



RESOLUTION NO. 197-2011

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

RESOLUTION TO ACKNOWLEDGE BUT REJECT EASEMENT

Irrevocable Offer of Dedication # 2011-0001

Assessor's Parcel Numbers 096-050-13 and 096-020-46;

**Charles Malsbury Bertollette, Trustee of the 2002 Charles Malsbury Bertollette
Trust D. Sack Family Limited Partnership, a California Limited Partnership**

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, Charles Malsbury Bertollette, Trustee of the 2002 Charles Malsbury Bertollette Trust, and the D. Sack Family Limited Partnership, a California Limited Partnership, have executed an Irrevocable Offer of Dedication to the County of El Dorado for road right of way, public utilities and slope easements, which are located on a segment of road formerly know as Jimtown Way; and

WHEREAS, said parcels are also identified as Assessor's Parcel Numbers 096-050-13 and 096-020-46; and

WHEREAS, said easement is described in Exhibit A and depicted on Exhibit B attached to said offer;

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 acknowledge but reject said offer at this time.

NOW, THEREFORE, BE IT RESOLVED that from and after the date this Resolution is recorded, said offer for road right of way, public utilities and slope easements are hereby acknowledged but rejected 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 the 6 day of December, 2011 by the following vote of said Board:

Ayes: Santiago, Knight, Nutting, Sweeney, Briggs

Noes: none

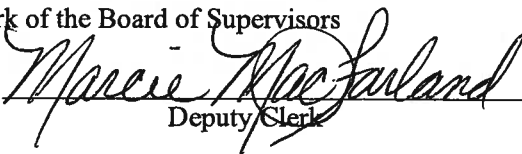
Absent: none

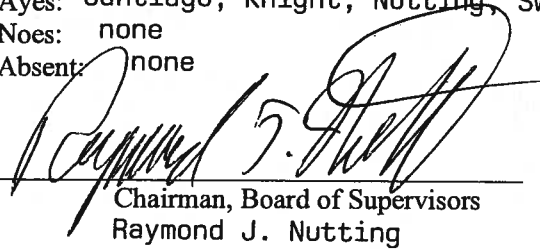
Attest:

Suzanne Allen de Sanchez

Clerk of the Board of Supervisors

By:


Deputy Clerk


Chairman, Board of Supervisors
Raymond J. Nutting

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

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

APN 096-050-13

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, PUBLIC UTILITIES, AND SLOPE
EASEMENTS**

Charles Malsbury Bertollette, Trustee of the 2002 Charles Malsbury Bertollette Trust, 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, road right of way, public utilities and slope easements for construction, and maintenance purposes, to points five feet beyond future top of cut slopes and toe of fill slopes, on, over, under and across those certain areas, situate in the unincorporated area of the County of El Dorado, State of California, as:

Described in Exhibit A & depicted in Exhibit B, 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 his name this
2nd day of August, 2011.


**Charles Malsbury Bertollette, Trustee
Of the 2002 Charles Malsbury
Bertollette Trust**

SEE ATTACHED NOTARY ACKNOWLEDGMENT

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

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

APN 096-020-46

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, PUBLIC UTILITIES, AND SLOPE
EASEMENTS**

D. Sack Family Limited Partnership, a California Limited Partnership, 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, road right of way, public utilities and slope easements for construction, and maintenance purposes, to points five feet beyond future top of cut slopes and toe of fill slopes, on, over, under and across those certain areas, situate in the unincorporated area of the County of El Dorado, State of California, as:

Described in Exhibit A & depicted in Exhibit B, 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 his name this
30 day of August, 2011.

**D. Sack Family Limited Partnership,
a California Limited Partnership**


By: **Mitchell McAllister**

Its:

PARTNER

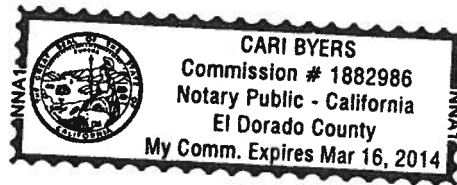
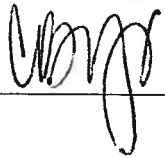
CALIFORNIA ACKNOWLEDGMENT FOR IRREVOCABLE OFFER OF DEDICATION ROAD RIGHT OF WAY, PUBLIC UTILITIES, AND SLOPE EASEMENTS

State of California)
)ss.
County of El Dorado)

On 08-02-11 before me, Cari Byers, Notary Public, personally appeared Charles Malsbury Bertollette 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 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 _____ (Seal)



CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of Sacramento

On 8-3-2011 before me, Newton Li Notary Public
(Here insert name and title of the officer)

personally appeared Mitchell McAllister

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.

Newton Li
Signature of Notary Public



(Notary Seal)

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

IRREVOCABLE OFFER OF DEDICATION
(Title or description of attached document)

R.O.W., UTILITIES & SLOPE EASEMENT
(Title or description of attached document continued)

Number of Pages 1 Document Date 8-3-11

APN 096-020-46
(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- Individual (s)
 Corporate Officer

(Title)

- Partner(s)
 Attorney-in-Fact
 Trustee(s)
 Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he/she/they~~, ~~is/are~~) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document



018908
State of California
 Secretary of State

Form LP-1

CERTIFICATE OF LIMITED PARTNERSHIP

IMPORTANT—Read instructions on back before completing this form

This Certificate is presented for filing pursuant to Section 15621 California Corporations Code.

1. NAME OF LIMITED PARTNERSHIP
 D. SACK FAMILY LIMITED PARTNERSHIP

2. STREET ADDRESS OF PRINCIPAL EXECUTIVE OFFICE CITY AND STATE ZIP CODE
 230 Kenneth Avenue, Fair Oaks, CA 95628

3. STREET ADDRESS OF CALIFORNIA OFFICE IF EXECUTIVE OFFICE IS AN ANOTHER STATE CITY ZIP CODE
 CA

4. COMPLETE IF LIMITED PARTNERSHIP WAS FORMED PRIOR TO JULY 1, 1984 AND IS IN EXISTENCE ON DATE THIS CERTIFICATE IS EXECUTED.
 THE ORIGINAL LIMITED PARTNERSHIP CERTIFICATE WAS RECORDED ON _____ 19 _____ WITH THE RECORDER
 OF _____ COUNTY. FILE OR RECORDATION NUMBER _____

5. NAMES AND ADDRESSES OF ALL GENERAL PARTNERS: (CONTINUE ON SECOND PAGE, IF NECESSARY)

A. NAME: Mitchell McAllister
 ADDRESS: 4230 Kenneth Avenue
 Fair Oaks CA 95628
 CITY: FAIR OAKS STATE: CA ZIP CODE: 95628

C. NAME:
 ADDRESS:
 CITY: STATE: ZIP CODE:

B. NAME: Jackie McAllister
 ADDRESS: 4230 Kenneth Avenue
 Fair Oaks CA 95628
 CITY: FAIR OAKS STATE: CA ZIP CODE: 95628

D. NAME:
 ADDRESS:
 CITY: STATE: ZIP CODE:

6. NAME AND ADDRESS OF AGENT FOR SERVICE OF PROCESS:
 NAME: Mitchell McAllister
 ADDRESS: 4230 Kenneth Avenue
 CITY: Fair Oaks STATE: CA ZIP CODE: 95628

7. ANY OTHER MATTERS TO BE INCLUDED IN THIS CERTIFICATE MAY BE NOTED
 BE NOTED ON SEPARATE PAGES AND BY REFERENCE HEREIN ARE A PART OF
 THIS CERTIFICATE.
 NUMBER OF PAGES ATTACHED: 0

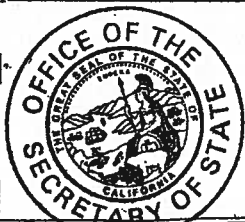
8. INDICATE THE NUMBER OF GENERAL PARTNERS SIGNATURES REQUIRED
 FOR FILING CERTIFICATES OF AMENDMENT, RESTATEMENT, DISSOLUTION,
 CONTINUATION AND CANCELLATION.
 NUMBER OF GENERAL PARTNER(S) SIGNATURE(S) IS/ARE: 2
 (PLEASE INDICATE NUMBER ONLY)

9. IT IS HEREBY DECLARED THAT I AM (WE ARE) THE PERSON(S) WHO EXECUTED THIS CERTIFICATE OF LIMITED
 PARTNERSHIP WHICH EXECUTION IS MY (OUR) ACT AND DEED. (SEE INSTRUCTIONS)

SIGNATURE Mitchell McAllister, Partner	SIGNATURE Jackie McAllister, Partner
POSITION OR TITLE	POSITION OR TITLE
DATE	DATE
SIGNATURE	SIGNATURE
POSITION OR TITLE	POSITION OR TITLE
DATE	DATE

THIS SPACE FOR FILING OFFICER USE
 9617000025
FILED
 In the office of the Secretary of State
 of the State of California
 JUN 18 1996

 BILL JONES, Secretary of State



10. RETURN ACKNOWLEDGEMENT TO:
 NAME Mitchell McAllister
 ADDRESS 4230 Kenneth Avenue
 CITY Fair Oaks, CA 95628
 STATE
 ZIP CODE

EXHIBIT 'A'
**OFFER OF DEDICATION OF ROAD RIGHT OF WAY, PUBLIC UTILITIES,
AND SLOPE EASEMENTS**
**A PORTION OF THE W1/2 OF THE SW1/4 OF SECTION 14 AND
THE E1/2 OF THE SE1/4 OF SECTION 15, T. 10N., R. 11 E., M.D.M.**

All that portion of the West ½ of the Southwest ¼ of Section 14 and the East ½ of the Southeast ¼ of Section 15, all within Township 10 North, Range 11 East, M.D. M, State of California; said portion is more particularly as follows:

A 50-ft. strip of land, together with slope easements 5 feet beyond existing and future top of cut slopes and bottom of fill slopes, the centerline of which is as follows:

COMMENCING at the Southwest corner of said Section 14, as said Section corner is shown on that certain Record of Survey map, filed for record on June 16, 1977, in Book 5 of Record of Surveys at Page 110, Document No. 26537, in the office of the El Dorado County, California Recorder, hereinafter referred to as RS 5-110, said corner also being the Southwest corner of that certain 2.000 acre N.& L.Winkelman parcel, as shown on that certain Record of Survey map, filed for record on August 29, 1977, in Book 5 of Record of Surveys at Page 124, Document No. 39693, in the office of the El Dorado County, California Recorder, hereinafter referred to as RS 5-124; thence, from said Point of Commencement, along the West line of said Section 14, also being the West line of said Winkelman parcel, North 00°40'33" West 106.98 feet, to the Northwest corner of said Winkelman parcel; thence, along the North line of said parcel, North 89°50'10" East 15.27 feet, to the Point of Beginning; thence from said Point of Beginning along the centerline of said strip, the following ten (10) courses:

- 1) North 42°42'33" West 75.48 feet; thence,
- 2) northerly, along a tangent curve to the right, having a radius of 252.00 feet, through a central angle (delta) of 89°44'33", and an arc length of 394.71 feet, the chord of which bears North 02°09'43" East 355.58 feet; thence,
- 3) tangent to said 252.00-foot curve, North 47°02'00" East 102.58 feet; thence,
- 4) northeasterly, along a tangent curve to the right, having a radius of 60.00 feet, through a central angle (delta) of 45°13'00", and an arc length of 47.35 feet, the chord of which bears North 69°38'30" East 46.13 feet, thence,
- 5) tangent to said 60.00-foot curve, South 87°45'00" East 89.27 feet; thence,
- 6) northerly, along a tangent curve to the left, having a radius of 35.00 feet, through a central angle (delta) of 123°46'22", and an arc length of 75.61 feet, the chord of which bears North 30°21'49" East 61.74 feet; thence,
- 7) tangent to said 35.00-foot curve, North 31°31'22" West 18.29 feet; thence,
- 8) northerly, along a tangent curve to the right, having a radius of 455.00 feet, through a central angle (delta) of 66°28'52", and an arc length of 527.94 feet, the chord of which bears North 01°43'04" East 498.82 feet; thence,
- 9) northerly, along a tangent reversing curve to the left, having a radius of 50.00 feet, through a central angle (delta) of 44°53'22", and an arc length of 39.17 feet, the chord of which bears North 12°30'49" East 38.18 feet; thence,
- 10) tangent to said 50.00-foot curve, North 09°55'52" West 21.79 feet,

to the Point of Terminus, a point on the Northwesterly line of that certain parcel noted as "H&C Entwisle 1512-8" on said RS 5-110, also being the Southeasterly line of Parcel 4, as shown on that certain Parcel Map, filed for record on September 15, 1977 in Book 17 of Parcel Maps at Page 47, Document No. 42746, in the office of the El Dorado County, California Recorder, hereinafter referred to as PM 17-47, from which the most Southerly corner of said Parcel 4 bears along said Southeasterly line of said Parcel 4, South 44°18'35" West 81.50 feet and from which the Point of Commencement bears along the boundary of said H&C Entwisle parcel, North 44°18'35" East 389.92 feet, South 21°57'37" East 833.65 feet, South 00°24'26" East 730.00 feet and South 89°50'10" West 814.18 feet.

The easement lines, in all cases, shall be lengthened or shortened to terminate at the south end on the West or North boundary lines of said Winkelman parcel and on the north end on the North line of said H&C Entwisle parcel.

Said easement is also shown on Exhibit 'B', attached hereto and made a part hereof.

End of Description

Prepared by Ken W. Purcell, Civil Engineer
Revised 8/30/11



EXHIBIT 'B'

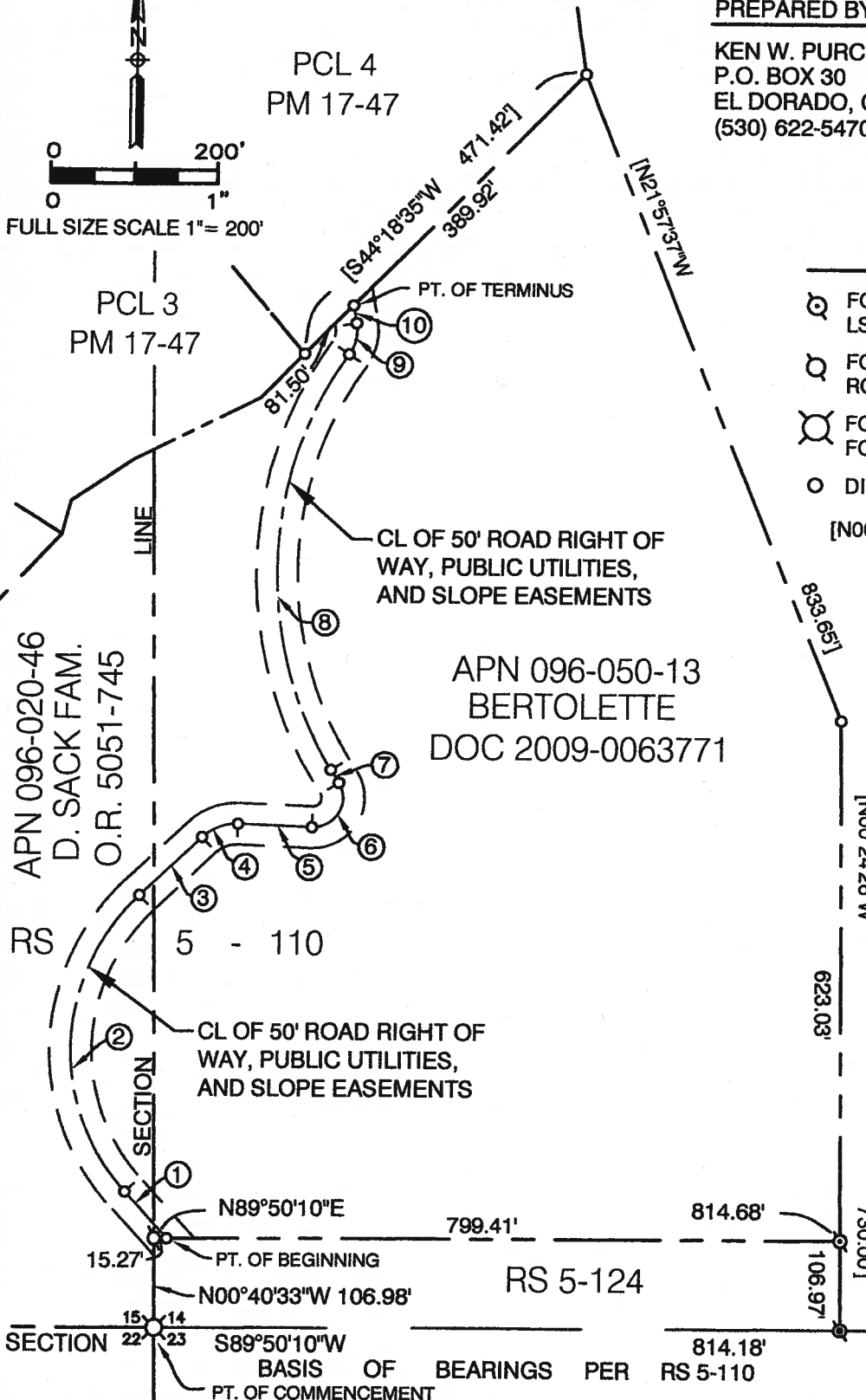
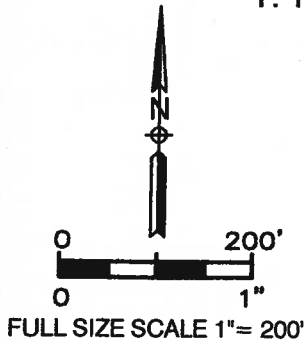
OFFER OF DEDICATION OF ROAD RIGHT OF WAY, PUBLIC UTILITIES, AND SLOPE EASEMENTS

PORTIONS OF THE W1/2 OF THE SW1/4 OF SEC. 14 AND THE E1/2 OF THE SE1/4 OF SECTION 15,
T. 10 N., R. 11 E., M.D.M., EL DORADO COUNTY, CALIFORNIA

SEPTEMBER 2011

PREPARED BY

KEN W. PURCELL, C.E.
P.O. BOX 30
EL DORADO, CA 95623
(530) 622-5470



LEGEND

- FOUND 3/4" CIP STAMPED
LS 4130 PER RS 25-19
 - FOUND 3/4" CIP STAMPED
RCE 22180-1977 PER RS 5-124
 - FOUND 1-1/2" CIP STAMPED LS 3279
FOR SEC. COR. AS CITED PER RS 5-110
 - DIMENSION PT., NOTHING FND OR SET
- [N00°24'26"W 730.00'] RECORD PER RS 5-110

COURSE DATA

- ① N42°42'33"W 75.48'
- ② R=252.00' D=89°44'33" L=394.71'
CHD=N02°09'43"E 355.58'
- ③ N47°02'00"E 102.58'
- ④ R=60.00' D=45°13'00" L=47.35'
CHD=N69°38'30"E 46.13'
- ⑤ S87°45'00"E 89.27'
- ⑥ R=35.00' D=123°46'22" L=75.61'
CHD=N30°21'49"E 61.74'
- ⑦ N31°31'22"W 18.29'
- ⑧ R=455.00' D=66°28'52" L=527.94'
CHD=N01°43'04"E 498.82'
- ⑨ R=50.00' D=44°53'22" L=39.17'
CHD=N12°30'49"E 38.18'
- ⑩ N09°55'52"W 21.79'

6mp.dwg 11-06 OJD_LDD.dwg

RECORDING REQUESTED BY:

Board of Supervisors

12/14/2011, 20110059598

WHEN RECORDED MAIL TO:

Board of Supervisors
330 Fair Lane
Placerville, CA 95667

SPACE ABOVE THIS LINE RESERVED FOR
RECORDER'S USE

TITLE (S)

**Resolution 197-2011
Resolution to Acknowledge But Reject Easement
Irrevocable Offer of Dedication #2011-0001
Assessor's Parcel Numbers 096-050-13 and 096-020-46;
Charles Malsbury Bertollette, Trustee of the 2002 Charles Malsbury Bertollette
Trust D. Sack Family Limited Partnership, a California Limited Partnership**