

## ITEM 4.9

### CITY MANAGER'S REPORT AUGUST 12, 2019, CITY COUNCIL REGULAR MEETING

**ITEM:** ACCEPTANCE OF PUBLIC RIGHT-OF-WAY AND PUBLIC UTILITY EASEMENT DEDICATIONS ASSOCIATED WITH BUILDING PERMIT 19-0218 LOCATED AT 14226 AVON AVENUE

**RECOMMENDATION:** Adopt Resolution Accepting Dedication of Public Right-of-Way and Public Utility Easement for Avon Avenue Associated with Building Permit 19-0218 Located at 14226 Avon Avenue

---

#### **SUMMARY:**

German Sainez, legal landowner of 14226 Avon Avenue, has submitted a building permit application to demolish an existing structure and construct a new manufactured home on the 1-acre lot. Pursuant to City of Lathrop Municipal Code Section 12.12.070 and Map Act Article 3, Section 66475, developers are required to grant to the City all required easements and rights-of-way necessary for the installation of streets, utilities and public service facilities.

Mr. Sainez has offered a Dedication of Grant Deed for right-of-way and public utility easement for 14226 Avon Avenue. Staff is requesting that City Council formally accept the dedication of public right-of-way and public utility easement for Avon Avenue associated with Building Permit 19-0218 located at 14226 Avon Avenue.

#### **BACKGROUND:**

German Sainez, legal landowner of 14226 Avon Avenue, has submitted a building permit application to demolish an existing structure and construct a new manufactured home on the 1-acre lot. Pursuant to City of Lathrop Municipal Code Section 12.12.070 and Map Act Article 3, Section 66475, developers are required to grant to the City all required easements and rights-of-way necessary for the installation of streets, utilities and public service facilities.

Pursuant to City of Lathrop Municipal Code Section 12.12.040, Mr. Sainez will enter into Deferred Frontage Improvement Agreement 19-04 (DFIA 19-04) with the City of Lathrop to ensure his contribution to the ultimate design and construction of Avon Avenue. The ultimate construction of Avon Avenue including but not limited to curb, gutter, sidewalk, pavement, and utility improvements will be deferred until it is determined that drainage facilities are adequate to support the area and the improvements can be made as an area project rather than on an individual basis. Mr. Sainez has offered dedication of 5 feet of public right-of-way and 10 feet of public utility easement to the City which provides adequate street width for the ultimate improvements.

**AUGUST 12, 2019, CITY COUNCIL REGULAR MEETING**

**ACCEPTANCE OF PUBLIC RIGHT-OF-WAY AND PUBLIC UTILITY EASEMENT DEDICATIONS ASSOCIATED WITH BUILDING PERMIT 19-0218 LOCATED AT 14226 AVON AVENUE**

Staff is requesting that City Council formally accept the dedication of public right-of-way and public utility easement for Avon Avenue associated with Building Permit 19-0218 located at 14226 Avon Avenue.

**REASON FOR RECOMMENDATION:**

The dedications of public right-of-way and public utility easement are required for development pursuant to the City of Lathrop Municipal Code and must be accepted prior to the issuance of final occupancy.

**FISCAL IMPACT:**

None.

**ATTACHMENTS:**

- A. Resolution Accepting Dedication of Public Right-of-Way and Public Utility Easement for Avon Avenue Associated with Building Permit 19-0218 Located at 14226 Avon Avenue
- B. Offer of Dedication of Grant Deed for 14226 Avon Avenue between the City of Lathrop and Germain Sainez

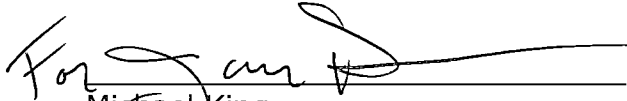
**CITY MANAGER'S REPORT**  
**AUGUST 12, 2019, CITY COUNCIL REGULAR MEETING**  
**ACCEPTANCE OF PUBLIC RIGHT-OF-WAY AND PUBLIC UTILITY EASEMENT**  
**DEDICATIONS ASSOCIATED WITH BUILDING PERMIT 19-0218 LOCATED AT**  
**14226 AVON AVENUE**

**APPROVALS:**



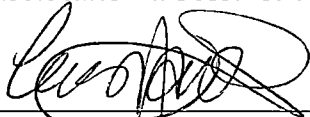
Brad Taylor  
Associate Engineer

7/29/19  
Date



Michael King  
Assistant Director of Public Works

7/29/19  
Date




Cari James  
Finance & Administrative  
Services Director

8/5/19  
Date



Salvador Navarrete  
City Attorney

7-27-19  
Date



Stephen J. Salvatore  
City Manager

8.6.19  
Date

**RESOLUTION NO. 19-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP ACCEPTING DEDICATION OF PUBLIC RIGHT-OF-WAY AND PUBLIC UTILITY EASEMENT FOR AVON AVENUE ASSOCIATED WITH BUILDING PERMIT 19-0218 LOCATED AT 14226 AVON AVENUE**

**WHEREAS**, German Sainez, legal landowner of 14226 Avon Avenue, has submitted a building permit application to demolish an existing structure and construct a new manufactured home on the 1-acre lot; and

**WHEREAS**, pursuant to City of Lathrop Municipal Code Section 12.12.070 and Map Act Article 3, Section 66475, developers are required to grant to the City all required easements and rights-of-way necessary for the installation of streets, utilities and public service facilities; and

**WHEREAS**, pursuant to City of Lathrop Municipal Code Section 12.12.040, Mr. Sainez will enter into Deferred Frontage Improvement Agreement 19-04 (DFIA 19-04) with the City of Lathrop to ensure contribution to the ultimate design and construction of Avon Avenue; and

**WHEREAS**, Mr. Sainez has offered dedication of 5 feet of public right-of-way and 10 feet of public utility easement to the City which provides adequate street width for the ultimate improvements; and

**WHEREAS**, Staff is requesting that City Council formally accept the dedication of public right-of-way and public utility easement for Avon Avenue associated with Building Permit 19-0218 located at 14226 Avon Avenue.

**NOW, THEREFORE, BE IT RESOLVED**, the City Council of the City of Lathrop does hereby accept the dedication of public right-of-way and public utility easement for Avon Avenue associated with Building Permit 19-0218 located at 14226 Avon Avenue.

The foregoing resolution was passed and adopted this 12<sup>th</sup> day of August 2019, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSTAIN:

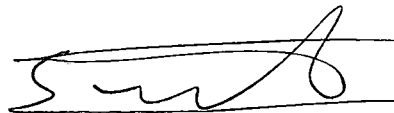
ABSENT:

\_\_\_\_\_  
Sonny Dhaliwal, Mayor

**ATTEST:**

\_\_\_\_\_  
Teresa Vargas, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Salvador Navarrete, City Attorney

RECORDING REQUESTED BY:  
City of Lathrop, CA

**COPY**

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 of Grant Deed**

**(14226 Avon Avenue)**

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

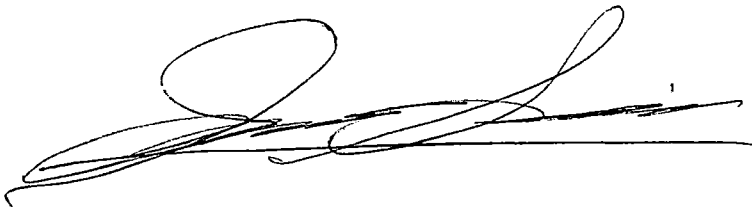
For a valuable consideration, receipt of which is hereby acknowledged,  
German Sainez, legal landowner,

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\*\*\*



7-23-2019

**CALIFORNIA ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

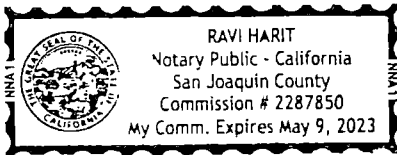
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }  
County of San Joaquin }  
On 7/23/19 before me, Ravi Harit, notary public  
Date Here Insert Name and Title of the Officer  
personally appeared German Sainez  
Name(s) of Signer(s)

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.



Place Notary Seal and/or Stamp Above

Signature Ravi Harit  
Signature of Notary Public

**OPTIONAL**

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

Corporate Officer – Title(s): \_\_\_\_\_

Partner –  Limited  General

Individual  Attorney in Fact

Trustee  Guardian or Conservator

Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

Corporate Officer – Title(s): \_\_\_\_\_

Partner –  Limited  General

Individual  Attorney in Fact

Trustee  Guardian or Conservator

Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_



**Wong Engineers, Inc.**  
4578 Feather River Drive. Suite A  
Stockton, California 95219  
Phone (209) 476-0011

Zachary C. Wong P.E., P.L.S.

JUNE 20, 2019

**EXHIBIT "A"**  
**LEGAL DESCRIPTION FOR RIGHT-OF-WAY DEDICATION  
& 10-FOOT-WIDE PUBLIC UTILITY EASEMENT**

**RIGHT-OF-WAY DEDICATION:  
THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED AS AN EASEMENT  
FOR PUBLIC PURPOSES:**

BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP  
1 SOUTH, RANGE 6 EAST, MOUNT DIABLO BASE AND MERIDIAN, CITY OF  
LATHROP, COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, MORE  
PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 5 FEET OF LOT 68 OF TRACT NO. 142, LATHROP ACRES,  
ACCORDING TO THE OFFICIAL MAP OR PLAT THEREOF FILED FOR RECORD  
APRIL 11, 1947 IN VOLUME 11 AT PAGE 136, SAN JOAQUIN COUNTY RECORDS.

CONTAINING 750 SQUARE FEET, MORE OR LESS.

**10-FOOT-WIDE PUBLIC UTILITY EASEMENT:**

BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP  
1 SOUTH, RANGE 6 EAST, MOUNT DIABLO BASE AND MERIDIAN, CITY OF  
LATHROP, COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, MORE  
PARTICULARLY DESCRIBED AS FOLLOWS:

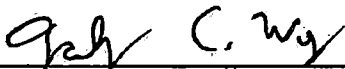
THE EAST 10 FEET OF THE WEST 15 FEET OF LOT 68 OF TRACT NO. 142,  
LATHROP ACRES, ACCORDING TO THE OFFICIAL MAP OR PLAT THEREOF  
FILED FOR RECORD APRIL 11, 1947 IN VOLUME 11 AT PAGE 136, SAN JOAQUIN  
COUNTY RECORDS.

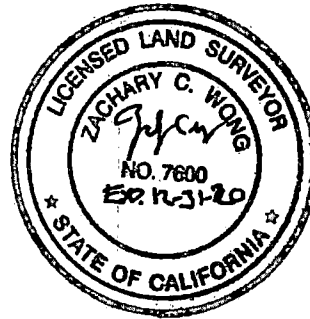
CONTAINING 1,500 SQUARE FEET, MORE OR LESS.

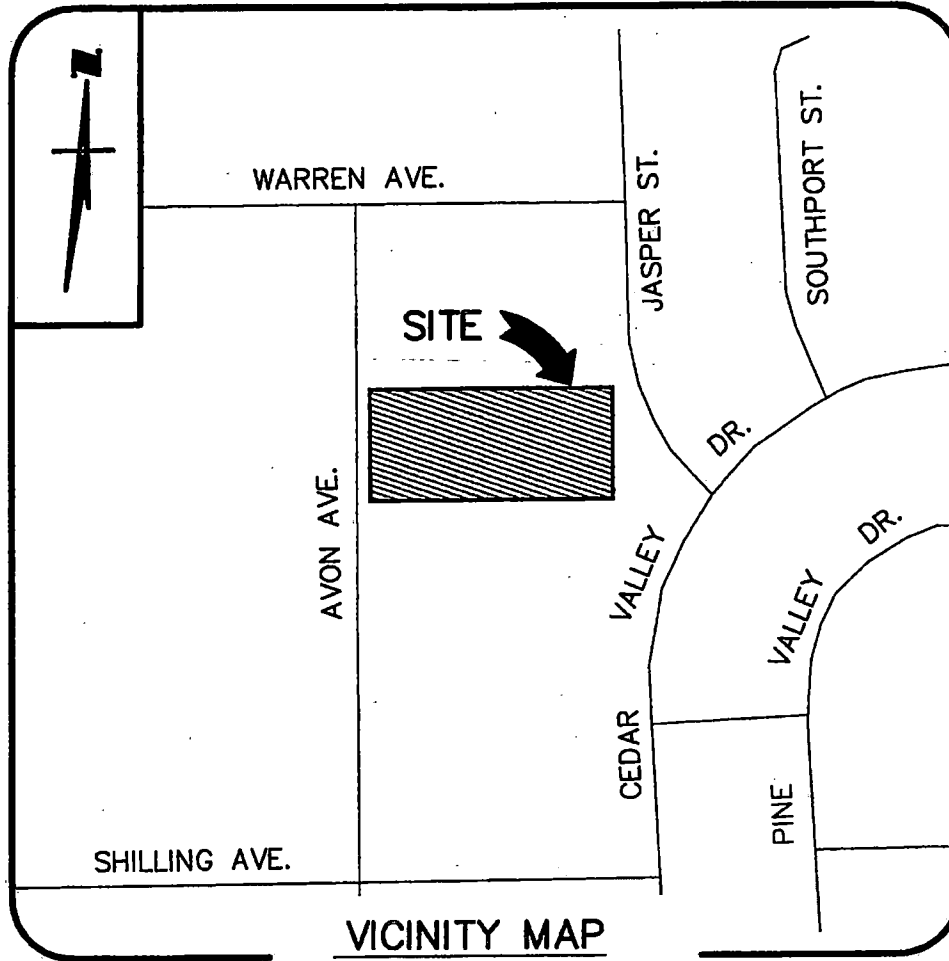


ATTACHED HERETO IS A PLAT ENTITLED EXHIBIT "B" WHICH BY THIS REFERENCE IS MADE A PART HEREOF.

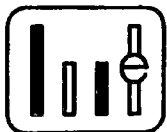
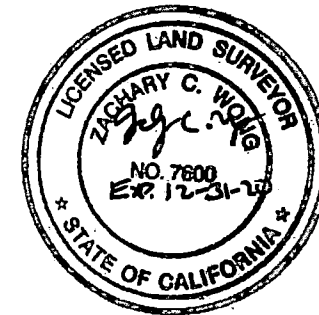
PREPARED BY:

  
ZACHARY C. WONG, L.S. 7600  
DATE: JUNE 20, 2019



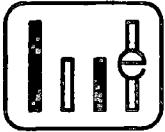
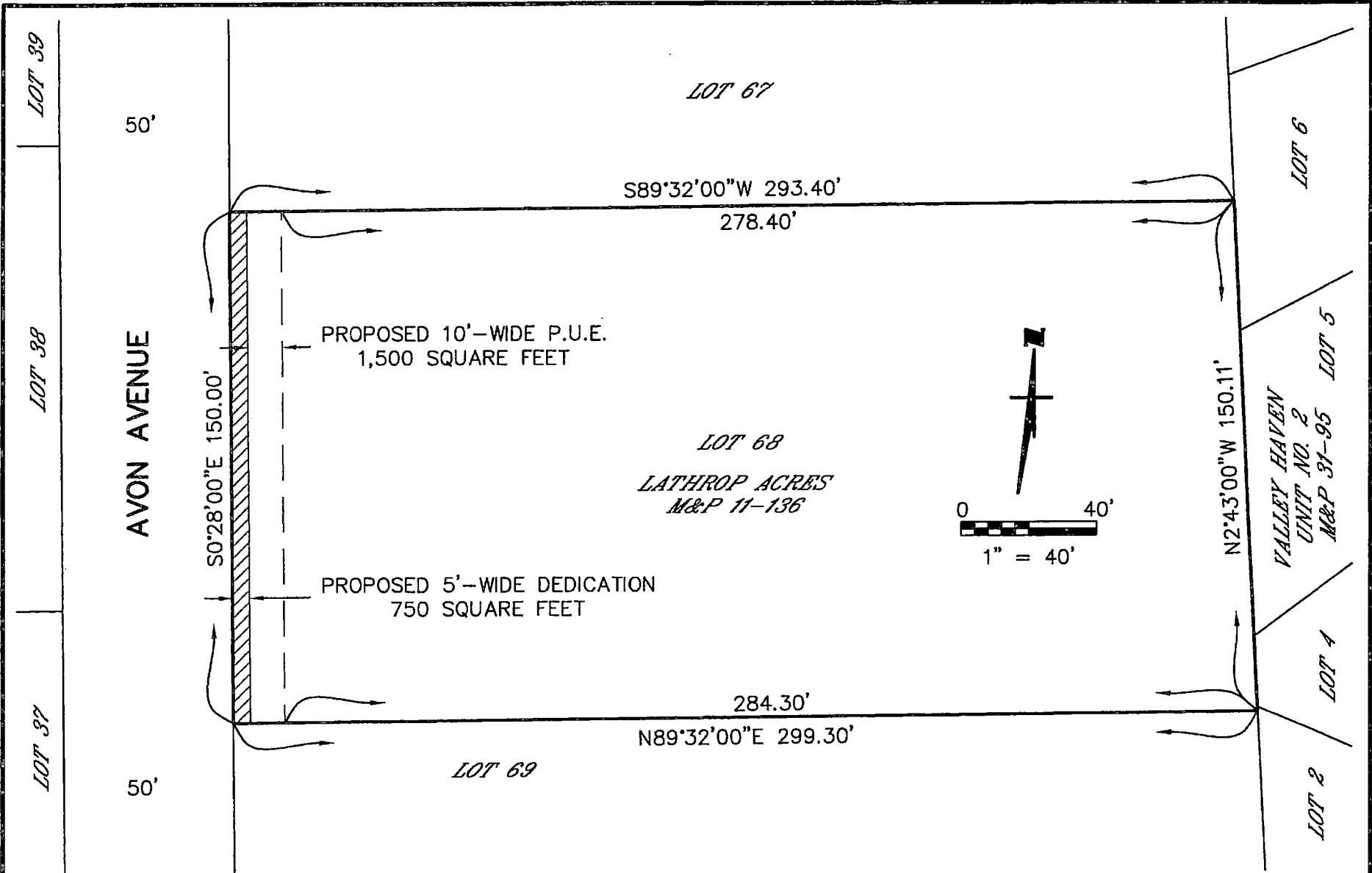


VICINITY MAP  
NOT TO SCALE



**WONG ENGINEERS, INC.**  
 PLANNING ENGINEERING SURVEYING  
 4578 FEATHER RIVER DRIVE, SUITE A  
 STOCKTON, CALIFORNIA (209) 476-0011  
 JUNE 20, 2019 1 OF 2

**EXHIBIT "B"**  
**RIGHT-OF-WAY DEDICATION &**  
**10'-WIDE PUBLIC UTILITY EASEMENT**



**WONG ENGINEERS, INC.**  
 PLANNING ENGINEERING SURVEYING  
 4578 FEATHER RIVER DRIVE, SUITE A  
 STOCKTON, CALIFORNIA (209) 476-0011  
 JUNE 20, 2019 2 OF 2

**EXHIBIT "B"**  
**RIGHT-OF-WAY DEDICATION &**  
**10'-WIDE PUBLIC UTILITY EASEMENT**

**PAGE LEFT  
INTENTIONALLY  
BLANK**