5.1418.01

EXHIBIT A
LEGAL DESCRIPTION
WATER LINE EASEMENT

All that certain portion of land situate in the City of Calistoga, County of Napa, State of California described as follows:

Being a grant of easement for water line purposes over and under a portion of the Lands of Roberts & Aguirre, as described in that certain deed recorded in Book 844 Official Records at Page 264, Napa County Records and being more particularly described as follows:

COMMENCING at the most southerly corner of Lot 27 as shown on the "Final Map of Heather Oaks Subdivision", filed in Book 10 of Record Maps, Page 66 (10 RM 66);

thence along the southwesterly boundary of said lot North 55° 00' 25" West 67.82 feet to the True Point of Beginning;

thence leaving said southwesterly boundary South 34° 59' 35" West 74.92 feet;

thence South 5° 52' 33" East, a distance of 33.26 feet to a point on the northerly line of the 60 foot right of way and utility easement (Cedar Street) described as Parcel One in the Offer of Dedication for Public Street and Utility Purposes, recorded August 19, 1971 in Book 857 of Official Records at Page 888, Napa County Records;

thence along said right of way and utility easement South 84° 07' 27" West, a distance of 10.00 feet;

thence leaving said right of way and utility easement North 5° 52' 23" West, a distance of 36.98 feet;

thence North 34° 59' 35" East, a distance of 61.69 feet;

thence North 10° 15' 37" East, a distance of 18.67 feet to the westerly corner of the aforementioned Lot 27;

thence along the southwesterly boundary of said parcel South 55° 00' 25" East, a distance of 17.81 feet to the True Point of Beginning.

Said parcel contains 1,185 square feet, more or less.

The Basis of Bearings for this description is that certain map entitled, "Final Map of Heather Oaks Subdivision", filed in Book 10 of Record Maps, Page 66, (10 RM 66) Napa County Records.

(a portion of APN 011-410-018)

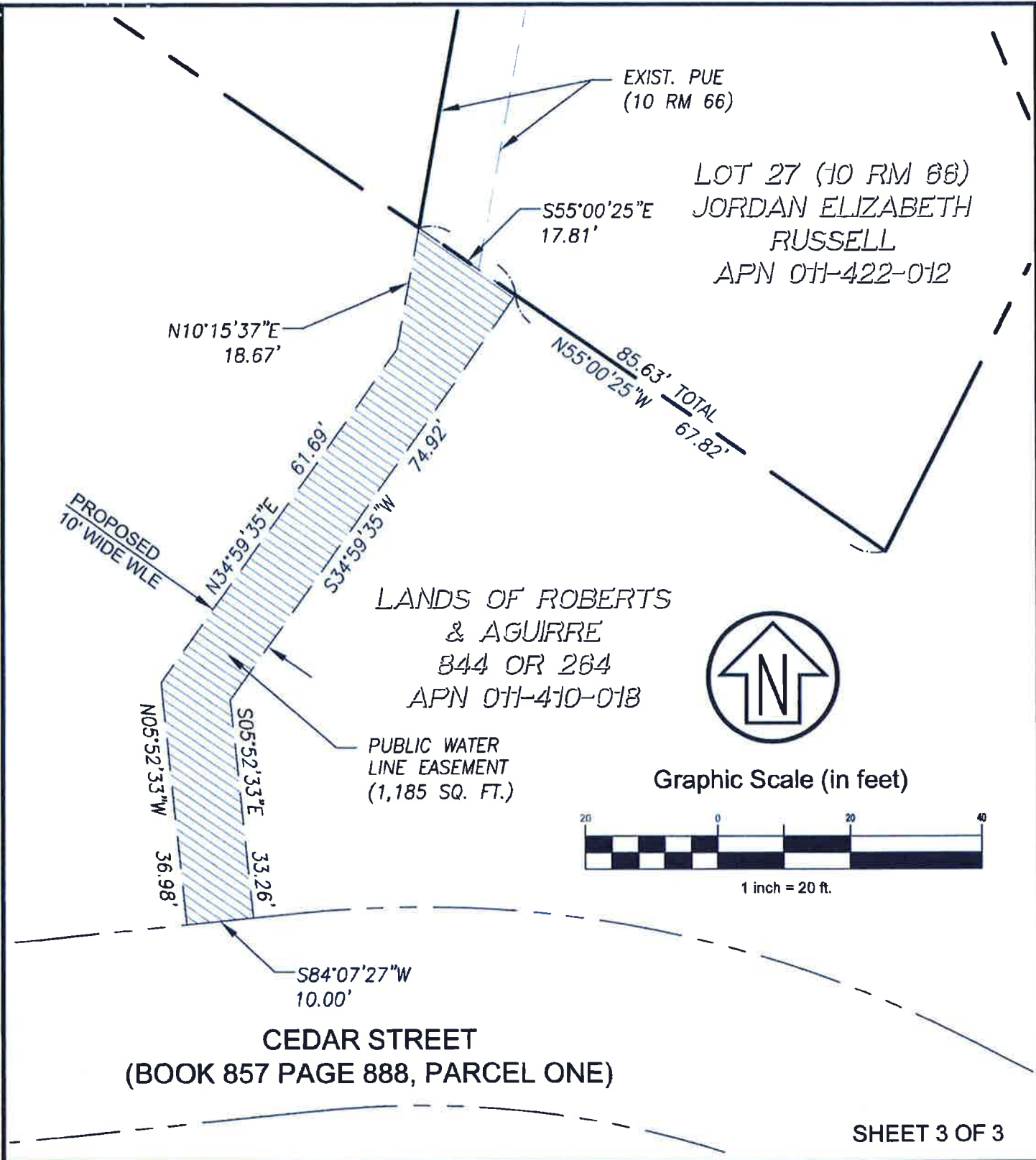
Prepared by:

CSW/STUBER-STROEH ENGINEERING GROUP, INC.



Alan G. Cornwell
R.C.E. #27577





LOT 27 (10 RM 66)
 JORDAN ELIZABETH
 RUSSELL
 APN 011-422-012

LANDS OF ROBERTS
 & AGUIRRE
 844 OR 264
 APN 011-410-018

PUBLIC WATER
 LINE EASEMENT
 (1,185 SQ. FT.)



Graphic Scale (in feet)



1 inch = 20 ft.

CEDAR STREET
 (BOOK 857 PAGE 888, PARCEL ONE)

SHEET 3 OF 3

CSW ST2

CSW/Stuber-Stroch Engineering Group, Inc.
 Civil & Structural Engineers | Surveying & Mapping | Environmental Planning
 Land Planning | Construction Management
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 Novato, CA 94949 fax: 415.883.9835
 http://www.cswst2.com © 2013

Rev. X
 Job No. 5.1418.01

Date: 06/10/2016
 Scale: 1" = 20'

RANCHO DE CALISTOGA
EXHIBIT B
WATER LINE EASEMENT
 CALISTOGA NAPA COUNTY CALIFORNIA

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION NO. 2016-11**

RECOMMENDING TO THE CITY COUNCIL THAT THE VACATION OF AN UNNAMED PAPER STREET AND UTILITY EASEMENT NEAR THE INTERSECTION OF FOOTHILL BOULEVARD AND CEDAR STREET IS CONSISTENT WITH THE CALISTOGA GENERAL PLAN (SV 2016-1)

WHEREAS, the property at 2412 Foothill Boulevard (APN 011-410-018) includes a 60-foot wide public right-of-way and utility easement that is not needed for the city's street network or utilities, as shown in the attached exhibit; and

WHEREAS, the City of Calistoga desires to vacate this right-of-way to remove the encumbrance now that the waterline has been relocated and the right-of-way is not needed; and

WHEREAS, this action is not subject to the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that the proposed vacation may have a significant effect on the environment; and

WHEREAS, at a public meeting on July 27, 2016, the Planning Commission considered the public record, including the written and oral staff reports, and testimony presented during the meeting.

WHEREAS, the Planning Commission finds that:

1. The 60-foot wide right-of-way and utility easement was a condition of approval placed upon the development of the Rancho de Calistoga Mobile Home Park and was created by an offer of dedication on August 19, 1971.
2. The Heather Oaks Subdivision to the north developed without consideration for the right-of-way, which now makes the construction of the roadway impractical.
3. The paper street is not needed for the city's street network and is not included in the modifications and improvements to Calistoga's street network called for by the General Plan's Circulation Element.
4. Circulation Element Action A1.1-2 calls for the City to cooperate with landowners to eliminate unnecessary "paper streets."

NOW, THEREFORE, BE IT RESOLVED by the City of Calistoga Planning Commission that, based on the above findings, the proposal to vacate said right-of-way and utility easement is consistent with the Calistoga General Plan.

APPROVED AND ADOPTED by the City of Calistoga Planning Commission at a meeting held July 27, 2016, by the following vote:

AYES: WILKES, MCNAIR, COOPER, ABERNATHY
NOES: NONE
ABSENT: COATES
ABSTAIN: NONE


Tim Wilkes, Vice Chair

ATTEST:


Lynn Goldberg, Secretary