

TO: James L. App, City Manger
FROM: Robert A. Lata, Community Development Director
SUBJECT: Acceptance of Irrevocable and Perpetual Offers of Dedication of Landscape and Water Line Easements (Lots 7, 8, 9 and 11, Tract 2296)
DATE: February 17, 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 8) and Birgit Ruiz (as to Lots 9 and 11) all related to the development of Tract 2296 located on Signora Rosa Court, the easements being located along the northerly extension of Prospect Avenue (a private street), north of Mesa Road.

Facts: 1. The City has received Irrevocable and Perpetual Offers of Dedication for eight-foot wide public landscape and water main easements on Lots 8, 9 and 11 and a similar ten-foot wide public easement on Lot 7, in Tract 2296 north of Mesa Road.

**Analysis
And**

Conclusion: As part of the development of Tract 2296, the subdivider was required to construct improvements to Prospect Avenue (a private street) north of Mesa Road. There is an existing City water main located in the abandoned right-of-way of Prospect Avenue.

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

The owners of Lots 7, 8, 9 and 11 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 and maintenance of the existing water main by the City. 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 a landscape and water main easements on Lots 7, 8, 9 and 11 of Tract 2296.
- b. Amend, modify or reject the above option.

Attachments: (2)

1. Easement Grant Deeds and Tract Map
2. Resolution

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 WATER MAIN 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 8) and Birgit Ruiz (as Lots 9 and 11) 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 and water main easements provided by Earl Jacobs (as to Lot 7), D. A. Fetyko (as to Lot 8) and Birgit Ruiz (as to Lots 9 and 11) in Tract 2296 in the City of Paso Robles and authorize their execution and recordation.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 17th day of February 2004 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS MAP IS N00°14'16"E BEING THE EASTERLY LINE OF TRACT 2223 BETWEEN TWO FOUND MONUMENTS AS SHOWN.

GRAPHIC SCALE



TRACT 2296

SIGNORA ROSA ESTATES

BEING AN 11 LOT SUBDIVISION OF A PORTION OF LOT 38 OF PROSPECT HEIGHTS RECORDED IN 3 PM 19

THE CITY OF PASO ROBLES, SAN LUIS OBISPO COUNTY, CALIFORNIA

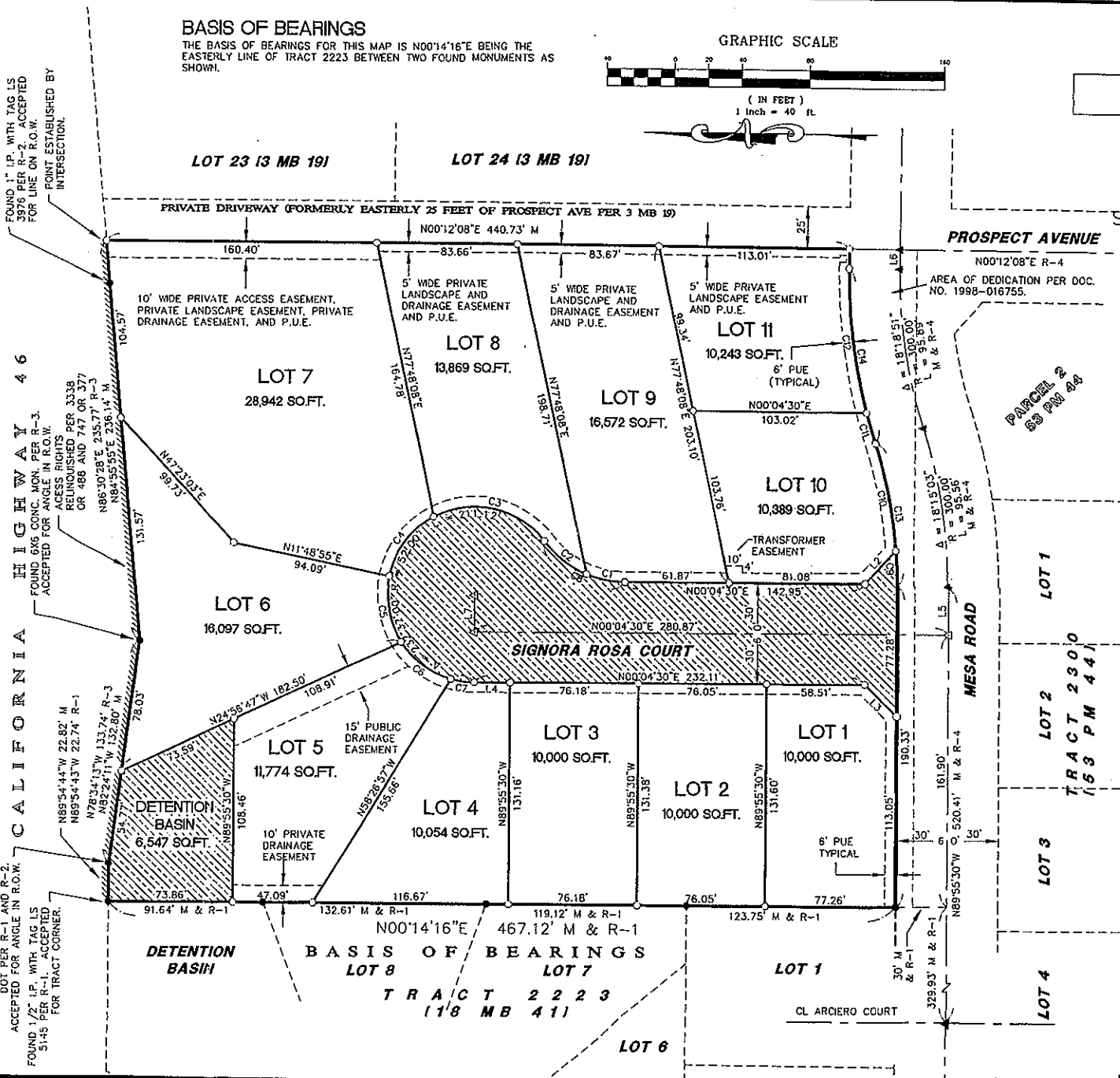
LEGEND

- FOUND 1/2" REBAR WITH TAG LS 5145 PER R-1 UNLESS OTHERWISE NOTED
- SET 1/2" REBAR WITH TAG LS 5145
- ▲ FOUND CITY WELL MONUMENT WITH BRASS CAP MARKED LS 5145 PER 53 PM 44
- △ SET BRASS CAP IN CITY WELL MONUMENT MARKED LS 5145
- M MEASURED
- R-1 RECORD PER 18 MB 41
- R-2 RECORD PER 38 RS 35
- R-3 RECORD PER V SLO 46 P.7 DATED 11-88 CALTRANS MONUMENTATION MAP
- R-4 RECORD PER 53 PM 44
- //// ACCESS RELINQUISHED ALONG HIGHWAY 46 AS NOTED
- PUE PUBLIC UTILITY EASEMENT
- ////// AREA OF OFFER OF DEDICATION
- TRACT BOUNDARY

LINE	BEARING	DISTANCE
L1	N89°51'43"W	11.41'
L2	N47°25'12"W	26.77'
L3	N45°05'08"E	26.53'
L4	N00°04'30"E	21.37'
L5	N89°55'30"W	28.52'
L6	N89°51'43"W	11.38'
L7	N89°55'30"W	22.00'

CURVE	DELTA	RADIUS	LENGTH
C1	22°15'44"	60.00'	23.31'
C2	30°21'16"	60.00'	31.79'
C3	80°51'44"	52.00'	73.38'
C4	50°00'51"	52.00'	45.39'
C5	44°32'53"	52.00'	40.43'
C6	41°32'58"	52.00'	37.71'
C7	15°38'34"	52.00'	14.20'
C8	52°37'00"	60.00'	55.10'
C9	4°30'27"	270.00'	21.24'
C10	13°44'36"	270.00'	64.76'
C11	3°19'03"	330.00'	19.11'
C12	14°59'47"	330.00'	86.37'

CALIFORNIA HIGHWAY 46



EMK & Associates, Inc.
ENGINEERING • PLANNING • SURVEYING

1005 RAILROAD ST. PASO ROBLES, CA. (805)238-5427

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 29th day of December, 2003, 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 and public waterline 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.

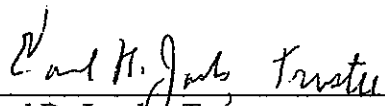
2. That said Offeror does hereby irrevocably and in perpetuity Offer to such governmental entity a Dedication of a public right-of-way for landscape, waterline, maintenance and incidental uses upon the following described property:

The Easterly 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.

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 and public waterline 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

STATE OF California

COUNTY OF San Luis Obispo ^{LA} LOS ANGELES

On Dec 29, 2003 before me, REGINALD D. SALAZAR ^{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.

Reginald D. Salazar
(Signature of Notary Public)



(This area for notarial seal)

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 025-404-073

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THIS OFFER TO DEDICATE, made the 18th day of December, 2003,
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 and public waterline 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 8, 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, waterline, maintenance and incidental uses upon the following described property:

The Easterly 8.00 feet of said Lot 8, 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.

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 and public waterline 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 Dec 18, 2003 before me, Laura M Paulsen
(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.

Laura M Paulsen
(Signature of Notary Public)



(This area for notarial seal)

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 025-404-074 and 076

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THIS OFFER TO DEDICATE, made the 30th day of December, 2003, by **Birgit Ruiz, an unmarried woman**, 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 and public waterline 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:

Lots 9 and 11, 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, waterline, maintenance and incidental uses upon the following described property:

The Easterly 8.00 feet of said Lots 9 and 11, 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.

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 and public waterline 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.

Birgit Ruiz
Birgit Ruiz

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

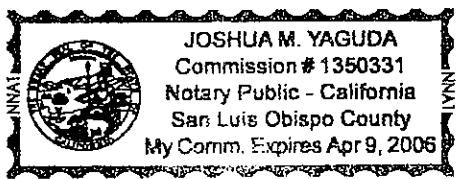
State of California

County of San Luis Obispo } ss.

On December 30, 2003 before me, Joshua M. Yaguda
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Birgit Ruiz
Name(s) of Signer(s)

personally known to me
 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]
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

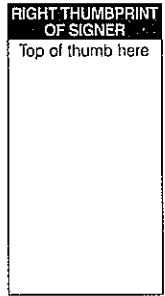
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: _____



RESOLUTION NO. 04 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ACCEPTING IRREVOCABLE AND PERPETUAL OFFERS OF DEDICATION FOR
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THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. That the City Council accept the Irrevocable and Perpetual Offers of Dedication for landscape and water main easements provided by Earl Jacobs (as to Lot 7), D. A. Fetyko (as to Lot 8) and Birgit Ruiz (as to Lots 9 and 11) in Tract 2296 in the City of Paso Robles and authorize their execution and recordation.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 17th day of February 2004 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk