

REPORT TO CITY COUNCIL

Approved by:

Keith Helmuth, City Engineer

Arnaldo Rodriguez, City Manager

Council Meeting of: September 4, 2019

Agenda Number: B-6

SUBJECT: Consideration of a Resolution Accepting a Street Easement Deed, Offered by Joseph Crown Construction and Development, Inc., at the North West Corner of Sunrise Avenue and Tozer Street, 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 Joseph Crown Construction and Development, Inc.
2. Authorizing the City Clerk to execute the Certificate of Acceptance for said deed and cause it to be recorded.

SUMMARY:

Joseph Crown Construction and Development, Inc. (Crown Homes), is the owner and residential developer of four parcels totaling 22.52 acres located at the north west corner of Sunrise Avenue and Tozer Street. Crown Homes has offered a Street Easement deed along Sunrise Avenue, being a condition of project development. It is recommended that the Council accept this Street Easement Deed offer as it meets a portion of the City's dedication requirements.

DISCUSSION:

On April 6, 2019, Tentative Subdivision Map (TSM) 2019-02 and Rezone (REZ) 2019-01 were approved by the City's Planning Commission. This entitlement allows for the development of approximately 25 acres into 134 residential parcels, public streets, and a public park. The 10-foot wide street easement deed along Sunrise Avenue now being offered was required as a condition of approval of the TSM. Crown Homes is offering this street dedication in cooperation with

Madera County Health and Human Services, who are constructing a new traffic signal at the intersection of Sunrise Avenue and Tozer Street. The street easement deed offered by Crown Homes also provides the street right of way needed for the traffic signal pole to be installed in its permanent location.

FINANCIAL IMPACT:

Acceptance of the aforementioned Street 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 Street Easement deed resulting in the project's requirement not being fulfilled.

ATTACHMENTS:

1. Resolution 19 - _____
 - A. Exhibit A to Resolution: Street Easement Deed
2. Location Map

ATTACHMENT 1

RESOLUTION

RESOLUTION NO. 19 - ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, ACCEPTING STREET EASEMENT DEED, OFFERED BY JOSEPH CROWN CONSTRUCTION AND DEVELOPMENT, INC., AT THE NORTH WEST CORNER OF SUNRISE AVENUE AND TOZER STREET, AND AUTHORIZING THE CITY CLERK TO EXECUTE AND CAUSE TO BE RECORDED, A CERTIFICATE OF ACCEPTANCE

WHEREAS, property owner, Joseph Crown Construction and Development, Inc., has offered for dedication to the City a Street Easement deed for public Street purposes; and

WHEREAS, on April 6, 2019 the City's Planning Commission approved Tentative Subdivision Map 2019-02; and

WHEREAS, as a condition of project approval, the property owner was required to dedicate a 10-foot wide street easement deed along Sunrise Avenue; and

WHEREAS, the City Engineer has certified to this Council that the Street 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 Street Easement Deed (copy attached as Exhibit A) granted to the City by Joseph Crown Construction and Development, Inc.
3. The City Clerk is hereby authorized and directed to execute and cause to be recorded the Street 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

STREET EASEMENT DEED

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 Section 27383 of the Government Code.....No Fee Due 0

APN: 008-180-003

STREET EASEMENT DEED

FOR A VALUABLE CONSIDERATION, RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED,
JOSEPH CROWN CONSTRUCTION AND DEVELOPMENT INC., A CALIFORNIA CORPORATION,

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 Exhibit 'A' and Exhibit 'B' attached hereto and made a part hereof)

Date: 8-14-19

By: [Signature]
Joseph Crown, President
Joseph Crown Construction and Development Inc., a California corporation

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 8/14/19, before me, D. WALTERS, Notary Public, personally appeared Joseph Crown 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]

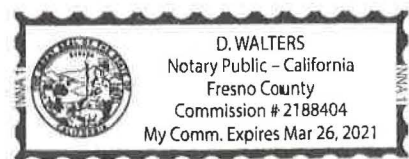


EXHIBIT "A"

**LEGAL DESCRIPTIONS
DEED FOR PUBLIC STREET PURPOSES EASEMENT AREA**

TRACT NO. 19-S-03

APN: 008-180-003

RECORD OWNER: Joseph Crown Construction and Development Inc., a California corporation.

THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF MADERA, CITY OF MADERA, AND IS DESCRIBED AS FOLLOWS:

Legal Description: **Parcel "A"**

A portion of Parcel 3 of Parcel Map 1073, in the County of Madera, as per map recorded in Book 23, Pages 92 and 93 of Maps, Madera County Records, described as follows:

BEGINNING at the Southeast corner of Parcel 3 of said Parcel Map 1073; thence North 89° 09' 45" West, along the South property line of Said Parcel 3, a distance of 109.37 feet; thence North 0°45'09" East, along the Southwesterly boundary line of said Parcel 3, a distance of 10.00 feet; thence South 89°09'45" East, 10.00 feet North and parallel with the South property line of said Parcel 3, a distance of 89.21 feet; thence North 45°20'52" East, a distance of 14.02 feet; thence South 89°09'45" East, a distance of 10.00 feet to the intersection with the East line of said Parcel 3; thence South 0°08'31" East, along the East line of said Parcel 3, a distance of 20.00 feet to the **POINT OF BEGINNING**.

Contains 1,243 square feet (0.0285 acres) more or less.

End of Description.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors' Act.

Signature: 

Mauro R. Weyant, PLS 7773

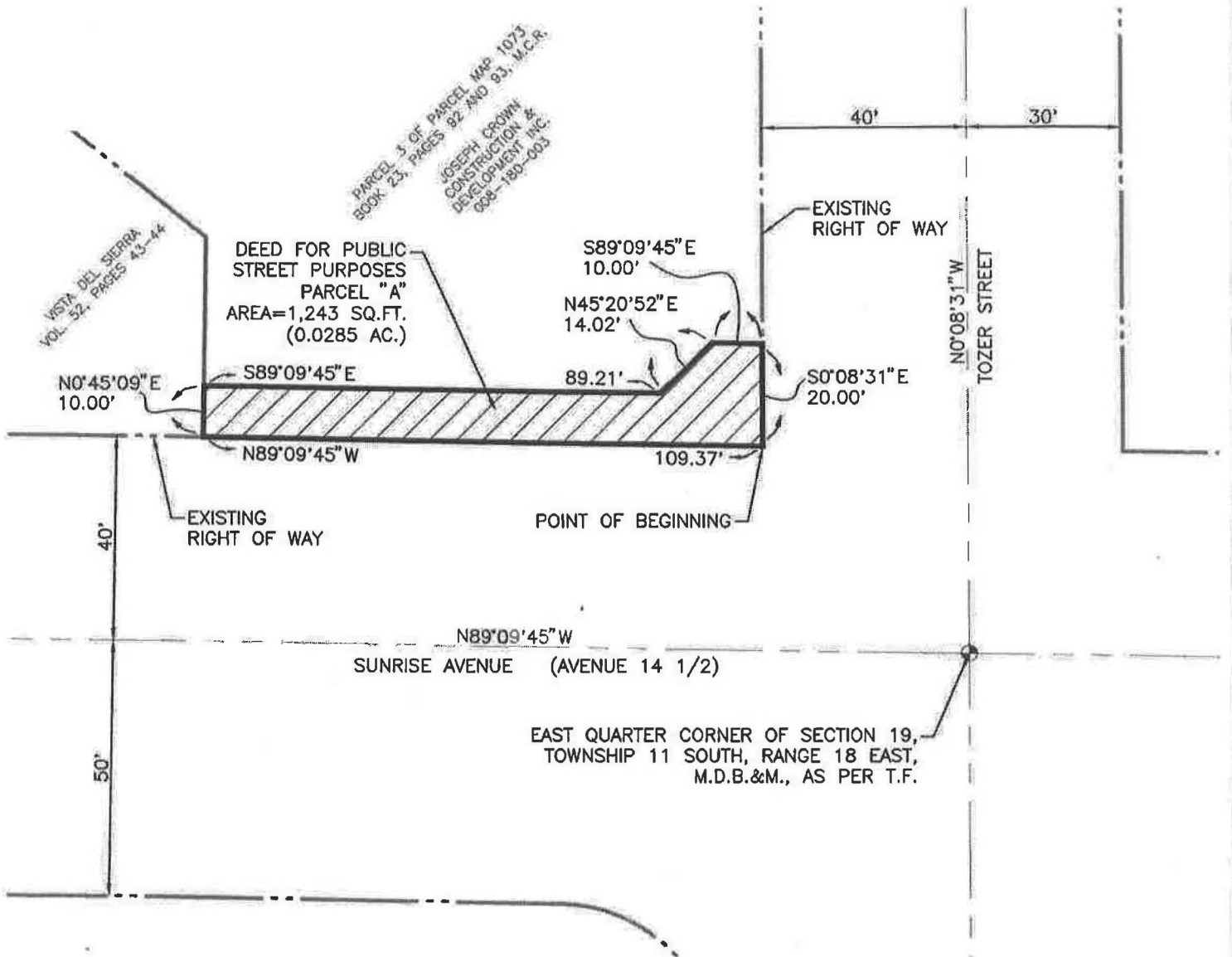
Lic. Exp. 12/31/19

Date: 06/04/19



EXHIBIT "B"


DEED FOR PUBLIC STREET PURPOSES



NOTE

SURVEY DATA AS PER MAP RECORDED
 ON AUGUST 5, 1977 IN BOOK 23,
 PAGES 92 AND 93 OF MAPS,
 MADERA COUNTY RECORDS.

LEGEND


 DEED FOR PUBLIC STREET PURPOSES
 PARCEL "A"
 AREA: ±1,243 SQ.FT. (0.0285 AC.)



SCALE: 1" = 30'
 0 7.5 15 30
 SCALE IN FEET



4950 E. YALE AVE.
 FRESNO, CA 93727
 559.538.3402

BEING A PORTION OF PARCEL 3 OF PARCEL MAP 1073, ACCORDING TO THE MAP THEREOF
 RECORDED IN BOOK 23, AT PAGES 92 AND 93, MADERA COUNTY RECORDS.

CITY OF MADERA
 COUNTY OF MADERA
 STATE OF CALIFORNIA

DR. BY R.C.
 CH. BY J.L.
 DATE 08/04/19
 SCALE 1" = 30'
 SHEET No. 1
 OF 1 SHEET

ATTACHMENT 2

LOCATION MAP

LOCATION MAP



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

STREET
EASEMENT DEDICATION

DR BY: EP
CH BY: KH
DATE: 08/29/19
SCALE: NTS
SHT 1 OF 1