

TO: James L. App, City Manger
FROM: Robert A. Lata, Community Development Director
SUBJECT: Acceptance of Offer of Dedication and Slope Easement (Fetyko, 2487 Starling Drive)
DATE: JULY 15, 2003

Needs: That the City Council authorize the acceptance of an Offer of Dedication of a slope and drainage easement provided by Andrew Fetyko related to the construction of a single family residence.

Facts: 1. The City has received an Irrevocable and Perpetual Offer of Dedication for a 30-foot wide slope and drainage easement adjacent to the east side of Creston Road along the property known as 2487 Starling Drive.

**Analysis
And**

Conclusion: Andrew Fetyko is constructing a single family residence at 2487 Starling Drive. As a condition of occupancy of the residence, the City Engineer has requested the dedication of a 30-foot strip of land to the City for slope maintenance and drainage purposes. The dedication of the easement does not affect the owner's ability to reasonably develop and use the subject property. (see Exhibit "C")

**Policy
Reference:** Paso Robles Municipal Code, Section 22, Subdivision Map Act

**Fiscal
Impact:** none

Options: Upon receipt of Offer of Dedication and proper guarantee of title:

- a. Adopt Resolution No. 03-xxx accepting the 30-foot wide Offer of Dedication for a slope and drainage easement on the property know as 2487 Starling Drive.
- b. Amend, modify or reject the above option.

Attachments: (3)
1. Slope & Drainage Easement - Exhibit "C"
2. Offer to Dedicate
3. Resolution

RESOLUTION NO. 03 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ACCEPTING AN OFFER OF DEDICATION FOR A SLOPE AND DRAINAGE EASEMENT
(FETYKO - 2487 STARLING DRIVE)

WHEREAS, the City has received an Irrevocable and Perpetual Offer of Dedication from Andrew Fetyko for a 30-foot wide slope and drainage easement on property known as 2487 Starling Drive.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. That the City Council accept the 30-foot wide Irrevocable and Perpetual Offer of Dedication for a slope and drainage easement provided by Andrew Fetyko on property known as 2487 Starling Drive and authorize its execution and recordation.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 15th day of July 2003 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

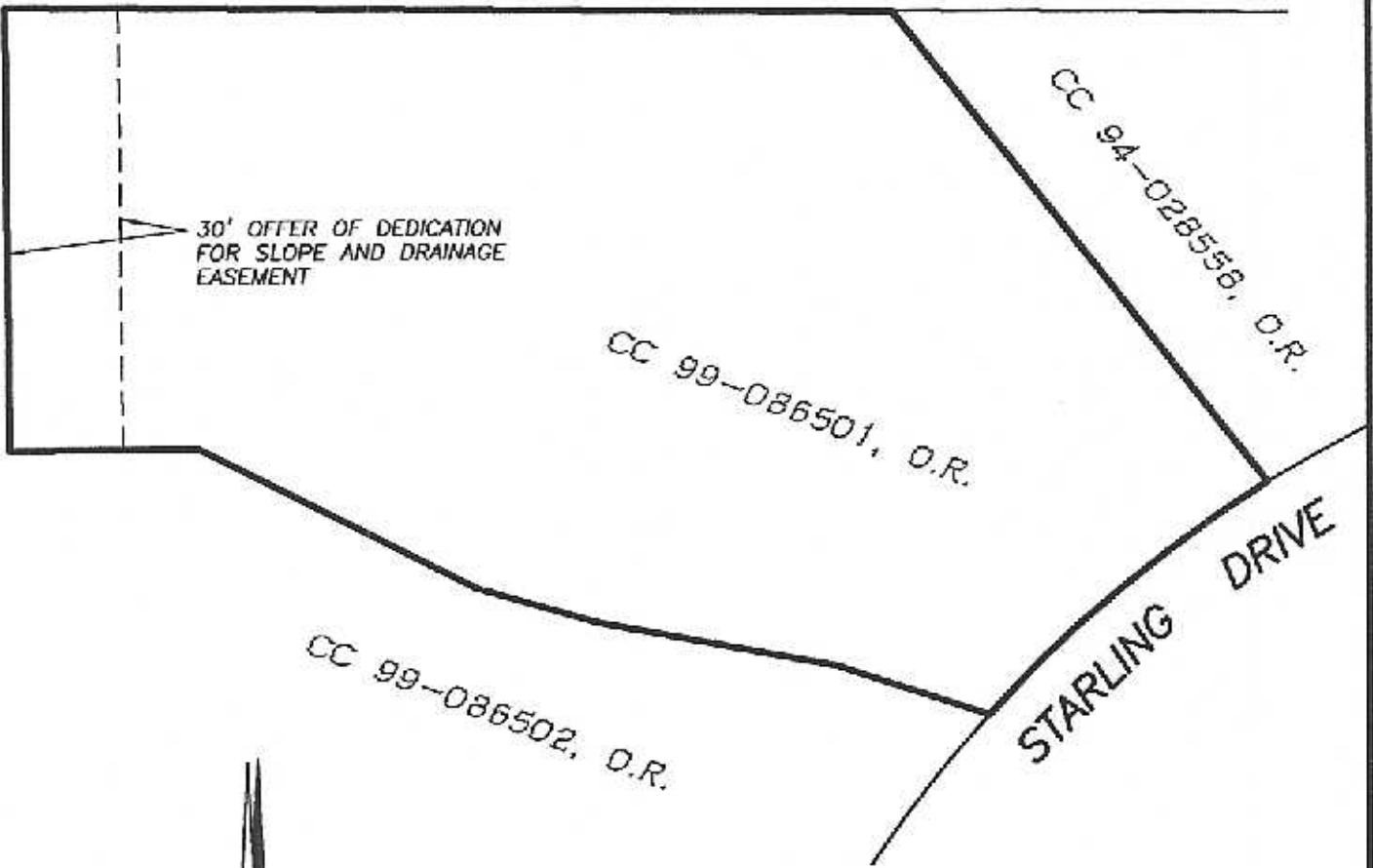
Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

EXHIBIT C

CRESTON ROAD



30' OFFER OF DEDICATION
FOR SLOPE AND DRAINAGE
EASEMENT



GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.

eda design professionals

civil engineers • land surveyors • land planners
1998 santa barbara st • san luis obispo, ca 93401
ph: 805/549-8658 • email: eda@edalnc.com

SLOPE AND DRAINAGE EASEMENT

JOB NO. 2.2859.000

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

ENGINEERING DEVELOPMENT ASSOCIATES
1998 SANTA BARBARA STREET
SAN LUIS OBISPO, CA 93401

FOR RECORDER USE ONLY

**IRREVOCABLE & PERPETUAL
OFFER TO DEDICATE**

THIS OFFER TO DEDICATE, made the 11th day of June 2003, by
D. A. Fetyko, Inc., a California Coporation, hereinafter termed "**OFFEROR**":

WHEREAS, said **OFFEROR** desires to make an offer to dedicate, irrevocably, to the public, an easement for slope and drainage purposes, which offer may be accepted at any time by any governmental entity which has the power to accept said slope and drainage easement.

NOW, THEREFORE, said **OFFEROR** covenants and promises as follows:

1. That said **OFFEROR** is the owner of the following interest described below:

SEE ATTACHED EXHIBIT "A"


2. That said **OFFEROR** does hereby irrevocably and in perpetuity offer to such governmental entity a dedication of an easement for public utility and incidental uses upon the following described property:

SEE ATTACHED EXHIBIT "B"

3. That said **OFFEROR** agrees that said offer of dedication shall be irrevocable and that such a government entity may, at any time in the future, accept said offer of dedication of the slope and drainage easement.
4. That said **OFFEROR** agrees that this irrevocable and perpetual Offer to Dedicate is and shall be binding on his heirs, legatees, successors and assignees.

IN WITNESS WHEREOF, this Offer to Dedicate is hereby executed by the said **OFFEROR** on the day and year first above written.

D. A. Fetyko, Inc.



6-11-03
_____ Date

SIGNATURE[S] MUST BE NOTARIZED

May 8, 2003

EXHIBIT A

That portion of the parcel described in the Certificate of Compliance recorded in Instrument No. 199-028558 of Official Records, and also shown on the map recorded in Book 70, page 90 of Records of Survey of San Luis Obispo County, State of California, described as follows:

Beginning at the southwest corner of said Parcel per 1994-028558;
Thence along the Southerly lines thereof North $89^{\circ} 37' 33''$ East, 50.00 feet and South $62^{\circ} 53' 07''$ East, 82.83 feet to a $\frac{1}{2}$ " rebar with tag LS 5145;
Thence leaving said Southerly line South $73^{\circ} 46' 22''$ East, 33.87 feet;
Thence South $79^{\circ} 19' 34''$ East, 64.54 feet;
Thence South $71^{\circ} 45' 22''$ East, 42.80 feet to a point in the southeasterly line of said Parcel per 1994-028558, being also the right of way for Starling Drive;
Thence along said Southeasterly line along a curve concave to the Southeast having a radius of 350.00 feet through a central angle of $16^{\circ} 03' 11''$ with an arc length of 98.06 feet to the most Easterly corner of said Parcel per 1994-028558;
Thence along the Northeasterly line, the North line and the West line of said Parcel North $38^{\circ} 14' 36''$ West, 162.26 feet, North $89^{\circ} 37' 16''$ West, 235.60 feet and South $00^{\circ} 22' 27''$ East, 119.51 feet to the point of beginning, as contained in Certificate of Compliance recorded December 14, 1999 as Instrument No. 1999-086501 of Official Records.

May 8, 2003

EXHIBIT B
Legal Description
Slope and Drainage Easement


Being that portion of Lot 82 of Tract 1457, in the County of El Paso de Robles, State of California, according to amended map filed in Book 15, page 42 of Maps, records of said County, described as follows:

A thirty (30) foot wide strip of land lying easterly of and adjacent to the line of said Lot 82, as shown on said map. Said strip also being a portion of that certain Certificate of Compliance filed as Instrument No. 99-086501 in the office of the County Recorder of said County.

Said strip is to be lengthened or shortened, as necessary, northerly to meet the northerly lot line of said Lot 82, and southerly to meet the northerly lot line of Lot 83 of said Tract 1457.

Said strip also being a portion of that certain parcel of land described in Certificate of Compliance recorded as Instrument No. 1999-086501 of Official Records of said County.

The above described strip is graphically shown on Exhibit C attached hereto and made a part hereof.


Linda M. Richardson, P.L.S. 6904 (exp 6-30-2005)



STATE OF California

COUNTY OF San Luis Obispo

On June 11, 2003 before me, Lori Gearhart
(Name, Title of Officer)

personally appeared D. Andrew Fetyko

personally known to me (or 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.

WITNESS my hand and official seal.


(Signature of Notary Public)



(This area for notarial seal)