

EL DORADO COUNTY BOARD OF SUPERVISORS

AGENDA ITEM TRANSMITTAL

Meeting of November 7, 2006

AGENDA TITLE: Irrevocable Offer of Dedication #2006-22; Alexandra Way and Beatty Drive; Russell-Promontory, LLC, An Illinois LLC

DEPARTMENT: Transportation

DEPT SIGNOFF:

CAO USE ONLY:

CONTACT: Dori Floyd

DATE: October 19, 2006

PHONE: 3559/5982

DEPARTMENT SUMMARY AND REQUESTED BOARD ACTION:

The El Dorado County Department of Transportation recommends that the Board adopt and authorize the Chairman to sign the Resolutions accepting:

- an Irrevocable Offer of Dedication from Russell-Promontory, LLC, an Illinois LLC, for a road right of way, including the underlying fee, public utilities and slope easements along a segment of Alexandra Way; and
- an Irrevocable Offer of Dedication from Russell-Promontory, LLC, an Illinois LLC, for public utilities and slope easements, along a segment of Beatty Drive.

Alexandra Way and Beatty Drive are located in El Dorado Hills, south of Green Valley Road and east of the Sophia Parkway. Said offers are necessary for public purposes.

CAO RECOMMENDATIONS:

Recommend approval. Laura D. Hill 10/27/06

Financial impact? () Yes (X) No

Funding Source: () Gen Fund () Other
Other:

BUDGET SUMMARY:

Total Est. Cost _____
Funding
 Budgeted _____
 New Funding _____
 Savings _____
 Other _____
 Total Funding _____
Change in Net County Cost _____

CAO Office Use Only:

4/5's Vote Required () Yes (X) No
 Change in Policy () Yes (X) No
 New Personnel () Yes (X) No

CONCURRENCES:

Risk Management _____
 County Counsel _____
 Other _____

***Explain**

BOARD ACTIONS:

Vote: Unanimous _____ Or

Ayes:

Noes:

Abstentions:

Absent:

Rev. 04/05

I hereby certify that this is a true and correct copy of an action taken and entered into the minutes of the Board of Supervisors

Date: _____

Attest: Cindy Keck, Board of Supervisors Clerk

By: _____



EL DORADO HILLS DIVISION
4950 Hillsdale Circle
El Dorado Hills CA 95762
Phone: (916) 358-3550
Fax: (916) 358-3559

RICHARD W. SHEPARD, P.E.
Director of Transportation

Internet Web Site:
<http://co.el-dorado.ca.us/dot>

MAIN OFFICE:
2850 Fairlane Court
Placerville CA 95667
Phone: (530) 621-5900
Fax: (530) 626-0387



October 19, 2006

Board of Supervisors
330 Fair Lane
Placerville, CA 95667

Dear Members of the Board:

**Title: Irrevocable Offer of Dedication #2006-22;
Alexandra Way and Beatty Drive;
Russell-Promontory, LLC, An Illinois LLC**

Meeting Date: November 7, 2006\District 1\Supervisor: Rusty Dupray

Recommendations:

The Department of Transportation recommends the Board of Supervisors:

1. Approve the attached Irrevocable Offers of Dedication for road right of way, including the underlying fee, public utilities and slope easements and adopt the Resolutions accepting said offers, at this time.
2. Authorize the Chairman to sign said Resolutions.

Reason for Recommendations:

The Department of Transportation has received two Irrevocable Offers of Dedication from Russell-Promontory, LLC, an Illinois LLC, to the County of El Dorado for a road right of way, including the underlying fee, public utilities and slope easements located on and along a segment of Alexandra Way, and public utilities and slope easements located along a segment of Beatty Drive, more particularly described in Exhibits "A" and depicted in Exhibits "A-1" and "A-2", attached to said offers. The subject properties are located south of Green Valley Road and just east of Sophia Parkway in El Dorado Hills.

Russell-Promontory, LLC, is offering said road right of way and easements, as they are necessary for public purposes. The Department of Transportation's staff has reviewed said offers and recommends that the Board approve and adopt the Resolutions accepting said offers, at this time. Authorization for recording of said offers is pursuant to Government Code Section 7050.

Fiscal Impact:

None.

Net County Cost:

There is no net County cost associated with this item.

Action to be Taken Following Approval:

1. Said Resolutions will be recorded.
2. A copy of the recorded Resolutions will be sent to the property owner.
3. A Certificate of Correction may be recorded.

Sincerely,

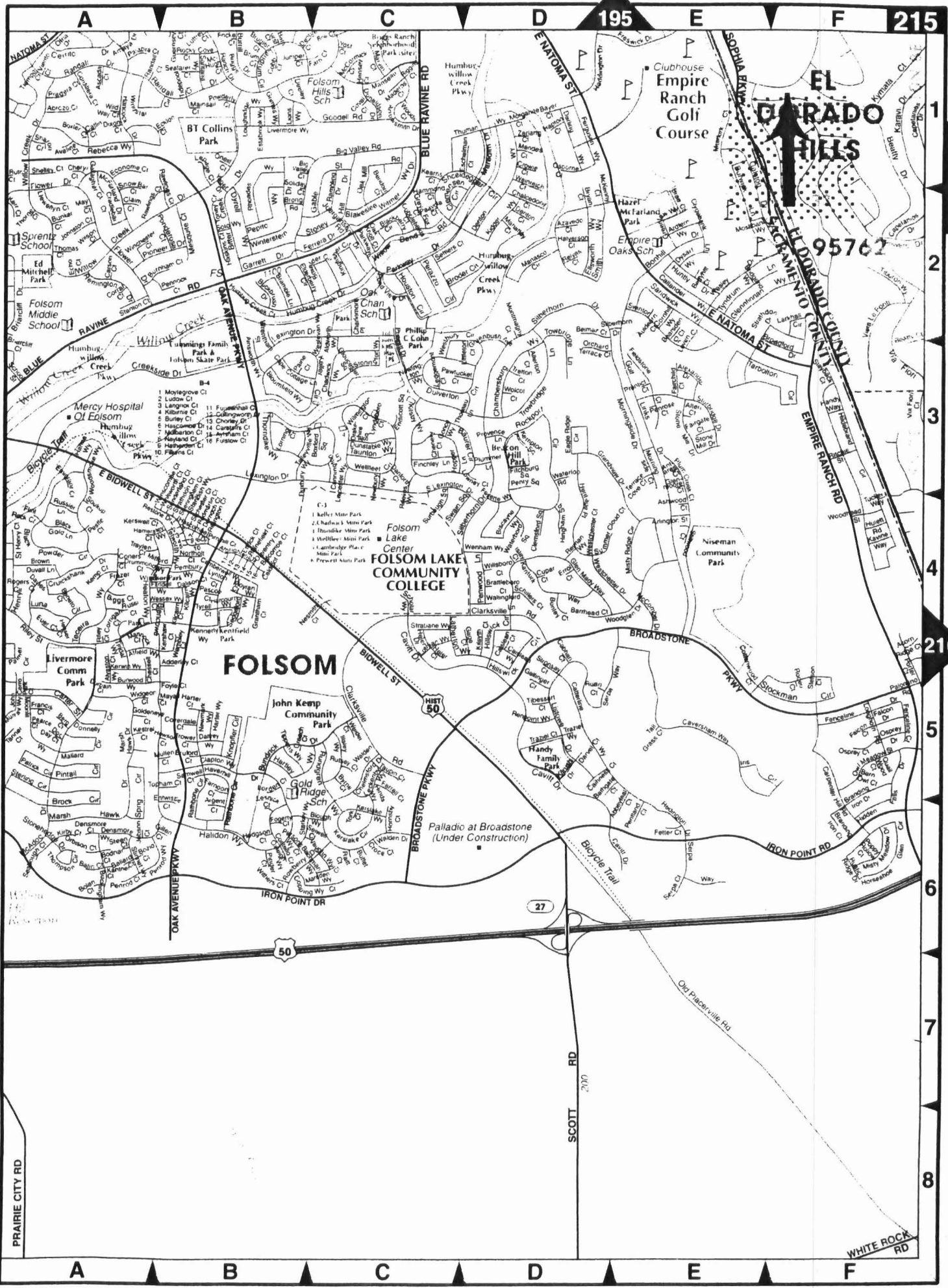


Richard W. Shepard, P. E.
Director of Transportation

RWS/DF

Attachments: Resolutions
Irrevocable Offers of Dedication

A B C D E F 195 215



EL DORADO COUNTY

See Page 216

A B C D E F



RESOLUTION NO. _____
OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

**Resolution to Accept
Irrevocable Offer Of Dedication #2006-22
Alexandra Way
Russell-Promontory, LLC**

WHEREAS, the authority to invoke the process of dedicating an easement over, under and/or across property by the County is established under Section 7050 of the California Government Code and Section 66475 of the Subdivision Map Act; and

WHEREAS, the authority to accept right of way, road, slope, drainage and public utilities easements by the County, at its discretion, is established under Section 7050 of the California Government Code and Section 66477.1 of the Subdivision Map Act; and

WHEREAS, Russell-Promontory, LLC, an Illinois LLC has executed an Irrevocable Offer of Dedication to the County of El Dorado for a road right of way, including the underlying fee, public utilities and slope easements, which are located on and along a segment of Alexandra Way in El Dorado Hills; and

WHEREAS, said road right of way and easements are described in Exhibit A, and depicted in Exhibit A-1, attached to said offer; and

WHEREAS, said offer shall remain in effect and run with the land until such time the County of El Dorado Board of Supervisors accepts said offer by Resolution; and

WHEREAS, the County of El Dorado Board of Supervisors has determined that it is in the public's best interest to accept said offer, at this time.

NOW, THEREFORE BE IT RESOLVED, that from and after the date this Resolution is recorded, said offer is hereby accepted, at this time, by the County of El Dorado Board of Supervisors.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the _____ day of _____, 2006, by the following vote of said Board:

Ayes:

ATTEST
CINDY KECK
Clerk of the Board of Supervisors

Noes:
Absent:

By _____
Deputy Clerk

_____ James R. Sweeney, Chairman of the Board
Board of Supervisors

I CERTIFY THAT:
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DATE _____
ATTEST: CINDY KECK, Clerk of the Board of Supervisors of the County of El Dorado, State of California

By _____
Deputy Clerk

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:
County of El Dorado
Board of Supervisors
330 Fair Lane
Placerville CA 95667

Mail Tax Statements to above.
Exempt from Documentary Tax Transfer
Per Revenue and Taxation Code 11922

Above section for Recorder's use

**IRREVOCABLE OFFER OF DEDICATION
ROAD RIGHT OF WAY AND
PUBLIC UTILITIES AND SLOPE EASEMENTS**

RUSSELL-PROMONTORY, LLC, An Illinois LLC, hereinafter called GRANTOR, owner of the real property herein described, does hereby irrevocably offer for dedication to the **COUNTY OF EL DORADO**, a political subdivision of the State of California, a road right of way, including the underlying fee, a public utilities easement, for any and all public purposes, and a slope easement for construction and maintenance purposes, to points five feet beyond future top of cut slopes and toe of fill slopes, over, under, and across that certain real property situate in the unincorporated area of the County of El Dorado, State of California, described as:

See Exhibits A & A1 attached hereto and made a part hereof.

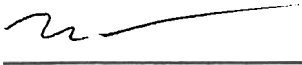
It is understood that this offer of dedication shall remain in effect and run with the land until such time as the County of El Dorado Board of Supervisors makes a finding of necessity for public purposes and accepts said offer by resolution.

IN WITNESS WHEREOF, GRANTOR has hereunto subscribed its name this
24th day of October, 2006.

GRANTOR

RUSSELL-PROMONTORY, LLC, a Illinois limited liability company

By: AKT Development Corporation, a California corporation, Managing Member

By: 

Mark Encs
Its: Executive Vice President

(All Signatures Must Be Notarized)

**EXHIBIT A
THE PROMONTORY
DESCRIPTION FOR
ALEXANDRA WAY 60' RIGHT OF WAY**

All that certain real property described as being a portion of Parcel D as shown on that certain Parcel Map entitled "Parcel Map", filed for record in Book 48 of Parcel Maps, at Page 54, El Dorado County Records, situate within Section 28, Township 10 North, Range 8 East, Mount Diablo Base & Meridian, County of El Dorado, State of California and being more particularly described as follows:

COMMENCING at a point which is a found Sacramento County Department of Public Works Brass Cap stamped "RCE 20462 MILE 12" marking a point on the Sacramento-El Dorado County line as shown on said Parcel Map; thence from said **POINT OF COMMENCEMENT**, North 06°48'06" West, a distance of 5023.05 feet to the most Westerly corner of Lot 5E as shown on a map entitled "Large lot Final Map of The Promontory", filed for Record in Book I of Subdivision Maps, at Page 86, in said County, and from which the North end of the Beatty Drive centerline, as described in that certain Irrevocable Offer of Dedication recorded as instrument number 2005-0053743-00, in said County, bears South 79°07'57" East, a distance of 89.23 feet, said Westerly corner also being the **TRUE POINT OF BEGINNING**; thence along the Southwesterly line of said Lot 5E, South 48°54'58" East, a distance of 60.00 feet to a point of curvature; thence leaving said Southwesterly line of Lot 5E, from a radial line which bears South 48°54'58" East, 707.36 feet along the arc of a non-tangent 680.00 foot radius curve to the right through a central angle of 59°36'05"; thence North 79°18'53" West, a distance of 472.78 feet to a point of intersection with the Easterly Right-of-Way line of Sophia Parkway as described in certain Irrevocable Offer of Dedication recorded as instrument number 2005-0019790-00, in said County; thence along said Easterly Right-of-Way line, North 08°14'22' East, a distance of 60.05 feet; thence leaving said Easterly Right-of-Way line, South 79°18'53" East, a distance of 475.34 feet to a point of curvature; thence 644.95 feet along the arc of a tangent 620.00 foot radius curve to the left through a central angle of 59°36'05" to the **TRUE POINT OF BEGINNING**.

Containing 69,009 square feet or 1.584 acres of land, more or less.

TOGETHER WITH a 12.5 foot Public Utility Easement lying Northerly and Southerly of and coincident with the Northerly and Southerly lines described above. The sidelines of said 12.5 foot easement to be extended or shortened to meet at all angle points and to terminate at right angles to the above described lines.

ALSO TOGETHER WITH a 12.5 foot Slope Easement lying Northerly and Southerly of and coincident with the Northerly and Southerly Right-of-Way lines described above. The sidelines of said Slope Easement to be extended or shortened to meet at all angle points and to terminate at right angles to the above described lines.

The Basis of Bearings for this description is the Sacramento County/El Dorado County line as shown on that certain Parcel Map entitled "Parcel Map", filed for record in Book 48 of Parcel Maps, at Page 54, in said County; Said Bearing is given as North 21°12'36" West.

See Exhibit "A-1", plat to accompany description, attached hereto and made a part hereof.

END OF DESCRIPTION

Michael E. Long P.L.S. 6815
Expires September 30, 2008

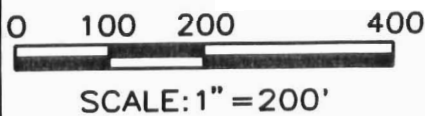
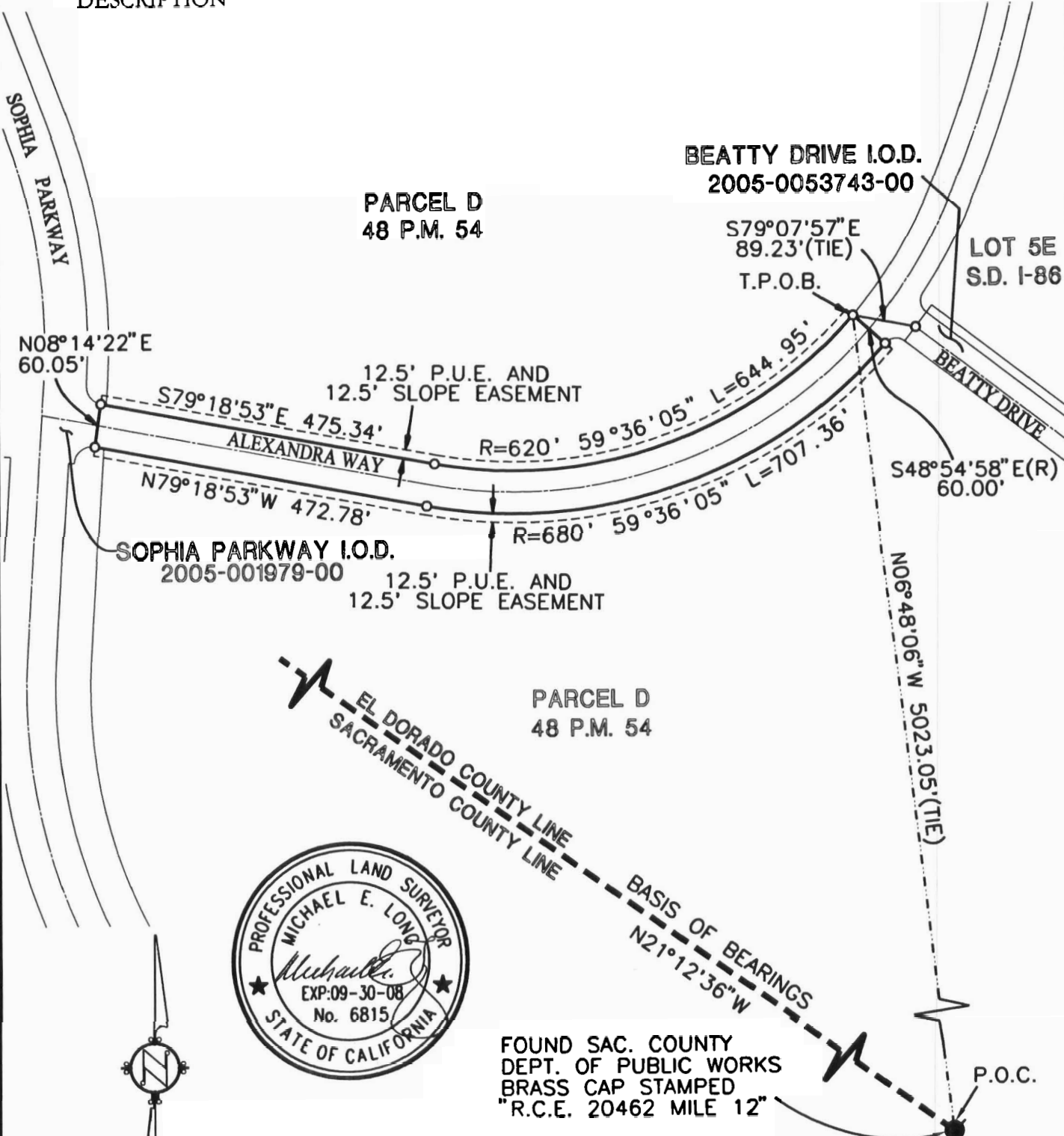
PREPARED BY WOOD RODGERS, INC.
SACRAMENTO, CALIFORNIA



EXHIBIT A-1

PLAT TO ACCOMPANY
DESCRIPTION

PROMONTORY
ALEXANDRA WAY 60' RIGHT-OF-WAY
COUNTY OF EL DORADO STATE OF CALIFORNIA



SEE DESCRIPTION FOR
COURSE INFORMATION

WOOD RODGERS
ENGINEERING • MAPPING • PLANNING • SURVEYING

3301 C St., Bldg. 100-B Tel 916.341.7760
Sacramento, CA 95816 Fax 916.341.7767

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of Sacramento } ss.

On Oct 24, 2006 before me, Eric Richins, Notary Public
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Mark Eric
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.
[Signature]
Signature of Notary Public

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: _____

Document Date: _____ Number of Pages: _____

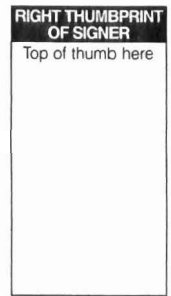
Signer(s) Other Than Named Above: _____

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: _____





RESOLUTION NO. _____
OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

**Resolution to Accept
Irrevocable Offer Of Dedication #2006-22
Beatty Drive
Russell-Promontory, LLC**

WHEREAS, the authority to invoke the process of dedicating an easement over, under and/or across property by the County is established under Section 7050 of the California Government Code and Section 66475 of the Subdivision Map Act; and

WHEREAS, the authority to accept right of way, road, slope, drainage and public utilities easements by the County, at its discretion, is established under Section 7050 of the California Government Code and Section 66477.1 of the Subdivision Map Act; and

WHEREAS, Russell-Promontory, LLC, an Illinois LLC has executed an Irrevocable Offer of Dedication to the County of El Dorado for public utilities and slope easements, which are located along a segment of Beatty Drive in El Dorado Hills; and

WHEREAS, said easements are described in Exhibit A, and depicted in Exhibits A-1 and A-2, attached to said offer; and

WHEREAS, said offer shall remain in effect and run with the land until such time the County of El Dorado Board of Supervisors accepts said offer by Resolution; and

WHEREAS, the County of El Dorado Board of Supervisors has determined that it is in the public's best interest to accept said offer, at this time.

NOW, THEREFORE BE IT RESOLVED, that from and after the date this Resolution is recorded, said offer is hereby accepted, at this time, by the County of El Dorado Board of Supervisors.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the _____ day of _____, 2006, by the following vote of said Board:

Ayes:

ATTEST
CINDY KECK
Clerk of the Board of Supervisors

Noes:
Absent:

By _____
Deputy Clerk

James R. Sweeney, Chairman of the Board
Board of Supervisors

I CERTIFY THAT:
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DATE _____
ATTEST: CINDY KECK, Clerk of the Board of Supervisors of the County of El Dorado, State of California

By _____
Deputy Clerk

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:
County of El Dorado
Board of Supervisors
330 Fair Lane
Placerville CA 95667



Mail Tax Statements to above.
Exempt from Documentary Tax Transfer
Per Revenue and Taxation Code 11922

Above section for Recorder's use

**IRREVOCABLE OFFER OF DEDICATION
PUBLIC UTILITIES AND SLOPE EASEMENTS**

RUSSELL-PROMONTORY, LLC, An Illinois LLC, hereinafter called GRANTOR, owner of the real property herein described, does hereby irrevocably offer for dedication to the **COUNTY OF EL DORADO**, a political subdivision of the State of California, a public utilities easement, for any and all public purposes, and a slope easement for construction and maintenance purposes, to points five feet beyond future top of cut slopes and toe of fill slopes, over, under, and across that certain real property situate in the unincorporated area of the County of El Dorado, State of California, described as:

See Exhibits A A-1 & A-2, attached hereto and made a part hereof.


It is understood that this offer of dedication shall remain in effect and run with the land until such time as the County of El Dorado Board of Supervisors makes a finding of necessity for public purposes and accepts said offer by resolution.

IN WITNESS WHEREOF, GRANTOR has hereunto subscribed its name this 24th day of October, 2006.

GRANTOR

RUSSELL-PROMONTORY, LLC, a Illinois limited liability company

By: AKT Development Corporation, a California corporation, Managing Member

By: 
Mark Enes
Its: Executive Vice President

(All Signatures Must Be Notarized)

EXHIBIT 'A'
PUBLIC UTILITY EASEMENT & SLOPE EASEMENT

All that certain real property described as being a portion of Parcel D as shown on that certain Parcel Map entitled "Parcel Map of The Promontory" filed for record in Book 48 of Parcel Maps, at Page 54, El Dorado County Records, being more particularly described as follows:

Public Utility Easement:

A strip of land, twelve and one half (12 ½) feet in width, measured radially and/or at right angles, lying Southwesterly of and contiguous to the Westerly Right-of-Way line of Beatty Drive as described in that Irrevocable Offer of Dedication recorded on June 30, 2005 as Document number 2005-0053743-00, El Dorado County Records. The sidelines of said 12.5 foot easement to be extended or shortened to meet at all angle points and to terminate at right angles to the North terminus of said Westerly Right-of-Way line of Beatty Drive and to terminate at right angles to the South line of Lot A of that Subdivision Map filed for record in Book J of Subdivision Maps, at Page 51, El Dorado County Records.

EXCEPTING THEREFROM all that real property as described in that certain Gift Deed recorded on February 9, 2006 as Document No. 2006-0008596, Official Records of El Dorado County.

See Exhibit "A-1", plat to accompany description, attached hereto and made a part hereof.

Slope Easement:

A strip of land, twelve and one half (12 ½) feet in width or 5 feet beyond the top of cut or toe of fill, whichever is larger, measured radially and/or at right angles, lying Southwesterly of and contiguous to the Westerly Right-of-Way line of Beatty Drive as described in that Irrevocable Offer of Dedication recorded on June 30, 2005 as Document number 2005-0053743-00, El Dorado County Records. The sidelines of said 12.5 foot easement to be extended or shortened to meet at all angle points and to terminate at right angles to the North terminus of said Westerly Right-of-Way line of Beatty Drive and to terminate at right angles to the South line of Lot A of that Subdivision Map filed for record in Book J of Subdivision Maps, at Page 51, El Dorado County Records

EXCEPTING THEREFROM all that real property as described in that certain Gift Deed recorded on February 9, 2006 as Document No. 2006-0008596, Official Records of El Dorado County.

See Exhibit "A-2", plat to accompany description, attached hereto and made a part hereof.

Michael E. Long P.L.S. 6815
Expires September 30, 2008

PREPARED BY WOOD RODGERS, INC.
SACRAMENTO, CALIFORNIA



J:\Jobs\Promontory\Dwgs\Survey\Plats to Accompany\COUNTY OF EL DORADO\BEATTY-DRIVE-west-side-esmts.dwg 10/13/06 5:41am atapley 1047.043

EXHIBIT A-1

PLAT TO ACCOMPANY
DESCRIPTION

PROMONTORY BEATTY DRIVE PUBLIC UTILITY EASEMENT COUNTY OF EL DORADO STATE OF CALIFORNIA

LOT 5E
SD I-86
112-810-07 & 08

LOT 6A
SD I-86
112-810-10

LOT 6B
SD I-86
112-700-27

ALEXANDRA WAY

BEATTY DRIVE



PARCEL D
48 P.M. 54
112-74-02 & 12

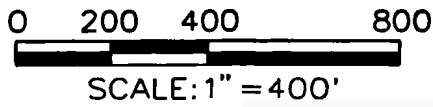
12.5' P.U.E.

50.00' R.O.W. PER
DOC. # 2005-0053743

E.I.D. WATER TANK SITE
PER GIFT DEED DOC. #
2006-0008596

LOT A
S.D. J-51

THE PROMONTORY
VILLAGE NO. 6
UNIT 2B. 6
S.D. J-51



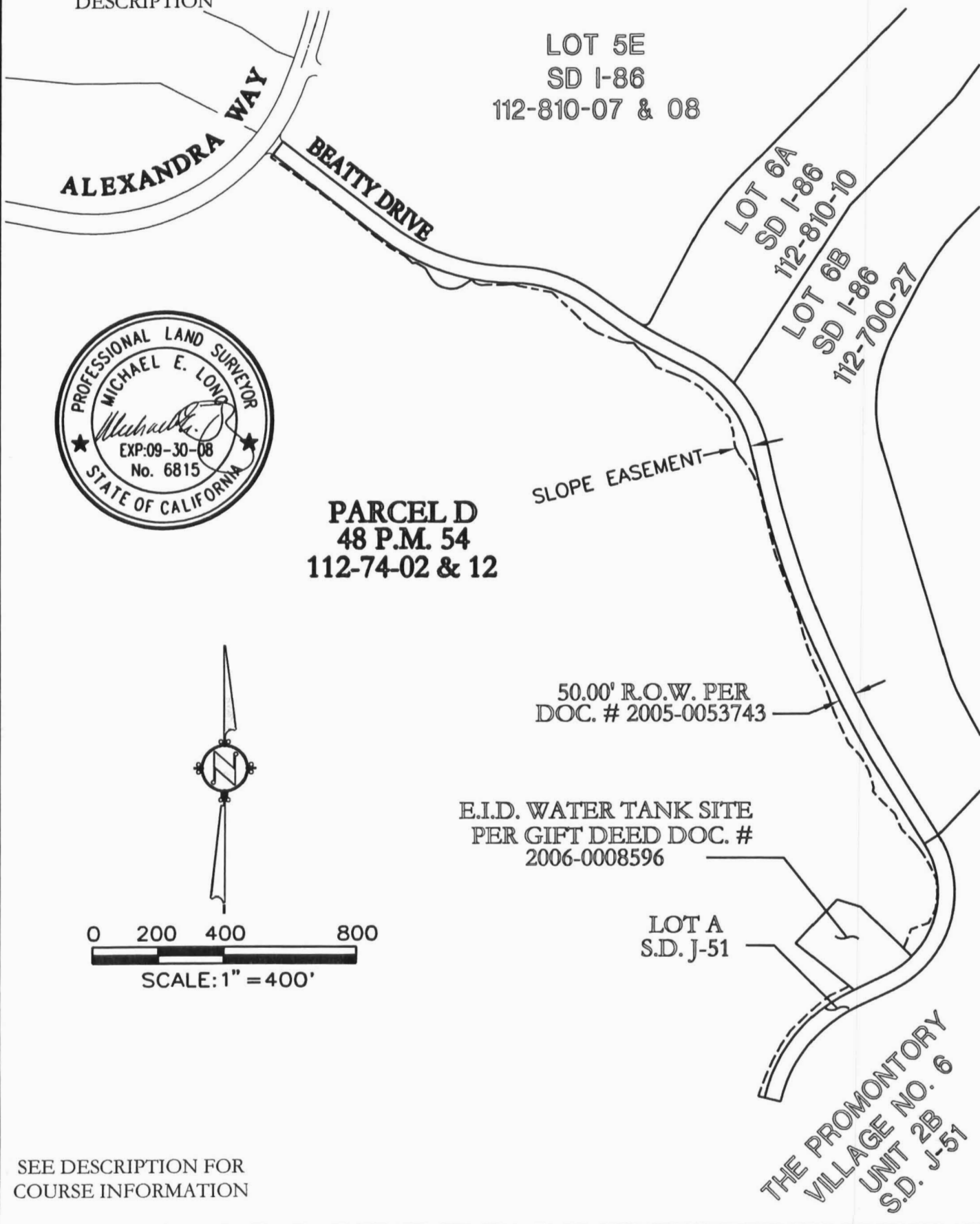
SEE DESCRIPTION FOR
COURSE INFORMATION

J:\Jobs\Promontory\Dwgs\Survey\Plats to Accompany\COUNTY OF EL DORADO\BEATTY-DRIVE-west-side-esmts.dwg 10/13/06 5:41am otapley 1047.043

EXHIBIT A-2

PLAT TO ACCOMPANY
DESCRIPTION

PROMONTORY BEATTY DRIVE SLOPE EASEMENT COUNTY OF EL DORADO STATE OF CALIFORNIA



PARCEL D
48 P.M. 54
112-74-02 & 12

50.00' R.O.W. PER
DOC. # 2005-0053743

E.I.D. WATER TANK SITE
PER GIFT DEED DOC. #
2006-0008596

LOT A
S.D. J-51

THE PROMONTORY
VILLAGE NO. 6
UNIT 2B. 6
S.D. J-51

SEE DESCRIPTION FOR
COURSE INFORMATION

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

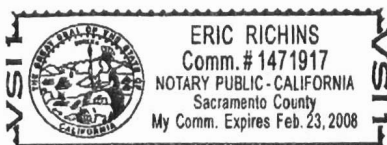
State of California }
 County of Sacramento } SS.

On Oct. 24, 2006 before me, Eric Richins, Notary Public,
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Mark Enes
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.

[Signature]
Signature of Notary Public

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: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

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: _____

