

TO: James L. App, City Manager
FROM: Doug Monn, Public Works Director
SUBJECT: Offers of Dedication for Public Road Purposes at 17th Street West of Riverside
DATE: February 16, 2010

NEEDS: For City Council to consider accepting easements for public road purposes.

FACTS:

1. As part of the Highway 46 East project, the City proposes to accomplish the following:
 - abandon 16th Street off ramp,
 - install a new off/on ramp from Highway 101 at 17th Street,
 - install a traffic signal and traffic signal detector loops at the new ramp intersection with Riverside/17th Street.
2. In May 1982 the City Council adopted Resolution No. 2726 abandoning 17th Street west of Riverside.
3. In order to proceed with the project, Caltrans is requiring that the City confirm its rights along 17th Street for public road purposes by re-acquiring the previously abandoned right-of-way.
4. As required by Caltrans, the City engaged the services of a licensed right-of-way appraiser and determined that the value of the property required for the easement for public road purposes is nominal because the area is already heavily encumbered with easements for telephone, electric, gas and cable TV. The value established is \$250 for each property.

ANALYSIS &

CONCLUSION: On January 21, 2010, City staff communicated the need and appraised values for these easements to the two property owners (Slusher and Blake). Attached are the signed documents from both property owners who agreed to the City's proposal.

POLICY

REFERENCE: Circulation Element of the General Plan

FISCAL

IMPACT: The City has a grant from SLOCOG (\$9.5M) for construction. The California Transportation Commission (CTC) is scheduled to allocate this grant in June contingent upon the City's ability to clear all the requirements from Caltrans. The City will fund the property purchases (\$500 total) from Traffic Impact Development Fees.

OPTIONS:

- a. Adopt Resolution No. 10-xx to accept easements from Slusher and Blake for road purposes and consent to the recordation of the Offers of Dedication.
- b. Amend, modify, or reject the above option.

Prepared by: Ditas Esperanza, P.E., Capital Projects Engineer

Attachments:

- 1) Resolution
- 2) Offer of Dedication (Slusher)
- 3) Offer of Dedication (Blake)

RESOLUTION NO. 10-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ACCEPTING ROAD EASEMENTS FROM TIM AND TINA SLUSHER
AND FROM THE FRANCIS BLAKE TRUST

WHEREAS, the City has received Offers of Dedication from Tim and Tina Slusher and from the Francis Blake Trust; and

WHEREAS, these Offers of Dedication are for public road purposes.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The City Council of the City of El Paso de Robles does hereby accept the road easements and consents to the recordation of said Offers of Dedication by its duly authorized officers.

SECTION 2. The City Clerk of the City of El Paso de Robles does cause a certified copy of this Resolution to be recorded in the Office of the County Recorder of San Luis Obispo County, State of California.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 16th day of February 2010 by the following votes:

AYES:
NOES:
ABSTAIN:
ABSENT:

Duane Picanco, Mayor

ATTEST:

Lonnie Dolan, Deputy City Clerk

STATEMENT OF AND SUMMARY OF THE BASIS OF NON-COMPLEX VALUATION

This determination of just compensation is not an appraisal and is to be used merely for support of the amount of just compensation to be paid to the property owner. This determination of nominal value recognizes that there is no serious question as to highest and best use, adequate market data is available, substantial damage, benefits are not involved, and there is no substantial decrease in market value due to the presence of the proposed easement.

BASIC PROPERTY DATA

Owner:	James & Tina Slusher
Property Address:	103 17 th Street, Paso Robles, CA 93446
Total Property Area:	12,600 SF
Property to be Acquired:	5,600 SF
Improvements to be Acquired:	None
Access Rights:	No
Interests Acquired:	Public Road Easement
Date of Valuation:	January 14, 2010
Zoning:	C-3 Commercial
Highest and Best Use:	C-3 Commercial
Current Use:	Commercial

BASIS OF VALUATION

The Sales Comparison Approach will be used to estimate the compensation for the easement. There are no improvements located in the acquisition area. The area to be acquired is totally encumbered with a public utility easement and an ingress/egress easement. Sales of properties with a similar highest and best use were reviewed and it was estimated that the subject property would have the same marketability and utility before and after imposition of the easement and therefore the acquisition value is nominal.

SUMMARY OF VALUE CONCLUSIONS AND ESTIMATE OF COMPENSATION

The area formerly designated as a street is significantly encumbered by the rights of the City and others to the extent that the underlying owners have little marketable value in the vacated area.

It is estimated that the area is heavily encumbered by easements and the owners unrestricted right to use the area would only happen if the utility easements were abandoned and the parcels fronting on the easement had alternate means of access. These events are unlikely to occur within the foreseeable future.

The value of acquiring an additional easement for public roadway purposes is considered nominal. The imposition of a third easement over an area encumbered by two other significant easements should not create an additional loss in market value to the owner. The measure of compensation is the fair market value of the property rights taken. In this case the majority of the rights are not held by the land owners. Caltrans, in their Eminent Domain Digest indicates that the value of the underlying fee interest in an area encumbered by public highways is so remote and speculative that they offer to pay \$1.00 total for underlying fee interests. Drawing on this practice, the value offer to those abutting the 17th street corridor is nominal and estimated at \$250.00. It is recommended that this should be considered for compensation purposes

ESTIMATED COMPENSATION \$ 250.00

RECORDING REQUESTED BY:
-AND-
WHEN RECORDED RETURN TO:

Department of Public Works
City of El Paso de Robles
1000 Spring Street
Paso Robles, CA 93446

STATE BUSINESS – FREE: This document presented
for recording pursuant to Gov't Code Section 27383

Documentary Transfer Tax : No Tax Due

BY: _____
Signature of Declarant

Space above this line for Recorder's Use

**IRREVOCABLE AND PERPETUAL OFFER OF DEDICATION OF EASEMENT FOR
PUBLIC ROAD PURPOSES**

THIS OFFER OF DEDICATION is made the 20th day of January, 2010 by
James C. Slusher and Tina Slusher, herein collectively referred to as "Offeror".

WITNESSETH:

WHEREAS, said Offeror desires to make an irrevocable offer of dedication to the public of
an easement for public road purposes and incidental uses, which offer may be accepted at any time
by the City of El Paso de Robles which has the power to establish, construct and maintain roads.

NOW, THEREFORE, said Offeror covenants, promises and grants as follows:

1. That said Offeror is the fee owner of certain real property situated in the City of Paso
Robles, County of San Luis Obispo, State of California, according to the Deed recorded September
1, 2006 as Document #2006-062324, records of said County, which is more particularly described
as follows:

All of Lot 1 of Block 52 according the Map of the City of El Paso de Robles recorded October
25, 1889 in Book A of Maps, at Page 169 in the Office of the County Recorder of the County of
San Luis Obispo, State of California.

TOGETHER with that portion of 17th Street as vacated by the City of El Paso de Robles by
Resolution No. 2726 recorded May 18, 1982 at Document #19810 in Book 2406 of Official
Records, at Page 861, records of said County, being the southerly half of 17th Street adjacent to
said Lot 1 described above.


EXCEPTING THEREFROM all easements of record and an easement for ingress, egress and public utilities for the benefit of those parcels adjacent to, but Northerly and Southerly of that portion of 17th Street described in said Resolution No. 2726.

2. That said Offeror does hereby irrevocable and in perpetuity offer to the City of El Paso de Robles a dedication an easement for public road purposes and incidental uses upon the following described property lying within the above referenced property:

Legal Description

That portion of 17th Street lying between Blocks 52 and 53, according to the Map of the City of El Paso de Robles recorded October 25, 1889 in Book A of Maps, at Page 169 in the Office of the County Recorder of the County of San Luis Obispo, State of California, bounded on the east by the westerly line of Riverside Avenue and bounded on the west by the westerly line and northerly prolongation thereof, of Lot 1 of said Block 52.

End Of Description


Bryce Dilger #L-7571 (Exp. 12/31/11) 1/20/2010 Date

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3. That until such time as the above offer of dedication is accepted by the City of El Paso de Robles, all owners of property contiguous to the above described parcel shall have the right to the use of said road parcel as a private road.

4. That the Offeror agrees that above offer of dedication shall be irrevocable and that the City of El Paso de Robles may, at any time in the future, accept said offer of dedication of the easement for public road purposes.

5. That the Offeror agrees that this irrevocable and perpetual offer of dedication is and shall be binding in his heirs, assigns, and successors in interest.

IN WITNESS WHEREOF, this offer of dedication is executed and made by the Offeror on the day and year first above written.

OFFEROR:

James C. Slusher
James C. Slusher

Tina Slusher
Tina Slusher

ACKNOWLEDGMENT

State of California)
County of San Luis Obispo)

On January 29, 2010 before me, Sharie A. Scott, Notary Public

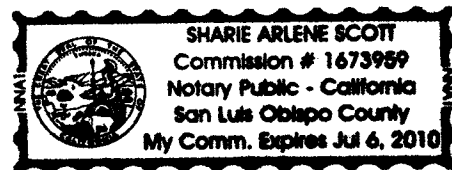
personally appeared James C. Slusher and Tina Slusher

_____, 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.

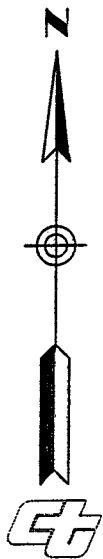
WITNESS my hand and official seal.

Signature Sharie A. Scott



(Seal)

CITY OF PASO ROBLES



NOTES:
1.) THE BASIS OF BEARINGS FOR THIS PROJECT IS THE CALIFORNIA STATE PLANE COORDINATE SYSTEM (NAD 83 (1991.35) HPGN) ZONE 5, US FT. ALL DISTANCES SHOWN HEREON ARE GRID. GROUND DISTANCES MAY BE OBTAINED BY MULTIPLYING BY 0.99999002.

Block 53
A/MB/169

008-293-018

11350

17TH STREET

11351
5,600± sq.ft.

Lot 1
Block 52
A/MB/169

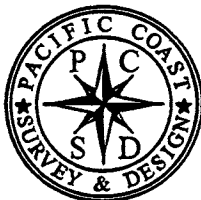
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FEET 0 20 40 80 120
SCALE AT FULL SIZE 1"=40'

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
DIST. COUNTY ROUTE PM (KP)
5 SLO 101 57.2

Prepared on behalf of
the City of El Paso de Robles by: E.A. 05-361500

Pacific Coast Survey
& Design Group, Inc.
935 Riverside Avenue #10
Paso Robles, California 93446
(805) 238-9881
Last updated :17 DEC 09
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PROFESSIONAL LAND SURVEYOR

DATE

1/20/2010

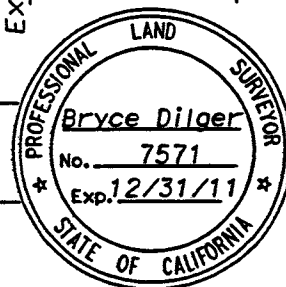


Exhibit "A" Map

80' City R/W

40'

40'

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STATEMENT OF AND SUMMARY OF THE BASIS OF NON-COMPLEX VALUATION

This determination of just compensation is not an appraisal and is to be used merely for support of the amount of just compensation to be paid to the property owner. This determination of nominal value recognizes that there is no serious question as to highest and best use, adequate market data is available, substantial damage, benefits are not involved, and there is no substantial decrease in market value due to the presence of the proposed easement.

BASIC PROPERTY DATA

Owner:	Francis Blake Trust
Property Address:	North west Corner of Riverside Avenue and 17 th Street, Paso Robles, CA
Total Property Area:	28,875 SF
Property to be Acquired:	5,600 SF
Improvements to be Acquired:	None
Access Rights:	No
Interests Acquired:	Public Road Easement
Date of Valuation:	January 14, 2010
Zoning:	C-3 Commercial
Highest and Best Use:	C-3 Commercial
Current Use:	Commercial

BASIS OF VALUATION

The Sales Comparison Approach will be used to estimate the compensation for the easement. There are no improvements located in the acquisition area. The area to be acquired is totally encumbered with a public utility easement and an ingress/egress easement. Sales of properties with a similar highest and best use were reviewed and it was estimated that the subject property would have the same marketability and utility before and after imposition of the easement and therefore the acquisition value is nominal.

SUMMARY OF VALUE CONCLUSIONS AND ESTIMATE OF COMPENSATION

The area formerly designated as a street is significantly encumbered by the rights of the City and others to the extent that the underlying owners have little marketable value in the vacated area.

It is estimated that the area is heavily encumbered by easements and the owners unrestricted right to use the area would only happen if the utility easements were abandoned and the parcels fronting on the easement had alternate means of access. These events are unlikely to occur within the foreseeable future.

The value of acquiring an additional easement for public roadway purposes is considered nominal. The imposition of a third easement over an area encumbered by two other significant easements should not create an additional loss in market value to the owner. The measure of compensation is the fair market value of the property rights taken. In this case the majority of the rights are not held by the land owners. Caltrans, in their Eminent Domain Digest indicates that the value of the underlying fee interest in an area encumbered by public highways is so remote and speculative that they offer to pay \$1.00 total for underlying fee interests. Drawing on this practice, the value offer to those abutting the 17th street corridor is nominal and estimated at \$250.00. It is recommended that this should be considered for compensation purposes

ESTIMATED COMPENSATION \$ 250.00

RECORDING REQUESTED BY:
-AND-
WHEN RECORDED RETURN TO:

Department of Public Works
City of El Paso de Robles
1000 Spring Street
Paso Robles, CA 93446

STATE BUSINESS – FREE: This document presented
for recording pursuant to Gov't Code Section 27383

Documentary Transfer Tax : No Tax Due

BY: _____
Signature of Declarant

Space above this line for Recorder's Use

**IRREVOCABLE AND PERPETUAL OFFER OF DEDICATION OF EASEMENT FOR
PUBLIC ROAD PURPOSES**

THIS OFFER OF DEDICATION is made the 1st day of February, 20 10 by
FRANCIS BLAKE, Trustee of the FRANCIS BLAKE SURVIVOR'S TRUST u/d/t
dated January 11, 1999, herein collectively referred to as "Offeror".

WITNESSETH:

WHEREAS, said Offeror desires to make an irrevocable offer of dedication to the public of
an easement for public road purposes and incidental uses, which offer may be accepted at any time
by the City of El Paso de Robles which has the power to establish, construct and maintain roads.

NOW, THEREFORE, said Offeror covenants, promises and grants as follows:

1. That said Offeror is the fee owner of certain real property situated in the City of Paso
Robles, County of San Luis Obispo, State of California, as described in the **Deed recorded August
14, 1973 in Book 1738 of Official Records, at Page 895**, records of said County, which is more
particularly described as follows:

**All that portion of Block 53 according the Map of the City of El Paso de Robles recorded
October 25, 1889 in Book A of Maps, at Page 169 in the Office of the County Recorder of the
County of San Luis Obispo, State of California, described as follows :**

**Beginning at the southeasterly corner of said Block 53;
Thence Westerly along the southerly line of said Block, a distance of 175.0 feet to a point;
Thence at right angles Northerly and parallel with the east line of said Block a distance of 60.0
feet to a point;**

Thence at right angles, Easterly and parallel with the southerly line of said Block a distance of 175.0 feet to the east line of said Block 53;
Thence at right angles, Southerly and along the east line of said Block a distance of 60.0 feet to the Point of Beginning.

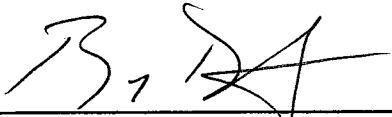
TOGETHER with that portion of 17th Street as vacated by the City of El Paso de Robles by Resolution No. 2726 recorded May 18, 1982 at Document #19810 in Book 2406 of Official Records, at Page 861, records of said County, being the northerly half of 17th Street adjacent to said Block 53 described above.

2. That said Offeror does hereby irrevocable and in perpetuity offer to the City of El Paso de Robles a dedication an easement for public road purposes and incidental uses upon the following described property lying within the above referenced property:

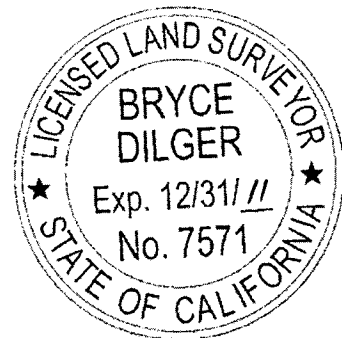
Legal Description

That portion of 17th Street lying between Blocks 52 and 53, according to the Map of the City of El Paso de Robles recorded October 25, 1889 in Book A of Maps, at Page 169 in the Office of the County Recorder of the County of San Luis Obispo, State of California, bounded on the east by the westerly line of Riverside Avenue and bounded on the west by the westerly line and northerly prolongation thereof, of Lot 1 of said Block 52.

End Of Description


Bryce Dilger #L-7571 (Exp. 12/31/11) 1/20/2010
Date

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3. That until such time as the above offer of dedication is accepted by the City of El Paso de Robles, all owners of property contiguous to the above described parcel shall have the right to the use of said road parcel as a private road.

4. That the Offeror agrees that above offer of dedication shall be irrevocable and that the City of El Paso de Robles may, at any time in the future, accept said offer of dedication of the easement for public road purposes.

5. That the Offeror agrees that this irrevocable and perpetual offer of dedication is and shall be binding in his heirs, assigns, and successors in interest. *

IN WITNESS WHEREOF, this offer of dedication is executed and made by the Offeror on the day and year first above written.

OFFEROR:

FRANCIS BLAKE SURVIVOR'S TRUST u/d/t dated January 11, 1999

Francis Blake

FRANCIS BLAKE, Trustee

ACKNOWLEDGMENT

State of California)
County of San Luis Obispo)

On February 1st, 2010 before me, Sharie A. Scott, Notary Public,

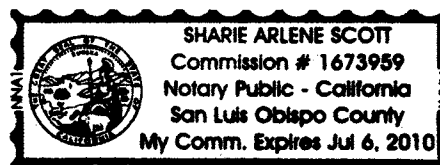
personally appeared Francis Blake

_____, 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.

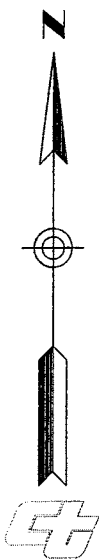
WITNESS my hand and official seal.

Signature Sharie A. Scott



(Seal)

CITY OF PASO ROBLES



NOTES:
1.) THE BASIS OF BEARINGS FOR THIS PROJECT IS THE CALIFORNIA STATE PLANE COORDINATE SYSTEM (NAD 83 (1991.35) HPGN) ZONE 5, US FT. ALL DISTANCES SHOWN HEREON ARE GRID. GROUND DISTANCES MAY BE OBTAINED BY MULTIPLYING BY 0.99999002.

Exhibit "A" Map

Block 53
A/MB/169

5,600± sq.ft.
11350

008-293-005

008-293-018

008-294-015

80' City R/W
40' 40'

RIVERSIDE AVENUE

+35.72
239.43'

1.0'
S87°37'05"W
Right of Way (Proposed)

Lot 5

008-295-011

11275-1

Lot 6

90.09'

17TH STREET

11274

S87°36'54"W

11351

140'

Lot 1
Block 52
A/MB/169

+45.28
213.64'

+71.40
194.39'

+25.38
182.98'

Proposed Right of Way

Existing Right of Way

66.55'

Lot 1

008-296-008

11273

EXIST R/W

S87°37'13"W

46.80'

+11.72

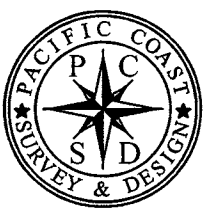
132.06'

FEET 0 20 40 80 120
SCALE AT FULL SIZE 1"=40'

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
DIST. COUNTY ROUTE PM (KP)
5 SLO 101 57.2
E.A. 05-361500

Prepared on behalf of
the City of El Paso de Robles by:

Pacific Coast Survey
& Design Group, Inc.
935 Riverside Avenue #10
Paso Robles, California 93446
(805) 238-9881
Last updated :17 DEC 09
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PROFESSIONAL LAND SURVEYOR
1/20/2010
DATE

