

RECORDING REQUESTED BY:

Board of Supervisors

WHEN RECORDED MAIL TO:

Board of Supervisors
330 Fair Lane
Placerville, CA 95667



El Dorado, County Recorder
William Schultz Co Recorder Office
DOC- 2016-0047816-00

Acct 30-EL DORADO CO BOARD OF SUPERVISORS

Thursday, OCT 06, 2016 15:25:48

Ttl Pd \$0.00 Rcpt # 0001802632

MMP/C1/1-~~314~~

SPACE ABOVE THIS LINE RESERVED FOR
RECORDER'S USE

TITLE (S)

**RESOLUTION 154-2016
OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO**

RESOLUTION TO ACCEPT
IRREVOCABLE OFFER OF DEDICATION No. 16-0006
ASSESSOR'S PARCEL NUMBER 051-250-12



RESOLUTION NO. 154-2016

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

Resolution to Accept Irrevocable Offer of Dedication No. 16-0006 Assessor's Parcel Number 051-250-12

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, on April 21, 2010, Lawrence E. and Jacqueline Abel executed an Irrevocable Offer of Dedication ("Offer") to the County of El Dorado for the right of way, along with a public utilities easement located along the proposed Diamond Springs Parkway, Attachment 1 hereto; and

WHEREAS, on May 25, 2010, the County of El Dorado Board of Supervisors signed the Consent to Making of Irrevocable Offer of Dedication; and

WHEREAS, said right of way and easement are described in Exhibit A, and depicted in Exhibit B, attached to said Offer; and

WHEREAS, said Offer shall remain in effect and run with the land until such time as the County of El Dorado Board of Supervisors accepts said Offer; 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 the County of El Dorado Board of Supervisors does hereby accept the Irrevocable Offer of Dedication attached hereto and further consents to the recordation of this Resolution.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 27th day of September, 2016, by the following vote of said Board:

Attest:
James S. Mitrising
Clerk of the Board of Supervisors

Ayes: Ranalli, Veerkamp, Mikulaco, Frentzen, Novasel
Noes: None
Absent: None

By: 
Deputy Clerk


Shiva Frentzen, Vice-Chair, Board of Supervisors

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

County of El Dorado
Board of Supervisors
330 Fair Lane
Placerville, CA 95667

APN 051-250-12
For: PSE & TCE

EL DORADO CO. RECORDER-CLERK

05/27/2010 20100023367

Above section for Recorder's use

**CONSENT TO MAKING OF
IRREVOCABLE OFFER OF DEDICATION**
(Government Code §7050)

Pursuant to California Government Code section 7050, the County of El Dorado hereby consents to the making of the attached Irrevocable Offer of Dedication dated April 21, 2010 from Lawrence E. Abel, also shown of record as Laurance Abel and Jacqueline Abel, husband and wife, as joint tenants (Grantor), to the County of El Dorado, a political subdivision of the State of California (Grantee) and to the recordation thereof by its duly authorized officer.

Dated this 25th day of MAY, 2010.

COUNTY OF EL DORADO

Date: 5-25-10

By: Raymond J. Nutting
Vice Chairman of the Board
Board of Supervisors **Raymond J. Nutting**

ATTEST:

Suzanne Allen de Sanchez
Clerk of the Board of Supervisors

By: Suzanne Allen de Sanchez
Deputy Clerk

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

Irrevocable Offer of Dedication

This Irrevocable Offer of Dedication, dated for reference purposes APRIL 21 2010, 2009, is made by Lawrence E. Abel, also shown of record as Laurance Abel and Jacqueline Abel, Husband and Wife, as Joint Tenants ("Landowner") the owner in fee of that certain real property located in El Dorado County, California (the "County") commonly known as APN 051-250-12-100, CA, and more particularly described in Exhibit "A" (the "Property"), attached hereto and incorporated herein by this reference.

Recitals

Whereas, the County is in the process of completing environmental review of, and designing and engineering, a new roadway to be known as the Diamond Springs Parkway (the "Parkway") which will connect Missouri Flat Road to Highway 49; and

Whereas, the studied alternative alignments of Parkway, although not fully designed, are anticipated to be constructed on an alignment which would require right of way through or along the boundary of the Property; and

Whereas, the County is seeking certainty in the ability to acquire the necessary right of way through the Property in accordance with the proposed plans and Landowner is willing to provide such assurance for a defined period of fifteen years through this irrevocable offer of dedication; and

Whereas, Landowner understands and agrees that it is in Landowner's best interest that the Parkway be constructed providing Landowner with frontage on a major County road and based on such consideration Landowner is willing to convey the portion of the Property associated with this irrevocable offer of dedication to County without charge.

This Irrevocable Offer of Dedication is given in conjunction with the Funding Agreement for Diamond Springs Parkway Design and Environmental Costs. Nothing by way of this dedication to County for purpose of construction of the Parkway herein shall be deemed to preclude the County from imposing conditions of approval inclusive of additional dedication necessary to mitigate impacts in conjunction with the future development of Landowner's Property.

Now therefore, in consideration of the foregoing facts, Landowner declares as follows:

1. I, Lawrence E. Abel, also shown of record as Laurance Abel and Jacqueline Abel, Husband and Wife, as Joint Tenants, Landowner do hereby make this irrevocable offer of dedication to the County of El Dorado, a political subdivision of the State of California, of that property, in fee, more particularly described in the attached Exhibit "B" for a road and appurtenant easements and right of way inclusive of public utilities easements for all public purposes, and slope and maintenance easements, as depicted in Exhibit "B", attached hereto and incorporated by this reference. The area depicted in Exhibit "B" is not based on a final design of the Parkway and Landowner hereby acknowledges and agrees that the precise alignment determined by the County may change upon completion of the design and engineering of the Parkway, provided however, the final right of way area and all associated easements shall not be more than that depicted in Exhibit "B". At such time as the County accepts this irrevocable offer of dedication, the resolution of the County accepting the dedication will contain the final description of the right of way area, and any excess right-of-way not necessary for the Parkway shall be vacated back to Landowner in accordance with California Government Code section 7050.

2. During the term of the offer, County may accept the irrevocable offer of dedication made herein at such time as the County, after completion of all necessary environmental and engineering studies, and through action of its Board of Supervisors, has adopted the final alignment of the Parkway. In the event that County does not accept the irrevocable offer of dedication within fifteen years of the date this offer is recorded, then County shall vacate the offer in accordance with California Government Code section 7050.

3. Landowner makes no claim and waives any right to compensation for the conveyance of property as described in Exhibit "B".

4. Landowner shall cooperate with the County and will execute any subsequent agreements or documents that may be necessary to effectuate this irrevocable offer of dedication and its acceptance by County.

5. This irrevocable offer of dedication shall be recorded in the official records of El Dorado County and shall inure to the benefit of and be binding on the heirs, successors, assigns, and personal representatives of Landowner in accordance with the terms of this Agreement.

Landowner:

Lawrence E. Abel
Lawrence E. Abel, Joint Tenant

Date: 4/21/2010

Jacqueline Abel
Jacqueline Abel, Joint Tenant

Date: 4-21-2010

ACKNOWLEDGEMENT

City of Cabo San Lucas
State of California Baja California Sur
County of El Dorado Mexico)
US Consular Agency)

On April 21, 2010, 2009, before me, Trena Brown Schjetman, personally appeared Lawrence E. Abel and Jacqueline Abel 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 Trena Brown Schjetman (Seal)

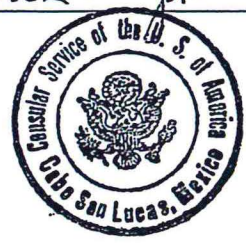


EXHIBIT A

All that certain real property situated in the County of El Dorado, State of California, more particularly described as follows:

Portion of the South one-half of Lot 5 of the Southwest quarter of Section 19, Township 10 North, Range 11 East, M.D.B.& M., described as follows:

BEGINNING at the most Westerly corner of Parcel B as said Parcel B is shown on the Parcel Map filed for record September 18, 1979 in Book 25 of Parcel Map at Page 46, Records El Dorado County; thence on and along the Westerly boundaries of Parcels B, C and D, South 7°44'47" East, 137.99 feet; South 1°39'22" East 153.59 feet; South 1°46'02" East 299.91 feet; South 3°04'33" West, 283.48 feet; and South 12°32'14" West 77.70 feet to the most Westerly corner of said Parcel D; thence on and along the Northwesterly boundary of the parcel described in the deed to Milo Joe Martinovich, et ux, recorded February 2, 1945 in Book 214 Page 180 Official Records, South 17°55'14" West, 133.44 feet to the South line of said Section 19; thence on and along said South section line South 89°50'25" West, 43.15 feet to the Southeast corner of the parcel described in the Deed to Frank DeBenning, et ux, recorded October 17, 1974 in Book 1290 Page 628 of Official Records, thence on and along the exterior boundaries of said DeBenning parcel, North 17°49'25" East, 136.64 feet; North 26°09'35" West 52.12 feet; South 76°30'25" West 102.70 feet; and South 66°38'25" West 34 feet to the Northwest corner of said DeBenning parcel; thence on and along the exterior boundary lines of the parcel described in the Deed to Gary E. Wakefield, recorded February 23, 1978 in Book 1601 at Page 34 of Official Records South 66°38'25" West 79.49 feet; thence South 65°53'25" West 243.83 feet, and thence South 35°53'00" West 11.67 feet to the Southwest corner of said Wakefield parcel located on said South line of Section 19; thence on and along said South Section line South 89°50'25" West, 84.14 feet; thence leaving said Section line North 31°49'59" East 55.82 feet to a point on the Southerly boundary line of the Parcel described as Parcel No. 2 of the Quitclaim Deed by Laurance Abel, et ux, to Basic Minerals Inc., recorded February 25, 1980 in Book 1853 Page 569 Official Records; thence on and along the exterior boundary line of said Parcel No. 2, North 69°38'06" East 73 feet; North 47°09'54" West 180 feet; and North 52°10'47" West 336.62 feet to the Northeast corner of said Parcel No. 2; said Northeast corner being on an exterior boundary line of the Parcel described as Parcel No. 1 in the Deed by Basic Minerals Inc. to Maxim Development Co., recorded February 26, 1980 in Book 1853 Page 591 Official Records; thence on and along the exterior boundary lines of said Parcel No. 1, North 65°43'06" East 109.92 feet; North 17°52'00" West 41 feet; North 61°07'42" East 215.67 feet; North 84°22'56" East 99 feet; North 37°22'56" East 35 feet, and North 27°48'24"

West 258.33 feet to the Southeast corner of Parcel 9 as said Parcel 9 is delineated on the Parcel Map filed for record on November 5, 1978 in Book 22 of Parcel Maps at Page 28, Records of El Dorado County, thence on and along the exterior boundary lines of Parcels 9, 10 and 11 of said Parcel Map filed for record in Book 22 of Parcel Maps at Page 28, North 15°04'30" West 80.58 feet; North 26°03'58" East 57.32 feet; North 64°59'48" East 69.57 feet; and South 85°39'06" East 261.45 feet to the Southeast corner of said Parcel 11 located on the West line of the fee parcel of real property on Page 4 of the Decree of Distribution in the Matter of the Estate of Clement H. Mercier, deceased, Recorded March 31, 1977 in Book 1485 Page 41 of Official Records; thence on and along the exterior boundaries of said fee parcel described on said Page 4, South 4°11'00" East 136.75 feet; thence continuing South 4°11'00" East 15.15 feet; and North 50°52'05" East 346.91 feet to the point of beginning.

The herein before described parcel is delineated on the Record of Survey filed for record July 30, 1980 in Book 8 at Page 85 of Record of Surveys, Records of El Dorado County.

EXCEPTING THEREFROM any real property conveyed to Basic Minerals Inc. by virtue of the Quitclaim Deed recorded February 25, 1980 in Book 1853 Page 569 Official Records.

APN: 051-250-12-100

EXHIBIT B

This Exhibit B and the attachments hereto consist of the following legal descriptions and depictions, individually identified below and as shown in the Exhibit B-1 and Exhibit B-2 attached thereto, collectively represent the land rights which are being conveyed by the Landowner(s) to the County.

1. Public Service Easement- A public service easement, for any and all public purposes, over, under and across a portion of the subject property, as described in the Exhibit B-1 (a) and depicted on Exhibit B-1 (b), attached hereto
2. Temporary Construction and Access Easement- A temporary construction easement, including the right of the Grantee or its agents, employees and contractors, the right of ingress and egress as may be reasonably necessary for construction purposes, inclusive of such repairs, replacements, and removals as may from time to time be required as well as for other purposes incidental to the construction of the project, including any staging, stockpiling, and parking of construction vehicles or equipment, or any temporary roadways to serve as detours during construction of the primary roadways. This temporary construction easement shall not be revoked and shall not expire until the recordation of the Notice of Completion of the Project. Included within this temporary construction easement is the right of ingress and egress of Grantee, its agents, employees, and contractors for warranty repairs and the correction of defects in the work within the first year following completion of construction. This right during the one-year warranty period survives the expiration of the temporary easement. The location of the temporary construction easement is as described in the Exhibit B-2 (a) and depicted on Exhibit B-2 (b), attached hereto.

Exhibit 'B-1 (a)'
Legal Description
Irrevocable Offer of Dedication
Public Service Easement

All that real property situate in the County of El Dorado, State of California and lying within the Southwest One-Quarter of Section 19, Township 10 North, Range 11 East, M.D.M., being a portion of that certain 13.81 acre tract of land as shown on that Record of Survey, filed in the office of the County Recorder of El Dorado County in Book 8 of Surveys, Page 85 and being more particularly described as follows:

Commencing at the Northeast corner of said 13.81 acre tract; thence along the Northerly line of said tract, South 49°56'51" West, 224.56 feet; thence leaving said Northerly line, South 05°56'19" West, 43.59 feet to the Point of Beginning; thence continuing South 05°56'19" West, 5.00 feet; thence North 84°02'49" West, 46.93 feet to a point on said Northerly line hereinafter referred to as Point 'A'; thence along said Northerly line, North 49°56'51" East, 6.95 feet; thence leaving said Northerly line, South 84°02'49" East, 42.10 feet to the Point of Beginning, containing 0.005 acres, more or less.

TOGETHER WITH:

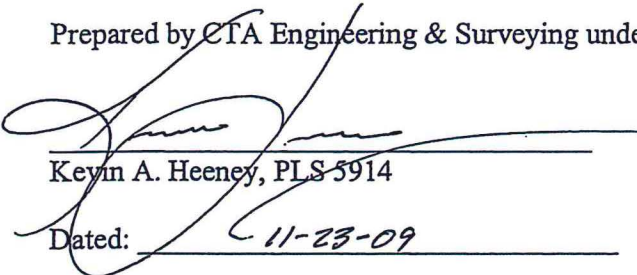
Commencing at the aforementioned Point 'A'; thence along the Northerly line of said 13.81 acre tract, South 49°56'51" West, 54.53 feet; thence North 05°03'14" West, 39.96 feet to the Point of Beginning; thence continuing along said Northerly line, North 05°03'14" West, 5.09 feet; thence leaving said Northerly line, North 84°02'49" West, 352.38 feet to a point on the Westerly line of said tract; thence along said Westerly line, South 25°09'26" West, 5.29 feet; thence leaving said Westerly line, South 84°02'49" East, 355.10 feet to the Point of Beginning, containing 0.041 acres, more or less.

See Exhibit 'B-1 (b)' attached hereto and made a part of this description.

The Basis of Bearings for this description is grid North, California Coordinate System, Zone II, NAD 83 (Epoch 2004.69), based on GPS observations of NGS monuments "HPGN D CA 03 DM", "El Dorado" and "Airport". All distances are grid distances. Multiply grid distances by 1.000145 to obtain ground distances.

End of Description

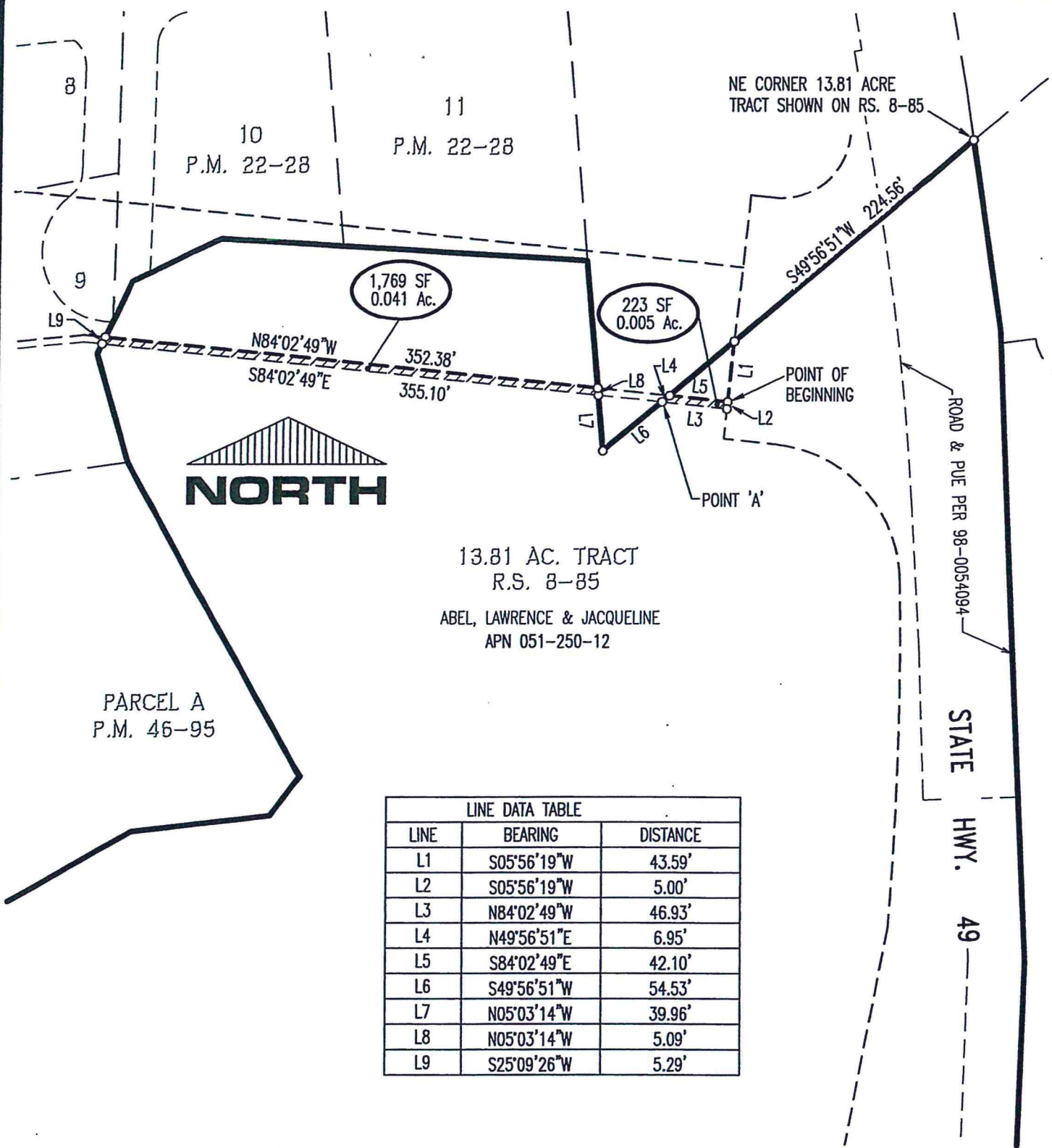
Prepared by CTA Engineering & Surveying under the direct supervision of the undersigned.


Kevin A. Heeney, PLS 5914

Dated: 11-23-09

A.P.N. 051-250-12





LINE DATA TABLE		
LINE	BEARING	DISTANCE
L1	S05°56'19"W	43.59'
L2	S05°56'19"W	5.00'
L3	N84°02'49"W	46.93'
L4	N49°56'51"E	6.95'
L5	S84°02'49"E	42.10'
L6	S49°56'51"W	54.53'
L7	N05°03'14"W	39.96'
L8	N05°03'14"W	5.09'
L9	S25°09'26"W	5.29'



DATE: 11-23-09

Exhibit 'B-1 (b)'

AFFECTED OWNER:
Abel, Lawrence & Jacqueline

A.P.N.: 051-250-12

cta Engineering & Surveying
Civil Engineering • Land Surveying • Land Planning
3233 Manter Circle, Rancho Cordova, CA 95742
T (916) 838-0818 • F (916) 838-2470 • www.cta.net

DATE: 11/02/09

DRAWN BY: KAH

SHEET 1 OF 1

SCALE: 1"=100'

JOB NO. 09-001-001

DIAMOND SPRINGS PARKWAY PROJECT

Irrevocable Offer of Dedication
Public Service Easement

PORTION OF THE S.W. 1/4 OF 'SEC. 19, T10N, R11E, M.D.M.
COUNTY OF EL DORADO STATE OF CALIFORNIA

Exhibit 'B-2 (a)'
Legal Description
Irrevocable Offer of Dedication
Temporary Construction and Access Easement

All that real property situate in the County of El Dorado, State of California and lying within the Southwest One-Quarter of Section 19, Township 10 North, Range 11 East, M.D.M., being a portion of that certain 13.81 acre tract of land as shown on that Record of Survey, filed in the office of the County Recorder of El Dorado County in Book 8 of Surveys, Page 85 and being more particularly described as follows:

Beginning at the Western most corner of said 13.81 acre tract of land; thence along the Westerly line of said tract, South 53°05'19" East, 336.57 feet; thence South 48°04'26" East, 179.97 feet to an angle point in said Westerly line; thence continuing South 48°04'26" East, 5.22 feet; thence North 64°58'53" East, 283.88 feet; thence North 51°25'37" East, 127.59 feet; thence North 11°07'46" East, 255.34 feet; thence along the arc of a non-tangent curve, concave to the West, having a radius of 2450.00 feet, the chord of which bears North 01°39'02" East, 249.89 feet; thence along the arc of a curve to the left, having a radius of 100.00 feet, the chord of which bears North 42°39'36" West, 132.23 feet; thence North 84°02'49" West, 38.52 feet; thence North 05°56'19" East, 21.50 feet; thence North 84°02'49" West, 46.93 feet to a point on the Northerly line of said 13.81 acre tract; thence along said North line, South 49°56'51" West, 54.53 feet; thence North 05°03'14" West, 39.96 feet; thence leaving said North line, North 84°02'49" West, 355.10 feet to a point on the Westerly line of said 13.81 acre tract; thence along said Westerly line the following eight (8) courses:

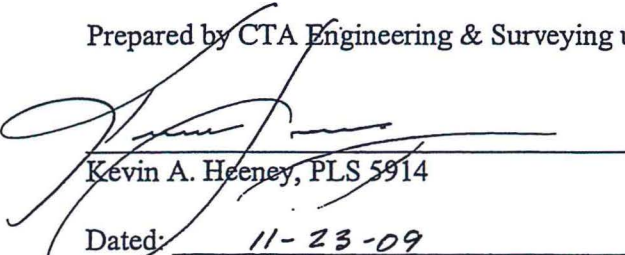
1. South 25°09'26" West, 7.77 feet; thence
2. South 15°59'02" East, 80.57 feet; thence
3. South 28°42'56" East, 258.29 feet; thence
4. South 36°28'24" West, 34.99 feet; thence
5. South 83°28'24" West, 98.99 feet; thence
6. South 60°13'10" West, 215.64 feet; thence
7. South 18°46'32" East, 40.99 feet; thence
8. South 64°48'34" West, 109.90 feet to the Point of Beginning, containing 9.974 acres, more or less.

See Exhibit 'B-2 (b)' attached hereto and made a part of this description.

The Basis of Bearings for this description is grid North, California Coordinate System, Zone II, NAD 83 (Epoch 2004.69), based on GPS observations of NGS monuments "HPGN D CA 03 DM", "El Dorado" and "Airport". All distances are grid distances. Multiply grid distances by 1.000145 to obtain ground distances.

End of Description

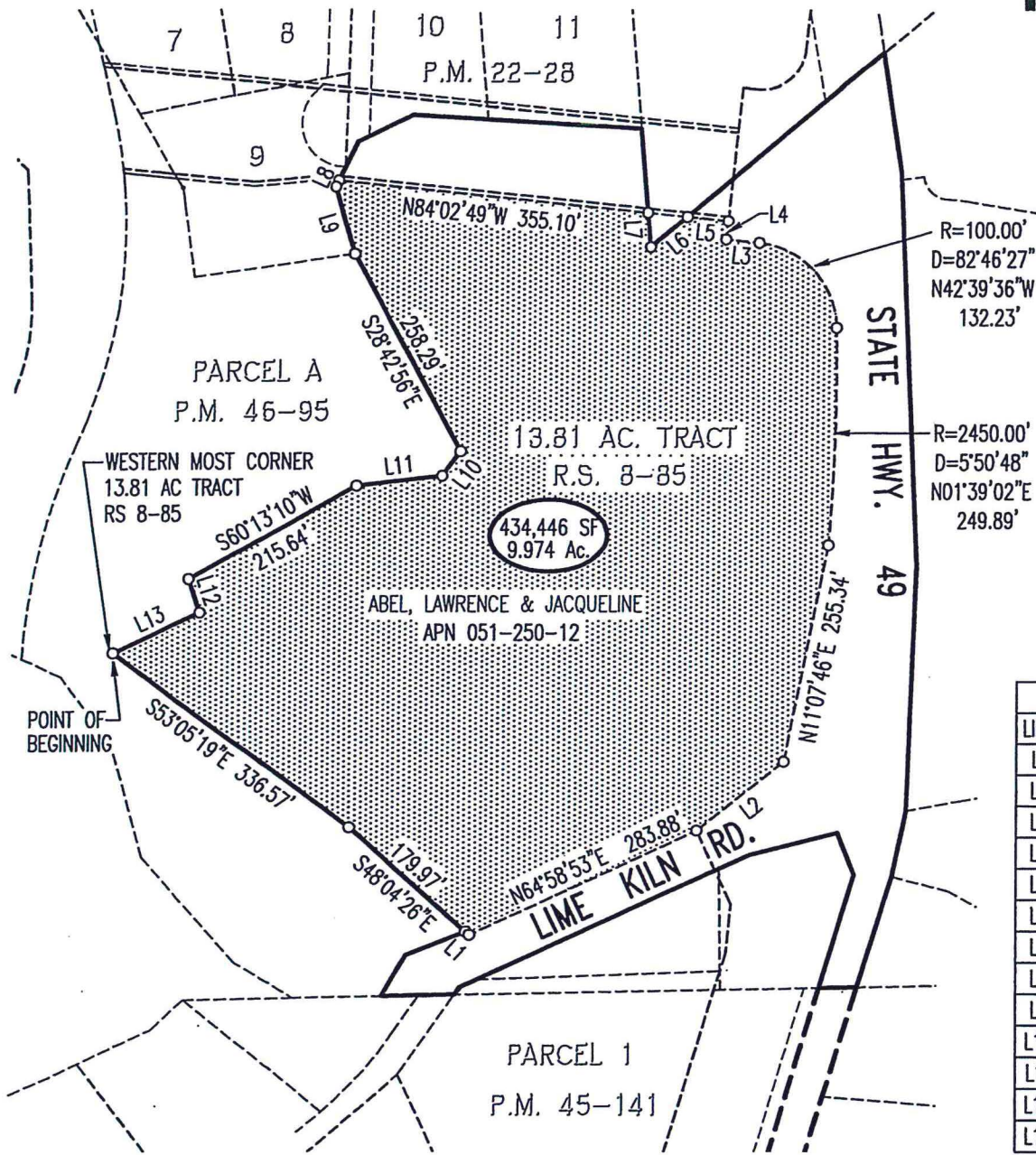
Prepared by CTA Engineering & Surveying under the direct supervision of the undersigned.


Kevin A. Heeney, PLS 5914

Dated: 11-23-09

A.P.N. 051-250-12





LINE DATA TABLE		
LINE	BEARING	DISTANCE
L1	S48°04'26"E	5.22'
L2	N51°25'37"E	127.59'
L3	N84°02'49"W	38.52'
L4	N05°56'19"E	21.50'
L5	N84°02'49"W	46.93'
L6	S49°56'51"W	54.53'
L7	N05°03'14"W	39.96'
L8	S25°09'26"W	7.77'
L9	S15°59'02"E	80.57'
L10	S36°28'24"W	34.99'
L11	S83°28'24"W	98.99'
L12	S18°46'32"E	40.99'
L13	S64°48'34"W	109.90'



DATE: 11-23-09

Exhibit 'B-2 (b)'
 AFFECTED OWNER:
Abel, Lawrence & Jacqueline
 A.P.N.: **051-250-12**

cta Engineering & Surveying
 Civil Engineering ■ Land Surveying ■ Land Planning
 3233 Monitor Circle, Rancho Cordova, CA 95742
 T (916) 835-0819 • F (916) 834-2478 • www.cta.net

DATE: 11/02/09 DRAWN BY: KAH SHEET 1 OF 1
 SCALE: 1"=200' JOB NO. 09-001-001

DIAMOND SPRINGS PARKWAY PROJECT

**Irrevocable Offer of Dedication
 Temporary Construction & Access Easement**

PORTION OF THE S.W. 1/4 OF SEC. 19; T10N; R11E; M.D.M.
 COUNTY OF EL DORADO STATE OF CALIFORNIA

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

County of El Dorado
Board of Supervisors
330 Fair Lane
Placerville, CA 95667

APN: 051-250-12
Seller: Lawrence E. and Jacqueline Abel
Project: Diamond Springs Parkway - Phase 1A -
SR-49 Realignment, Project 72375, and
Diamond Springs Parkway - Phase 1B, Project
72334

CERTIFICATE OF ACCEPTANCE

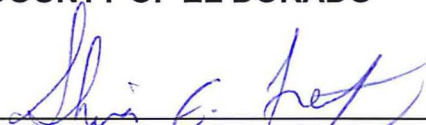
This is to certify that the interest in real property conveyed by the Irrevocable Offer of Dedication, dated April 21, 2010 to the County of El Dorado, a political subdivision of the State of California, from Lawrence E. and Jacqueline Abel, is hereby accepted by order of the Board of Supervisors of the County of El Dorado on May 25, 2010 and the grantees consent to the recordation thereof by its duly authorized officer.

APN: 051-250-12

Dated this 27 day of Sept-, 2016.

COUNTY OF EL DORADO

By:



Shiva Frentzen, Vice-Chair
Board of Supervisors

ATTEST:

James S. Mitrisin
Clerk of the Board of Supervisors

By: 

Deputy Clerk

10/06/2016, 20160047816