

RESOLUTION NO.15-0051

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, ACCEPTING A DONATION OF REAL PROPERTY FOR PUBLIC PURPOSES AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

THE MANHATTAN BEACH CITY COUNCIL DOES HEREBY FIND, RESOLVE AND DETERMINE AS FOLLOWS:

Section 1. The Pelton Land Company, LLC has offered to donate to the City of Manhattan Beach ("City") certain land located at northwest corner of Meadows Avenue and Bryant Place, which is described in the Grant Deed attached hereto as Attachment A.

Section 2. The City desires to accept the land for public purposes that are to be determined in the future.

Section 3. Based upon the whole record before it, in the exercise of its independent judgment and analysis the City Council, finds that City staff has correctly concluded that it can be seen with certainty that there is no possibility that acceptance of this land may have a significant effect on the environment, because acceptance will not in and of itself cause any change in the environment, and therefore no further action is required under CEQA at this time. The custodian of records for all materials that constitute the record of proceeding upon which this decision is based is the City Clerk. Those documents are available for public review in the City Clerk's office located at 1400 Highland Avenue, Manhattan Beach, California, 90266.

Section 4. The City Council hereby accepts and consents to the conveyance of the property to the City for future public purposes.

Section 5. The City Council hereby duly authorizes the City Manager to accept the above-referenced grant deed and execute a Certificate of Acceptance for the grant deed that is also attached as part of Attachment A and cause the deed to be recorded on behalf of the City.

Section 6. The City Clerk shall certify to the adoption of this Resolution and thenceforth and thereafter the same shall be in full force and effect.

PASSED, APPROVED, and ADOPTED this 15th day of September, 2015.

Ayes:
Noes:
Absent:
Abstain:

MARK BURTON
Mayor, City of Manhattan Beach, California

ATTEST:

LIZA TAMURA
City Clerk

ATTACHMENT A
GRANT DEED WITH CERTIFICATE OF ACCEPTANCE

RECORDING REQUESTED BY,
AND WHEN RECORDED RETURN TO:

City of Manhattan Beach
1400 Highland Avenue
Manhattan Beach, CA 90266
Attn: City Clerk

APN: 4168-017-027

[SPACE ABOVE FOR RECORDER'S USE ONLY]

GRANT DEED

This transfer is exempt from Documentary Transfer Tax as a conveyance for no consideration, and is exempt from Recording Fees pursuant to California Government Code Section 6103.

THE PELTON COMPANY, LLC, a California limited liability company ("Grantor"), hereby grants to the CITY OF MANHATTAN BEACH, a California municipal corporation ("Grantee"), that certain land located in the City of Manhattan Beach, County of Los Angeles, State of California, more particularly described on Exhibit "A" attached hereto, and all improvements and fixtures located thereon (the "Property").

The Property is being conveyed to Grantee subject to: (i) all liens, encumbrances, easements, covenants, conditions, restrictions and other matters of record; (ii) any matters of which Grantee has knowledge or notice; (iii) all matters which would be revealed or disclosed in an accurate survey or inspection of the Property; (iv) liens for taxes on real property and any general or special assessments of record with respect to the Property not yet delinquent; and (v) all laws, ordinances and governmental rules, regulations and restrictions affecting the Property.

FURTHER, THE PROPERTY IS BEING CONVEYED "AS IS, WHERE IS", AND WITHOUT ANY WARRANTIES OF ANY NATURE WHATSOEVER, EXPRESSED OR IMPLIED, BETWEEN GRANTOR AND GRANTEE, IT BEING THE INTENTION OF GRANTOR AND GRANTEE TO NEGATE AND EXCLUDE ALL WARRANTIES, INCLUDING, WITHOUT LIMITATION, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR ANY PARTICULAR PURPOSE, WARRANTIES CREATED BY ANY AFFIRMATION OF FACT OR PROMISE OR BY ANY DESCRIPTION OF THE PROPERTY, AND ALL OTHER WARRANTIES WHATSOEVER.

Grantee, on behalf of itself and its successors and assigns, hereby waives its right to recover from Grantor and forever releases, covenants not to sue and discharges Grantor from any and all damages, demands, claims, losses, liabilities, penalties, fines, liens, judgments, and costs or expenses whatsoever, including attorneys' fees and costs, whether direct or indirect, known or unknown, foreseen or unforeseen, that may arise on account of or in any way be connected with the Property, including, without limitation, the physical or environmental condition of the

Property. In this regard, Grantee hereby waives all rights it has or may hereafter have that any claim, demand, obligation or cause of action has, through ignorance, oversight or error, been omitted from the terms of this paragraph, and expressly waives all rights it may have, or claim to have, under the provisions of California Civil Code Section 1542, or equivalent law of any jurisdiction, which provides:

"A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH DEBTOR."

IN WITNESS WHEREOF, the undersigned grantor has executed this Grant Deed as of the date set forth below.

Dated: Aug. 24, 2015

GRANTOR:

THE PELTON COMPANY, LLC,
a California limited liability company

By: Pelton Affiliated Holdings, Inc.,
a California corporation, its Manager

By: Debra L. Pelton
Debra L. Pelton, President

By: Lisa M. Pelton
Lisa M. Pelton, Secretary

EXHIBIT "A"

Legal Description

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

LOT 32 OF TRACT NO. 28918, IN THE CITY OF MANHATTAN BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 772 PAGES 3 AND 4 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM ALL OF THE RIGHT, TITLE AND INTEREST, IN ALL OIL, GAS, PETROLEUM AND ALL OTHER HYDROCARBONS AND ASSOCIATED SUBSTANCES AND MINERALS IN, UNDER, RECOVERABLE OR THAT MAY BE PRODUCED FROM ANY PORTION OF THE ABOVE-DESCRIBED REAL PROPERTY LYING BELOW A VERTICAL DEPTH OF 500 FEET BELOW THE PRESENT SURFACE THEREOF, WITHOUT RIGHT OF ENTRY AS GRANTED TO JAMES S. PELTON AND CHARLES I. GOLD, RECORDED APRIL 11, 1968 AS INSTRUMENT NO. 3681, OF OFFICIAL RECORDS.

APN: 4168-017-027

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 Los Angeles)

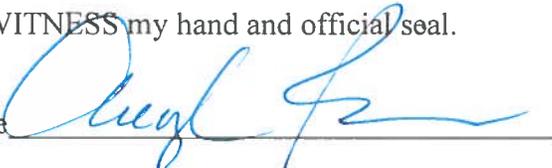
On August 24, 2015, before me, CHERYL PICKENS,
(insert name and title of the officer)

Notary Public, personally appeared Debra L. Pelton and Lisa M. Pelton,
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



(Seal)

CERTIFICATE OF ACCEPTANCE
(California Government Code Section 27281)

This is to certify that the interest in real property conveyed to the City of Manhattan Beach by that certain Grant Deed dated August 24, 2015, executed by The Pelton Company, LLC is hereby accepted by the undersigned office on behalf of the City of Manhattan Beach pursuant to the authority conferred by the City of Manhattan Beach at the City Council meeting held on September 15, 2015, and the grantee consents to recordation thereof by its duly authorized officer.

Dated: _____, 2015

Print Name: _____

Title: _____