

**CITY MANAGER'S REPORT
FEBRUARY 11, 2019 CITY COUNCIL REGULAR MEETING**

ITEM: ACCEPTANCE OF PUBLIC RIGHT-OF-WAY DEDICATION ASSOCIATED WITH THE MOSSDALE LANDING APARTMENTS

RECOMMENDATION: Adopt a Resolution Accepting Dedication of Public Right-of-Way for Manthey Road and Sadler Oak Associated with the Mosssdale Landing Apartments Project

SUMMARY:

The Mosssdale Landing Apartment Project (Formally the Fairfield Apartments) was approved by the Planning Commission in June 2016. The conditions of approval for the project required the landowner, Mosssdale Landing Apartments, LLC, to dedicate right-of-way for Manthey Road and Sadler Oak. The landowner has submitted an offer of dedication, see Attachments B & C. The dedication of right-of-way is required prior to the start of construction.

Staff is requesting that City Council formally accept the dedication of public right-of-way for Manthey Road and Sadler Oak associated with the Mosssdale Landing Apartments Project.

BACKGROUND:

Planning Commission approved the initial Site Plan Review (SPR 07-07) for the Mosssdale Landing Apartment Project (Formally the Fairfield Apartments) on February 28, 2007 (Resolution NO. 07-05). The project was revised, and a Minor Site Plan Review (MSPR 14-34) was approved by Planning Commission on June 28, 2016.

Onsite improvement plans and offsite improvement plans have been submitted by the landowner and reviewed by City staff. Prior to the start of construction, the landowner is required to dedicate public right-of-way for Manthey Road and Sadler Oak. Plat and legal descriptions for both dedications have been reviewed and approved by staff.

REASON FOR RECOMMENDATION:

The dedication of right-of-way was included in the project's conditions of approval and must occur prior to construction. The landowner has submitted an offer of dedication, see Attachments B & C.

CITY MANAGER'S REPORT **PAGE 2**
FEBRUARY 11, 2019 CITY COUNCIL REGULAR MEETING
ACCEPTANCE OF PUBLIC RIGHT-OF-WAY DEDICATION ASSOCIATED WITH
THE MOSSDALE LANDING APARTMENTS

FISCAL IMPACT:

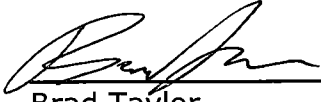
There is no cost to the City.

ATTACHMENTS:

- A. Adopt a Resolution Accepting Dedication of Public Right-of-Way for Manthey Road and Sadler Oak Associated with the Mossdale Landing Apartments Project
- B. Dedication of Public Right-of-Way of – Manthey Road
- C. Dedication of Public Right-of-Way of – Sadler Oak

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FEBRUARY 11, 2019 CITY COUNCIL REGULAR MEETING
ACCEPTANCE OF PUBLIC RIGHT-OF-WAY DEDICATION ASSOCIATED WITH
THE MOSSDALE LANDING APARTMENTS

APPROVALS:



Brad Taylor
Associate Engineer

2/5/19


Date



Michael King
Assistant Public Works Director

2-5-19

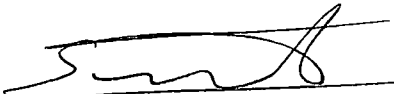
Date



Cari James
Finance Director

2/5/19

Date



Salvador Navarrete
City Attorney

2-5-19

Date



Stephen J. Salvatore
City Manager

2-7-19

Date

RESOLUTION NO. 19-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP
ACCEPTING DEDICATION OF PUBLIC RIGHT-OF-WAY FOR MANTHEY
ROAD AND SADLER OAK ASSOCIATED WITH THE MOSSDALE LANDING
APARTMENTS PROJECT**

WHEREAS, the Mosssdale Landing Apartment Project (Formally the Fairfield Apartments) was approved by Planning Commission in June 2016; and

WHEREAS, the initial Site Plan Review (SPR 07-07) for the Mosssdale Landing Apartment Project was approved by Planning Commission on February 28, 2007 (Reso 07-05); and

WHEREAS, the project was revised and a Minor Site Plan Review (MSPR 14-34) was approved by Planning Commission on June 28, 2016; and

WHEREAS, the requirement of dedication of public right-of-way for Manthey Road and Sadler Oak was included in the project's conditions of approval; and

WHEREAS, the dedication of public right-of-way must occur prior to construction; and

WHEREAS, developer provided the City a signed irrevocable offer of dedication of right-of-way, staff has review and approved the plat and legal descriptions for the dedications; and

WHEREAS, staff is requesting that City Council formally accept the offered dedication of public right-of-way for Manthey Road and Sadler Oak from the landowner of the Mosssdale Landing Apartments Project;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Lathrop that the irrevocable offer of dedication of public right-of-way for Manthey Road and Sadler Oak is hereby accepted.

The foregoing resolution was passed and adopted this 11th day of February 2019, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSENT:


ABSTAIN:

Sonny Dhaliwal, Mayor

APPROVED AS TO FORM:

ATTEST:

Teresa Vargas, City Clerk



Salvador Navarrete, City Attorney

RECORDING REQUESTED BY:
City of Lathrop, CA

WHEN RECORDED, PLEASE MAIL TO:
City of Lathrop
City Clerk
390 Towne Centre Drive
Lathrop, California 95330

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

**Offer of Dedication for
Public Right-of-Way
(Manthey Road)**

THIS INSTRUMENT BENEFITS THE CITY ONLY. NO FEE REQUIRED.

THE UNDERSIGNED GRANTOR(S) DECLARE(S): DOCUMENTARY TRANSFER TAX IS \$ 0.00 R&TC Transfer to Government Agency
() computed on full value of property conveyed, or
() computed on full value less liens and encumbrances remaining at time of sale.
() Unincorporated area (X) City of Lathrop

For a valuable consideration, receipt of which is hereby acknowledged,
Mossdale Landing Apartments LLC, a California Limited Liability Company,

hereby grants to

CITY OF LATHROP, a California municipal corporation,

that property in City of Lathrop, San Joaquin County, State of California, described as:

See attached Exhibit "A" and Exhibit "B" attached hereto and made a part hereof

SIGNATURES:

Signed this _____ day of _____, 2019

MOSSDALE LANDING APARTMENTS, LLC, A California Limited Liability Company

By: SEED DEVELOPMENT COMPANY, LLC, A California Limited Liability Company
Its Manger

By: RUBIK INVESTMENT, LLC, A California Limited Liability Company

Nicholas J. Whetstone, Manager

OCTOBER 23, 2018
JOB NO. 1465-010

EXHIBIT A
LEGAL DESCRIPTION
ROADWAY DEDICATION- EASEMENT (STREET RIGHT OF WAY)
LANDS OF MOSSDALE LANDING, LLC
RESULTANT PARCEL 1 (PORTION) LLA 18-99
LATHROP, CALIFORNIA

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED AS AN EASEMENT FOR STREET RIGHT OF WAY.

ALL THAT REAL PROPERTY SITUATE IN THE INCORPORATED TERRITORY OF THE CITY OF LATHROP, COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION RESULTANT PARCEL 1, AS SAID PARCEL IS DESCRIBED IN THAT CERTAIN NOTICE OF LOT LINE ADJUSTMENT LLA 18-99, RECORDED NOVEMBER 15, 2018, AS INSTRUMENT NO. 2018-125703, IN THE OFFICE OF THE COUNTY RECORDER OF SAN JOAQUIN COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERN CORNER OF SAID RESULTANT PARCEL 1, SAID POINT ALSO BEING ON THE WESTERLY LINE OF MANTHEY ROAD, AS SAID MANTHEY ROAD IS SHOWN AND SO DESIGNATED ON NOTICE OF LOT LINE ADJUSTMENT 08-123, RECORDED JANUARY 21, 2009, AS INSTRUMENT NO. 2009-010053, IN SAID OFFICE OF THE COUNTY RECORDER.

THENCE, FROM SAID POINT OF BEGINNING, ALONG THE EXTERIOR BOUNDARY OF SAID RESULTANT PARCEL 1 (I.N. 2018-125703), THE FOLLOWING TWO (2) COURSES:

- 1) SOUTH 07°25'33" WEST 327.07 FEET,
- 2) NORTH 89°06'41" WEST 7.05 FEET,

THENCE, LEAVING SAID EXTERIOR BOUNDARY, PARALLEL TO AND 7.00 FEET, MEASURED AT RIGHT ANGLES, DISTANT FROM SAID WESTERLY LINE OF MANTHEY ROAD, NORTH 07°25'33" EAST 327.07 FEET, TO THE NORTHERLY LINE OF SAID RESULTANT PARCEL 1;

THENCE, ALONG SAID NORTHERLY LINE, SOUTH 89°06'50" EAST 7.05 FEET, TO SAID POINT OF BEGINNING.

CONTAINING 2,289 SQUARE FEET OR 0.23 ACRES OF LAND, MORE OR LESS.

ATTACHED HERETO IS A PLAT ENTITLED EXHIBIT B TO ACCOMPANY LEGAL DESCRIPTION, AND BY THIS REFERENCE MADE A PART HEREOF.

END OF DESCRIPTION



MARK WEHBER, P.L.S.
L.S. NO. 7960



CITY OF LATHROP
I.N. 2008-191925

CITY OF LATHROP
I.N. 2003-292238

L2

POB



SCALE: 1"=100'

RESULTANT PARCEL 1 LLA 18-99

LINE TABLE		
NO	BEARING	LENGTH
L1	N89°06'41"W	7.05'
L2	S89°06'50"E	7.05'

ROADWAY DEDICATION
AREA= 2289 SF

L1

CITY OF LATHROP
PARCEL H (41 M&P 19)

N07°25'33"E 327.07'

S07°25'33"W 327.07'

MANTHEY ROAD

INTERSTATE ROUTE NO. 5

CITY OF LATHROP
I.N. 2004-289129

GOLDEN VALLEY PARKWAY

TRACT 3438
41 M&P 20

LEGEND

- POB=POINT OF BEGINNING
- (R) = RADIAL
- I.N. = INSTRUMENT NUMBER
- PM = PARCEL MAP



EXHIBIT B

PLAT TO ACCOMPANY LEGAL DESCRIPTION

ROADWAY DEDICATION- EASEMENT (STREET RIGHT OF WAY)

RESULTANT PARCEL 1 (PORTION) LLA 18-99

CITY OF LATHROP, COUNTY OF SAN JOAQUIN, CALIFORNIA

OCTOBER 23, 2018

SHEET 1 OF 1

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS

SAN RAMON • (925) 866-0322

WEST SACRAMENTO • (916) 375-1877

RECORDING REQUESTED BY:
City of Lathrop, CA

WHEN RECORDED, PLEASE MAIL TO:
City of Lathrop
City Clerk
390 Towne Centre Drive
Lathrop, California 95330

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

**Offer of Dedication
for Public Right-of-Way
(Sadler Oak)**

THIS INSTRUMENT BENEFITS THE CITY ONLY. NO FEE REQUIRED.

THE UNDERSIGNED GRANTOR(S) DECLARE(S): DOCUMENTARY TRANSFER TAX IS \$ 0.00 R&TC Transfer to Government Agency
() computed on full value of property conveyed, or
() computed on full value less liens and encumbrances remaining at time of sale.
() Unincorporated area (X) City of Lathrop

For a valuable consideration, receipt of which is hereby acknowledged,
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hereby grants to

CITY OF LATHROP, a California municipal corporation,

that property in City of Lathrop, San Joaquin County, State of California, described as:

See attached Exhibit "A" and Exhibit "B" attached hereto and made a part hereof

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By: SEED DEVELOPMENT COMPANY, LLC, A California Limited Liability Company
Its Manger

By: RUBIK INVESTMENT, LLC, A California Limited Liability Company

Nicholas J. Whetstone, Manager

OCTOBER 23, 2018
JOB NO. 1465-010

EXHIBIT A
LEGAL DESCRIPTION
ROADWAY DEDICATION- EASEMENT (STREET RIGHT OF WAY)
LANDS OF MOSSDALE LANDING, LLC
RESULTANT PARCEL 2 (PORTION)
LATHROP, CALIFORNIA

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED AS AN EASEMENT FOR STREET RIGHT OF WAY.

ALL THAT REAL PROPERTY SITUATE IN THE INCORPORATED TERRITORY OF THE CITY OF LATHROP, COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION RESULTANT PARCEL 2, AS SAID PARCEL IS DESCRIBED IN THAT CERTAIN NOTICE OF LOT LINE ADJUSTMENT LLA 18-99, RECORDED NOVEMBER 15, 2018, AS INSTRUMENT NO. 2018-125703, IN THE OFFICE OF THE COUNTY RECORDER OF SAN JOAQUIN COUNTY, CONSISTING OF TWO (2) PARCELS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL A

BEING ALL RESULTANT 2A, AS SAID RESULTANT 2A IS DESCRIBED IN THAT CERTAIN NOTICE OF LOT LINE ADJUSTMENT LLA 18-99, RECORDED NOVEMBER 15, 2018, AS INSTRUMENT NO. 2018-125703, IN SAID OFFICE OF THE COUNTY RECORDER;

CONTAINING 9,794 SQUARE FEET OR 0.23 ACRES OF LAND, MORE OR LESS.

PARCEL B

BEING A PORTION OF RESULTANT 2B, AS SAID RESULTANT 2B IS DESCRIBED IN THAT CERTAIN NOTICE OF LOT LINE ADJUSTMENT LLA 18-99, RECORDED NOVEMBER 15, 2018, AS INSTRUMENT NO. 2018-125703, IN SAID OFFICE OF THE COUNTY RECORDER, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHEASTERLY CORNER OF SAID RESULTANT 2B (I.N. 2018-125703);

THENCE, FROM SAID POINT OF BEGINNING, ALONG THE EASTERLY LINE OF SAID RESULTANT 2B, SOUTH 06°16'26" WEST 121.18 FEET;

THENCE, LEAVING SAID EASTERLY LINE, ALONG THE ARC OF A NON-TANGENT 25.00 FOOT RADIUS CURVE TO THE LEFT, FROM WHICH THE CENTER OF SAID

CURVE BEARS NORTH 83°43'36" WEST, THROUGH A CENTRAL ANGLE OF 97°59'40", AN ARC DISTANCE OF 42.76 FEET;

THENCE, SOUTH 88°16'44" WEST 103.08 FEET, TO THE EXTERIOR BOUNDARY OF SAID RESULTANT 2B,

THENCE, ALONG SAID EXTERIOR BOUNDARY THE FOLLOWING FOUR (4) COURSES:

- 1) NORTH 34°10'42" EAST 68.28 FEET;
- 2) NORTH 55°49'18" WEST 25.05 FEET;
- 3) NORTH 88°16'44" EAST 100.20 FEET;
- 4) ALONG THE ARC OF A TANGENT 25.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 82°00'17", AN ARC DISTANCE OF 35.78 FEET TO SAID POINT OF BEGINNING.

CONTAINING 8,307 SQUARE FEET OR 0.19 ACRES OF LAND, MORE OR LESS.

FOR A TOTAL AREA OF 18,101 SQUARE FEET OR 0.42 ACRES OF LAND, MORE OR LESS.

ATTACHED HERETO IS A PLAT ENTITLED EXHIBIT B TO ACCOMPANY LEGAL DESCRIPTION, AND BY THIS REFERENCE MADE A PART HEREOF.

END OF DESCRIPTION



MARK WEHBER, P.L.S.

L.S. NO. 7960



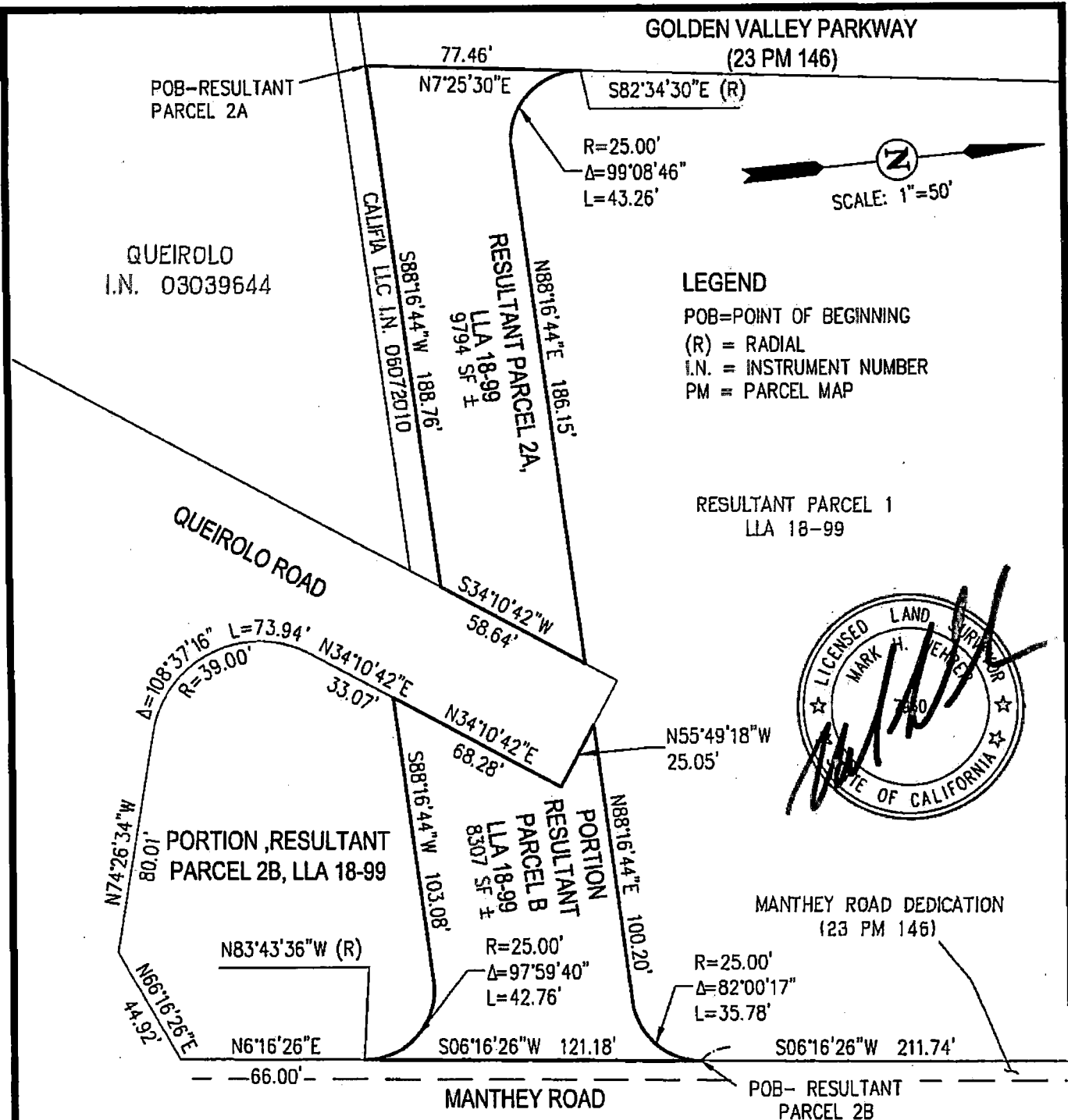


EXHIBIT B
PLAT TO ACCOMPANY LEGAL DESCRIPTION
 ROADWAY DEDICATION- EASEMENT (STREET RIGHT OF WAY)
 RESULTANT PARCEL 2 (PORTION) LLA 18-99
 CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA
 OCTOBER 23, 2018

SHEET 1 OF 1

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS
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 WEST SACRAMENTO • (916) 375 - 1877

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