DRAFT RESOLUTION


WHEREAS, the Atascadero Unified School District (District) is the owner of real property known generally as Atascadero Creek Reservation No. 3, located in the City of Atascadero (City), County of San Luis Obispo, State of California; and,

WHEREAS, a portion of Atascadero Creek Reservation No. 3 is subject to a lease between the District as Lessor and the Treasure of El Camino Real, now the Atascadero Historical Society (AHS), as Lessee dated October 11, 1965; and,

WHEREAS, a dispute arose between Creekside Parcel Associates, a California general partnership, James M. Harrison, and Kenneth B. Fryer (referred to collectively as Plaintiffs) and the City of Atascadero, Atascadero Unified School District, and Atascadero Historical Society, as a result of alleged property damage occurring on Plaintiffs’ property located in the City of Atascadero, adjacent to Atascadero Creek Reservation No. 3; and,

WHEREAS, on February 28, 2002, Plaintiffs filed an action against the District, the City, and the AHS contending, in essence, that the District, along with the City and the AHS, was in some manner responsible for the alleged damage to Plaintiffs’ property; and,

WHEREAS, in August 2004, all parties entered into a settlement agreement, requiring the District to, among other things, convey the Atascadero Creek Reservation No. 3 to the City and assign the AHS lease to the City.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Atascadero:

SECTION 1. The City Manager is authorized to execute the Certificate of Acceptance, certifying that the interest in real property conveyed by the Quitclaim Deed dated October 02, 2007, attached hereto as Exhibit A, from the Board of Trustees of the Atascadero Unified School District to the City of Atascadero, a municipal corporation of the State of California, is accepted by order of the City Council of the City of Atascadero, pursuant to this Resolution; and,

SECTION 2. The City Manager, by executing the Certificate of Acceptance, consents to the recordation of the Quitclaim Deed referenced above, by a City authorized officer.
SECTION 3. The Mayor is authorized to execute the Assignment and Assumption of Lease, dated October 02, 2007, by and between the Board of Trustees of the Atascadero Unified School District and the City of Atascadero, a municipal corporation of the State of California, the Lease of Creek Reservation No. 3, entered into on October 11, 1965, between the Atascadero School District and the Treasure of El Camino Real (now known as the Atascadero Historical Society), attached hereto as Exhibit B.

On motion by Council Member _______________________ and seconded by Council Member _______________________, the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

AYES:

NOES:

ABSENT:

ADOPTED: 

CITY OF ATASCADERO

By: ________________________________

Mike Brennler, Mayor

ATTEST:

____________________

Marcia McClure Torgerson, C.M.C.,
City Clerk

APPROVED AS TO FORM:

____________________

Brian Pierik, City Attorney