

## MEMORANDUM

**TO:** CITY COUNCIL

**FROM:** TERESA MCCLISH, DIRECTOR OF COMMUNITY DEVELOPMENT

**BY:** CARMEN LEYVA, ASSOCIATE ENGINEER

**SUBJECT:** CONSIDERATION OF ACCEPTANCE OF AN IRREVOCABLE AND PERPETUAL OFFER TO DEDICATE A PUBLIC ROAD EASEMENT  
121 NEVADA STREET

**DATE:** April 12, 2016

**RECOMMENDATION:**

It is recommended the City Council adopt a Resolution accepting an irrevocable and perpetual offer to dedicate a public roadway easement for the future realignment of Nevada Street and Bridge Street.

**IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:**

There are no financial or personnel resource impacts at this time.

**BACKGROUND:**

On July 1, 2014, the Planning Commission adopted Resolution No. 14-2211 approving Conditional Use Permit No. 14-006 for an expansion of an existing commercial structure located at 121 Nevada Street. As a condition of approval, the applicant was required to dedicate a section of Nevada Street as a public right-of-way for road purposes to allow for the future realignment of Nevada Street with Bridge Street.

The future realignment will improve traffic circulation and intersection geometrics.

**ANALYSIS OF ISSUES:**

The Bridge Street Corridor Study report, dated March 2014, recommends that Bridge Street and Nevada Street be realigned to form a standard intersection with four opposing approaches. Realigning Bridge Street with Nevada Street would provide the ability to signalize the intersection, which would improve intersection operations.

While no immediate plans exist to complete these intersection improvements, obtaining the necessary roadway easements when available will increase the probability of these future improvements at a lower cost. See Figure 1.

**CITY COUNCIL  
CONSIDERATION OF RIGHT-OF-WAY DEDICATION  
APRIL 12, 2016  
PAGE 2**

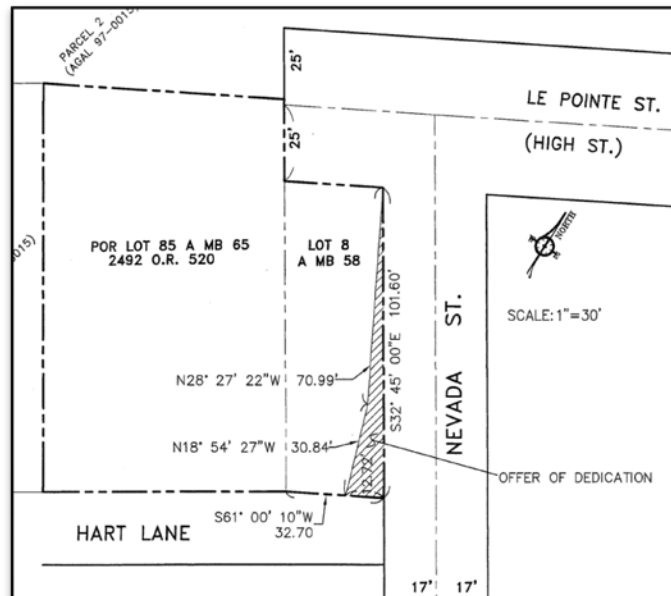


Figure 1.

**ALTERNATIVES:**

The following alternatives are provided for the Council's consideration:

- Adopt a Resolution accepting an irrevocable and perpetual offer to dedicate a public roadway easement; or
- Provide direction to staff.

**ADVANTAGES:**

If in the future the City pursues the realignment of Nevada Street, the right-of-way section required for the expansion would be secured with this acceptance of the offer of dedication.

**DISADVANTAGES:**

If dedication is not accepted the realignment, if pursued by the City in the future, would not be possible.

**ENVIRONMENTAL REVIEW:**

Environmental review is not required for this item.

**PUBLIC NOTIFICATION AND COMMENTS:**

The Agenda was posted in front of City Hall on Thursday, April 7, 2016. The Agenda and staff report were posted on the City's website on Friday, April 8, 2016. No comments have been received regarding the project.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE ACCEPTING AN IRREVOCABLE AND PERPETUAL OFFER TO DEDICATE A PUBLIC ROAD EASMENT; LOCATED AT 121 NEVADA STREET; OFFERED BY JONI ANDERSON**

**WHEREAS**, on July 1, 2014 the Planning Commission of the City of Arroyo Grande adopted Resolution No. 14-2211, approving Conditional Use Permit 14-006; and

**WHEREAS**, conditions of approval for the project required the property owner to offer to dedicate a public road easement to allow for the future realignment of Nevada Street; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Arroyo Grande hereby accepts the road easement in Exhibit B and shown schematically in Exhibit B-1 of the Irrevocable and Perpetual Offer of Dedication attached hereto as Exhibit A, and which is incorporated herein by this reference.

On motion of Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, and on the following roll call vote, to wit:

**AYES:**  
**NOES:**  
**ABSENT:**

the foregoing Resolution was passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2016.

**RESOLUTION NO.  
PAGE 2**

\_\_\_\_\_  
**JIM HILL, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**KELLY WETMORE, CITY CLERK**

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
**DIANNE THOMPSON, CITY MANAGER**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**HEATHER WHITHAM, CITY ATTORNEY**

**RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:**  
CITY OF ARROYO GRANDE  
CITY CLERK  
300 EAST BRANCH STREET  
ARROYO GRANDE, CA 93420

Fee Exempt per GC Sections 6103 and 27383

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**IRREVOCABLE AND PERPETUAL OFFER TO DEDICATE**

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**THIS OFFER TO DEDICATE**, made this 15<sup>th</sup> day of June 2015,  
by Craig and Joanne Anderson Family Trust of the City of Arroyo Grande, County of San  
Luis Obispo, State of California, hereinafter termed Offeror

**WHEREAS**, said Offeror desires to make an irrevocable and perpetual offer to dedicate a  
public road easement, which offer may be accepted at any time by any governmental entity  
that has the power to establish, construct, and maintain roads.

**NOW, THEREFORE**, for a valuable consideration, the receipt and sufficiency of which is  
hereby acknowledged, said Offeror covenants and promises as follows:

1. That said Offeror is the owner of the real property described in Exhibit A and shown  
schematically in Exhibit A-1.
2. That said Offeror does hereby irrevocably and in perpetuity offer to such  
governmental entity a dedication of a public right of way for road purposes and  
incidental uses upon the property described in Exhibit B and shown schematically in  
Exhibit B-1.
3. That until such time as the above offer of dedication is accepted by such a  
government entity, all owners of property continuous to the above described road  
parcel shall have the right to the use of said road parcel as private property.
4. 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 right-of-way.
5. That said Offeror agrees that this irrevocable and perpetual Offer to Dedicate is and  
shall be binding on his heirs, legatees, successors and assignees.

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

  
\_\_\_\_\_  
Craig Anderson, Trustee

\_\_\_\_\_  
Offeror

  
\_\_\_\_\_  
Joanne Anderson, Trustee

\_\_\_\_\_  
Offeror

This is to certify that the interest in real property conveyed by the **IRREVOCABLE AND PERPETUAL OFFER TO DEDICATE**, dated **March 27, 2015** from **Craig and Joanne Anderson Family Trust** to the CITY OF ARROYO GRANDE, a municipal corporation of the State of California, is hereby accepted by Resolution of the City Council of the City of Arroyo Grande on \_\_\_\_\_, and the City of Arroyo Grande consents to recordation thereof by its duly authorized officer.

\_\_\_\_\_  
**JIM HILL , MAYOR**

**ATTEST:**

\_\_\_\_\_  
**KELLY WETMORE, CITY CLERK**

**ACKNOWLEDGMENT**

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.

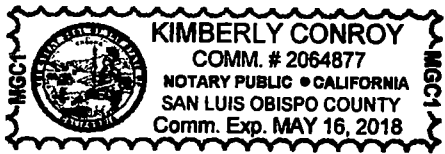
State of California  
County of San Luis Obispo )

On July 01, 2015 before me, Kim Conroy-Notary Public  
(insert name and title of the officer)

personally appeared Craig Anderson  
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 *K. Conroy* (Seal)

## ACKNOWLEDGMENT

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 San Luis Obispo

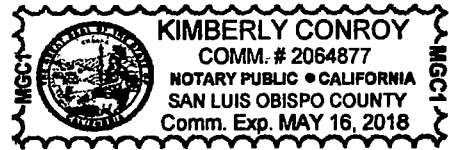
On July 01, 2015 before me, Kim Conroy-Notary Public  
(insert name and title of the officer)

personally appeared Joanne Anderson  
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 K. Conroy (Seal)





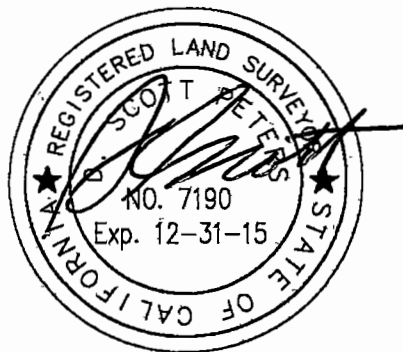
# EXHIBIT "A"

## LEGAL DESCRIPTION

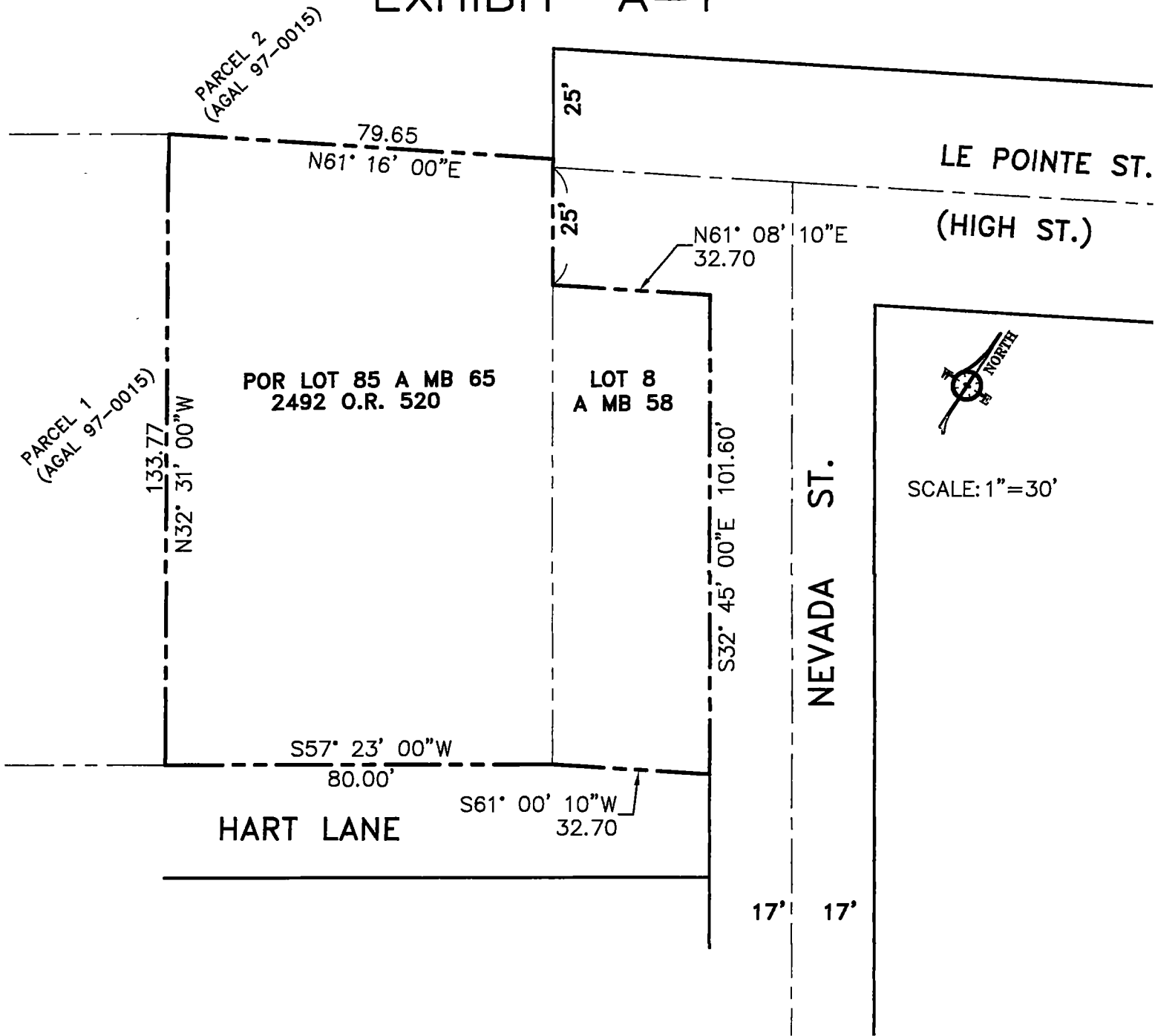
### PARCEL 1

LOT 8 OF THE "BUENA VISTA TRACT MAP" RECORDED OCTOBER 2<sup>nd</sup> 1885 IN BOOK A, PAGE 58 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER, CITY OF ARROYO GRANDE, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA TOGETHER WITH A PORTION OF LOT 85 OF THE MAP "PARTS OF RANCHOS CORRAL DE PIEDRA-PISMO & BOLSA DE CHAMISAL" RECORDED SEPTEMBER 1875 IN MAP BOOK A, PAGE 65 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER, CITY OF ARROYO GRANDE, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

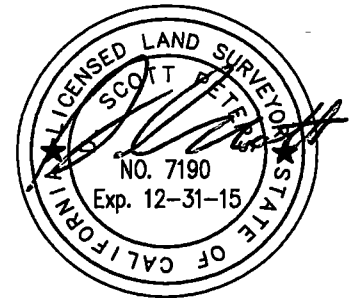
THE TRUE POINT OF BEGINNING BEING THE SOUTHWEST CORNER OF SAID LOT 8 BUENA VISTA TRACT; THENCE SOUTH 57° 23' 00" WEST, ALONG THE NORTHERLY RIGHT OF WAY LINE OF HART LANE, A DISTANCE OF 80.00 FEET; THENCE NORTH 32° 31' 00" WEST, A DISTANCE OF 133.77 FEET; THENCE NORTH 61° 16' 00" EAST, A DISTANCE OF 79.65 FEET TO THE MOST WESTERLY TERMINUS OF THE RIGHT OF WAY OF LE POINTE STREET AND A POINT ON THE NORTHWESTERLY PROLONGATION OF THE SOUTHWESTERLY LINE OF SAID LOT 8 BUENA VISTA TRACT; THENCE ALONG SAID PROLONGATION OF SAID LOT 8 SOUTH 32° 45' 00" EAST, A DISTANCE OF 128.38 FEET RETURNING TO THE SOUTHWEST CORNER OF SAID LOT 8 BUENA VISTA TRACT AND THE TRUE POINT OF BEGINNING. SAID MERGED LOT(S) CONTAINING A TOTAL AREA OF 0.32 ACRES, MORE OR LESS AND AS SHOWN ON EXHIBIT "A-1".



# EXHIBIT "A-1"



LOT 8 OF THE BUENA VISTA TRACT PER MAP BOOK A, PAGE 58 AND A PORTION OF LOT 85 OF THE RANCHO DE CORRAL DE-PIERDA-PISMO AND BOLSA DE CHAMISAL PER MAP BOOK A PAGE 65 IN THE CITY OF ARROYO GRANDE, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA  
 OCTOBER 2014



**CIVIL DESIGN**  
 SOLUTIONS  
 PO BOX 207 ARROYO GRANDE, CA 93421

# EXHIBIT "B"

## LEGAL DESCRIPTION

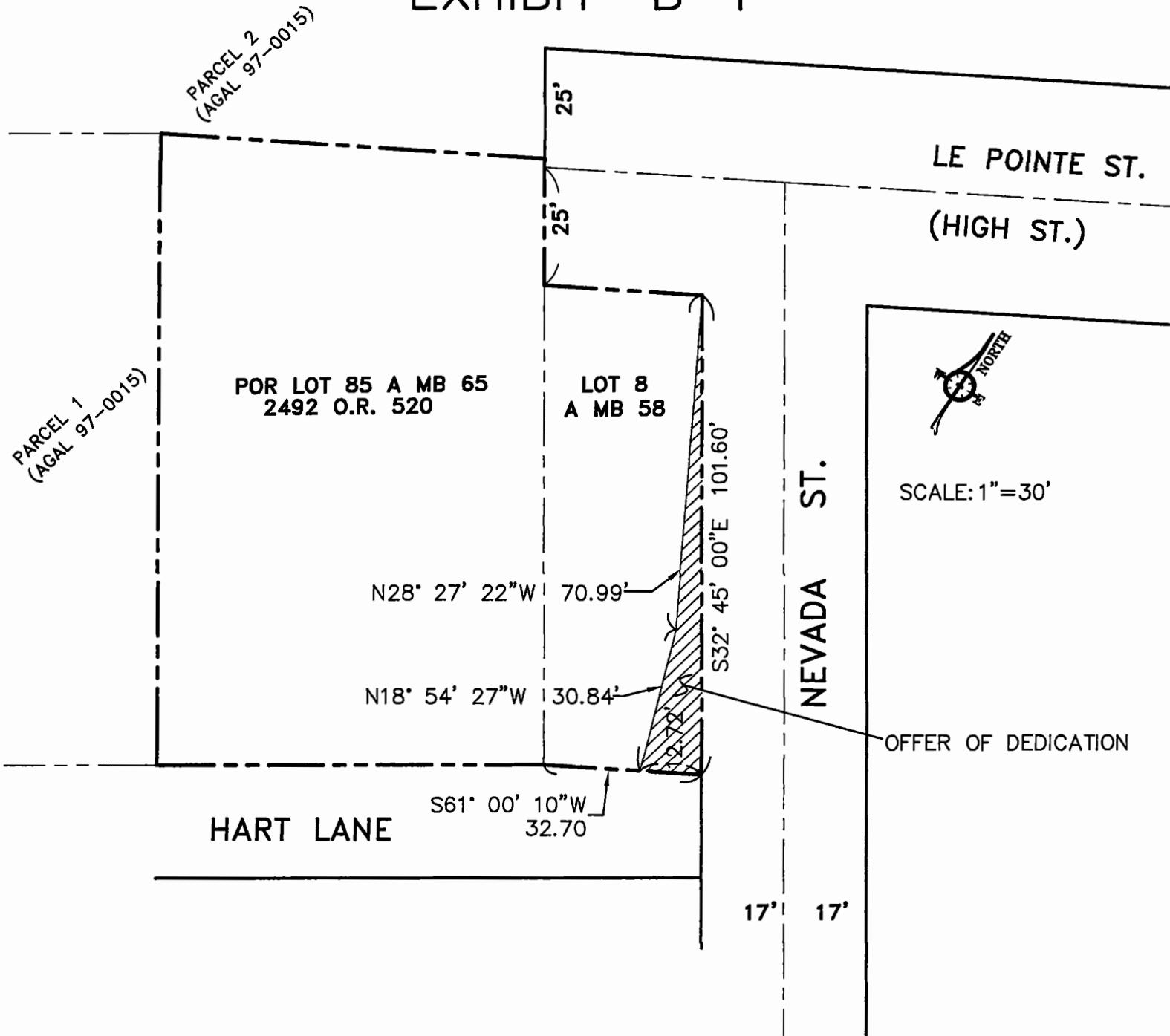
### OFFER OF DEDICATION

AN OFFER OF DEDICATION OF A PORION OF LOT 8 OF THE "BUENA VISTA TRACT MAP" RECORDED OCTOBER 2<sup>nd</sup> 1885 IN BOOK A, PAGE 58 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER, CITY OF ARROYO GRANDE, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE TRUE POINT OF BEGINNING BEING THE SOUTHEAST CORNER OF SAID LOT 8 BUENA VISTA TRACT; THENCE SOUTH 61° 00' 10" WEST, ALONG THE NORTHERLY RIGHT OF WAY LINE OF HART LANE, A DISTANCE OF 12.72 FEET; THENCE DEPARTING SAID RIGHT OF WAY NORTH 18° 54' 27" WEST, A DISTANCE OF 30.84 FEET; THENCE NORTH 28° 27' 22" WEST, A DISTANCE OF 70.99 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF LE POINTE STREET AND THE WESTERLY RIGHT OF WAY OF NEVADA STREET; THENCE DEPARTING ALONG THE SAID WESTERLY RIGHT OF WAY OF NEVADA STREET SOUTH 32° 45' 00" EAST, A DISTANCE OF 101.60 FEET RETURNING TO THE SOUTHEAST CORNER OF SAID LOT 8 BUENA VISTA TRACT AND THE TRUE POINT OF BEGINNING. SAID LOT CONTAINING A TOTAL AREA OF 0.01 ACRES, MORE OR LESS AND AS SHOWN ON EXHIBIT "B-1".

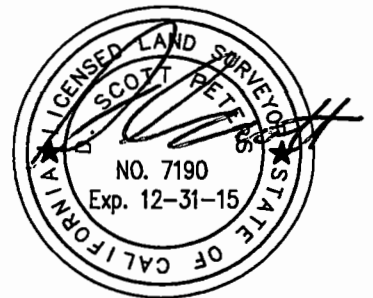


# EXHIBIT "B-1"



## OFFER OF DEDICATION

A PORTION OF LOT 8 OF THE BUENA VISTA TRACT PER MAP BOOK A, PAGE 58 IN THE CITY OF ARROYO GRANDE, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA  
OCTOBER 2014



**CIVIL DESIGN**  
SOLUTIONS

PO BOX 207 ARROYO GRANDE, CA 93421