

## 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-9

**SUBJECT: Consideration of a Resolution Accepting Street Easement Deed and Public Utility Easement Deed, Offered by Spanish United Pentecostal Church, In Conjunction with a New Church Facility Being Constructed at 27243 Ellis Street (APN: 037-040-005), and Authorizing the City Clerk to Execute and Cause to Be Recorded, Certificates of Acceptance**

### RECOMMENDATION:

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

1. Accepting the Street Easement Deed and Public Utility Easement Deed as offered by Spanish United Pentecostal Church, Inc.
2. Authorizing the City Clerk to execute the Certificate of Acceptances for said deeds and cause them to be recorded.

### SUMMARY:

Spanish United Pentecostal Church, the property owner of 27243 Ellis Street, APN 037-040-005, has offered a Street Easement Deed and Public Utility Easement Deed along Ellis Street as a condition of project development. It is recommended that the Council accept the Street Easement Deed and Public Utility Easement Deed offers of dedication as they meet the City's dedication requirements.

### DISCUSSION:

On June 5, 2018, the County Planning Commission approved Conditional Use Permit #2017-019 (CUP). The CUP allowed for the construction of a religious facility. The project site is immediately adjacent to the City limits and subsequently Ellis Street is a City Street. Because the project is in the City's Sphere of Influence and subject to the tax sharing agreement between the City and

County, the project was referred to the City in advance of being processed by the County. The project referral resulted in certain requirements of the City being incorporated into the County approval, including the actions under review within the report. The recordation of the Street Easement Deed and Public Utility Easement Deed along Ellis Street are being offered were requirements of the City incorporated into the County CUPs conditions of approval.

**FINANCIAL IMPACT:**

Acceptance of the aforementioned Street Easement Deed and 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 Street Easement Deed and Public Utility Easement Deed resulting in the project’s requirement not being fulfilled.

**ATTACHMENTS:**

1. Resolution 19 - \_\_\_\_\_
  - A. Exhibit A to Resolution: Street Easement Deed
  - B. Exhibit B to Resolution: Public Utility Easement Deed

ATTACHMENT 1

RESOLUTION

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, ACCEPTING STREET EASEMENT DEED AND PUBLIC UTILITY EASEMENT DEED, OFFERED BY SPANISH UNITED PENTECOSTAL CHURCH, INC, LOCATED AT 27243 ELLIS STREET, AND AUTHORIZING THE CITY CLERK TO EXECUTE AND CAUSE TO BE RECORDED, A CERTIFICATE OF ACCEPTANCE**

**WHEREAS**, property owner, Spanish United Pentecostal Church, Inc, has offered for dedication to the City a Street Easement Deed and Public Utility Easement Deed for public street and public utility purposes; and

**WHEREAS**, the City Engineer has certified to this Council that the Street Easement Deed and 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 City Council accepts the Street Easement Deed (copy attached as Exhibit A) and the Public Utility Easement Deed (copy attached as Exhibit B), granted to the City by Spanish United Pentecostal Church, Inc.
3. The City Clerk is hereby authorized and directed to execute and cause to be recorded the Street Easement Deed and Public Utility Easement Deed and Certificates 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 & 27388.1 (a)(2)(D) of the Government Code.....No Fee Due 0

APN:037-040-005

STREET EASEMENT DEED

FOR A VALUABLE CONSIDERATION, RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED,  
**SPANISH UNITED PENTECOSTAL CHURCH INC.,**

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' attached hereto and made a part hereof)

<sup>#'B'</sup>  
SPANISH UNITED PENTECOSTAL CHURCH INC.

By: [Signature] Date: 8/15/19

Print Name & Title: Christian Blanco pastor

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 08-05-2019, before me, LARRY G. CONTRERAS, Notary Public, personally appeared CHRISTIAN BLANCO 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"

## PUBLIC STREET EASEMENT DEDICATION

### LEGAL DESCRIPTION

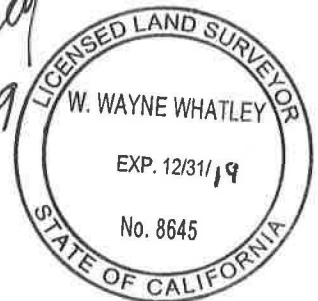
BEING A 10 FOOT WIDE PUBLIC STREET EASEMENT DEDICATION OVER A PORTION OF LOT 192 IN SECTION 7, TOWNSHIP 11 SOUTH, RANGE 18 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE MAP ENTITLED "MAP OF MILLER & LUX SUBDIVISION OF LANDS OF MADERA, FRESNO COUNTY, CALIFORNIA", RECORDED FEBRUARY 2, 1895, IN BOOK 1, PAGES 10 AND 11 OF MAPS, MADERA COUNTY RECORDS, SAID EASEMENT DEDICATION SHALL BE THE SOUTHERLY 10 FEET OF THE LANDS LYING EASTERLY OF THE EASTERLY LINE OF THE FOLLOWING DESCRIBED PROPERTY:

BEGINNING AT A POINT WHICH IS SOUTH 00° 05' EAST, 189.52 FEET AND SOUTH 89° 09' EAST, 547.54 FEET FROM THE NORTHWEST CORNER OF SAID LOT 192, SAID CORNER BEING ON THE CENTERLINE OF A 60 FOOT ROAD KNOWN AS LAKE STREET; THENCE FROM TRUE POINT OF BEGINNING, SOUTH 00° 05' EAST, 580.0 FEET TO A POINT ON THE NORTH LINE OF AN 80 FOOT ROAD KNOWN AS ELLIS STREET; THENCE ALONG THE NORTH LINE OF SAID ROAD SOUTH 89° 09' EAST, 266.54 FEET; THENCE NORTH 00° 05' WEST, 771.11 FEET; THENCE NORTH 89° 09' WEST, 266.69 FEET; THENCE SOUTH 00° 05' EAST, 191.02 FEET TO THE TRUE POINT OF BEGINNING.

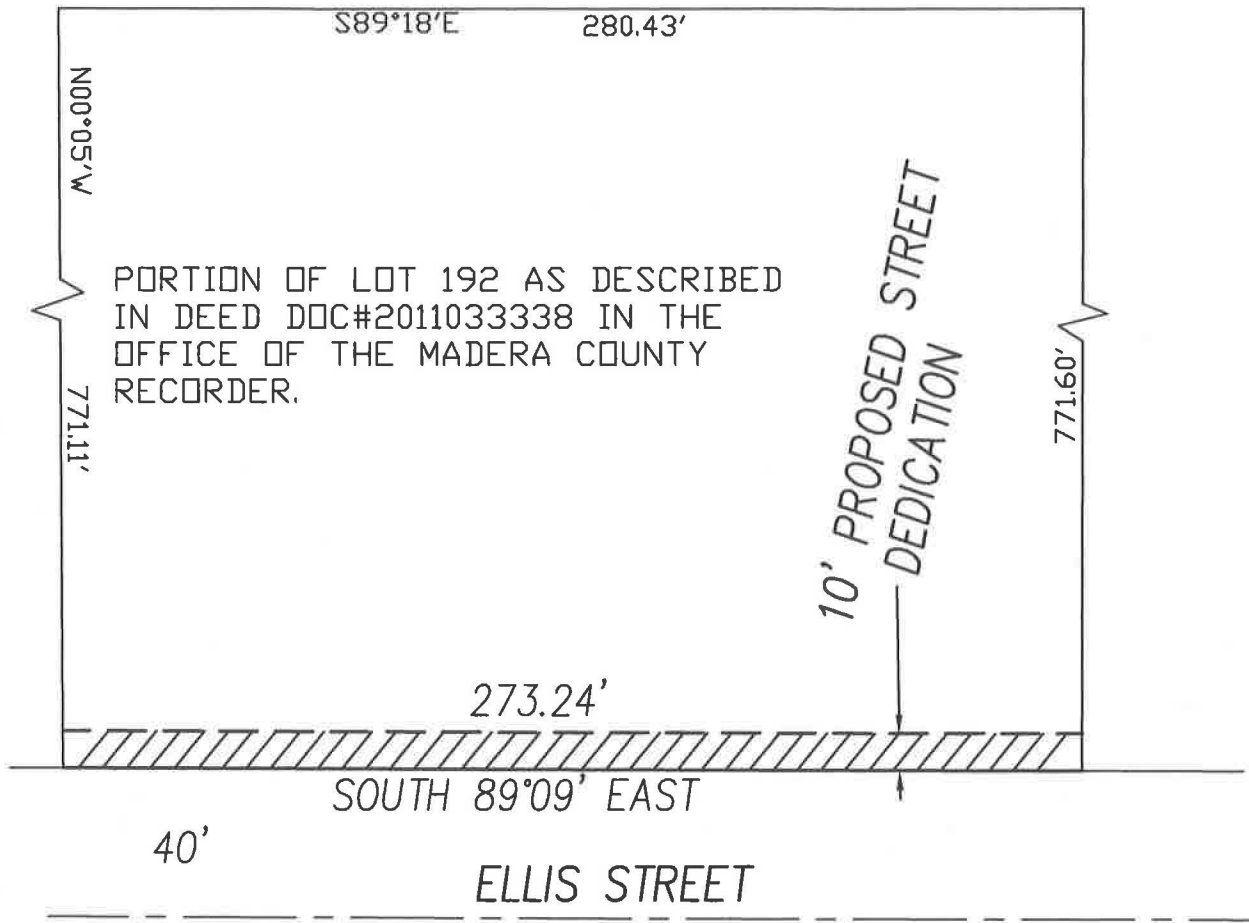
THE SOUTHERLY 10 FEET OF AFORESAID PROPERTY AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

CONTAINING 2,732.40 SQUARE FEET, MORE OR LESS.

*W. Wayne Whatley*  
7-16-2019



# EXHIBIT "B"



40'

## BASIS OF BEARING

BEARINGS ARE BASED ON MILLER & LUX SUB.  
 OF LANDS LOT 192 AS RECORDED IN BOOK 1,  
 PAGES 10 AND 11 OF MAPS, MADERA COUNTY  
 RECORDS.

40' |  
 40' |  
 MERCED STREET

SCALE: 1"=50'

## LEGEND

= PROPOSED STREET PURPOSES DEDICATION

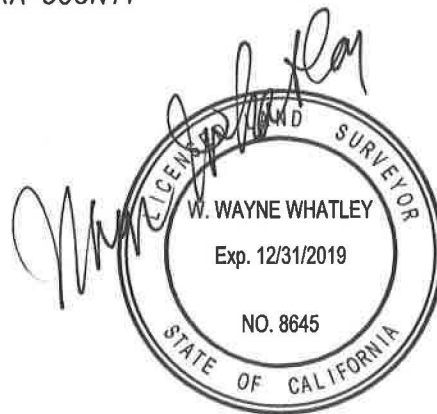




EXHIBIT B

PUBLIC UTILITY 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 & 27388.1 (a)(2)(D) of the Government Code.....No Fee Due 0

APN:037-040-005

PUBLIC UTILITY EASEMENT

FOR A VALUABLE CONSIDERATION, RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED,  
**SPANISH UNITED PENTECOSTAL CHURCH INC.,**

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' attached hereto and made a part hereof)

<sup>#9</sup>  
**SPANISH UNITED PENTECOSTAL CHURCH INC.**

By: Christian Blanco Date: 8/5/19

Print Name & Title: Christian Blanco pastor

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.

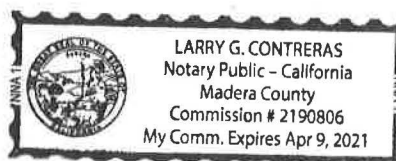
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On 08-05-2019, before me, LARRY G. CONTRERAS, Notary Public, personally appeared CHRISTIAN BLANCO who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to 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"

## PUBLIC UTILITY AND PEDESTRIAN EASEMENT

### LEGAL DESCRIPTION

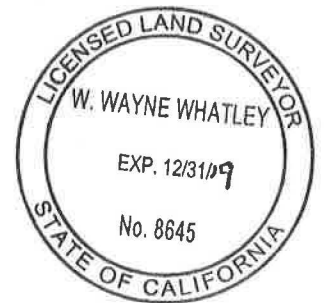
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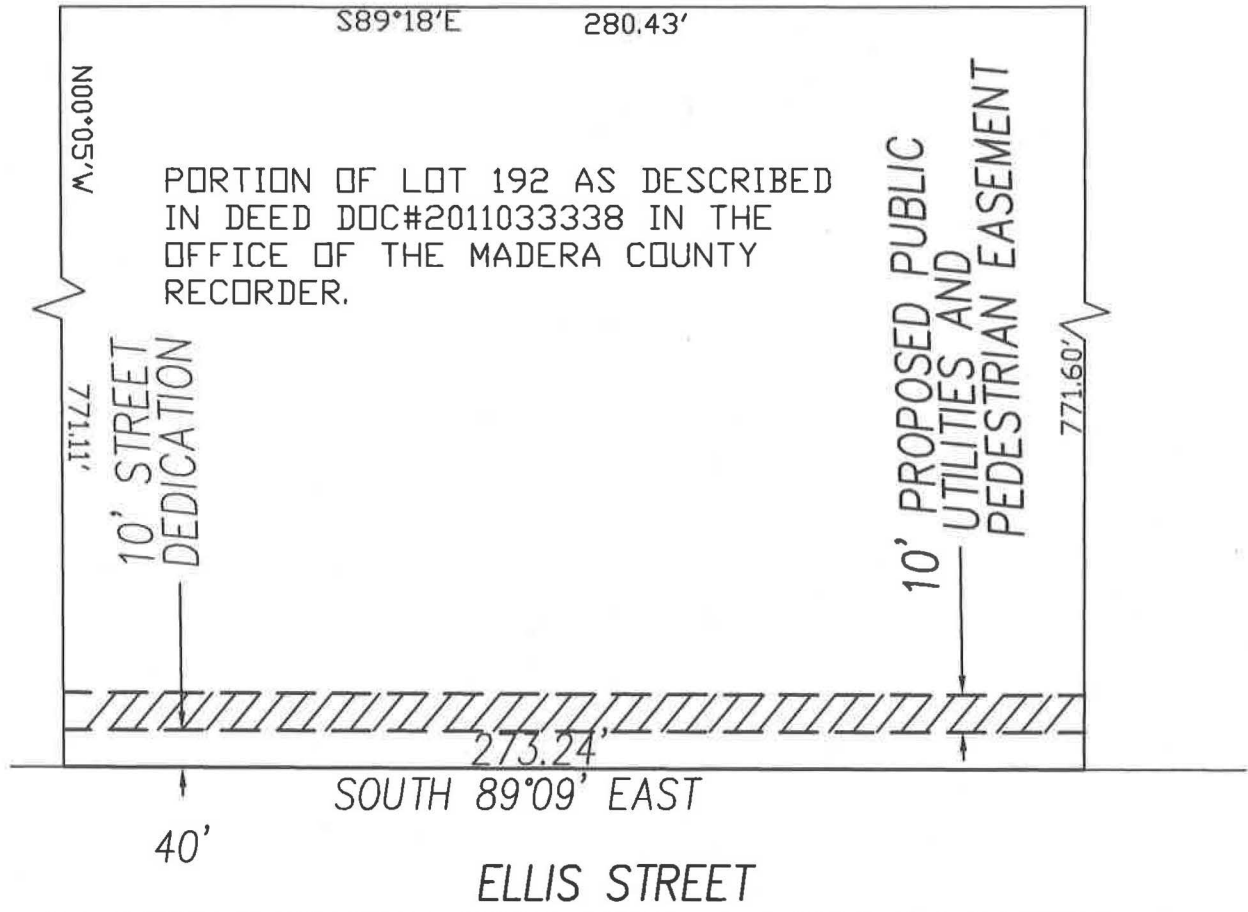
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*W. Wayne Whatley*  
7-16-2019



# EXHIBIT "B"



## BASIS OF BEARING

BEARINGS ARE BASED ON MILLER & LUX SUB. OF LANDS LOT 192 AS RECORDED IN BOOK 1, PAGES 10 AND 11 OF MAPS, MADERA COUNTY RECORDS.

SCALE: 1"=50'

## LEGEND

 = PROPOSED P.U.E. AND PED. EASEMENT

