

REPORT TO CITY COUNCIL

Approved by:



Department Director



Arnoldo Rodriguez, City Manager

Council Meeting of: April 17, 2019

Agenda Number: B-5

SUBJECT: Consideration of a Resolution Accepting Public Utility Easement Deed, Located at the Southeast Corner of Linden Street and West Park Drive, Offered by Ivan and Dina Cloeters, 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 deed as offered by Ivan and Dina Cloeters, and authorizing the City Clerk to execute the Certificate of Acceptance for said deed and cause it to be recorded.

SUMMARY:

Ivan and Dina Cloeters, "Subdivider", is undergoing the City's land division process as necessary to record Parcel Map 18-P-04. The Subdivider has offered for dedication a Public Utility Easement as required by the City as a condition of Parcel Map approval. Engineering staff hereby requests that the Council accept the offered easement dedication on behalf of the City for public utility purposes in conjunction with Parcel Map 18-P-04.

DISCUSSION:

Parcel Map 18-P-04 subdivides an existing parcel of land (APN 006-360-016) located at the Southeast Corner of Linden Street and West Park Drive into four reconfigured parcels and a remainder parcel. The Development Review Committee approved the associated Tentative Parcel Map No. 2018-01 on October 18, 2018. Conditions of approval for Parcel Map 18-P-04 (TPM 2018-02) included the requirement to dedicate a 10-foot-wide Public Utility Easement along all the parcel frontages on Linden Street and West Park Drive. The Public Utility Easement being offered is typically necessary for the placement of underground utilities running parallel to the adjacent street. A copy of the Public Utility Easement deed is attached (Attachment 3).

FINANCIAL IMPACT:

Acceptance of the aforementioned Public Utility Easement 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. Council Resolution
2. Location map
3. Public Utility Easement deed

ATTACHMENT 1

RESOLUTION NO. 19 - _____

A Resolution of the City Council of the City of Madera Accepting Public Utility Easement deed, Located at the Southeast Corner of Linden Street and West Park Drive, Offered by Ivan and Dina Cloeters, and Authorizing the City Clerk to Execute and Cause to be Recorded, a Certificate of Acceptance

WHEREAS, property owners, Ivan and Dina Cloeters, have offered for dedication to the City a Public Utility Easement deed for public utility purposes; and

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

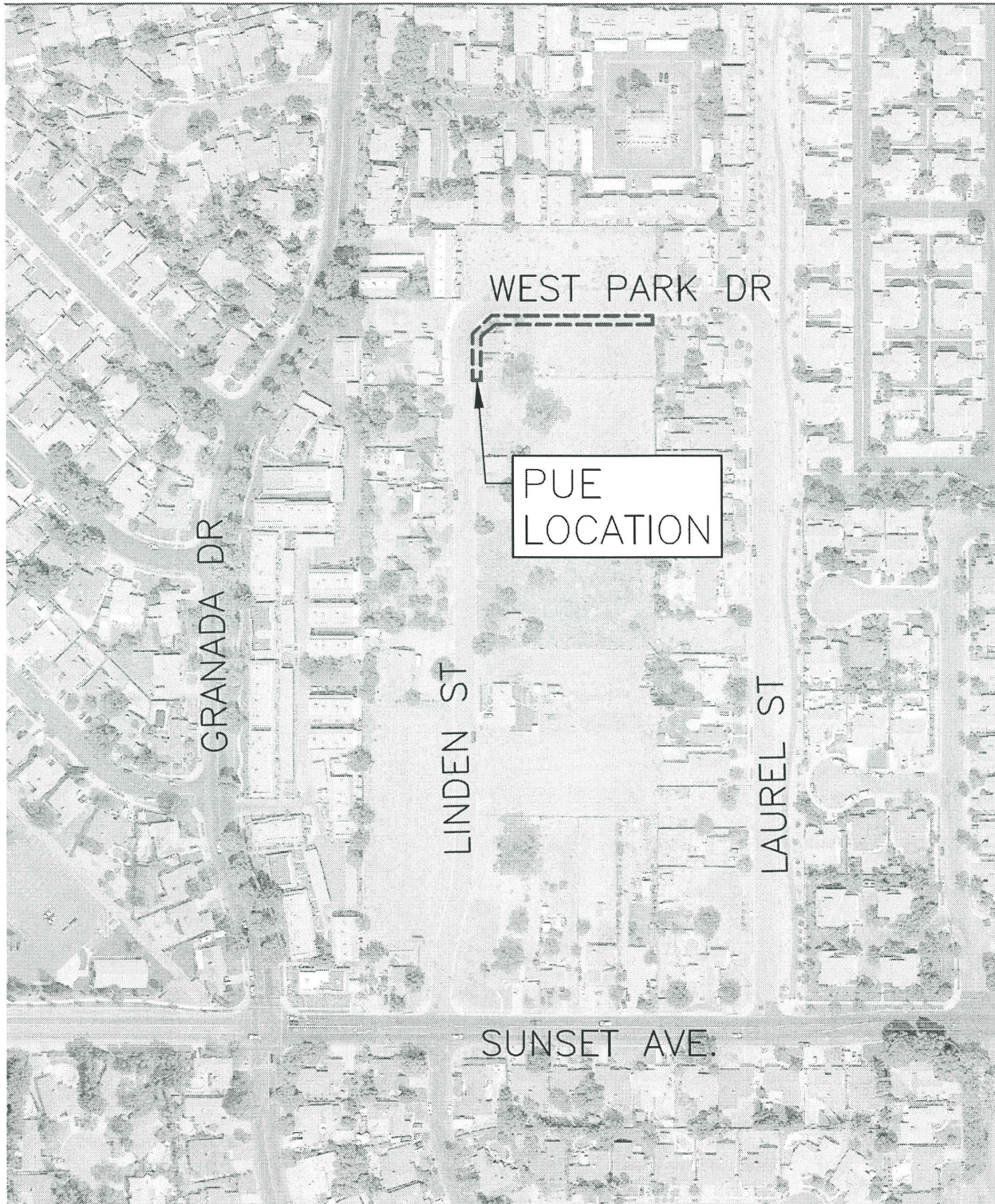
NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MADERA HEREBY finds, orders and resolves as follows:

1. The above recitals are true and correct.
2. The Public Utility Easement Deed, granted to the City by Ivan and Dina Cloeters, 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. This resolution is effective immediately upon adoption.

* * * * *

ATTACHMENT 2

LOCATION MAP



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

IVAN AND DINA CLOETERS
EASEMENT DEDICATION

DR BY: EP
CH BY: KH
DATE: 03/21/19
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: 006-360-016

PUBLIC UTILITY EASEMENT

FOR A VALUABLE CONSIDERATION, RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, **IVAN AND DINA CLOETERS, HUSBAND AND WIFE AS JOINT TENANTS,**

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

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

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

By: Ivan Cloeters
Ivan Cloeters

By: Dina Cloeters
Dina Cloeters

Date: 3-25-19

Date: 3-25-19

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.

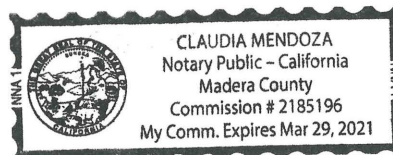
State of California)
County of Madera)

On MARCH 25, 2019, before me, CLAUDIA MENDOZA, Notary Public, personally appeared IVAN CLOETERS AND DINA CLOETERS 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

Claudia Mendoza



March 20, 2019

MSA Project# 172617

LEGAL DESCRIPTION
FOR
PUBLIC UTILITY EASEMENT

ALL THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 11 SOUTH, RANGE 17 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT TOWNSHIP PLATS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THAT PROPERTY DESCRIBED IN THE QUITCLAIM DEED RECORDED JULY 20, 1994 AS DOCUMENT NO. 9421730, MADERA COUNTY RECORDS; THENCE NORTH 89° 46' 26" EAST ALONG THE SOUTH LINE OF SAID DESCRIBED PROPERTY, A DISTANCE OF 19.00 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE LEAVING SAID SOUTH LINE NORTH 00° 12' 58" WEST ALONG A LINE PARALLEL WITH AND 19.00 FEET EAST MEASURED AT RIGHT ANGLES WITH THE WEST LINE OF SAID DESCRIBED PROPERTY, A DISTANCE OF 53.72 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 43.00 FEET; THENCE NORTHERLY AND NORTHEASTERLY 9.36 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 12° 28' 35" TO THE BEGINNING OF A NON-TANGENT LINE AND TO WHICH BEGINNING A RADIAL LINE BEARS NORTH 77° 44' 23" WEST; THENCE NORTH 43° 19' 30" EAST, A DISTANCE OF 47.03 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 43.00 FEET AND TO WHICH BEGINNING A RADIAL LINE BEARS SOUTH 13° 01' 58" EAST; THENCE NORTHEASTERLY AND EASTERLY 9.62 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 12° 48' 50"; THENCE NORTH 89° 46' 52" EAST ALONG A LINE PARALLEL WITH AND 48.00 FEET SOUTH AND MEASURED AT RIGHT ANGLES WITH THE NORTH LINE OF SAID DESCRIBED PROPERTY, A DISTANCE OF 255.00 FEET TO A POINT ON THE EAST LINE OF SAID DESCRIBED PROPERTY; THENCE SOUTH 00° 15' 11" EAST ALONG SAID EAST LINE, A DISTANCE OF 10.00 FEET TO A POINT ON SAID EAST LINE; THENCE LEAVING SAID EAST LINE SOUTH 89° 46' 52" WEST ALONG A LINE PARALLEL WITH AND 58.00 FEET

EXHIBIT 'A'
Page 1 of 3

March 20, 2019

MSA Project# 172617

LEGAL DESCRIPTION
FOR
PUBLIC UTILITY EASEMENT

(CONTINUED)

SOUTH MEASURED AT RIGHT ANGLES WITH SAID NORTH LINE, A DISTANCE OF 255.00 FEET TO THE BEGINNING, OF A TANGENT CURVE TO THE SOUTHEAST HAVING A RADIUS OF 33.00 FEET; THENCE WEST AND SOUTHWESTERLY 4.54 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 7° 52' 41" TO THE BEGINNING OF A NON-TANGENT LINE AND TO WHICH BEGINNING A RADIAL LINE BEARS NORTH 8° 05' 49" WEST; THENCE SOUTH 43° 19' 30" WEST, A DISTANCE OF 40.81 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 33.00 FEET AND TO WHICH BEGINNING A RADIAL LINE BEARS NORTH 82° 16' 21" WEST; THENCE SOUTHWESTERLY AND SOUTHERLY 4.58 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 7° 56' 37"; THENCE SOUTH 00° 12' 58" EAST ALONG A LINE PARALLEL WITH AND 29.00 FEET EAST MEASURED AT RIGHT ANGLES WITH SAID WEST LINE, A DISTANCE OF 53.72 FEET TO A POINT ON SAID SOUTH LINE; THENCE SOUTH 89° 46' 26" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 10.00 FEET TO THE **TRUE POINT OF BEGINNING.**

CONTAINING 3667 SQUARE FEET MORE OR LESS.

Michael Ray Sutherland



EXHIBIT 'A'
Page 2 of 3

03/20/2019.

EXHIBIT 'A'
PAGE 3 OF 3

N 1/4 CORNER OF SEC. 23-II/17

N89° 47' 02"E 2632.24'

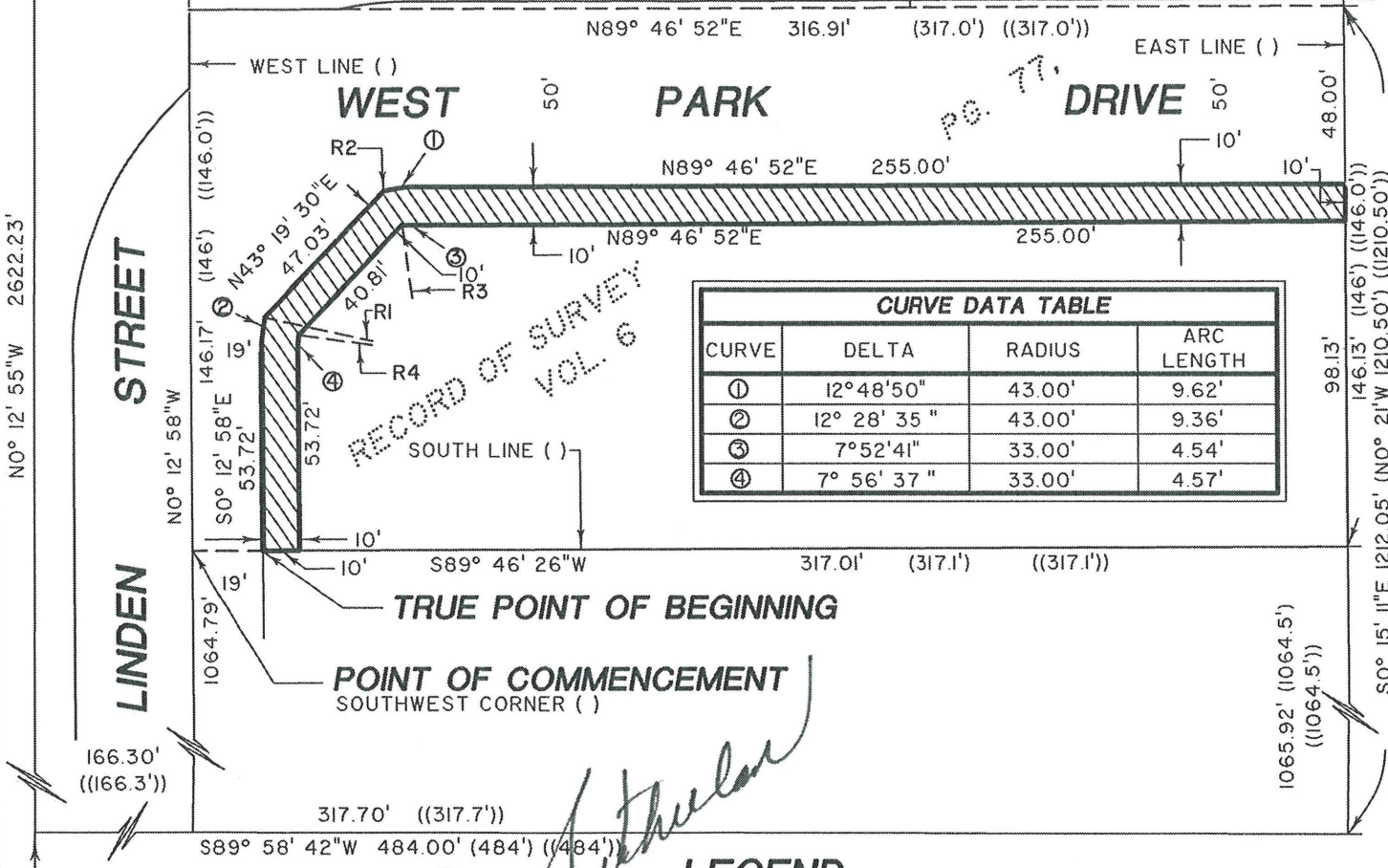
RADIAL DATA TABLE	
RADIAL	BEARING
R1	N 77°44'23" W
R2	S 13°01'58" E
R3	N 8°05'49" W
R4	N 82°16'21" W

PARCEL BK. 57
PARCEL NO. A

MAP No.
PGS. 130 & 131,
PARCEL NO. B

07-P-03
M.C.R.
PARCEL NO. C

M.C.R.

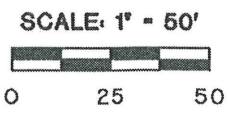
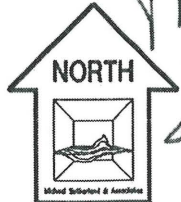


CURVE DATA TABLE			
CURVE	DELTA	RADIUS	ARC LENGTH
①	12° 48' 50"	43.00'	9.62'
②	12° 28' 35 "	43.00'	9.36'
③	7° 52' 41"	33.00'	4.54'
④	7° 56' 37 "	33.00'	4.57'

RECORD OF SURVEY VOL. 6

LEGEND

- () RECORD AND/ OR CALCULATED DATA PER QUITCLAIM DEED RECORDED JULY 20, 1994 AS DOCUMENT NO. 9421730, MADERA COUNTY RECORDS.
- (()) RECORD AND/OR CALCULATED DATA PER RECORD OF SURVEY FILED FOR RECORDATION IN VOLUME 6, PAGE 77 OF MAPS, DOCUMENT NO. 15445, MADERA COUNTY RECORDS.
- AREA OF PUBLIC UTILITY EASEMENT TO BE DEDICATED TO THE CITY MADERA CONSISTING OF 3667 SQUARE FEET



DATE MARCH 20, 2019
DRAWN BY JLS
SCALE 1" = 50'
FIELDBOOK NO. SEE FILE
PROJECT NO. 17-2617
DRAWING NO. A-819
SHEET | OF | SHEETS



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