



RESOLUTION NO.

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

**Resolution to Accept
Irrevocable Offer of Dedication No. 16-0007
Assessor's Parcel Number 051-250-65 (formerly 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 (the “Project”), 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, Paragraph 1 of the Offer acknowledged that the property dedicated therein was not based on the final design of the Project and that, at such time as the County accepts the Offer, the resolution will contain the final description of the property being accepted; and

WHEREAS, on September 27, 2016, the Board of Supervisors approved and accepted the Offer by its adoption of Resolution 155-2016 (recorded as Document 2016-0047817 in the official records of El Dorado County); however, said Resolution 155-2016 did not reflect the final design of the Project, so it is the intent of the Board of Supervisors to rescind said Resolution 155-2016 upon adoption of this Resolution containing the final description of the property being accepted; and

WHEREAS, per paragraph 1 of the Offer, Plat and Legal descriptions have been prepared by El Dorado County (County) to represent the final areas to be dedicated to and accepted by the County; and

WHEREAS, the total areas are not greater than that which was granted in 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 with its updated plat and legal descriptions attached hereto and further consents to the recordation of this Resolution; and

BE IT FURTHER RESOLVED, that all excess fee right of way and easements described in Resolution 155-2016 not included in the attached exhibits for the final right of way and easement configuration is hereby vacated.

BE IT FINALLY RESOLVED, that by adoption of this Resolution, the prior Resolution 155-2016 is rescinded.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the ____ day of _____, 20__, by the following vote of said Board:

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

Ayes:
Noes:
Absent:

By: _____
Deputy Clerk

_____ Chair, Board of Supervisors

ATTACHMENT 1

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

EL DORADO CO. RECORDER-CLERK

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

05/27/2010, 20100023368

APN 051-250-12
For: Hwy. 49 R/W & PUE

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 **Raymond J. Nutting**
Board of Supervisors

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)
U.S. Consular Agency)

On April 21, ²⁰¹⁰~~2009~~, before me, Trena Brown Schjetnan, 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 Schjetnan (Seal)



EXHIBIT 'A2'
(36370-1)

All that certain real property situate in Section 19, Township 10 North, Range 11 East, Mount Diablo Meridian, County of El Dorado, State of California, being a portion of that particular 13.81 acre Tract shown on the Record of Survey filed in Book 8 of Surveys, page 85 in the Official Records of El Dorado County more particularly described as follows:

BEGINNING at the Northeast corner of said Tract; thence along the northerly line of said Tract South 49° 56' 37" West 94.48 feet; thence leaving said northerly line, South 5° 41' 19" East 184.52 feet to the beginning of a non-tangent curve concave westerly having a radius of 2248.00 feet; thence southerly along said curve through a central angle of 8° 39' 21", an arc distance of 339.61 feet, said curve being subtended by a chord which bears South 1° 21' 09" West 339.29 feet; thence South 11° 07' 46" West 236.63 feet; thence South 50° 33' 28" West 121.58 feet; thence South 24° 17' 00" East 50.00 feet to the southerly line of said Tract; thence along said southerly line the following five courses: 1) North 65° 43' 00" East 34.00 feet; 2) North 75° 35' 00" East 102.69 feet; 3) South 27° 05' 00" East 52.11 feet; 4) South 16° 54' 00" West 136.63 feet; 5) North 88° 55' 00" East 10.38 feet; thence leaving said southerly line North 19° 25' 26" East 136.92 feet; thence North 14° 39' 56" East 119.93 feet to the beginning of a non-tangent curve concave westerly having a radius of 2371.00 feet; thence northeasterly along said curve through a central angle of 2° 20' 24", an arc distance of 96.83 feet to the easterly line of said Tract, said curve being subtended by a chord which bears North 9° 51' 57" East 96.83 feet; thence along said easterly line the following four courses: 1) North 2° 09' 16" East 146.19 feet; 2) North 2° 41' 18" West 299.89 feet; 3) North 2° 34' 02" West 153.56 feet; 4) North 8° 40' 44" West 137.97 feet to the POINT OF BEGINNING. Containing 95,567 square feet (2.19 acres) more or less.

-End of Description-

See Exhibit 'B2' attached hereto and made a part hereof.

The Basis of Bearings of the above description is grid north and is identical to that shown on that particular Record of Survey filed in Book 31 of Surveys, page 143. Distances used in the above description are grid distances. Divide distances by 0.999855 to obtain ground level distances.

The purpose of the above description is to describe that portion of said Tract as a Right-of-Way for road purposes.

Joe Neely

Joseph C. Neely, P.L.S. 9026
Associate Land Surveyor
El Dorado County
Community Development Agency
Transportation Division



Dated: 8/5/2016

EXHIBIT 'B2'

Situate in Section 19, T. 10 N., R. 11 E., M.D.M.
County of El Dorado, State of California

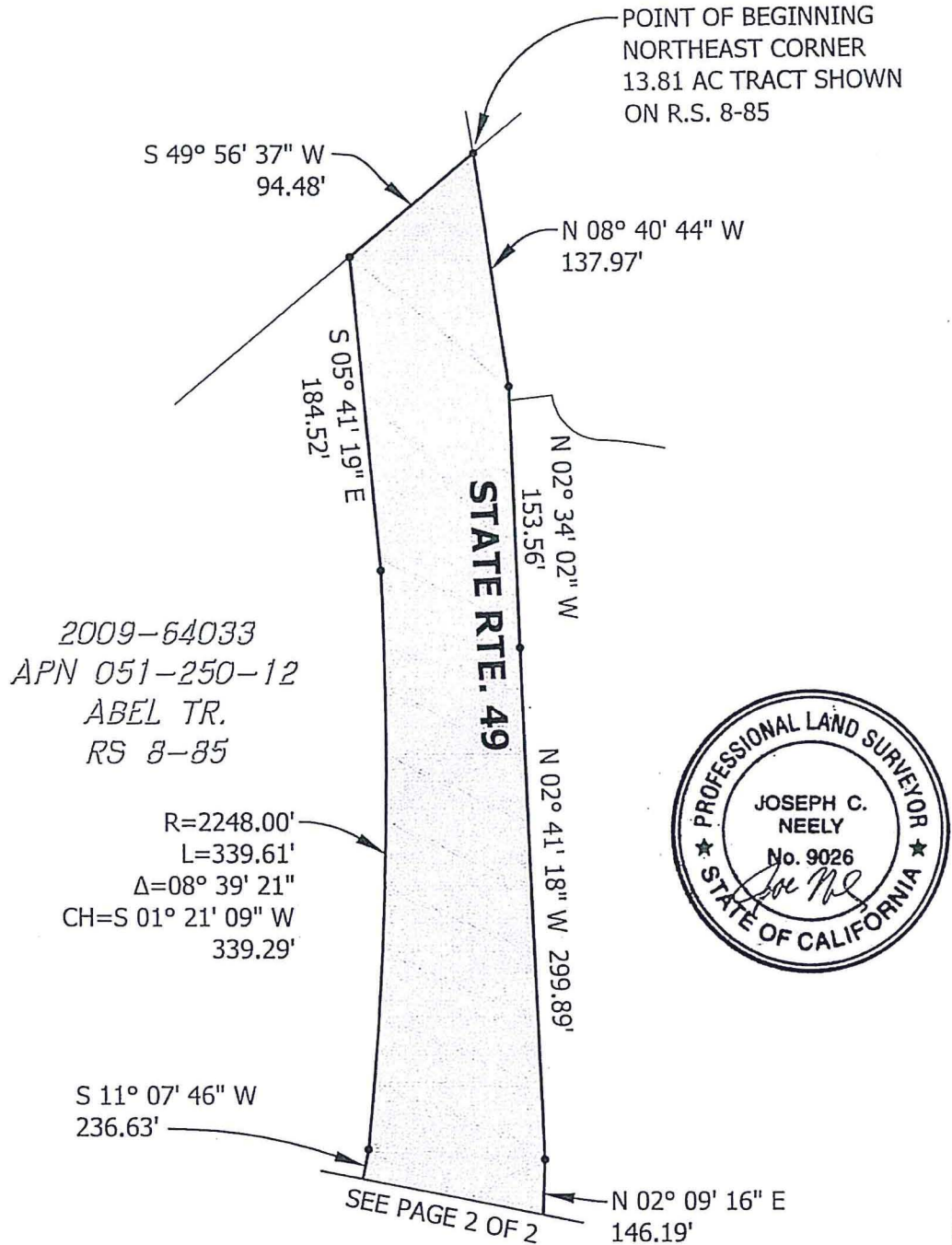
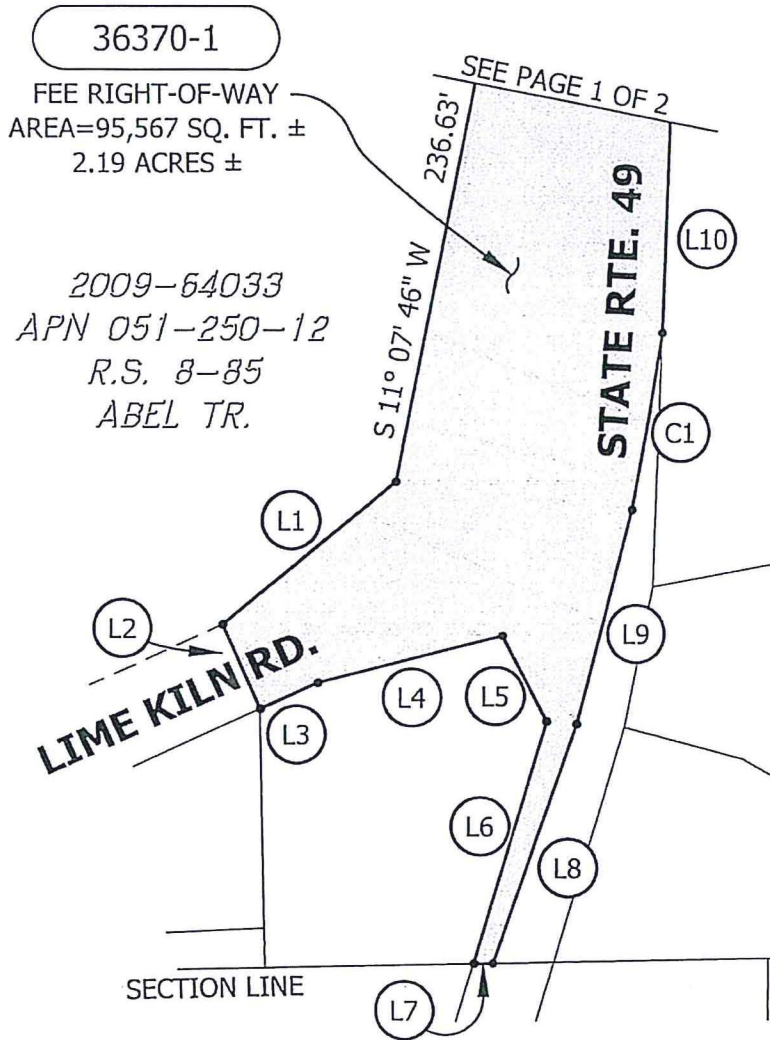


EXHIBIT 'B2'

Situate in Section 19, T. 10 N., R. 11 E., M.D.M.
County of El Dorado, State of California



- (L1) S 50° 33' 28" W 121.58'
- (L2) S 24° 17' 00" E 50.00'
- (L3) N 65° 43' 00" E 34.00'
- (L4) N 75° 35' 00" E 102.69'
- (L5) S 27° 05' 00" E 52.11'
- (L6) S 16° 54' 00" W 136.63'

- (L7) N 88° 55' 00" E 10.38'
- (L8) N 19° 25' 26" E 136.92'
- (L9) N 14° 39' 56" E 119.93'
- (C1) R=2371.00' Δ=02° 20' 24" L=96.83'
CH=N 09° 51' 57" E 96.83'
- (L10) N 02° 09' 16" E 146.19'



Grid North
Scale 1"=100'
PAGE 2 OF 2

**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 _____ day of _____, 20__.

COUNTY OF EL DORADO

By: _____
Chair
Board of Supervisors

ATTEST:

James S. Mitrisin
Clerk of the Board of Supervisors

By: _____
Deputy Clerk