

TO: James L. App, City Manger
FROM: Robert A. Lata, Community Development Director
SUBJECT: Acceptance of Offer of Dedication (Gier, 140 Pacific Avenue)
DATE: October 5, 2004

Needs: That the City Council authorize the acceptance of an Irrevocable and Perpetual Offer of Dedication for public road purposes provided by Frederick and Beth Gier related to the construction of a single family residence at 140 Pacific Avenue.

Facts: 1. The City has received an Irrevocable and Perpetual Offer of Dedication for a 2-foot wide easement for public road purposes adjacent to the south side of Pacific Avenue along the property known as 140 Pacific Avenue.

**Analysis
And**

Conclusion: Frederick and Beth Gier have constructed a single family residence at 140 Pacific Avenue. In accordance with Municipal Code Section 17.04.020, the City Engineer has requested the dedication of a 2-foot strip of land to the City for public road purposes to accommodate the future improvements to Pacific Avenue. The dedication of the easement does not affect the owner's ability to reasonably develop and use the subject property.

Policy

Reference: Paso Robles Municipal Code Section 17.04.020

Fiscal

Impact: none

Options:

- a. Adopt Resolution No. 04-xxx accepting the 2-foot wide Irrevocable and Perpetual Offer of Dedication for road purposes at 140 Pacific Avenue.
- b. Amend, modify or reject the above option.

Attachments: (3)

1. Vicinity Map
2. Offer of Dedication
3. Resolution

RESOLUTION NO. 04-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ACCEPTING AN IRREVOCABLE AND PERPETUAL OFFER OF DEDICATION
FOR ROAD PURPOSES (GIER - 140 PACIFIC AVENUE)

WHEREAS, the City has received an Irrevocable and Perpetual Offer of Dedication from Frederick and Beth Gier for a 2-foot wide easement for public road purposes on property known as 140 Pacific Avenue.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. That the City Council accept the 2-foot wide Irrevocable and Perpetual Offer of Dedication for public road purposes provided by Frederick and Beth Gier on property known as 140 Pacific Avenue and authorize its execution and recordation.

ADOPTED by the City Council of the City of El Paso de Robles at a regular meeting of said Council held on the 5th day of October 2004 by the following vote:

AYES:

NOES:

ABSTAIN:

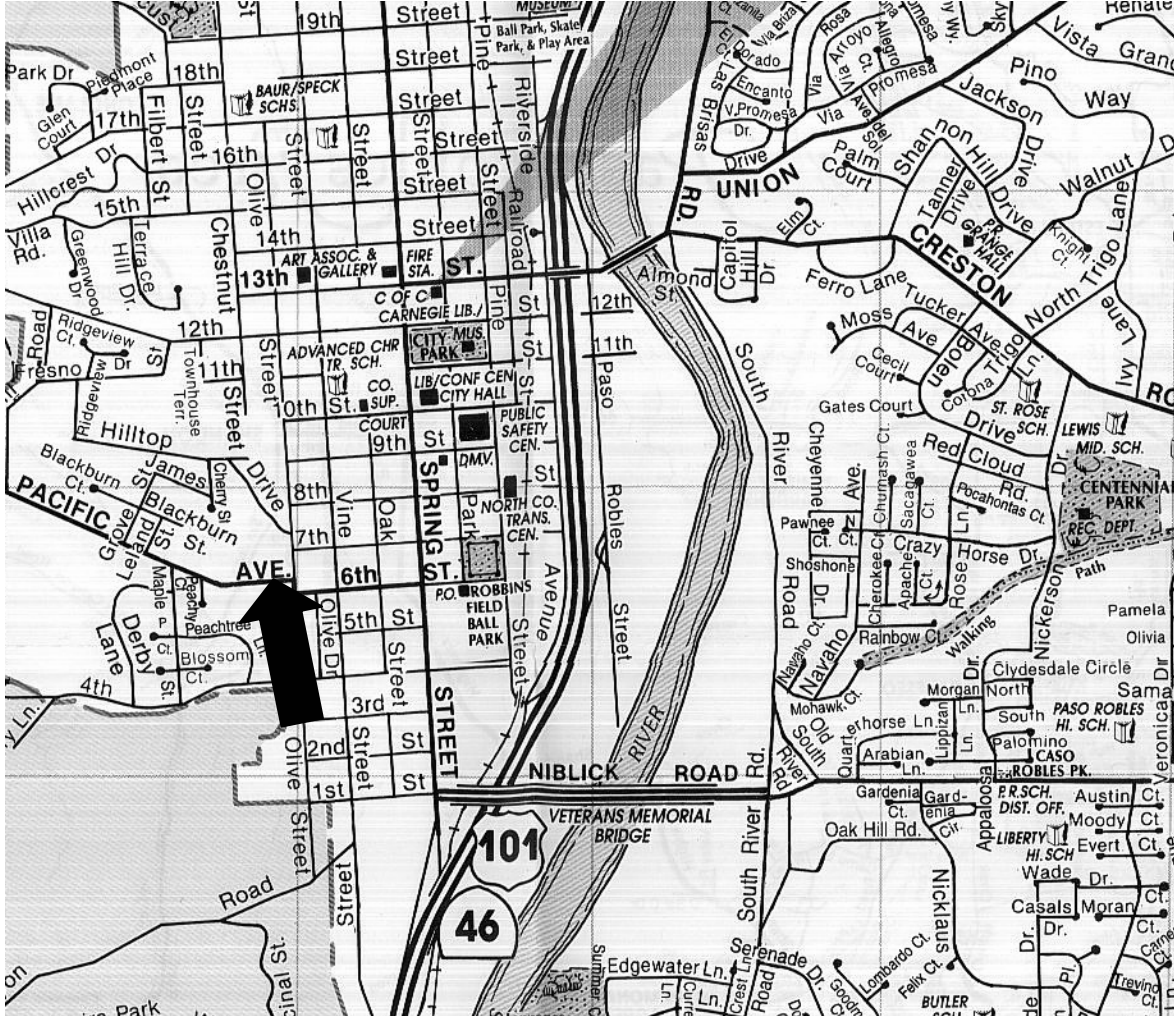
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

VICINITY MAP
Offer of Dedication
140 Pacific Avenue ~ Gier



IRREVOCABLE & PERPETUAL

OFFER TO DEDICATE
REQUESTED BY AND WHEN
RECORDED, RETURN TO :
Paso Robles Public Works Dept.
City of Paso Robles, CA, 93446

THIS OFFER TO DEDICATE, made this day of 26 August, 2004, by Frederick C. Gier and Beth F. Gier of the County of San Luis Obispo, State of California, hereinafter termed Offeror:

WHEREAS, said Offeror desires to make an offer to dedicate, irrevocably, to the public, an easement for public road purposes, which offer may be accepted at any time by any governmental entity which has the power to establish, construct and maintain roads.

NOW, therefore, said Offeror covenants and promises as follows:

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

Parcel 1 of PRAL 98-157 as recorded March 3, 2000 in Book 54, Page 53 of Parcel Maps, in the City of Paso Robles, County of San Luis Obispo, State of California

2. That said Offeror does hereby irrevocably and in perpetuity offer to such governmental entity a dedication of a public right-of-way for road purposes and incidental uses upon the following described property:

The northerly two feet (2.00') of said Parcel 1. Said land abuts the present southerly right-of-way of Pacific Avenue and is graphically depicted in Exhibit, as attached hereon and made a part of the description thereof.

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 public right-of-way.
4. That said Offeror agrees that this irrevocable and perpetual Offer to Dedicate is and shall be binding on their 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.

Frederick C. Gier
Frederick C. Gier

Beth F. Gier
Beth F. Gier

ACKNOWLEDGEMENTS

State of California)
County of San Luis Obispo) ss

On _____, before me, _____, a Notary Public for the State of California, personally appeared Frederick C. Gier and Beth F. Gier, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

Witness my hand and official seal.

County of San Luis Obispo

Prepared by:

Douglas A. Sholders
Douglas A. Sholders, LS # 5700
Lic. Exp. 9/30/05



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

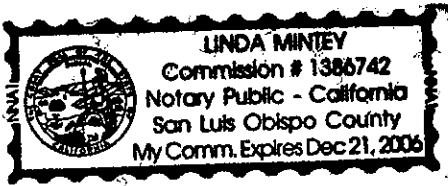
State of California

County of San Luis Obispo } ss.

On 8/26/04, before me, LINDA Mintey
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Frederick C. Gier + Beth F. Gier
Name(s) of Signer(s)

- personally known to me
- 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.

Linda Mintey
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: IRREVOCABLE & PERPETUAL

Document Date: 8/26/04 Number of Pages: 3+ACK

Signer(s) Other Than Named Above: Douglas A. Sholders

Capacity(ies) Claimed by Signer

- Signer's Name: _____
- Individual
 - Corporate Officer — Title(s): _____
 - Partner — Limited General
 - Attorney in Fact
 - Trustee
 - Guardian or Conservator
 - Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

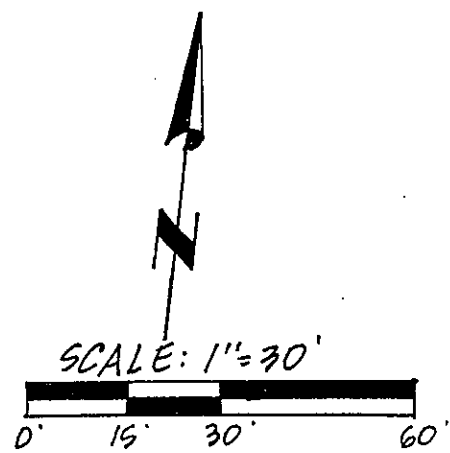
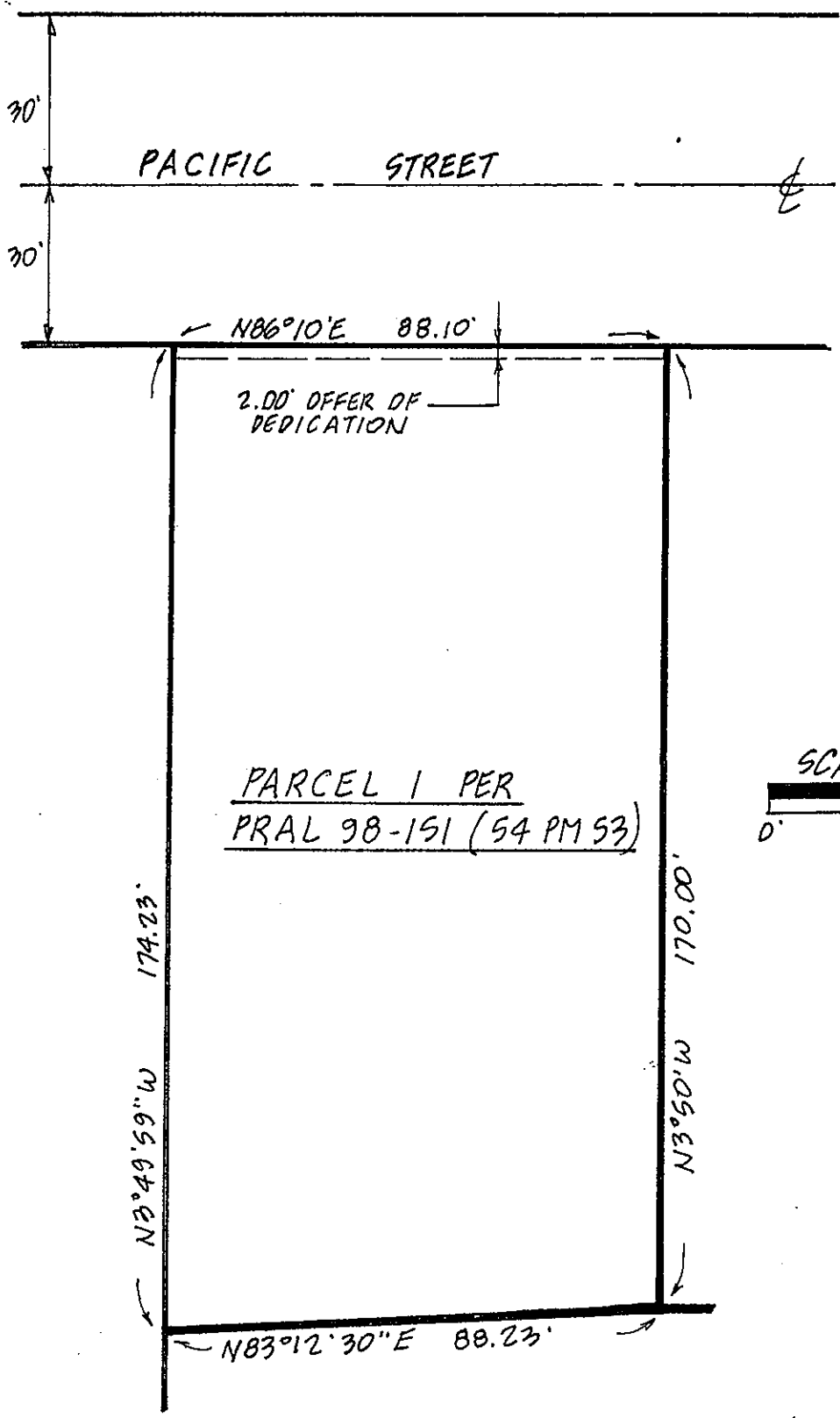


EXHIBIT "B"