

REPORT TO CITY COUNCIL

Approved by:

Keith Helmuth

Keith Helmuth, City Engineer

Arnoldo Rodriguez

Arnoldo Rodriguez, City Manager

Council Meeting of: August 21, 2019

Agenda Number: B-10

SUBJECT: Consideration of a Resolution Accepting Public Utility Easement Deed, Offered by First Priority Funding, LLC, In Conjunction with a New Commercial Building Being Constructed at 301 West Olive Avenue (APN: 010-202-019), and Authorizing the City Clerk to Execute and Cause to Be Recorded, a Certificate of Acceptance

RECOMMENDATION:

Staff recommends that the City Council (Council) approve a Resolution:

1. Accepting the Street Easement Deed as offered by First Priority Funding, LLC
2. Authorizing the City Clerk to execute the Certificate of Acceptance for said deed and cause it to be recorded.

SUMMARY:

First Priority Funding, LLC, the owner of 301 West Olive Avenue, APN 010-202-019, has offered a Public Utility Easement deed along Olive Avenue as a condition of project development. It is recommended that the City Council accept this Public Utility Easement offer as it meets the City's dedication requirements.

DISCUSSION:

On February 12, 2019, Conditional Use Permit (CUP) 2018-22 and Site Plan Review (SPR) 2018-37 were approved by the City's Planning Commission. The entitlements were to allow for the construction of an approximately 5,400 square foot building with three tenant suites. The 10-foot wide Public Utility Easement deed along Olive Avenue now being offered was required as a condition of approval of the CUP and SPR.

FINANCIAL IMPACT:

Acceptance of the aforementioned Public Utility Easement deed imposes no additional expense to the City or the General Fund.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

Strategy 101.6 – Ensure infrastructure can sustain population growth in the development of the General Plan

ALTERNATIVES:

The Council may elect to not accept the Public Utility Easement deed resulting in the project's requirement not being fulfilled.

ATTACHMENTS:

1. Resolution 19 - _____
 - A. Exhibit A to Resolution

ATTACHMENT 1

RESOLUTION

RESOLUTION NO. 19 - ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, ACCEPTING PUBLIC UTILITY EASEMENT DEED, OFFERED BY FIRST PRIORITY FUNDING, LLC, LOCATED AT 301 WEST OLIVE AVENUE, AND AUTHORIZING THE CITY CLERK TO EXECUTE AND CAUSE TO BE RECORDED, A CERTIFICATE OF ACCEPTANCE

WHEREAS, property owner, First Priority Funding, LLC, has 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 meets 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 City Council accepts the Public Utility Easement Deed (copy attached as Exhibit A) granted to the City by First Priority Funding, LLC.
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.

* * * * *

EXHIBIT A
PUBLIC UTILITY EASEMENT

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: 010-202-018

PUBLIC UTILITY EASEMENT

FOR A VALUABLE CONSIDERATION, RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED,
FIRST PRIORITY FUNDING, LLC,

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

An easement for 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, California, County of Madera, State
of California, being more particularly described as follows:

(See Exhibits 'A' and "B" attached hereto and made a part hereof)

First Priority Funding, LLC

By: Shawn Bidsal
Shawn Bidsal, Managing Member
AWA shahram Bidsal

Date: 7/2/19

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 7/2/2019, before me, Sharon Jacobs, Notary Public, personally appeared Shahram "Shawn" Bidsal 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

Sharon Jacobs



EXHIBIT 'A'

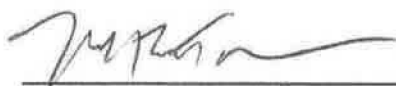
**LEGAL DESCRIPTION
(PUBLIC UTILITY EASEMENT)
CITY OF MADERA, CA**

A 10' WIDE STRIP OF LAND SITUATED IN LOT 3 OF A GRANT DEED RECORDED MAY 9, 2017 AS DOC. NO. 2017012499, OFFICIAL RECORDS OF MADERA COUNTY, LYING IN SECTION 24, TOWNSHIP 11 SOUTH, RANGE 17 EAST, MOUNT DIABLO BASE AND MERIDIAN, LOCATED IN THE CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY LINE OF SAID LOT 3 WHERE SAID LINE INTERSECTS THE NORTHERLY LINE OF AN EASEMENT FOR STREET, SEWER, WATER, PUBLIC UTILITY AND MUNICIPAL PURPOSES AS GRANTED IN A DOCUMENT RECORDED APRIL 21, 1967 AS INSTRUMENT NO. 5376 IN BOOK 985, PAGE 267 OF OFFICIAL RECORDS OF MADERA COUNTY;
THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID EASEMENT, SOUTH 89°59'33" WEST, A DISTANCE OF 228.55 FEET TO THE WESTERLY LINE OF SAID LOT 3;
THENCE ALONG THE WESTERLY LINE OF SAID LOT, NORTH 00°00'27" WEST, A DISTANCE OF 10.00 FEET TO A LINE BEING PARALLEL WITH AND LYING 10 FEET NORTHERLY OF, AS MEASURED PERPENDICULAR TO, SAID EASEMENT;
THENCE ALONG SAID PARALLEL LINE, NORTH 89°59'33" EAST, A DISTANCE OF 220.20 FEET TO THE EASTERLY LINE OF SAID LOT 3;
THENCE, ALONG SAID EASTERLY LINE, SOUTH 39°53'00" EAST, A DISTANCE OF 13.03 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED PARCEL CONTAINS 2,243 SQUARE FEET, MORE OR LESS.

THIS REAL PROPERTY DESCRIPTION WAS PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT.



NEIL E. THONSEN
P.L.S. 8656
LIC. EXP. 12/31/2019

4/9/2019

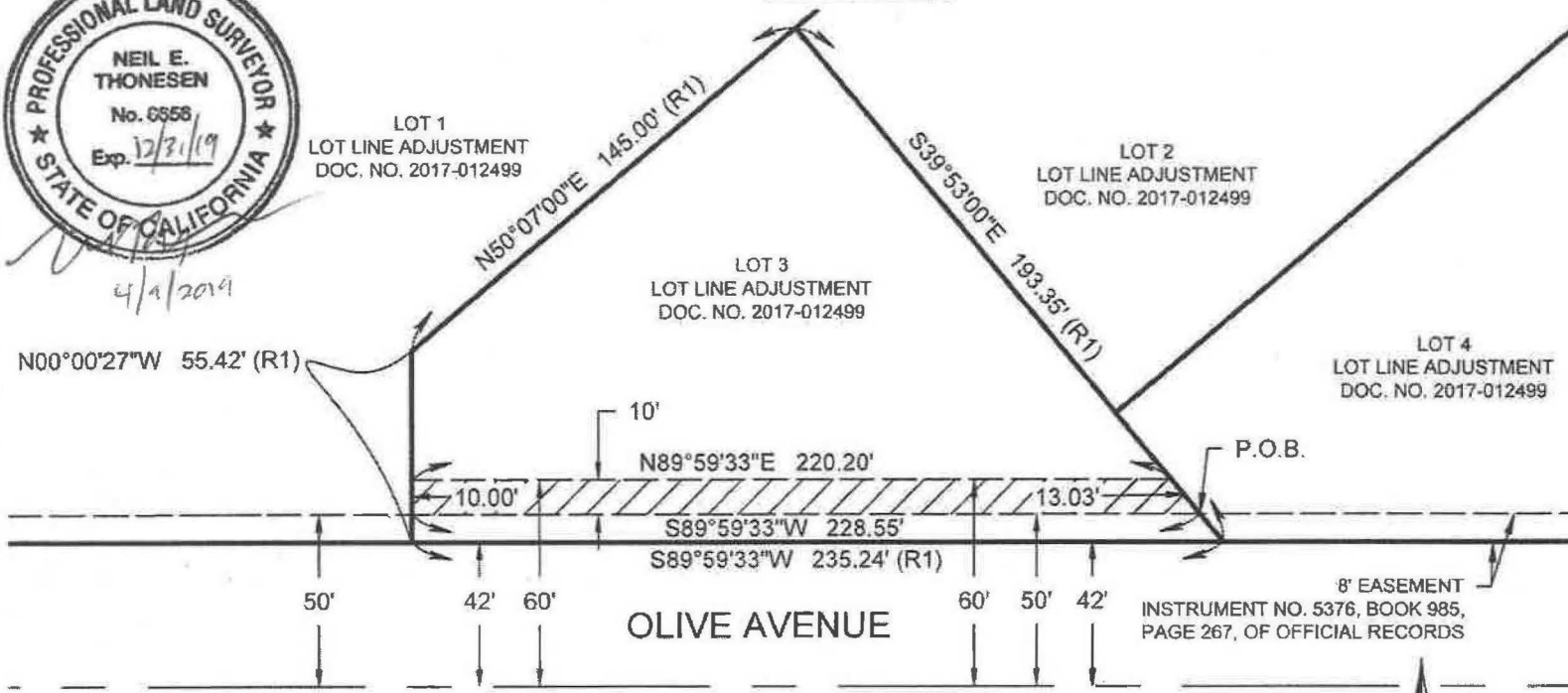
DATE





4/9/2019

EXHIBIT 'B'

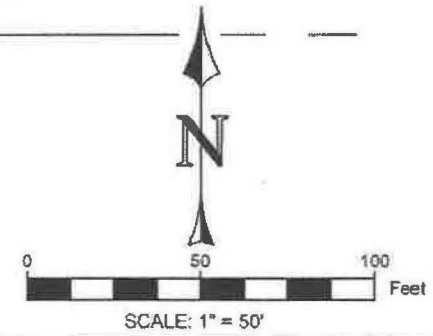


REFERENCE DOCUMENTS

R1 BEARINGS AND DISTANCES PER LOT LINE ADJUSTMENT RECORDED MAY 9, 2017 AS DOC. NO. 2017012499, OFFICIAL RECORDS OF MADERA COUNTY.

LEGEND

- LOT LINE
- — — CENTERLINE
- BOUNDARY LINE
- ▨ P.U.E. AREA
2,243 SQ. FT.
- P.O.B. POINT OF BEGINNING



PREPARED BY:



15453 E. MANNING AVE.
REEDLEY, CA 93654
(PH) (559) 837-1544

PUBLIC UTILITY EASEMENT EXHIBIT

A PORTION OF LOT 3 OF A LOT LINE ADJUSTMENT RECORDED MAY 9, 2017 AS DOC. NO. 2017012499, OFFICIAL RECORDS OF MADERA COUNTY, LYING IN SECTION 24, TOWNSHIP 11 SOUTH, RANGE 17 EAST, MOUNT DIABLO BASE AND MERIDIAN, LOCATED IN THE CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA.

DATE: 04/09/2019

DRAWN BY: NET

JOB NO.: 19029

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