

1 **RECORDING REQUESTED BY AND**
2 **WHEN RECORDED RETURN TO:**

3 Timothy Jones, Esq.
4 Wanger Jones Helsley PC
5 265 E. River Park Circle, Suite 310
6 Fresno, California 93720

7 APN 300-210-19S

THIS SPACE FOR RECORDER'S USE ONLY

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9
10 **RELEASE OF ENCUMBRANCE**

11 **ROAD IMPACT FEE**

12
13 **Date:** June 22, 2021

14 **Parties:** The County of Fresno, a Political Subdivision of the State of California.

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16 **RECITALS**

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18 A. WHEREAS, Table Mountain Rancheria of California, a federally-recognized sovereign
19 Indian tribe, is the owner of certain real property located in Fresno County, which is presently encumbered
20 by two road impact fee agreements entered into with the County of Fresno. The real property is located in
21 Fresno County, California, known as Fresno County Assessor's Parcel Number 300-210-19s, and more
22 particularly described as:

23
24 THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF FRESNO,
25 STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

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27 Lot 62, of Tract No. 4048, according to the map thereof recorded in Volume 49, of Plats, at Pages
28 61 through 79, Fresno County Records.

1 Excepting therefrom all oil, gas and minerals lying below a depth of 500 feet, but without the right
2 of surface entry, as conveyed to Carlsberg Resource Corporation, a California Corporation, by Deed
3 recorded October 30, 1970 in Book 5832, Page 371 of Official Records, as Document No. 76311.

4
5 Also excepting and reserving unto Millerton New Town Development Company, a California
6 General Partnership, its successors and assigns, to the extent not otherwise excepted by Virtue of said
7 conveyance to Carlsberg Resources Corporation, a California Corporation, recorded October 30, 1970, as
8 Document No. 76311 in Book 5832 page 371, all oil, minerals,
9 water, gas casinghead gas, asphaltum and other hydrocarbon substances, and all chemical now or
10 hereafter found, situate of located in all or any part of portion of the land above described, lying more than
11 500 feet below the surface thereof, together with the right to slant drill or mine for, and remove all or any
12 portion of said substances lying below a depth of 500 feet from the surface thereof, and the right to grant
13 leases for all or any of said purposes, but without any right whatsoever to enter upon the surface of said
14 land or within 500 vertical distance below the surface thereof as reserved in deed recorded July 6, 1995 as
15 document no. 95-080993, Fresno County Records.

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17 APN: 300-210-19s

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19 (hereinafter, the "Property")
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21 B. WHEREAS, on December 12, 1989, Millerton New Town Development Company and the
22 County of Fresno entered into a Road Impact Fee Agreement, recorded December 14, 1989 in the Fresno
23 County Recorder's Office as Instrument No. 89137984 (the "Friant Agreement");

24
25 C. WHEREAS, on December 12, 1989, Millerton New Town Development Company and the
26 County of Fresno entered into a Road Impact Fee Agreement, recorded December 14, 1989 in the Fresno
27 County Recorder's Office as Instrument No. 89137986 (the "Millerton Agreement");
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1 D. WHEREAS, Table Mountain Rancheria of California entered into an agreement with the
2 County of Fresno (the "Road Impact Fee Agreement") to release the Friant Agreement and Millerton
3 Agreement, which was executed in counterpart. Pursuant to the terms of the agreement, a Release of
4 Encumbrance was recorded on September 26, 2013 releasing the Friant Agreement and Millerton
5 Agreement from burdening the Property.

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7 E. WHEREAS, on September 26, 2013, the counterpart signed Road Impact Fee Agreement
8 was erroneously recorded as Instrument Nos. 2013-0136220 and 2013-0136221 and now burdens the
9 Property.

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11 F. WHEREAS, the County of Fresno now desires to release the Road Impact Fee Agreement
12 and remove all obligations and encumbrances under the Road Impact Fee Agreement from the Property.

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14 **(Signature page follows)**
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RELEASE

1. The County of Fresno, the party benefitted under the terms of the Road Impact Fee Agreement as defined above, hereby releases and removes the Road Impact Fee Agreement from hereafter burdening the Property.

Executed on this 22nd day of June, 2021 in Fresno, California.

COUNTY OF FRESNO

DATE: June 22, 2021



Steve Brandau, Chairman of the Board of Supervisors of the County of Fresno

ATTEST:
Bernice E. Seidel
Clerk of the Board of Supervisors
County of Fresno, State of California

By Rosei Cuyf
Deputy