MEMORANDUM

TO: CITY COUNCIL

FROM: BILL ROBESON, ACTING COMMUNITY DEVELOPMENT DIRECTOR/PUBLIC WORKS DIRECTOR

BY: ROBIN DICKERSON, CITY ENGINEER
    PATRICK HOLUB, PERMIT TECHNICIAN

SUBJECT: CONSIDERATION OF A RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS AND EASEMENTS FOR THE MEDICAL OFFICE BUILDING LOCATED AT 850 FAIR OAKS AVENUE

DATE: JANUARY 28, 2020

SUMMARY OF ACTION:
Acceptance of easements and public improvements for the medical office building located at 850 Fair Oaks Avenue.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:
Maintenance of the new public improvements will add to the overall costs of the City infrastructure maintenance program.

RECOMMENDATION:
It is recommended the City Council adopt a Resolution accepting easements and public improvements for the Medical Office Building located at 850 Fair Oaks Avenue.

BACKGROUND:
The project site is approximately 2.3 acres in size and is zoned Office Mixed Use (OMU). The City Council approved Conditional Use Permit (CUP) 15-006 and Lot Merger 15-002, approving the construction of a three-story medical office building and adopted a Mitigated Negative Declaration (MND) on January 26, 2016.

ANALYSIS OF ISSUES:
The improvement plans were approved on April 26, 2017. The improvements were completed by the developer in December 2018. The City Engineer inspected the improvements and found them to be in substantial conformance with the approved plans on December 13, 2018. “As-built” improvement plans were approved by the City on November 15, 2019. An Operation and Maintenance Agreement has been recorded in accordance with City Municipal Code Section 13.24.110.
As part of the conditions of approval for the project, the property owner was required to provide irrevocable offers of dedication for pedestrian access and a public utility easement for the utilities on-site. These documents were previously recorded with errors in the easement descriptions (Attachments 1 & 2) and have since been corrected to provide the easements that are needed to fulfill the conditions of approval. The corrected easements are included with this report and will be re-recorded following adoption of the proposed Resolution.

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

1. Approve staff’s recommendation;
2. Do not approve staff’s recommendation;
3. Modify as appropriate and approve staff’s recommendation; or
4. Provide direction to staff.

ADVANTAGES:
By accepting the public improvements, the City will have ownership of facilities in the public right of way and within the easements.

DISADVANTAGES:
No disadvantages have been identified.

ENVIRONMENTAL REVIEW:
A Mitigated Negative Declaration was adopted by the City Council on January 26, 2016, in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines and the City of Arroyo Grande Rules and Procedures for implementation of CEQA. No further CEQA action is required.

PUBLIC NOTIFICATION AND COMMENTS:
The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2. At the time of report publication, no comments have been received.

ATTACHMENTS:

1. Recorded Irrevocable Offer of Dedication for Pedestrian Easement
2. Recorded Irrevocable Offer of Dedication for Public Utility Easement
RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE ACCEPTING PUBLIC IMPROVEMENTS AND EASEMENTS FOR THE MEDICAL OFFICE BUILDING, LOCATED AT 850 FAIR OAKS AVENUE

WHEREAS, the City Council approved Conditional Use Permit 15-006 on January 26, 2016; and

WHEREAS, the project was conditioned to offer certain easements for dedication and complete certain public improvements pursuant to City Council Resolution No. 4705 adopted by the Arroyo Grande City Council on January 26, 2016; and

WHEREAS, the developer has constructed the improvements required by the conditions of approval for Conditional Use Permit 15-006 in December 2018; and

WHEREAS, staff inspected the improvements on December 13, 2018 and find they are constructed in accordance with the approved plans for the project.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Arroyo Grande hereby accepts public improvements and easements for the Medical Office Building located at 850 Fair Oaks Avenue including public curb, gutter, drive approach, sidewalk on Fair Oaks Avenue, water lines, sewer lines, a pedestrian easement and a public utility easement.

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 28th day of January, 2020.
RESOLUTION NO.
PAGE 2

________________________
CAREN RAY RUSSOM, MAYOR

ATTEST:

________________________
KELLY WETMORE, CITY CLERK

APPROVED AS TO CONTENT:

________________________
JAMES A. BERGMAN, CITY MANAGER

APPROVED AS TO FORM:

________________________
TIMOTHY J. CARMEL, CITY ATTORNEY
AMENDED AND CORRECTED IRREVOCABLE AND PERPETUAL OFFER TO DEDICATE PUBLIC PEDESTRIAN ACCESS EASEMENT

THIS OFFER TO DEDICATE is made this ___ day of December, 2019, by Triple P, LLC of the City of Arroyo Grande, County of San Luis Obispo, State of California, hereinafter termed Offerer:

WHEREAS, on September 12, 2019, Offeror's Irrevocable and Perpetual Offer to Dedicate Public Pedestrian Access Easement was recorded with the County Recorder's Office of San Luis Obispo County as Document No. 2019038325, which contained a mistake in the easement description; and

WHEREAS, said Offeror desires to hereby correct and replace the irrevocable and perpetual offer to dedicate a public pedestrian access easement with this instrument.

NOW, THEREFORE, for 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 B, attached hereto and incorporated herein by this reference.

2. That said Offeror does hereby irrevocably and in perpetuity offer to the City of Arroyo Grande a public pedestrian access easement, along with any appurtenances and incidental uses, over, under, upon and across the following property described in Exhibit A-1 and shown schematically in Exhibit B-1, attached hereto and incorporated herein by this reference.

3. That within said easement, the City of Arroyo Grande shall have the right to install, operate and maintain, repair and replace the pedestrian area, along with any appurtenances and incidental uses. And that within said easement, the City of Arroyo Grande shall have the right to require Offeror to install, operate and maintain, repair and replace the pedestrian area, along with any appurtenances and incidental uses.
4. That said Offeror agrees that this irrevocable and perpetual Offer to Dedicate a public pedestrian access easement is and shall be binding on their heirs, legatees, successors and assigns.

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

OFFEROR:
TRIPLE P, LLC

By: Chris Will, Manager

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 December 23rd 2019, before me, Fatima Alamilla, notary public, personally appeared Chris Will, 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.

(Notary Signature) (Seal)
Exhibit A
MERGED LOT

Legal Description

Being lots 32, 33, 34, and 35 of Tract No. 2792, in the City of Arroyo Grande, County of San Luis Obispo, State of California as shown on Map recorded in Book 31 of Tract Maps, at Page 19 through 22 in the Office of the County Recorder.

Containing an area of 103,873 square feet, more or less, and is shown on the attached Exhibit "B".

Kenny L. Fargen  L.S. 4597  12-20-19
Surveyors statement
This legal description was prepared by me or under my direction in conformance with the Land Surveyor's Act.
EXHIBIT B

MERGER EXHIBIT.DWG

2624 AIRPARK DRIVE
SANTA MARIA, CA 93455
PHONE: 805-934-5727
FAX: 805-934-3448
DATE: JANUARY 2019

EXHIBIT MAP

A MERGER OF LOTS 32, 33, 34 AND 35 OF TRACT NO. 2792, IN THE CITY OF ARROYO GRANDE, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA AS SHOWN ON MAP RECORDER IN BOOK 31 OF TRACT MAPS, AT PAGE 19 THROUGH 22 IN THE OFFICE OF THE COUNTY RECORDER.
EXHIBIT A-1
Pedestrian Access Easement
Legal Description

Being a portion of Lots 33, 34 and 35 of Tract No. 2792, in the City of Arroyo Grande, County of San Luis Obispo, State of California as shown on map recorded in Book 31 of Tract Maps, at Page 19 through 22 in the Office of the County Recorder, described more particularly as follows:

Commencing at a ¾” Iron pipe with plastic cap stamped LS 6729, shown on the above-mentioned Tract Map, being the northeast corner of said Lot 33 and being the True Point of Beginning;

Thence, southerly along the easterly line of said Lot 33, being the right of way line of Woodland Drive (52 feet wide) South 00 degrees 08 minutes 58 seconds East, 1.54 feet to the beginning of a tangential curve concave to the East;

Thence, continuing along said right of way line through said curve, having a radius of 426.00 feet, length of 95.04 feet, and interior angle of 12 degrees 46 minutes 58 seconds to the beginning of a reverse curve, having a radial bearing of North 77 degrees 04 minutes 03 seconds;

Thence, continuing along said right of way through said curve, having a radius of 474.00, length of 103.45 feet, and interior angle of 12 degrees 30 minutes 17 seconds;

Thence, continuing along said right of way, South 00 degrees 25 minutes 40 seconds East, 126.56 feet to the beginning of a tangential curve concave to the northwest;

Thence, continuing along said right of way, through said curve having a radius of 20.00 feet, length of 31.42 feet, and an interior angle of 90 degrees 00 minutes 00 seconds to a point on the North right of way of Fair Oaks Avenue (80 feet wide);

Thence, continuing along said right of way, South 89 degrees 34 minutes 20 seconds West, 287.26 feet to the Southwest corner of said Lot 34;

Thence, along the West line of said Lot 34, North 00 degrees 29 minutes 38 seconds West, 6.00 feet;

Thence, leaving said West line the following 6 courses, all of which are 6 feet Northerly and Westerly of the South and East lines of said Lots 33, 34, 35: North 89 degrees 34 minutes 20 seconds East 287.26 feet to the beginning of a tangential curve concave to the northwest;

Thence, through said curve, having a radius 14.00 feet, length of 21.99 feet, and an interior angle of 90 degrees 00 minutes 00 seconds;

Thence, North 00 degrees 25 minutes 40 seconds West, 126.56 feet to the beginning of a tangential curve concave to the West;

Thence, through said curve, having a radius of 468.00 feet, length of 102.14 feet, and an interior angle of 12 degrees 30 minutes 17 seconds to the beginning of a reverse curve concave to the East, and having a radial bearing of North 77 degrees 04 minutes 03 seconds East;
Thence, through said curve, having a radius of 432.00 feet, length of 96.38 feet, and an interior angle of 12 degrees 46 minutes 58 seconds;

Thence, North 00 degrees 08 minutes 59 seconds West, 1.51 feet to a point on the North line of said Lot 33;

Thence, easterly along the North line of said Lot 33, North 89 degrees 34 minutes 28 seconds East, 6.00 feet to the True Point of Beginning.

Containing an area of 3,843 square feet, more or less, and is shown on the attached Exhibit "B-1".

Kenny L. Fargen  L.S. 4597  date

Surveyors statement
This legal description was prepared by me or under my direction in conformance with the Land Surveyor's Act.
EXHIBIT B-1
PEDESTRIAN ACCESS EASEMENT

EXHIBIT MAP
A 6 FOOT WIDE PEDESTRIAN ACCESS EASEMENT OVER A PORTION OF LOTS 33, 34 AND 35 OF TRACT NO. 2792, IN THE CITY OF ARROYO GRANDE, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA AS SHOWN ON MAP RECORDED IN BOOK 31 OF TRACT MAPS, AT PAGE 19 THROUGH 22 IN THE OFFICE OF THE COUNTY RECORDER.

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LEGEND

T.P.O.B. TRUE POINT OF BEGINNING
(R1) DENOTES RECORD DATA PER T.M. BOOK 31, PAGES 19 TO 22
(CALC) DENOTES CALCULATED DATA
CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the Amended and Corrected Irrevocable and Perpetual Offer to Dedicate Public Pedestrian Access Easement, dated 12/23/19 from Triple P, LLC, to the CITY OF ARROYO GRANDE, a municipal corporation, is hereby accepted by order of the City Council of the City of Arroyo Grande pursuant to authority conferred by order of the City Council of the City of Arroyo Grande on January 28, 2020, and the grantee consents to recordation thereof by its duly authorized Mayor.

Dated: ___________________________________

CITY OF ARROYO GRANDE:

By ______________________________________
CAREN RAY RUSSOM, MAYOR

ATTEST:

________________________________________
KELLY WETMORE, CITY CLERK
AMENDED AND CORRECTED IRREVOCABLE AND PERPETUAL OFFER TO DEDICATE EASEMENTS FOR STORM DRAIN AND WATER PIPELINE

THIS OFFER TO DEDICATE is made this ___ day of December, 2019, by Triple P, LLC of the City of Arroyo Grande, County of San Luis Obispo, State of California, hereinafter termed Offerer:

WHEREAS, on September 12, 2019, Offerer’s Irrevocable and Perpetual Offer to Dedicate Public Utility Easement was recorded with the County Recorder’s Office of San Luis Obispo County as Document No. 2019038326, which contained mistakes in the nature and description of the easements granted therein; and

WHEREAS, said Offerer desires to hereby correct the error and make an irrevocable and perpetual offer to dedicate a storm drain easement and water pipeline easement with this instrument, instead.

NOW, THEREFORE, for 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 B, attached hereto and incorporated herein by this reference.

2. That said Offeror does hereby irrevocably and in perpetuity offer to the City of Arroyo Grande a storm drain easement and a water pipeline easement, along with any appurtenances and incidental uses, over, under, upon and across the following property described in Exhibit A-1 and A-2 and shown schematically in Exhibits B-1 and B-2, attached hereto and incorporated herein by this reference.

3. That within said easement, the City of Arroyo Grande shall have the right to install, operate and maintain, repair and replace a storm drain and water pipeline, respectively, along with any appurtenances and incidental uses.
4. That said Offeror agrees that this irrevocable and perpetual Offer to Dedicate a storm drain and water pipeline easement is and shall be binding on their heirs, legatees, successors and assigns.

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

OFFEROR:
TRIPLE P, LLC

By: Chris Will, Manager

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 December 23rd, 2014, before me, , a notary public, personally appeared Chris Will, 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.

(Notary Signature) (Seal)
Exhibit A
MERGED LOT

Legal Description

Being lots 32, 33, 34, and 35 of Tract No. 2792, in the City of Arroyo Grande, County of San Luis Obispo, State of California as shown on Map recorded in Book 31 of Tract Maps, at Page 19 through 22 in the Office of the County Recorder.

Containing an area of 103,873 square feet, more or less, and is shown on the attached Exhibit "B".

Surveyors statement
This legal description was prepared by me or under my direction in conformance with the Land Surveyor's Act.
A MERGER OF LOTS 32, 33, 34 AND 35 OF TRACT NO. 2792, IN THE CITY OF ARROYO GRANDE, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA AS SHOWN ON MAP RECORDED IN BOOK 31 OF TRACT MAPS, AT PAGE 19 THROUGH 22 IN THE OFFICE OF THE COUNTY RECORDER.
Exhibit A-1
Storm Drain Easement

Legal Description

Being a portion of Lots 32 and 33 of Tract No. 2792, in the City of Arroyo Grande, County of San Luis Obispo, State of California as shown on Map recorded in Book 31 of Tract Maps, at Page 19 through 22 in the Office of the County Recorder, more particularly described as follows:

Commencing at a ¾” Iron pipe with plastic cap stamped LS 6729, shown on the above mentioned Tract Map, being the northeast corner of said Lot 33;

Thence, southerly along the East line of said Lot 33, South 00 degrees 08 minutes 59 seconds East, 1.54 feet to the beginning of a tangential curve concave to the East;

Thence, continuing along the East line along said curve, having a radius of 426.00 feet, length of 9.39 feet, and an interior angle of 01 degrees 15 minutes 48 seconds to the True Point of Beginning;

Thence, continuing along said curve, having radius 426.00 feet, length of 20.39 feet, and interior angle of 02 degrees 44 minutes 34 seconds;

Thence, leaving said East line, along the following four courses: South 44 degrees 34 minutes 38 seconds West, 6.70 feet;

Thence, parallel with the northerly line of the above-mentioned lots 32 and 33, South 89 degrees 34 minutes 38 seconds West, 253.26 feet;

Thence, North 45 degrees 25 minutes 22 seconds West, 29.70 feet;

Thence, South 89 degrees 30 minutes 22 seconds West, 8.20 feet to a point on the West line of said lot 32, bearing South 00 degrees 29 minutes 38 seconds East, 15.00 feet from the northwest corner of said Lot 32;

Thence, northerly along said West line, North 00 degrees 29 minutes 38 seconds West, 15.00 feet to the northwest corner of said Lot 32;

Thence, along the North line of said Lot 32, North 89 degrees 34 minutes 28 seconds East, 14.43 feet;

Thence, leaving said North line, along the following three courses: South 45 degrees 25 minutes 22 seconds East, 29.70 feet;

Thence, parallel with the northerly line of the above-mentioned lots 32 and 33, North 89 degrees 34 minutes 38 seconds East, 240.84 feet;

Thence, North 44 degrees 34 minutes 38 seconds East, 14.29 feet to the True Point of Beginning;
Containing an area of 4,477 square feet, more or less, and is shown on the attached Exhibit "B-1".

Surveyors statement
This legal description was prepared by me or under my direction in conformance with the Land Surveyor's Act.
12' STORM DRAIN EASEMENT
PER 47-PM-54

LOT 32
(R1)

LOT 33
(R1)

LOT 34
(R1)

LOT 35
(R1)

FAIR OAKS AVENUE

WOODLAND DRIVE

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LIMITS OF RECREATION TRAIL AND BIKEWAY EASEMENT PER 47-PM-54

FAIR OAKS AVENUE

EXHIBIT B-1

EXHIBIT MAP

A 15 FOOT WIDE STORM DRAIN EASEMENT OVER A PORTION OF LOTS 32 AND 33 OF TRACT NO. 2792, IN THE CITY OF ARROYO GRANDE, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA AS SHOWN ON MAP RECORDED IN BOOK 31 OF TRACT MAPS, AT PAGE 19 THROUGH 22 IN THE OFFICE OF THE COUNTY RECORDER.
Exhibit A-2
15 Foot Waterline Easement
Legal Description

Being a portion of Lots 32 and 33 of Tract No. 2792, in the City of Arroyo Grande, County of San Luis Obispo, State of California as shown on Map recorded in Book 31 of Tract Maps, at Page 19 through 22 in the Office of the County Recorder, more particularly described as follows:

Commencing at a found Nail and Tag stamped LS 5139 shown on the above mentioned Tract Map, in the top of the concrete junction box, being the Southwest corner of Lot 34 of said Tract No. 2792;

Thence, North 00 degrees 29 minutes 38 seconds West, 234.27 feet along the westerly line of said lot 34 and 32 to the True Point of Beginning;

Thence, continuing along the westerly line of said Lot 32, North 00 degrees 29 minutes 38 seconds West, 15.00 feet;

Thence, leaving said west line the following 5 courses: North 89 degrees 34 minutes 30 seconds East, 35.85 feet;

Thence, North 00 degrees 25 minutes 22 seconds West, 34.30 feet;

Thence, North 90 degrees 00 minutes 00 seconds East, 15.00 feet;

Thence, North 00 degrees 25 minutes 22 seconds West, 34.19 feet;

Thence, North 89 degrees 34 minutes 30 seconds East, 245.43 feet to a point on the East line of said Lot 33 and the beginning of a curve concave to the East, having a radial bearing North 77 degrees 04 minutes 37 seconds East;

Thence, southerly along said East line through said curve, having a radius of 426.00 feet, length of 0.07 feet, and an interior angle of 00 degrees 00 minutes 34 seconds to the beginning of a reverse curve concave to the west, having a radial bearing of South 77 degrees 04 minutes 03 seconds West;

Thence, continuing along the East line of said Lot 33 through said curve having a radius of 474.00 feet, length of 15.24 feet, and an interior angle of 01 degrees 50 minutes 33 seconds;

Thence, leaving said East line, South 89 degrees 34 minutes 30 seconds West, 299.35 feet to the True Point of Beginning.

Containing an area of 5,053 feet, more or less, and is shown on the attached Exhibit “B-2”.

Item 8.h. - Page 20
Surveyors statement
This legal description was prepared by me or under my direction in conformance with the Land Surveyor's Act.
CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the Amended and Corrected Irrevocable and Perpetual Offer to Dedicate Easements for Storm Drain and Water Pipeline, dated 12/23/19 from Triple P, LLC, to the CITY OF ARROYO GRANDE, a municipal corporation, is hereby accepted by order of the City Council of the City of Arroyo Grande pursuant to authority conferred by order of the City Council of the City of Arroyo Grande on January 28, 2020, and the grantee consents to recordation thereof by its duly authorized Mayor.

Dated: _________________________________

CITY OF ARROYO GRANDE:

By ____________________________________

CAREN RAY RUSSOM, MAYOR

ATTEST:

_____________________________________

KELLY WETMORE, CITY CLERK
IRREVOCABLE AND PERPETUAL OFFER TO DEDICATE
PUBLIC PEDESTRIAN ACCESS EASEMENT

THIS OFFER TO DEDICATE, made this 9th day of September 2019,
By Triple P, LLC

WHEREAS, said Offeror desires to make an irrevocable and perpetual offer to dedicate a public pedestrian access easement.

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 B.

2. That said Offeror does hereby offer irrevocably and in perpetuity to the City of Arroyo Grande a public utility easement, along with any appurtenances and incidental uses, over, under, upon and across the following property described in Exhibit A-1 and shown schematically in Exhibit B-1.

3. That within said easement, the City of Arroyo Grande shall have the right to install, operate and maintain, repair and replace, the pedestrian area, along with any appurtenances and incidental uses. Or That within said easement, the City of Arroyo Grande shall have the right to require Offeror to install, operate and maintain, repair and replace, the pedestrian area, along with any appurtenances and incidental uses.

4. That said Offeror agrees that this irrevocable and perpetual Offer to Dedicate the public pedestrian access easement is and shall be binding on their 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.

Triple P, LLC
Offeror

Manager
Offeror
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 Aug 1, 2019 before me, Marie D. Angelus, Notary

(insert name and title of the officer)

personally appeared Chris Will

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 Marie D. Angelus (Seal)
Exhibit A
MERGED LOT

Legal Description

Being lots 32, 33, 34, and 35 of Tract No. 2792, in the City of Arroyo Grande, County of San Luis Obispo, State of California as shown on Map recorded in Book 31 of Tract Maps, at Page 19 through 22 in the Office of the County Recorder.

Containing an area of 103,873 square feet, more or less, and is shown on the attached Exhibit "B".

Kenny L. Fargen  L.S. 4597  5-14-19

Surveyor's statement
This legal description was prepared by me or under my direction in conformance with the Land Surveyor's Act.
A MERGER OF LOTS 32, 33, 34 AND 35 OF TRACT NO. 2792, IN THE CITY OF ARROYO GRANDE, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA AS SHOWN ON MAP RECORDED IN BOOK 31 OF TRACT MAPS, AT PAGE 19 THROUGH 22 IN THE OFFICE OF THE COUNTY RECORDER.
EXHIBIT A-1
Pedestrian Access Easement
Legal Description

Being a portion of Lots 33, 34 and 35 of Tract No. 2792, in the City of Arroyo Grande, County of San Luis Obispo, State of California as shown on map recorded in Book 31 of Tract Maps, at Page 19 through 22 in the Office of the County Recorder, described more particularly as follows:

Commencing at a ¾" Iron pipe with plastic cap stamped LS 6729, shown on the above-mentioned Tract Map, being the northeast corner of said Lot 33 and being the True Point of Beginning;

Thence, southerly along the easterly line of said Lot 33, being the right of way line of Woodland Drive (52 feet wide) South 00 degrees 08 minutes 58 seconds East, 1.54 feet to the beginning of a tangential curve concave to the East;

Thence, continuing along said right of way line through said curve, having a radius of 426.00 feet, length of 95.04 feet, and interior angle of 12 degrees 46 minutes 58 seconds to the beginning of a reverse curve, having a radial bearing of North 77 degrees 04 minutes 03 seconds;

Thence, continuing along said right of way through said curve, having a radius of 474.00, length of 103.45 feet, and interior angle of 12 degrees 30 minutes 17 seconds;

Thence, continuing along said right of way, South 00 degrees 25 minutes 40 seconds East, 126.56 feet to the beginning of a tangential curve concave to the northwest;

Thence, continuing along said right of way, through said curve having a radius of 20.00 feet, length of 31.42 feet, and an interior angle of 90 degrees 00 minutes 00 seconds to a point on the North right of way of Fair Oaks Avenue (80 feet wide);

Thence, continuing along said right of way, South 89 degrees 34 minutes 20 seconds West, 287.26 feet to the Southwest corner of said Lot 34;

Thence, along the West line of said Lot 34, North 00 degrees 29 minutes 38 seconds West, 6.00 feet;

Thence, leaving said West line the following 6 courses, all of which are 6 feet Northerly and Westerly of the South and East lines of said Lots 33, 34, 35: North 89 degrees 34 minutes 20 seconds East 287.26 feet to the beginning of a tangential curve concave to the northwest;

Thence, through said curve, having a radius 14.00 feet, length of 21.99 feet, and an interior angle of 90 degrees 00 minutes 00 seconds;

Thence, North 00 degrees 25 minutes 40 seconds West, 126.56 feet to the beginning of a tangential curve concave to the West;

Thence, through said curve, having a radius of 468.00 feet, length of 102.14 feet, and an interior angle of 12 degrees 30 minutes 17 seconds to the beginning of a reverse curve concave to the East, and having a radial bearing of North 77 degrees 04 minutes 03 seconds East;
Thence, through said curve, having a radius of 432.00 feet, length of 96.38 feet, and an interior angle of 12 degrees 46 minutes 58 seconds;

Thence, North 00 degrees 08 minutes 59 seconds West, 1.51 feet to a point on the North line of said Lot 33;

Thence, easterly along the North line of said Lot 33, North 89 degrees 34 minutes 28 seconds East, 6.00 feet to the True Point of Beginning.

Containing an area of 3,843 square feet, more or less, and is shown on the attached Exhibit "B-1".

\[Signature\]
Kenny L. Fargen  L.S. 4597  date

Surveyors statement
This legal description was prepared by me or under my direction in conformance with the Land Surveyor's Act.
EXHIBIT B-1
PEDESTRIAN ACCESS EASEMENT

LINE TABLE

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LOT 32 (R1)

LOT 33 (R1)

LOT 34 (R1)

LOT 35 (R1)

12' STORM DRAIN EASEMENT PER 47-PM-54

N89°34'28"E (R1)

L6

L5

S00°08'58"E

1.54' (R1)

LIMITS OF RECREATION TRAIL AND BIKEWAY EASEMENT PER 47-PM-54

N77°04'03"E (RAD)

LOT 32

LOT 33

LOT 34

LOT 35

FAIR OAKS AVENUE

10' STREET TREE PLANTING EASEMENT (R1)

WOODLAND DRIVE

EXHIBIT MAP

A 6 FOOT WIDE PEDESTRIAN ACCESS EASEMENT OVER A PORTION OF LOTS 33, 34 AND 35 OF TRACT NO. 2792, IN THE CITY OF ARROYO GRANDE, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA AS SHOWN ON MAP RECORDED IN BOOK 31 OF TRACT MAPS, AT PAGE 19 THROUGH 22 IN THE OFFICE OF THE COUNTY RECORDER.

2624 AIRPARK DRIVE
SANTA MARIA, CA 93455
PHONE: 805-934-5727
FAX: 805-934-3448
DATE: DECEMBER 2016

LEGEND
T.P.O.B. TRUE POINT OF BEGINNING
(R1)  DENOTES RECORD DATA PER T.M. BOOK 31, PAGES 19 TO 22
(CALC) DENOTES CALCULATED DATA

EXHIBIT B-1 PED ACCESS EASEMENT .DWG
IRREVOCABLE AND PERPETUAL OFFER TO DEDICATE
PUBLIC UTILITY EASEMENT

THIS OFFER TO DEDICATE, made this 9th day of September 2019,
By Triple P, LLC

WHEREAS, said Offeror desires to make an irrevocable and perpetual offer to dedicate a public utility easement (PUE).

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 B.

2. That said Offeror does hereby offer irrevocably and in perpetuity to the City of Arroyo Grande a public utility easement, along with any appurtenances and incidental uses, over, under, upon and across the following property described in Exhibits A-1 and A-2 and shown schematically in Exhibits B-1 and B-2.

3. That within said easement, the City of Arroyo Grande shall have the right to install, operate and maintain, repair and replace, the utilities, along with any appurtenances and incidental uses.

4. That said Offeror agrees that this irrevocable and perpetual Offer to Dedicate the public utility easement is and shall be binding on their 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.

Triple P, LLC

Chris [Signature], Manager

Offeror

Offeror
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 Aug 1, 2019 before me, Marie D. Angelus, Notary

(insert name and title of the officer)

personally appeared
Chris Will

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 Marie D. Angelus (Seal)
Exhibit A
MERGED LOT

Legal Description

Being lots 32, 33, 34, and 35 of Tract No. 2792, in the City of Arroyo Grande, County of San Luis Obispo, State of California as shown on Map recorded in Book 31 of Tract Maps, at Page 19 through 22 in the Office of the County Recorder.

Containing an area of 103,873 square feet, more or less, and is shown on the attached Exhibit "B".

\[Signature\]
Kenny L. Fargen  L.S. 4597  date

Surveyors statement
This legal description was prepared by me or under my direction in conformance with the Land Surveyor's Act.
Exhibit A-1  
Storm Drain Easement  

Legal Description

Being a portion of Lots 32 and 33 of Tract No. 2792, in the City of Arroyo Grande, County of San Luis Obispo, State of California as shown on Map recorded in Book 31 of Tract Maps, at Page 19 through 22 in the Office of the County Recorder, more particularly described as follows:

Commencing at a ¾” Iron pipe with plastic cap stamped LS 6729, shown on the above mentioned Tract Map, being the northeast corner of said Lot 33;

Thence, southerly along the East line of said Lot 33, South 00 degrees 08 minutes 59 seconds East, 1.54 feet to the beginning of a tangential curve concave to the East;

Thence, continuing along the East line along said curve, having a radius of 426.00 feet, length of 9.39 feet, and an interior angle of 01 degrees 15 minutes 48 seconds to the True Point of Beginning;

Thence, continuing along said curve, having radius 426.00 feet, length of 20.39 feet, and interior angle of 02 degrees 44 minutes 34 seconds;

Thence, leaving said East line, along the following four courses: South 44 degrees 34 minutes 38 seconds West, 6.70 feet;

Thence, parallel with the northerly line of the above-mentioned lots 32 and 33, South 89 degrees 34 minutes 38 seconds West, 253.26 feet;

Thence, North 45 degrees 25 minutes 22 seconds West, 29.70 feet;

Thence, South 89 degrees 30 minutes 22 seconds West, 8.20 feet to a point on the West line of said lot 32, bearing South 00 degrees 29 minutes 38 seconds East, 15.00 feet from the northwest corner of said Lot 32;

Thence, northerly along said West line, North 00 degrees 29 minutes 38 seconds West, 15.00 feet to the northwest corner of said Lot 32;

Thence, along the North line of said Lot 32, North 89 degrees 34 minutes 28 seconds East, 14.43 feet;

Thence, leaving said North line, along the following three courses: South 45 degrees 25 minutes 22 seconds East, 29.70 feet;

Thence, parallel with the northerly line of the above-mentioned lots 32 and 33, North 89 degrees 34 minutes 38 seconds East, 240.84 feet;

Thence, North 44 degrees 34 minutes 38 seconds East, 14.29 feet to the True Point of Beginning;
Containing an area of 4,477 square feet, more or less, and is shown on the attached Exhibit "B-1".

Surveyor's statement
This legal description was prepared by me or under my direction in conformance with the Land Surveyor's Act.
EXHIBIT B-1

12' STORM DRAIN EASEMENT PER 47-PM-54

EXHIBIT MAP

A 15 FOOT WIDE STORM DRAIN EASEMENT OVER A PORTION OF LOTS 32 AND 33 OF TRACT NO. 2792, IN THE CITY OF ARROYO GRANDE, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA AS SHOWN ON MAP RECORDED IN BOOK 31 OF TRACT MAPS, AT PAGE 19 THROUGH 22 IN THE OFFICE OF THE COUNTY RECORDER.

NEW SD EASEMENT .DWG

Fargen Surveys, Inc.
SANTA MARIA, CA 93455
PHONE: 805-934-5727
FAX: 805-934-3448
DATE: DECEMBER 2016

Item 8.h. - Page 38
Exhibit A-2
15 Foot Waterline Easement
Legal Description

Being a portion of Lots 32 and 33 of Tract No. 2792, in the City of Arroyo Grande, County of San Luis Obispo, State of California as shown on Map recorded in Book 31 of Tract Maps, at Page 19 through 22 in the Office of the County Recorder, more particularly described as follows:

Commencing at a found Nail and Tag stamped LS 5139 shown on the above mentioned Tract Map, in the top of the concrete junction box, being the Southwest corner of Lot 34 of said Tract No. 2792;

Thence, North 00 degrees 29 minutes 38 seconds West, 234.27 feet along the westerly line of said lot 34 and 32 to the True Point of Beginning;  

Thence, continuing along the westerly line of said Lot 32, North 00 degrees 29 minutes 38 seconds West, 15.00 feet;

Thence, leaving said west line the following 5 courses: North 89 degrees 34 minutes 30 seconds East, 35.85 feet;

Thence, North 00 degrees 25 minutes 22 seconds West, 34.30 feet;

Thence, North 90 degrees 00 minutes 00 seconds East, 15.00 feet;

Thence, North 00 degrees 25 minutes 22 seconds West, 34.19 feet;

Thence, North 89 degrees 34 minutes 30 seconds East, 245.43 feet to a point on the East line of said Lot 33 and the beginning of a curve concave to the East, having a radial bearing North 77 degrees 04 minutes 03 seconds East;

Thence, southerly along said East line through said curve, having a radius of 426.00 feet, length of 0.07 feet, and an interior angle of 00 degrees 00 minutes 34 seconds to the beginning of a reverse curve concave to the west, having a radial bearing of South 77 degrees 04 minutes 03 seconds West;

Thence, continuing along the East line of said Lot 33 through said curve having a radius of 474.00 feet, length of 15.24 feet, and an interior angle of 01 degrees 50 minutes 33 seconds;

Thence, leaving said East line, South 89 degrees 34 minutes 30 seconds West, 299.35 feet to the True Point of Beginning.

Containing an area of 5,053 feet, more or less, and is shown on the attached Exhibit "B-2".
Surveyors statement
This legal description was prepared by me or under my direction in conformance with the Land Surveyor's Act.
EXHIBIT B-2

FAIR OAKS AVENUE

LOT 32

LOT 33

LOT 34

LOT 35

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LEGEND

P.O.C. POINT OF COMMENCEMENT
T.P.O.B. TRUE POINT OF BEGINNING
(R1) DENOTES RECORD DATA PER M.B. 31, PAGE 19-22
(CALC) DENOTES CALCULATED DATA

EXHIBIT MAP

A 15 FOOT WIDE WATERLINE EASEMENT OVER A PORTION OF LOTS 32 AND 33 OF TRACT NO. 2792, IN THE CITY OF ARROYO GRANDE, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA AS SHOWN ON MAP RECORDED IN BOOK 31 OF TRACT MAPS, AT PAGE 19 THROUGH 22 IN THE OFFICE OF THE COUNTY RECORDER.