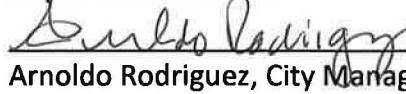


## REPORT TO CITY COUNCIL

Approved by:

  
\_\_\_\_\_

Department Director

  
\_\_\_\_\_

Arnoldo Rodriguez, City Manager

Council Meeting of: February 20, 2019

Agenda Number: B-8

**SUBJECT: Consideration of a Resolution Accepting Public Utility Easement Deed and Public Street Easement Deed, Located Near the Northeast Corner of Pecan Avenue and Madera Avenue (SR 145), Offered by Brar Holdings, Inc. and Dealer Properties LLC, and Authorizing the City Clerk to Execute and Cause to be Recorded, a Certificate of Acceptance**

### RECOMMENDATION:

Staff recommends that City Council (Council) adopt a resolution accepting the Public Utility Easement (PUE) deed and Public Street Easement (PSE) deed as offered by Brar holdings, Inc. and Dealer Properties LLC, and authorizing the City Clerk to execute of the Certificate of Acceptance for said deed and cause it to be recorded.

### SUMMARY:

Brar holdings, Inc. and dealer properties LLC, "Subdivider", is undergoing the City's land division process as necessary to record Parcel Map (PM) 18-P-01. The Subdivider has offered for dedication a PSE and a PUE as required by the City as a condition of approving the PM. Engineering staff hereby requests that the Council accept the offered easement dedications on behalf of the City in conjunction with PM 18-P-01.

### DISCUSSION:

PM 18-P-01 subdivides an existing parcel of land (APN 012-133-050) located near the northeast corner of Pecan Avenue and Madera Avenue (SR 145) into three reconfigured parcels. The Development Review Committee approved the associated Tentative Parcel Map (TPM) No. 2018-02 on October 18, 2018. Conditions of approval for PM 18-P-01 associated with TPM 2018-02 included the requirement to dedicate a 10-foot wide PUE along Madera Avenue (SR 145) and

along Pecan Avenue, and a 20-foot wide Street Easement along Pecan Avenue (see Attachment 2). Copies of the PUE deed and Street Easement Deed are attached (Attachments 3 and 4).

For the purposes of these and other easement types, the generic definition of an easement is that it provides a right to cross or otherwise use someone else's land for a specified purpose. In this case, the PUE allows for the installation of utilities intended to serve the public while the PSE allows for the construction of a City street and related improvements such sidewalks and streetlights.

**FINANCIAL IMPACT:**

Acceptance of the aforementioned PSE and PUE imposes no additional expense to the City or the General Fund.

**CONSISTENCY WITH THE VISION MADERA 2025 PLAN:**

Acceptance of this offer of dedication is consistent with Action 101.6, which calls for the City to ensure that infrastructure can sustain population growth, as well as Action 126, which calls for safe and aesthetically pleasing streets.

**ALTERNATIVES:**

The alternative would be to not accept the easement. This would result in the inability of the developer to record the map.

**ATTACHMENTS:**

1. Resolution
2. Location map
3. Public Utility Easement deed
4. Public Street Easement deed

**ATTACHMENT 1**

**RESOLUTION NO. 19 - \_\_\_\_\_**

**A Resolution of the City Council of the City of Madera Accepting Public Utility Easement deed and Public Street Easement deed, Located Near the Northeast Corner of Pecan Avenue and Madera Avenue (SR 145), Offered by Brar Holdings, Inc. and Dealer Properties LLC, and Authorizing the City Clerk to Execute and Cause to be Recorded, a Certificate of Acceptance**

**WHEREAS**, property owner, Brar Holdings, Inc. and Dealer Properties LLC, have offered for dedication to the City a Public Utility Easement deed and public Street Easement deed for public utility and street purposes; and

**WHEREAS**, the City Engineer has certified to this Council that the Public Utility and Street Easement deeds offered meet the current project's dedication requirements.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MADERA HEREBY** finds, orders and resolves as follows:

1. The above recitals are true and correct.
2. The Public Utility Easement Deed, granted to the City by Brar Holdings, Inc. and Dealer Properties LLC, a copy of which is on file in the office of the City Clerk and referred to for particulars, is accepted.
3. The City Clerk is hereby authorized and directed to execute and cause to be recorded the Public Utility Easement Deed and Certificate of Acceptance as authorized by Resolution No 1572 adopted November 21, 1960.
4. The public Street Easement Deed, granted to the City by Brar Holdings, Inc. and Dealer Properties LLC, a copy of which is on file in the office of the City Clerk and referred to for particulars, is accepted.
5. The City Clerk is hereby authorized and directed to execute and cause to be recorded the public Street Easement Deed and Certificate of Acceptance as authorized by Resolution No 1572 adopted November 21, 1960.
6. This resolution is effective immediately upon adoption.

\* \* \* \* \*

**ATTACHMENT 2**

# LOCATION MAP



**CITY OF MADERA**  
ENGINEERING DEPARTMENT  
205 W. 4TH STREET  
MADERA, CA 93637

*BRAR HOLDINGS INC AND DEALER PROPERTIES LLC*  
EASEMENT DEDICATIONS

DR BY: EP  
CH BY: KH  
DATE: 02/6/19  
SCALE: NTS  
SHT 1 OF 1

**ATTACHMENT 3**

RECORDING REQUESTED BY:  
City of Madera  
AFTER RECORDING RETURN TO:  
City Clerk  
City of Madera  
205 W. 4th Street  
Madera, CA 93637

---

NO DOCUMENTARY TAX DUE – R&T 11922 (Amended)  
Presented for Recordation by the City of Madera  
Fee Waived Per Sections 27383 & 27388.1(a)(2)(D) of the Government Code.....No Fee Due 0

APN: 012-133-050

PUBLIC UTILITY EASEMENT

FOR A VALUABLE CONSIDERATION, RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED,  
**BRAR HOLDINGS INC. & DEALER PROPERTIES LLC,**

DOES HEREBY GRANT TO **THE CITY OF MADERA**, A MUNICIPAL CORPORATION OF THE  
STATE OF CALIFORNIA

An easement for public utility purposes over, under, through and across, on and in the following  
described real property in the City of Madera, County of Madera, State of California, being more  
particularly described as follows:

**(See Exhibit 'A' & Exhibit 'B' attached hereto and made a part hereof)**

BRAR HOLDINGS INC, A CALIFORNIA CORPORATION

By: 

Date: 2/7/19

GURSEWEK BRAR, PRESIDENT

DEALER PROPERTIES LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

By: 

Date: 2/7/19

LAKHWINDER S. BRAR, MANAGING MEMBER



**EXHIBIT A**

**PUBLIC UTILITY EASEMENT**

The east 10.00 feet of the west 67.00 feet and the north 10.00 feet of the south 60.00 feet of the southwest quarter of Section 30, Township 11 South, Range 18 East, Mount Diablo Base & Meridian lying within Parcel 'B' of LLA No. IV-95-02, delineated on that certain Record of Survey filed in November 1995 in Book 44 of Maps at Page 42, Madera County Records.

EXCEPTING THEREFROM: the lands described in that certain Grant Deed recorded September 30, 2016 as Document No. 2016024503, Official Records Madera County.



# EXHIBIT "B"

**BASIS OF BEARINGS:**

THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 11 SOUTH, RANGE 18 EAST, MOUNT DIABLO MERIDIAN, WAS TAKEN TO BE NORTH 00°14'00" EAST, AS SHOWN IN RECORD OF SURVEY, IN BOOK 44, PAGE 42, M.C.R.

**RECORD OWNERS :**

BRAR HOLDINGS, INC.      DEALER PROPERTIES, LLC  
 P.O. BOX 207              P.O. BOX 58  
 MADERA, CA 93639      MADERA, CA 93639

LINE TABLE		
LINE #	BEARING	LENGTH
L1	N0°06'01"E	10.00'
L2	N0°14'00"E	10.00'
L3	N88°53'10"W	10.00'
L4	N88°55'17"W	10.00'

**LEGEND:**

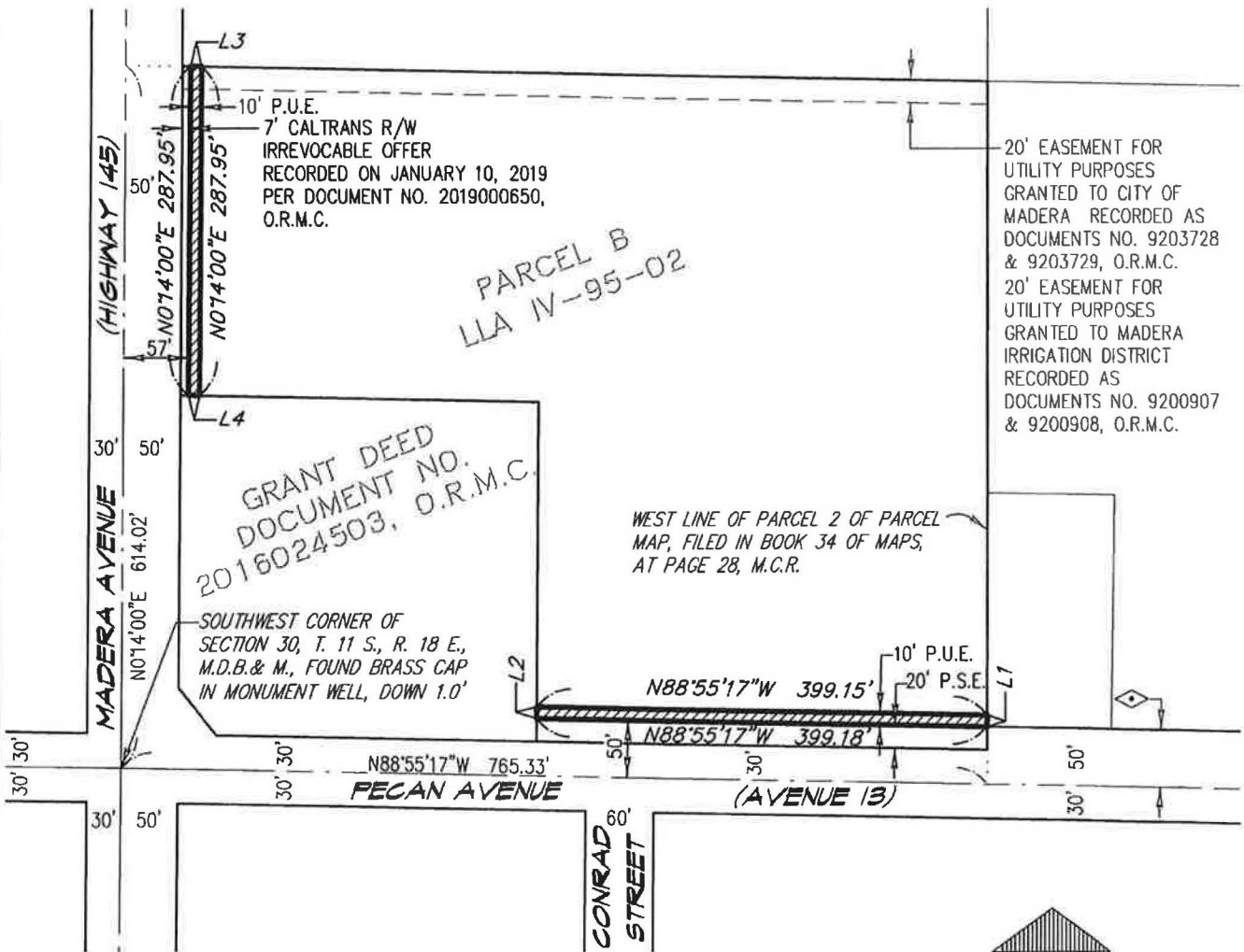


INDICATES AREAS TO BE DEEDED FOR PUBLIC UTILITY EASEMENT PURPOSES CONSISTING OF 6,871 SQ. FT.

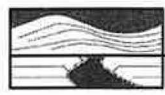


50' PUBLIC STREET EASEMENT, RECORDED IN BOOK 2046, AT PAGE 86 AS DOCUMENT NO. 9248-88 OF M.C.R.

**A.P.N. :** 012-133-050

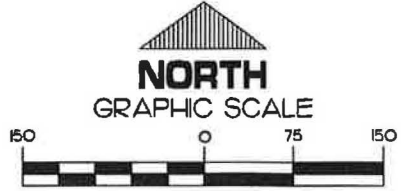


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PREPARED BY:  
**DALE G. MELL**  
**& ASSOCIATES**

**ENGINEERING & SURVEYING SERVICES**  
 2090 NORTH WINERY AVENUE, FRESNO, CALIFORNIA 93703  
 (559) 292-4046 \* FAX 251-9220 \* EMAIL: STAFF@DALEMELL.COM



BY: M. ESLIMI - 02/06/19  
 DMA CADFILE: 18-087EE01

FB# 426

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

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 Madera )  
On 2/7/19 before me, Enma Garcia Reyes, Notary Public  
Date Here Insert Name and Title of the Officer  
personally appeared Lakhwinder S. Brar  
Name(s) of Signer(s)

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 [Signature]  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended 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(s)**

Signer's Name: \_\_\_\_\_  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_  
Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_  
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County of Madera )  
On 2/7/19 before me, Ena Garcia Reyes, Notary Public  
Date Here Insert Name and Title of the Officer  
personally appeared Gursewek Brar  
Name(s) of Signer(s)

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 Other: \_\_\_\_\_  
Signer Is Representing: \_\_\_\_\_

**ATTACHMENT 4**

RECORDING REQUESTED BY:  
City of Madera  
AFTER RECORDING RETURN TO:  
City Clerk  
City of Madera  
205 W. 4th Street  
Madera, CA 93637

---

NO DOCUMENTARY TAX DUE – R&T 11922 (Amended)  
Presented for Recordation by the City of Madera  
Fee Waived Per Sections 27383 & 27388.1(a)(2)(D) of the Government Code.....No Fee Due 0

APN: 012-133-050

PUBLIC STREET EASEMENT

FOR A VALUABLE CONSIDERATION, RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED,  
**BRAR HOLDINGS INC. & DEALER PROPERTIES LLC,**

DOES HEREBY GRANT TO **THE CITY OF MADERA**, A MUNICIPAL CORPORATION OF THE  
STATE OF CALIFORNIA

An easement for public street and any and all other municipal purposes over, under, through and  
across, on and in the following described real property in the City of Madera, County of Madera, State  
of California, being more particularly described as follows:

**(See Exhibit 'A' & Exhibit 'B' attached hereto and made a part hereof)**

BRAR HOLDINGS INC, A CALIFORNIA CORPORATION

By:   
GURSEWEK BRAR, PRESIDENT

Date: 2/7/19

DEALER PROPERTIES LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

By:   
LAKHWINDER S. BRAR, MANAGING MEMBER

Date: 2/7/19

## EXHIBIT A

### PUBLIC STREET EASEMENT

The north 20.00 feet of the south 50.00 feet of the southwest quarter of Section 30, Township 11 South, Range 18 East, Mount Diablo Base & Meridian lying within Parcel 'B' of LLA No. IV-95-02, delineated on that certain Record of Survey filed in November 1995 in Book 44 of Maps at Page 42, Madera County Records.

EXCEPTING THEREFROM: the lands described in that certain Grant Deed recorded September 30, 2016 as Document No. 2016024503, Official Records Madera County.



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LINE TABLE		
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**LEGEND:**



INDICATES AREA TO BE DEEDED FOR PUBLIC STREET EASEMENT PURPOSES CONSISTING OF 7,984 SQ. FT.



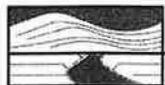
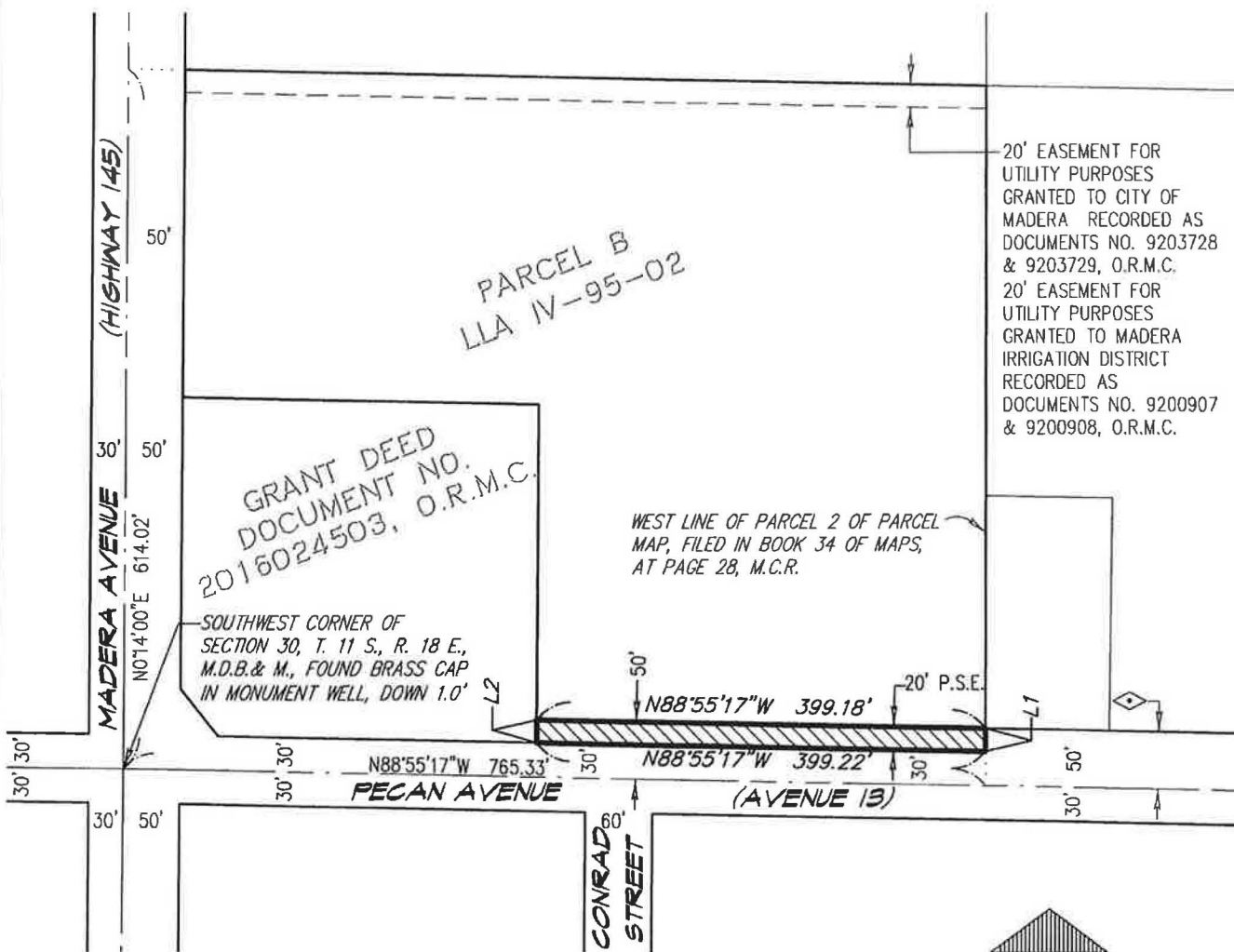
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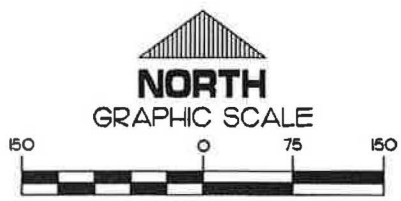
**A.P.N. :** 012-133-050

PLOTTED BY: MARJAN ESLIMI ISFAHANI - 1/25/2019 1:41:24 PM C:\MY DOCUMENTS\18-087EE03.DWG



PREPARED BY:  
**DALE G. MELL**  
**& ASSOCIATES**

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 (559) 292-4046 \* FAX 251-9220 \* EMAIL: STAFF@DALEMELL.COM



1 INCH = 150 FEET

BY: M. ESLIMI - 01/25/19  
 DMA CADFILE: 18-087EE03  
 FB# 426



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

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State of California )  
County of Madera )

On 2/1/19 before me, Ena G Reyes, Notary Public  
Date Here Insert Name and Title of the Officer

personally appeared Gursewek Brar  
Name(s) of Signer(s)

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 [Signature]  
Signature of Notary Public

Place Notary Seal Above

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Number of Pages: \_\_\_\_\_ Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_  
Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_  
 Corporate Officer — Title(s): \_\_\_\_\_  
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Signer Is Representing: \_\_\_\_\_

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State of California )  
County of Madera )  
On 2/2/19 before me, Ena G Reyes, Notary Public  
Date Here Insert Name and Title of the Officer  
personally appeared Lakhwinder S. Brar  
Name(s) of Signer(s)

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.

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