

TO: James L. App, City Manger
FROM: Robert A. Lata, Community Development Director
SUBJECT: Acceptance of Irrevocable and Perpetual Offers of Dedication of Landscape Easements (Lots 6 and 7, Tract 2296)
DATE: April 6, 2004

Needs: That the City Council authorize the acceptance of Irrevocable and Perpetual Offers of Dedication of landscape and water line easements provided by Earl Jacobs (as to Lot 7) D. A. Fetyko (as to Lot 6) all related to the development of Tract 2296 located on Signora Rosa Court, the easements being located along the northerly boundary of Tract 2296, for landscaping along Highway 46.

Facts: 1. The City has received Irrevocable and Perpetual Offers of Dedication for variable width public landscape easements on Lots 6 and 7, in Tract 2296.

**Analysis
And**

Conclusion: As part of the development of Tract 2296, the subdivider was required to provide landscaping along the north boundary of the subdivision to improve its appearance from Highway 46.

Further, in order to assure the long term maintenance of landscaping along this portion of the subdivision, the landscaping will need to be maintained by the Landscape and Lighting District.

The owners of Lots 6 and 7 in Tract 2296 have provided Irrevocable and Perpetual Offers of Dedication for easements for the installation and maintenance of landscaping by the Landscape and Lighting District. The dedication of the easements does not affect the owner's abilities to reasonably develop and use their subject properties. (See Attachment 1)

Policy

Reference: Paso Robles Municipal Code, Section 22, Subdivision Map Act

Fiscal

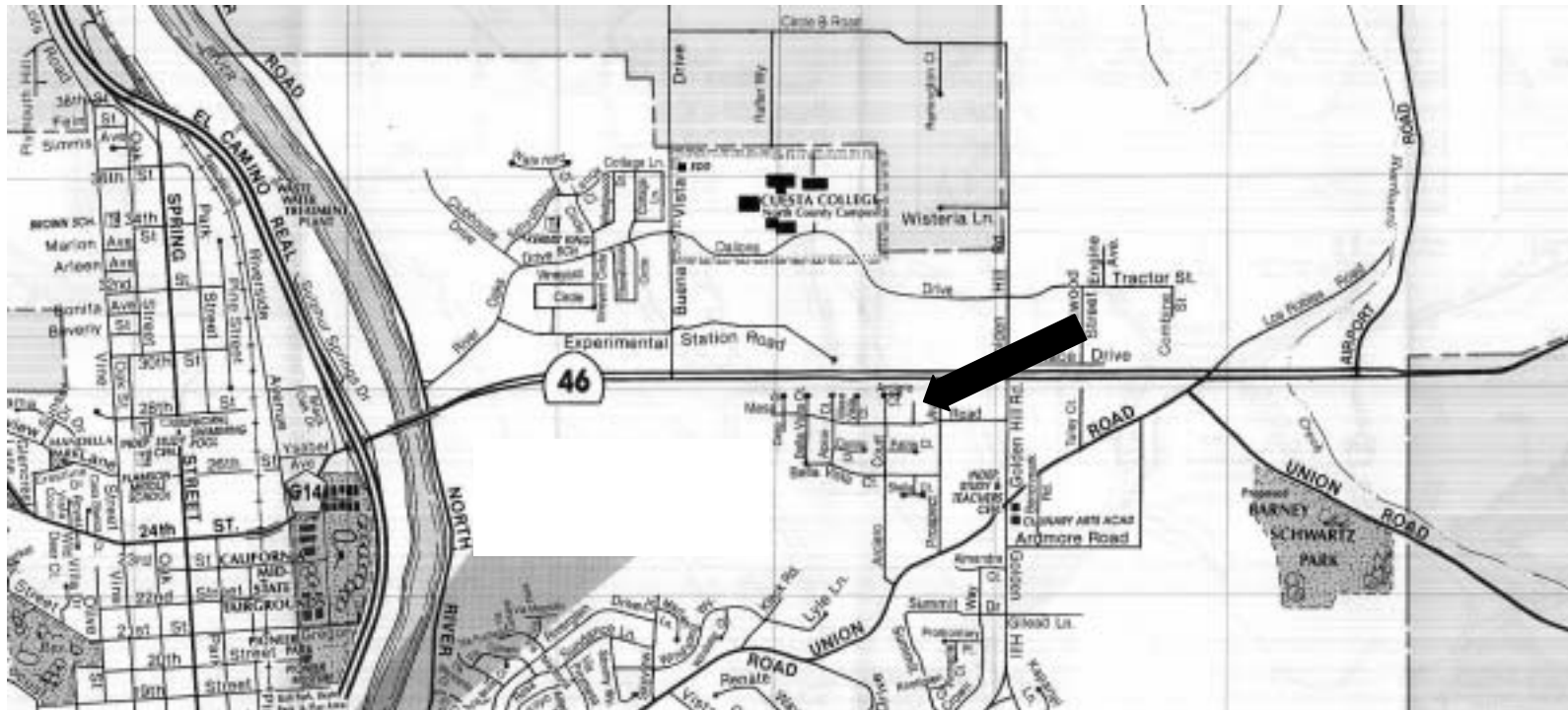
Impact: none

Options: Upon receipt of Irrevocable and Perpetual Offers of Dedication and proper guarantee of title:

- a. Adopt Resolution No. 04-xxx accepting the Irrevocable and Perpetual Offers of Dedications for landscape and water line easements on Lots 6 and 7 of Tract 2296.
- b. Amend, modify or reject the above option.

Attachments: (2)

1. Easement Grant Deeds with Exhibits
2. Resolution



VICINITY MAP ~ TRACT 2296
(JACOBS & FETYKO)

IRREVOCABLE & PERPETUAL
OFFER TO DEDICATE

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

City of El Paso de Robles Engineering Dept.
1000 Spring Street
Paso Robles, CA 93446

APN 025-404-071

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THIS OFFER TO DEDICATE, made the 11th day of March, 2004,
by **D. A. Fetyko, Inc., a California Corporation** of the County of San Luis Obispo,
State of California, hereinafter termed Offeror:

WHEREAS, said Offeror desires to make an Offer to Dedicate, irrevocably, to the public, an easement, for public landscape purposes, which offer may be accepted at any time by any governmental entity which has the power to establish, construct and maintain roads and utilities.

NOW, THEREFORE, said Offeror covenants and promises as follows:

1. That said Offeror is the owner of the following interest described below:

Lot 6, Tract 2296, in the City of Paso Robles, County of San Luis Obispo, State of California, according to map recorded April 23, 2003 in Book 22, Page 14 of Maps, Records of said County and State.

2. That said Offeror does hereby irrevocably and in perpetuity Offer to such governmental entity a Dedication of a public right-of-way for landscape, maintenance and incidental uses upon the following described property:

A portion of said Lot 6, Tract 2296, in the City of Paso Robles, County of San Luis Obispo, State of California, according to map recorded April 23, 2003 in Book 22, Page 14 of Maps, Records of said County and State, said portion being described as follows:

Beginning at the Northwest corner thereof, thence along the Westerly line thereof S24°56'47"E 28.83 feet; thence leaving said Westerly line N84°55'55"E 184.89 feet to a point on the Easterly line of said Lot 6; thence along said Easterly line N47°23'03"E

16.41 feet to the Northeast corner thereof; thence along the North line thereof S84°55'55"W 131.57 feet and N82°24'11"W 78.03 feet to the Point of Beginning.

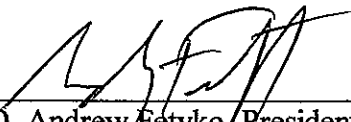
See Exhibit "A" attached.

3. That said Offeror agrees that said Offer of Dedication shall be irrevocable and that such a government entity may, at any time in the future, accept said Offer of Dedication of the public landscape easement.

5. That said Offeror agrees that this irrevocable and perpetual Offer of Dedication is and shall be binding on his heirs, legatees, successors and assignees.

IN WITNESS WHEREOF, this Offer to Dedicate is hereby executed by the said Offeror on the day and year first above written.

D. A. Fetyko, Inc., a California Corporation


By: D. Andrew Fetyko, President

STATE OF California

COUNTY OF San Luis Obispo

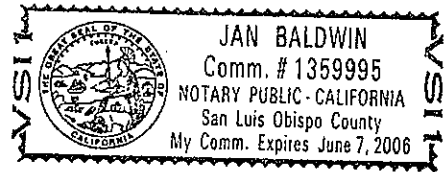
On MARCH 11, 2004 before me, Jan Baldwin, Notary Public
(Name, Title of Officer)

personally appeared D. Andrew Fetyko

~~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.

WITNESS my hand and official seal.

Jan Baldwin
(Signature of Notary Public)



(This area for notarial seal)

CALIFORNIA HIGHWAY 46

P.O.B.

AREA OF OFFER OF DEDICATION FOR LANDSCAPE PURPOSES

10.00'

LOT 6

LOT 7

LOT 5



LOT 4

*SIGNORA
ROSA
COURT*

LOT 8

EXHIBIT "A"

PREPARED FOR: D. A. FETYKO
PREPARED BY: EMK & ASSOCIATES, INC.
1005 RAILROAD STREET
PASO ROBLES, CA 93446
(805) 238-5427

NOT TO SCALE

IRREVOCABLE & PERPETUAL
OFFER TO DEDICATE

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

City of El Paso de Robles Engineering Dept.
1000 Spring Street
Paso Robles, CA 93446

APN 025-404-072

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THIS OFFER TO DEDICATE, made the 17th day of March, 2004,
by **Earl D. Jacobs, Trustee of the Earl D. Jacobs Trust dated February 25, 1993** of
the County of San Luis Obispo, State of California, hereinafter termed Offeror:

WHEREAS, said Offeror desires to make an Offer to Dedicate, irrevocably, to the public, an easement, for public landscape purposes, which offer may be accepted at any time by any governmental entity which has the power to establish, construct and maintain roads and utilities.

NOW, THEREFORE, said Offeror covenants and promises as follows:

1. That said Offeror is the owner of the following interest described below:

Lot 7, Tract 2296, in the City of Paso Robles, County of San Luis Obispo, State of California, according to map recorded April 23, 2003 in Book 22, Page 14 of Maps, Records of said County and State.

2. That said Offeror does hereby irrevocably and in perpetuity Offer to such governmental entity a Dedication of a public right-of-way for landscape, maintenance and incidental uses upon the following described property:

The Northerly 10.00 feet of said Lot 7, Tract 2296, in the City of Paso Robles, County of San Luis Obispo, State of California, according to map recorded April 23, 2003 in Book 22, Page 14 of Maps, Records of said County and State.

See Exhibit "A" attached.

3. That said Offeror agrees that said Offer of Dedication shall be irrevocable and that such a government entity may, at any time in the future, accept said Offer of Dedication of the public landscape easement.

5. That said Offeror agrees that this irrevocable and perpetual Offer of Dedication is and shall be binding on his heirs, legatees, successors and assignees.

IN WITNESS WHEREOF, this Offer to Dedicate is hereby executed by the said Offeror on the day and year first above written.

Earl D. Jacobs, Trustee

Earl D. Jacobs, Trustee

STATE OF California

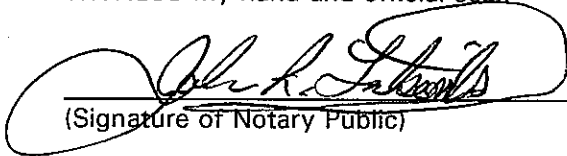
COUNTY OF San Luis Obispo

On MARCH 17, 2004 before me, JOHN R. LAKOVITS, NOTARY PUBLIC
(Name, Title of Officer)

personally appeared EARL D. JACOBS

~~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.

WITNESS my hand and official seal.


(Signature of Notary Public)

(This area for notarial seal)



CALIFORNIA HIGHWAY 46 10.00'

LOT 6

AREA OF OFFER OF DEDICATION FOR LANDSCAPE PURPOSES

LOT 7

PRIVATE DRIVEWAY PROSPECT AVE

**SIGNORA
ROSA
COURT**

LOT 8

EXHIBIT "A"

PREPARED FOR: A. D. FETYKO
PREPARED BY: EMK & ASSOCIATES, INC.
1005 RAILROAD STREET
PASO ROBLES, CA 93446
(805) 238-5427

NOT TO SCALE

JOB NO. 00-532



HLR03

H:\2000\00-532\Tract Map\00-532-TM-final-2003-STAKING.dwg 03/08/2004 12:46:14 PM PST

RESOLUTION NO. 04-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ACCEPTING IRREVOCABLE AND PERPETUAL OFFERS OF DEDICATION
FOR LANDSCAPE AND EASEMENTS (TRACT 2296)

WHEREAS, the City has received Irrevocable and Perpetual Offers of Dedication for landscape and water main easements from Earl Jacobs (as to Lot 7), D. A. Fetyko (as to Lot 6) in Tract 2296.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. That the City Council accept the Irrevocable and Perpetual Offers of Dedication for landscape easements provided by Earl Jacobs (as to Lot 7) and D. A. Fetyko (as to Lot 6) in Tract 2296 in the City of Paso Robles and authorize their execution and recordation.

ADOPTED by the City Council of the City of El Paso de Robles at a regular meeting of said Council held on the 6th day of April 2004 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk