

RESOLUTION NO. 2017-108

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
ACCEPTING THE OFFER OF DEDICATION OF RIGHT-OF-WAY ON 9TH
STREET FROM MARINA COMMUNITY PARTNERS, LLC, DESIGNATE
CITY PROPERTY AS RIGHT OF WAY OF 9TH STREET, AND AUTHORIZE
THE CITY CLERK TO RECORD THE DEDICATION WITH THE
MONTEREY COUNTY RECORDER'S OFFICE

WHEREAS, at the regularly scheduled meeting of May 31, 2005, the City Council adopted Resolution No. 2005-127, certifying the Final Environmental Impact Report for the University Village Development Project (now the Dunes on Monterey Bay), and;

WHEREAS, at the regularly scheduled meeting of May 31, 2005, the City Council adopted Resolution No. 2005-128, approving the General Plan Amendments, Resolution No. 2005-130, for the Specific Plan, Resolution No. 2005-131, for the Tentative Map and Resolution No. 2005-132, Design Review for the regional retail, the Village Promenade and all residential phases for the former University Village Development Project (now the Dunes on Monterey Bay) , and;

WHEREAS, at the regularly scheduled meeting of May 31, 2005, the City Council adopted Ordinance No. 2005-07, approving the Zoning Ordinance amendments and Ordinance No. 2005-08, approving the Final Development Agreement, and;

WHEREAS, at the regularly scheduled meeting of September 18, 2012, the City Council adopted Resolution No. 2012-140, approving the Phase 1B Final Map for The Dunes Development Project Subdivision. The Map was recorded on November 1, 2012 in volume 23 of Parcel Maps, page 27, and;

WHEREAS, the Tentative Map approved by Council on May 31, 2005 and amended in 2008 identified a new transit corridor along the southern limits of Phase 1B. Staff received the improvements plans for the corridor, also known as 9th Street in Phase 1B in June of 2014. Staff reviewed the plans in conformance with the Tentative Map and recorded Final Map. The plans were approved with a Grading Permit issued on February 9, 2016, and;

WHEREAS, on March 24, 2017, the City found the 9th Street improvements to be substantially completed and provided a Letter of Maintenance Relief to Marina Community Partners (MCP). The letter stated that full acceptance of the roadway was contingent on final dedication of right-of-way from MCP as well as designation of right-of-way from the City. The areas of dedication by MCP and right-of-way designation by the City can be seen in Exhibit "A", and;

WHEREAS, MCP has provided exhibits for recordation for the right-of-way dedication (Exhibit "B"). Staff has found the dedication to be in conformance with the approved Tentative Map and recorded Final Map. These exhibits also identify the areas of City property to be designated as right-of-way for 9th Street.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Marina does hereby:

1. Accept the offer of dedication of right-of-way on 9th Street from Marina Community Partners, LLC, and;
2. Designate City Property as right-of-way of 9th Street, and;
3. Authorize the City Clerk to record the dedication with the Monterey County Recorder's Office.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting held on the 5th day of December 2017, by the following vote:

AYES: COUNCIL MEMBERS: Amadeo, Morton, O'Connell, Brown, Delgado

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

Bruce Delgado, Mayor

ATTEST:

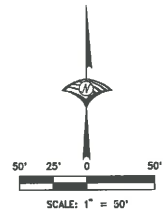
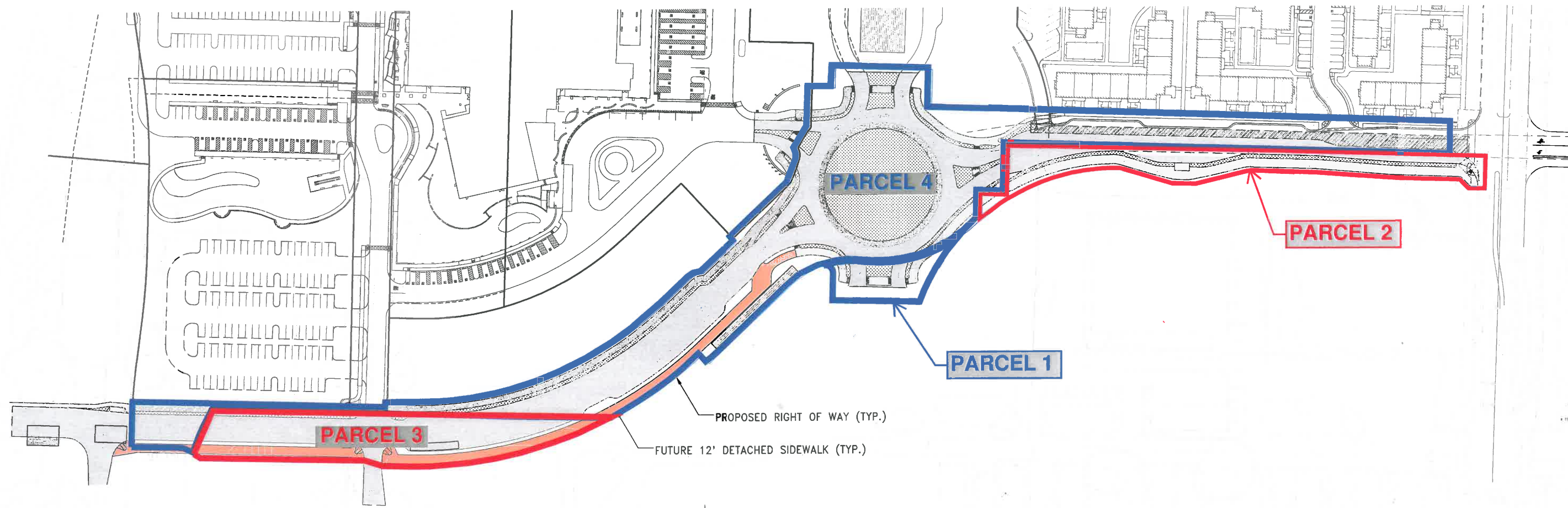
Anita Sharp, Deputy City Clerk

9TH STREET RIGHT OF WAY EXHIBIT

MARINA COMMUNITY PARTNERS

MARINA CALIFORNIA

OCTOBER 2016



SHEET LEGEND

- MCP TO DEDICATE
- CITY TO DEDICATE

WOOD ROGERS
DEVELOPING INNOVATIVE DESIGN SOLUTIONS
4670 WILLOW ROAD STE 125 TEL 925.847.1556
PLEASANTON, CA 94588 FAX 925.847.1557

This Document is Recorded
for the Benefit of the
City of Marina
and is **Exempt from Fee**
per Government Code
Sections 6103 and 27383

AND WHEN RECORDED MAIL TO

CITY CLERK
CITY OF MARINA
211 HILLCREST AVENUE
MARINA, CA 93933

Portion of A.P.N. 031-221-007 & 031-282-016

SPACE ABOVE THIS LINE FOR RECORDER'S USE

APPROVAL OF RIGHT-OF-WAY DEDICATION

THIS DEDICATION is made this _____ day of _____, 2017 by the City of Marina (CITY), owner of the properties at APN 031-221-007 (2801 2nd Avenue) and APN 031-282-016 in Marina, California to and for the benefit of the Public Right of Way.

Section 1. CITY does hereby dedicate for Public Right of Way purposes and incidents thereto that portion of the real properties situated in the City of Marina, County of Monterey, State of California as described and depicted as Parcel 2 and 3 in Exhibit A attached hereto ("Dedication").

NOW, THEREFORE, the City Council of the City of Marina, State of California adopted Resolution 2017-____, attached hereto as Exhibit C, approve the Dedication of Right of Way and authorizing the Deputy City Clerk to execute this Dedication on the City's behalf.

IN WITNESS WHEREOF, the CITY has properly executed and hereby accepts this Dedication as follows:

Dated: _____

By: _____

Name: Anita Shepherd-Sharp

Deputy City Clerk

EXHIBIT A
LEGAL DESCRIPTION
FOR 9TH STREET DEDICATION, PARCEL 2

ALL THAT REAL PROPERTY SITUATE IN THE CITY OF MARINA, COUNTY OF MONTEREY, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

BEING A PORTION OF PARCEL ONE, AS SAID PARCEL IS SHOWN ON THAT CERTAIN MAP ENTITLED "RECORD OF SURVEY", FILED JUNE 30TH, 2000, IN VOLUME 23 OF SURVEY MAPS AT PAGE 106, OFFICIAL RECORDS OF MONTEREY COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL ONE;

THENCE ALONG THE EASTERN LINE OF SAID PARCEL ONE, SOUTH 01° 40' 00" WEST, 42.22 FEET;

THENCE LEAVING THE LAST MENTIONED LINE THE FOLLOWING EIGHT (8) COURSES:

1. NORTH 88° 20' 00" WEST, 23.26 FEET;
2. NORTH 43° 19' 04" WEST, 15.94 FEET;
3. NORTH 88° 20' 00" WEST, 91.65 FEET;
4. NORTH 86° 03' 00" WEST, 100.36 FEET;
5. NORTH 88° 20' 02" WEST, 86.26 FEET;
6. SOUTH 76° 47' 25" WEST, 74.01 FEET;
7. NORTH 88° 19' 58" WEST, 31.00 FEET;
8. NORTH 73° 27' 25" WEST, 73.96 FEET;

THENCE ALONG THE ARC OF A NON TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 273.00 FEET, FROM A RADIAL WHICH BEARS NORTH 02° 11' 17" EAST, THROUGH A CENTRAL ANGLE OF 42° 50' 10", AN ARC DISTANCE OF 204.10 FEET TO THE WESTERN LINE OF SAID PARCEL ONE;

THENCE ALONG THE GENERAL WESTERN LINE OF SAID PARCEL ONE WITH THE FOLLOWING THREE (3) COURSES:

1. NORTH 01° 40' 00" EAST, 33.08 FEET;
2. SOUTH 88° 20' 00" EAST, 35.00 FEET AND
3. NORTH 01° 40' 00" EAST, 65.00 FEET TO THE NORTHWEST CORNER OF SAID PARCEL ONE;

THENCE ALONG THE NORTHERN LINE OF SAID PARCEL ONE, SOUTH 88° 20' 00" EAST, 638.00 FEET TO THE POINT OF BEGINNING.

AND CONTAINING AN AREA OF 22,955 SQUARE FEET OF LAND MORE OR LESS.

A PLAT OF THE ABOVE REFERENCED PARCEL OF LAND IS ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

THIS REAL PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT.

SIGNATURE: _____

RON ARCHER, JR. / PLS 8427

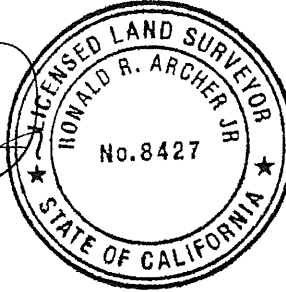
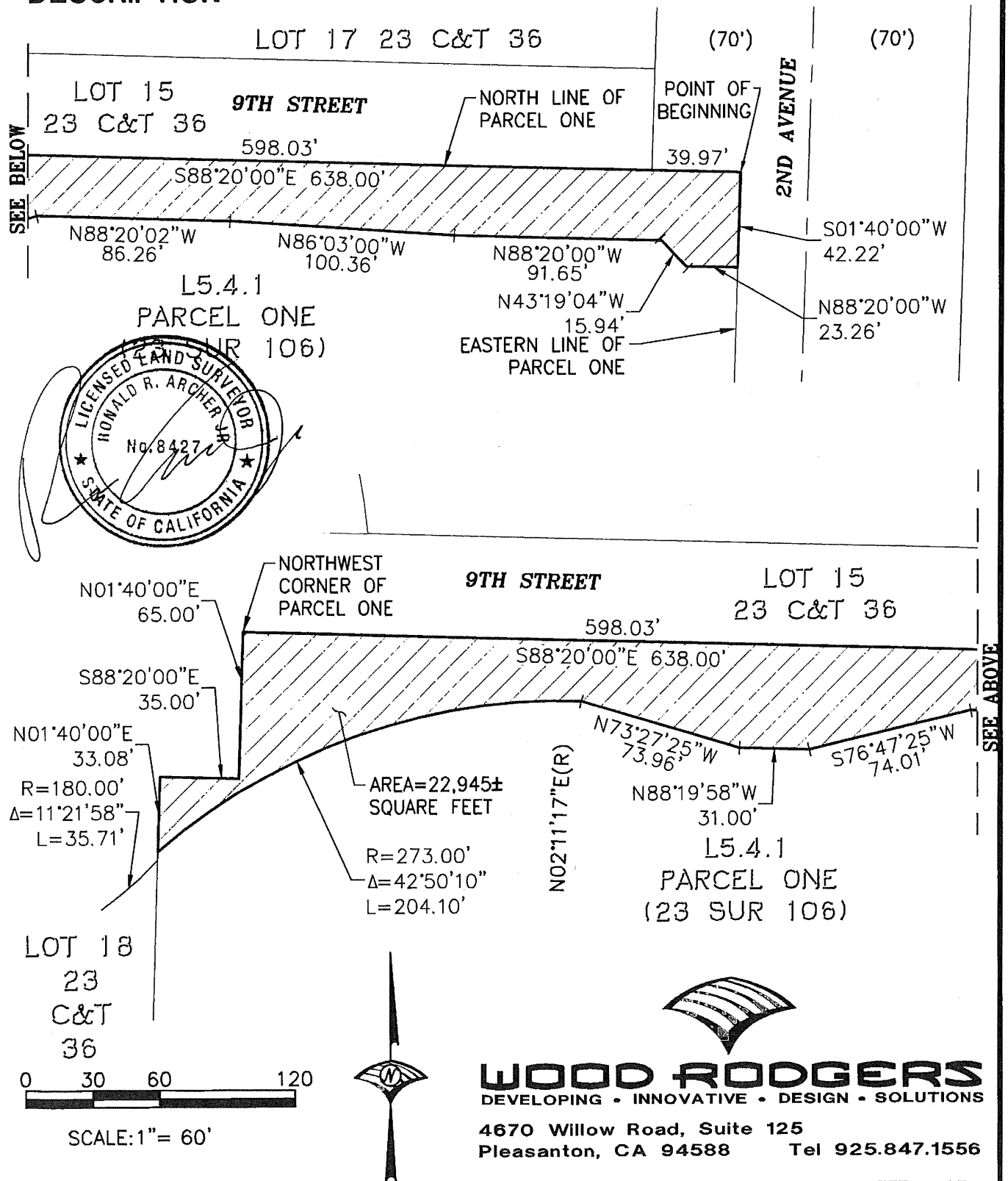


EXHIBIT 'B'
PLAT TO
ACCOMPANY
DESCRIPTION

9TH STREET DEDICATION PARCEL 2
CITY OF MARINA
COUNTY OF MONTEREY STATE OF CALIFORNIA



**EXHIBIT A
LEGAL DESCRIPTION
FOR 9TH STREET DEDICATION, PARCEL 3**

ALL THAT REAL PROPERTY SITUATE IN THE CITY OF MARINA, COUNTY OF MONTEREY, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

BEING A PORTION OF LOT 15 AS SAID LOT IS SHOWN ON THAT CERTAIN MAP ENTITLED "TRACT 1472", FILED AUGUST 25, 2012, IN VOLUME 23 OF MAPS, AT PAGE 36, OFFICIAL RECORDS OF MONTEREY COUNTY MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHWESTERN CORNER OF THE REMAINDER PARCEL AS SAID PARCEL IS SHOWN ON THAT CERTAIN MAP ENTITLED "PARCEL MAP ", FILED NOVEMBER 1, IN VOLUME 23 OF PARCEL MAPS AT PAGE 27, OFFICIAL RECORDS OF MONTEREY COUNTY, AT THE WESTERLY TERMINUS OF A COURSE WHICH BEARS NORTH 88° 18' 35" WEST, 59.69' (DESIGNATED AS L5 ON THE COURSE TABLE SHOWN ON SHEET 7 OF 7 SHEETS ON SAID PARCEL MAP);

THENCE ALONG THE SOUTHERN LINE OF SAID REMAINDER PARCEL THE FOLLOWING TWO (2) COURSES:

1. SOUTH 88° 18' 35" EAST, 59.69 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 50.00 FEET;
2. THENCE SOUTHEASTERLY ALONG THE ARC OF THE LAST NAMED CURVE , THROUGH A CENTRAL ANGLE OF 26° 30' 06", AN ARC DISTANCE OF 23.13 FEET TO THE ACTUAL POINT OF BEGINNING;

THENCE ALONG THE LAST MENTIONED SOUTHERN LINE THE FOLLOWING TWO (2) COURSES:

1. NORTHEASTERLY ALONG THE ARC OF A NON TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 662.00 FEET FROM A RADIAL WHICH BEARS SOUTH 68° 23' 12" EAST, THROUGH A CENTRAL ANGLE OF 05° 26' 29", AN ARC DISTANCE OF 62.87 FEET;
2. THENCE SOUTH 88° 20' 00" EAST, 535.04 FEET TO A POINT WHICH LIES DISTANT THEREON NORTH 88°20' 00" WEST, 28.58 FEET FROM THE INTERSECTION THEREOF WITH THE SOUTHERN LINE OF SAID LOT 15 AS SHOWN ON SAID TRACT MAP, AND BEING A POINT OF CUSP;

THENCE LEAVING THE LAST SAID SOUTHERN LINE OF THE REMAINDER PARCEL, ALONG THE ARC OF A NON TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 554.00 FEET FROM A RADIAL WHICH BEARS NORTH 27° 21' 40" WEST, THROUGH A CENTRAL ANGLE OF 29° 01' 40", AN ARC DISTANCE OF 280.67 FEET;

THENCE NORTH 88° 20' 00" WEST, 37.49 FEET;

THENCE NORTH 72° 04' 23" WEST, 25.00 FEET;

THENCE NORTH 88° 20' 00" WEST, 221.47 FEET TO THE WESTERN LINE OF SAID LOT 15;

THENCE NORTHWESTERLY ALONG THE LAST SAID WESTERN LINE OF SAID LOT 15, ALONG THE ARC OF A NON TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 50.00 FEET A RADIAL WHICH BEARS NORTH 38° 16' 24" EAST, THROUGH A CENTRAL ANGLE OF 10° 04' 53", AN ARC DISTANCE OF 8.80 FEET TO THE POINT OF BEGINNING.

AND CONTAINING AN AREA OF 30,473 SQUARE FEET OF LAND MORE OR LESS.

A PLAT OF THE ABOVE REFERENCED PARCEL OF LAND IS ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

THIS REAL PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT.

SIGNATURE: _____

RON ARCHER, JR. / PLS 8427



EXHIBIT 'B'
PLAT TO
ACCOMPANY
DESCRIPTION

9TH STREET DEDICATION PARCEL 3
CITY OF MARINA
COUNTY OF MONTEREY STATE OF CALIFORNIA

T.A.M.C.
 20 SUR 90



POINT OF COMMENCEMENT
 S88°18'35"E
 R=50.00' 59.69'
 $\Delta=26^{\circ}30'06''$
 L=23.13'
 POINT OF BEGINNING
 N38°16'24"E(R)

8TH STREET

S68°23'12"E(R)
 61.17'
 REMAINDER PARCEL
 23 PM 27 LOT 33
 23 PM 27

LOT 19
 23 C&T 36

LINE TABLE		
NO.	BEARING	LENGTH
L1	N88°20'00"W	37.49'
L2	N72°04'23"W	25.00'

CURVE TABLE			
NO.	RADIUS	DELTA	LENGTH
C1	662.00'	5°26'29"	62.87'
C2	50.00'	10°04'53"	8.80'

SOUTHERN LINE OF REMAINDER PARCEL
 23 PM 27

27
 23 PM 27

LOT 30
 23 PM 27

AREA=30,473±
 SQUARE FEET

R=554.00'
 $\Delta=29^{\circ}01'40''$
 L=280.67'

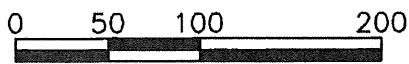
REMAINDER PARCEL
 23 PM 27

INTERSECTION WITH THE
 SOUTHERN LINE
 OF LOT 15
 23 M 36

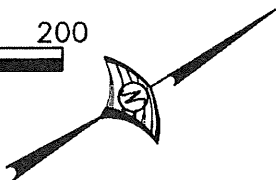
LOT 18
 23 C&T 36

N88°20'00"W
 28.58'

N27°21'40"W(R)



SCALE: 1" = 100'



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4670 Willow Road, Suite 125
 Pleasanton, CA 94588 Tel 925.847.1556

RECORDING REQUESTED BY

CITY OF MARINA

AND WHEN RECORDED MAIL TO

CITY CLERK
CITY OF MARINA
211 HILLCREST
MARINA, CA

A.P.N.

SPACE ABOVE THIS LINE FOR RECORDER'S USE

DOCUMENT TRANSFER TAX None

Clerk Doc# _____

Signature of declarant or agent determining tax - Firm name

IRREVOCABLE OFFER TO DEDICATE AND GRANT DEED

()

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Marina Community Partners, LLC, a Delaware limited liability company ("Grantor") does hereby make an irrevocable offer of dedication and Grants to the City of Marina, a municipal corporation, of the State of California ("Grantee"), that certain real property situated in the City of Marina, County of Monterey, State of California, more particularly described on Exhibit "A" attached hereto and made a part hereof by this reference together with all improvements thereon and all rights and privileges appurtenant thereto (the "Property"). This Irrevocable Offer to Dedicate and Grant Deed is made expressly subject to the terms and conditions applicable to the Property set forth in that Quitclaim Deed pursuant to which Grantor obtained title to the Property dated September 21, 2006 and recorded in the Official Records of the County of Monterey on September 22, 2006 as Instrument No. 2006-083359.

This offer is binding on the Grantor, its heirs, assigns or successors in interest, and shall continue until accepted or rejected, in whole or in part, at any time or times by the City of Marina.

[Signatures on Following Page]

IN WITNESS WHEREOF, Grantor, MARINA COMMUNITY PARTNERS, LLC, a Delaware limited liability company, has caused these presents to be executed this ____ day of June, 2017.

GRANTOR:

MARINA COMMUNITY PARTNERS, a Delaware limited liability company

By: Shea Homes Limited Partnership, a California limited partnership

Is: Managing Member

By: _____

Name: _____

Its: _____

By: _____

Name: _____

Its: _____

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 Alameda)

On _____, before me, _____, the undersigned, a notary public for the state, personally appeared _____, proved to me to be the person(s) whose name(s) is/are subscribed to the within instrument, as a witness thereto, on the oath of _____, a credible witness who is known to me and provided a satisfactory identifying document.

_____, being by me duly sworn, deposed and said that he/she/they was present and saw/heard _____, the same person(s) described in and whose name(s) is/are subscribed to the within, or attached, instrument in his/her/their authorized capacity(ies) as a party(ies) thereto, execute or acknowledge executing the same, and that said affiant subscribed his/her/their name(s) to the within instrument as a witness at the request of _____.

WITNESS my hand and official seal.

Signature _____

ACCEPTANCE:

IN WITNESS WHEREOF, the Grantee, The City of Marina, a municipal corporation of the State of California approves this Deed for itself, its successors and assigns, and agrees that upon acceptance of the offer dedication set forth herein then Grantee shall be deemed to agree to all of the conditions, reservations, restrictions and terms contained herein (including those set forth in that Quitclaim Deed pursuant to which Grantor obtained title to the Property dated September 21, 2006 and recorded in the Official Records of the County of Monterey on September 22, 2006 as Instrument No. 2006-083359). Grantee has caused these presents to be executed on this ___ day of _____, 2017.

GRANTEE:

CITY OF MARINA, a municipal corporation
of the State of California

By: _____
Name: _____
Its: _____

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 _____)

On _____, before me, _____, a Notary Public, personally appeared _____, 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 _____

Exhibit A
Legal Description

EXHIBIT A
LEGAL DESCRIPTION
FOR 9TH STREET DEDICATION, PARCEL 1

ALL THAT REAL PROPERTY SITUATE IN THE CITY OF MARINA, COUNTY OF MONTEREY, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

BEING A PORTION OF LOT 18, AS SAID LOT IS SHOWN ON THAT CERTAIN MAP ENTITLED TRACT MAP, FILED AUGUST 25, 2006, IN VOLUME 23 OF MAPS AT PAGE 36, OFFICIAL RECORDS OF MONTEREY COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTHERN LINE OF SAID LOT 18, AT THE NORTHERN END OF A COURSE WHICH BEARS NORTH 46° 40' 00" EAST, 140.43 FEET, AS SAID COURSE IS SHOWN ON SHEET 6 OF 9 SHEETS ON SAID MAP;

THENCE NORTHEASTERLY ALONG A TANGENT CURVE, TO THE RIGHT HAVING A RADIUS OF 125 FEET, THROUGH A CENTRAL ANGLE OF 25° 36' 18", AN ARC DISTANCE OF 55.86 FEET TO THE ACTUAL POINT OF BEGINNING;

RUNNING THENCE AND LEAVING LAST SAID CURVE, TO THE RIGHT TO A COMPOUND CURVE, HAVING A RADIUS OF 10 FEET, THROUGH A CENTRAL ANGLE OF 109° 04' 38", AN ARC DISTANCE OF 19.04 FEET;

THENCE SOUTH 01°20' 56" WEST, 36.44 FEET;

THENCE SOUTH 88°39' 04" EAST, 116.52 FEET;

THENCE NORTHEASTERLY ALONG THE ARC OF A NON TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 273.00 FEET, FROM A RADIAL WHICH BEARS SOUTH 69°29' 01" EAST, THROUGH A CENTRAL ANGLE OF 20°47' 18" , AN ARC DISTANCE OF 99.05 FEET TO THE AFOREMENTIONED NORTHERN LINE OF SAID LOT 18 AND THE POINT OF CUSP;

THENCE SOUTHWESTERLY ALONG SAID NORTHERN LINE OF SAID LOT 18, ALONG THE ARC OF A NON TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 180.00 FEET, FROM A RADIAL WHICH BEARS NORTH 48°41' 43" WEST, THROUGH A CENTRAL ANGLE OF 42° 01' 29", AN ARC DISTANCE OF 132.02 FEET;

THENCE CONTINUING ALONG THE LAST NAMED NORTHERN LINE ALONG THE ARC OF A REVERSE CURVE, HAVING A RADIUS OF 125 FEET, THROUGH A CENTRAL ANGLE OF 25° 00' 06", AN ARC DISTANCE OF 54.55 FEET TO THE POINT OF BEGINNING.

AND CONTAINING AN AREA OF 7,318 SQUARE FEET OF LAND MORE OR LESS.

A PLAT OF THE ABOVE REFERENCED PARCEL OF LAND IS ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

THIS REAL PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT.

SIGNATURE: _____

RON ARCHER, JR. / PLS 8427

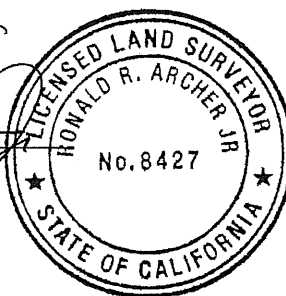
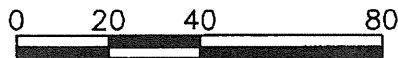
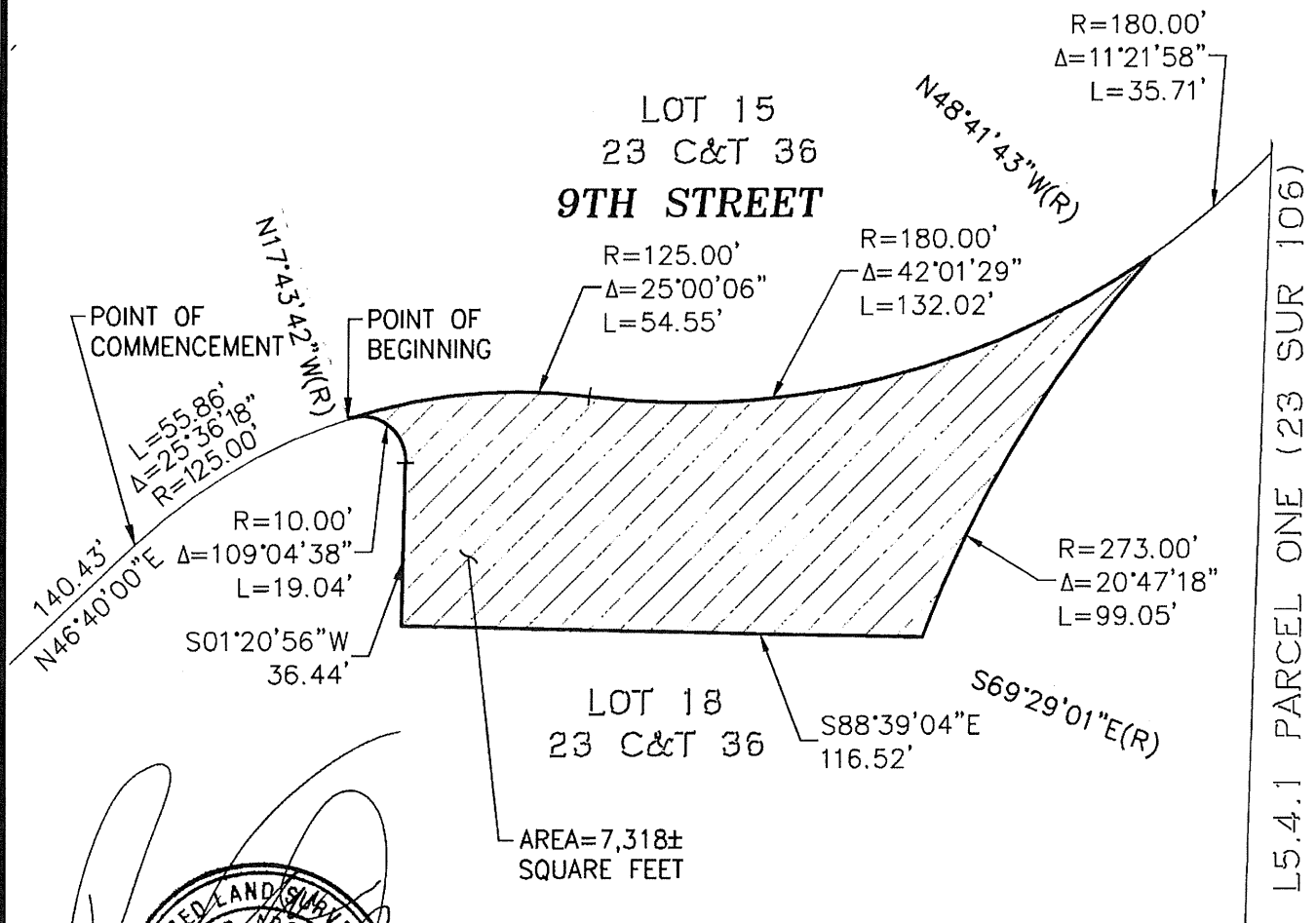


EXHIBIT 'B'
PLAT TO
ACCOMPANY
DESCRIPTION

9TH STREET DEDICATION PARCEL 1
CITY OF MARINA
COUNTY OF MONTEREY STATE OF CALIFORNIA



SCALE: 1" = 40'



WOOD RODGERS
 DEVELOPING • INNOVATIVE • DESIGN • SOLUTIONS

4670 Willow Road, Suite 125
 Pleasanton, CA 94588 Tel 925.847.1556

JANUARY 11, 2017 3089.001 SHEET 1 OF 1

EXHIBIT A
LEGAL DESCRIPTION
FOR 9TH STREET DEDICATION, PARCEL 4

ALL THAT REAL PROPERTY SITUATE IN THE CITY OF MARINA, COUNTY OF MONTEREY, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

BEING A PORTION OF THE REMAINDER PARCEL AS SAID PARCEL IS SHOWN ON SHEETS 6 AND 7 OF 7 SHEETS ON THAT CERTAIN MAP ENTITLED "PARCEL MAP", FILED NOVEMBER 1, 2012 IN VOLUME 23 OF PARCEL MAPS AT PAGE 27, OFFICIAL RECORDS OF MONTEREY COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERN CORNER OF SAID REMAINDER PARCEL, AT A POINT ON THE WESTERN RIGHT OF WAY LINE OF 2ND AVENUE (140.00 FEET IN WIDTH), AT THE EASTERN TERMINUS OF A COURSE WHICH BEARS NORTH 88° 20' 00" WEST, 543.86 FEET, AS SAID COURSE IS SHOWN ON SHEET 6 OF 7 SHEETS ON SAID PARCEL MAP;

THENCE LEAVING LAST NAMED LINE, ALONG THE SOUTHERN LINE OF SAID REMAINDER PARCEL ALSO BEING THE NORTHERN LINE OF PARCEL ONE AS SAID PARCEL IS SHOWN ON THAT CERTAIN MAP ENTITLED "RECORD OF SURVEY" FILED ON JUNE 30, 2000 IN VOLUME 23 OF SURVEY MAPS AT PAGE 106, OFFICIAL RECORDS OF MONTEREY COUNTY, NORTH 88° 20' 00" WEST, 598.03 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 1;

THENCE ALONG THE GENERAL WESTERN LINE OF SAID PARCEL ONE THE FOLLOWING THREE (3) COURSES:

1. SOUTH 01° 40' 00" WEST, 65.00 FEET;
2. NORTH 88° 20' 00" WEST, 35.00 FEET;
3. SOUTH 01° 40' 00" WEST, 36.90 FEET TO THE NORTHERN LINE OF LOT 18 AS SAID LOT IS SHOWN ON THAT CERTAIN MAP ENTITLED "TRACT MAP" FILED ON AUGUST 25, 2006 IN VOLUME 23 OF MAPS AT PAGE 36, OFFICIAL RECORDS OF MONTEREY COUNTY;

THENCE ALONG THE NORTHERN LINE OF SAID LOT 18 AS SAID LOT IS SHOWN SAID PARCEL, THE FOLLOWING FOUR (4) COURSES:

1. ALONG THE ARC OF A NON TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 180.00 FEET FROM A RADIAL WHICH BEARS SOUTH 46° 07' 03" EAST, THROUGH A CENTRAL ANGLE OF 53° 23' 27", AN ARC DISTANCE OF 167.73 FEET;
2. A REVERSE CURVE HAVING A RADIUS OF 125 FEET, THROUGH A CENTRAL ANGLE OF 50° 36' 24", AN ARC DISTANCE OF 110.41 FEET;
3. SOUTH 46° 40' 00" WEST, 140.43 FEET;
4. THENCE ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 568.00 FEET, THROUGH A CENTRAL ANGLE OF 00° 43' 52", AN ARC DISTANCE OF 7.25 FEET;

THENCE LEAVING THE LAST MENTIONED NORTHERN LINE, NORTH 43° 20' 01" WEST, 14.56 FEET;

THENCE ALONG THE ARC OF A NON TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 554.00 FEET FROM A RADIAL WHICH BEARS SOUTH 42° 38' 30" EAST, THROUGH A CENTRAL ANGLE OF 15° 16' 51", AN ARC DISTANCE OF 147.75 FEET TO THE SOUTHERN LINE OF SAID REMAINDER PARCEL;

THENCE ALONG THE LAST MENTIONED LINE, NORTH 88° 20' 00" WEST, 535.04;

THENCE ALONG THE ARC OF A NON TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 662.00 FEET FROM A RADIAL WHICH BEARS SOUTH 62° 56' 43" EAST, THROUGH A CENTRAL ANGLE OF 05° 26' 29", AN ARC DISTANCE OF 62.87 FEET;

THENCE ALONG THE ARC OF A NON TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 50.00 FEET FROM A RADIAL WHICH BEARS SOUTH 28° 11' 30" WEST, THROUGH A CENTRAL ANGLE OF 26° 30' 06", AN ARC DISTANCE OF 23.13 FEET;

THENCE NORTH 88° 18' 35" WEST, 59.69 FEET TO THE WESTERNMOST CORNER OF THE AFOREMENTIONED REMAINDER PARCEL;

THENCE NORTHERLY ALONG THE WESTERN LINE OF SAID REMAINDER PARCEL, NORTH 01° 39' 00" EAST, 39.18 FEET;

THENCE ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 735.00 FEET, THROUGH A CENTRAL ANGLE OF 01° 42' 36", AN ARC DISTANCE OF 21.94 FEET;

THENCE EASTERLY ALONG THE SOUTHERN LINE OF LOTS 33 AND 27 AS SAID LOTS ARE SHOWN ON SAID , SOUTH 88° 20' 00" EAST, 339.37 FEET TO THE SOUTHEASTERN CORNER OF SAID LOT 27 AS SAID LOT IS SHOWN ON SAID PARCEL MAP;

THENCE ALONG THE EASTERN LINE OF SAID LOT 27, NORTH 01° 22' 56" EAST, 7.00 FEET;

THENCE SOUTH 88° 20' 00" EAST, 32.79 FEET;

THENCE ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 469.00 FEET, THROUGH A CENTRAL ANGLE OF 45° 00' 01", AN ARC DISTANCE OF 368.35 FEET;

THENCE NORTH 46° 39' 59" EAST, 51.24 FEET;

THENCE ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 44° 03' 56", AN ARC DISTANCE OF 19.23 FEET;

THENCE NORTH 46° 39' 59" EAST, 62.13 FEET;

THENCE NORTH 43° 20' 00" WEST, 7.00 FEET;

THENCE NORTH 46° 39' 59" EAST, 106.91 FEET;

THENCE ALONG THE ARC OF A NON TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 228.00 FEET FROM A RADIAL WHICH BEARS SOUTH 65° 35' 56" EAST, THROUGH A CENTRAL ANGLE OF 08° 19' 59", AN ARC DISTANCE OF 33.16 FEET;

THENCE ALONG THE ARC OF A COMPOUND CURVE HAVING A RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF 43° 59' 25", AN ARC DISTANCE OF 15.36 FEET;

THENCE ALONG THE ARC OF A NON TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 120.00 FEET, FROM A RADIAL WHICH BEARS NORTH 65° 39' 09" WEST, THROUGH A CENTRAL ANGLE OF 15° 25' 02", AN ARC DISTANCE OF 32.29 FEET;

THENCE NORTH 01° 40' 00" EAST, 53.36 FEET;

THENCE SOUTH 88° 20' 00" EAST, 30.75 FEET;

THENCE NORTH 01° 40' 00" EAST, 27.70 FEET;

THENCE SOUTH 88° 20' 00" EAST, 129.15 FEET;

THENCE SOUTH 01° 40' 00" WEST, 52.70 FEET;

THENCE SOUTH 88° 20' 00" EAST, 701.81 TO THE NORTHEAST CORNER OF SAID REMAINDER PARCEL;

THENCE SOUTH 01° 40' 00" WEST, 45.05 FEET TO THE POINT OF BEGINNING.

AND CONTAINING AN AREA OF 135,857 SQUARE FEET OF LAND MORE OR LESS.

A PLAT OF THE ABOVE REFERENCED PARCEL OF LAND IS ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

THIS REAL PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT.

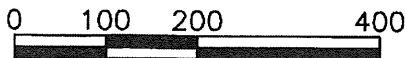
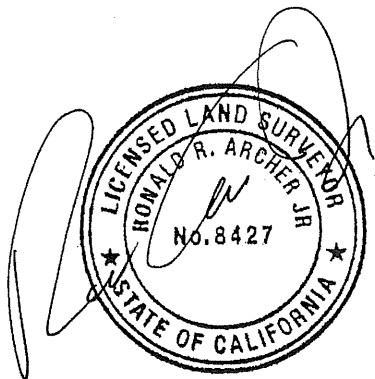
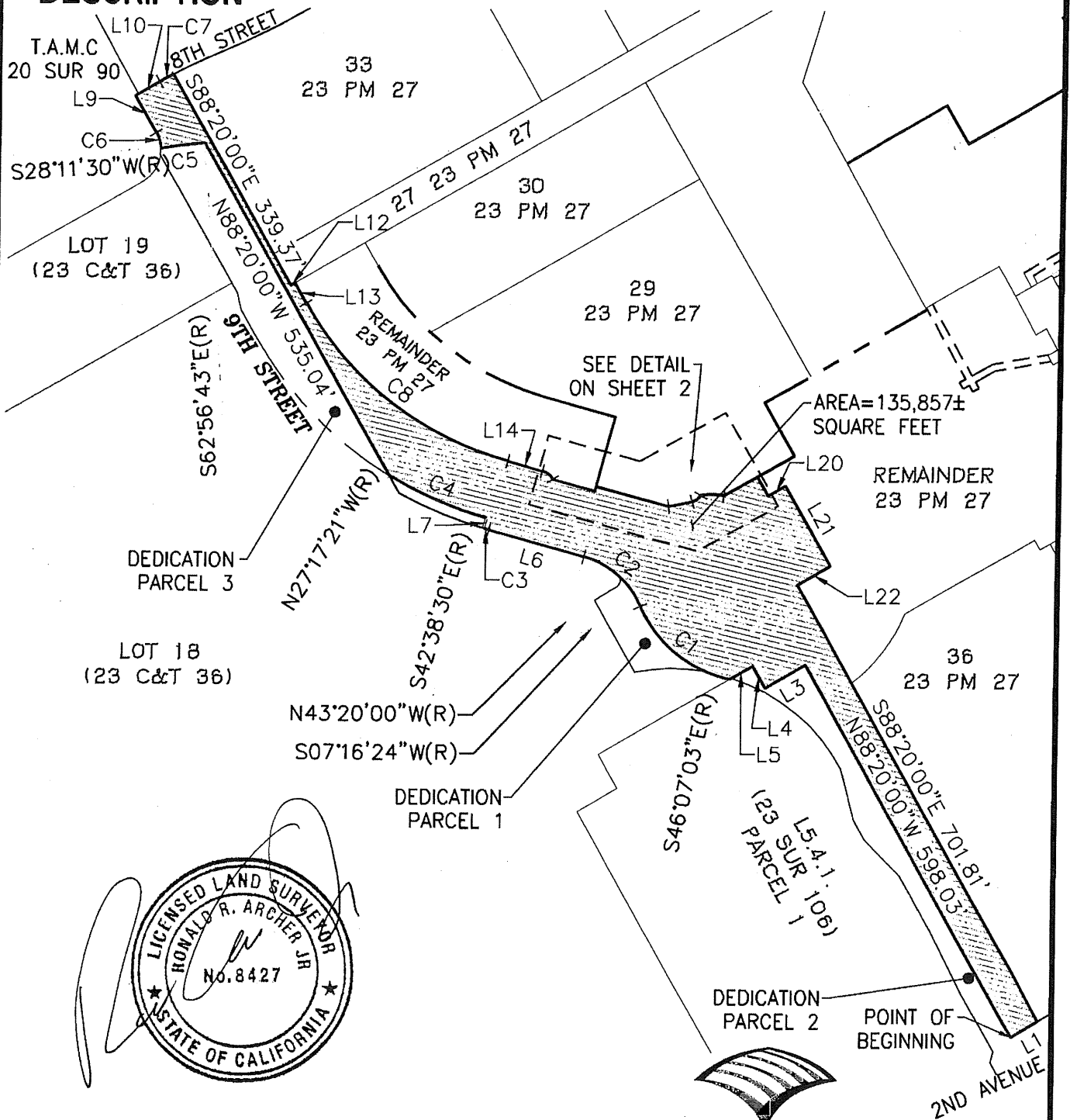
SIGNATURE: _____

RON ARCHER, JR. / PLS 8427

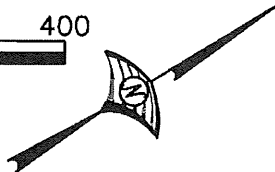


EXHIBIT 'B'
PLAT TO
ACCOMPANY
DESCRIPTION

9TH STREET DEDICATION PARCEL 4
CITY OF MARINA
COUNTY OF MONTEREY STATE OF CALIFORNIA



SCALE: 1" = 200'



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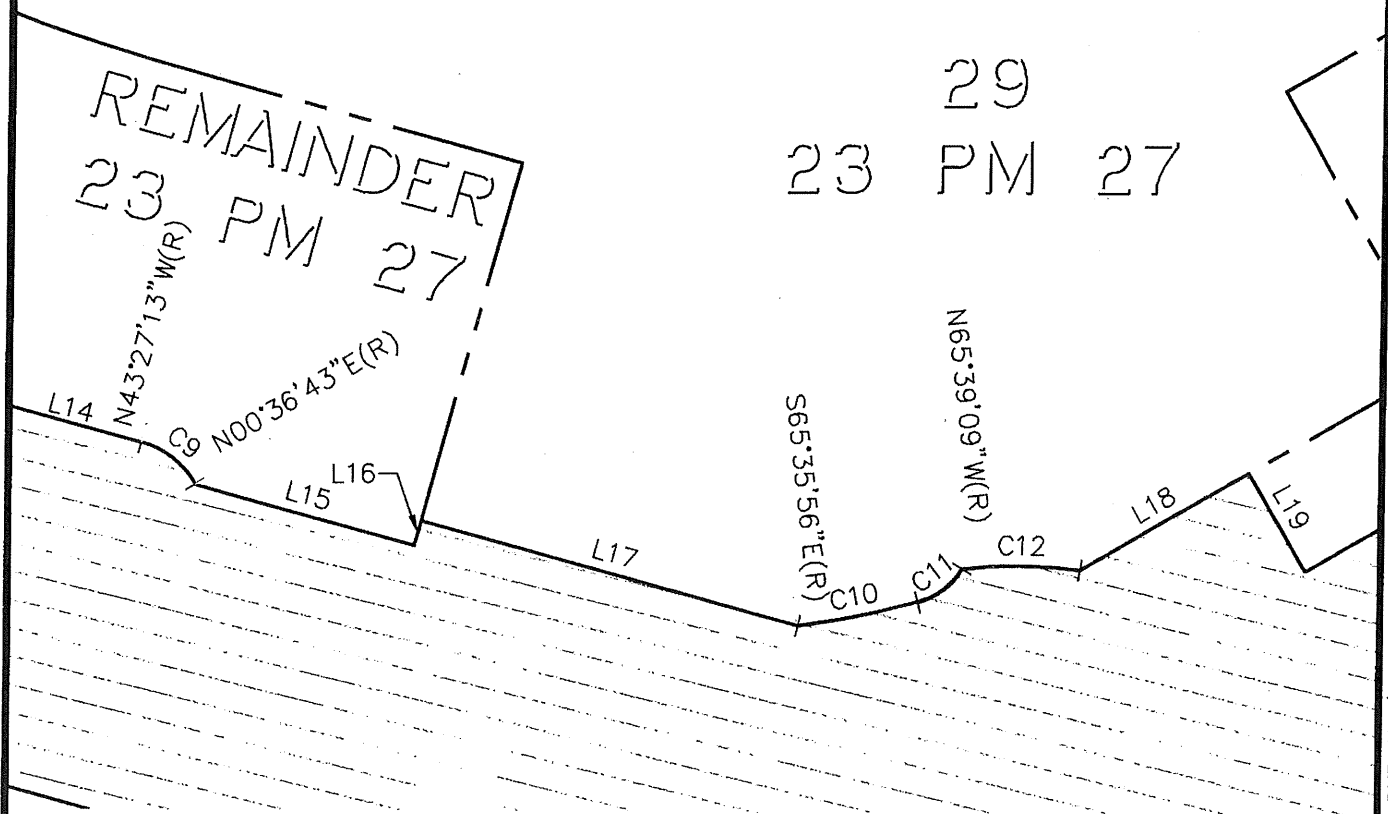
4670 Willow Road, Suite 125
 Pleasanton, CA 94588 Tel 925.847.1556

EXHIBIT 'B'
PLAT TO
ACCOMPANY
DESCRIPTION

9TH STREET DEDICATION PARCEL 4
CITY OF MARINA
COUNTY OF MONTEREY STATE OF CALIFORNIA

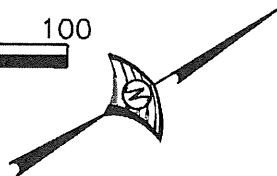
REMAINDER
 23 PM 27

29
 23 PM 27



0 25 50 100

SCALE: 1" = 50'



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JANUARY 11, 2017 3089.001 SHEET 2 OF 3

EXHIBIT 'B'
PLAT TO
ACCOMPANY
DESCRIPTION

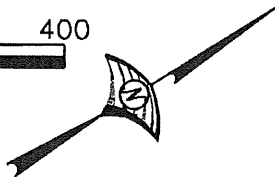
9TH STREET DEDICATION PARCEL 4
CITY OF MARINA
COUNTY OF MONTEREY STATE OF CALIFORNIA

LINE TABLE		
NO.	BEARING	LENGTH
L1	S1°40'00"W	45.05'
L3	S1°40'00"W	65.00'
L4	N88°20'00"W	35.00'
L5	S1°40'00"W	36.90'
L6	S46°40'00"W	140.43'
L7	N43°20'01"W	14.56'
L9	N88°18'35"W	59.69'
L10	N1°39'00"E	39.18'
L12	N1°22'56"E	7.00'
L13	S88°20'00"E	32.79'
L14	N46°39'59"E	51.24'
L15	N46°39'59"E	62.13'
L16	N43°20'00"W	7.00'
L17	N46°39'59"E	106.91'
L18	N1°40'00"E	53.36'
L19	S88°20'00"E	30.75'
L20	N1°40'00"E	27.70'
L21	S88°20'00"E	129.15'
L22	S1°40'00"W	52.70'

CURVE TABLE			
NO.	RADIUS	DELTA	LENGTH
C1	180.00'	53°23'27"	167.73'
C2	125.00'	50°36'24"	110.41'
C3	568.00'	0°43'52"	7.25'
C4	554.00'	15°16'51"	147.75'
C5	662.00'	5°26'29"	62.87'
C6	50.00'	26°30'06"	23.13'
C7	735.00'	1°42'36"	21.94'
C8	469.00'	45°00'01"	368.35'
C9	25.00'	44°03'56"	19.23'
C10	228.00'	8°19'59"	33.16'
C11	20.00'	43°59'25"	15.36'
C12	120.00'	15°25'02"	32.29'

0 100 200 400

SCALE: 1" = 200'



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JANUARY 11, 2017 3089.001 SHEET 3 OF 3

EXHIBIT C



July 5, 2017

Brian McMinn
Public Works Director/City Engineer
211 Hillcrest Avenue
City of Marina
Marina, CA 93933

Subject: 9th Street Roundabout Improvements

Mr. McMinn:

Marina Community Partners, and Shea Homes, as its managing member and construction manager for the improvements within the 9th street roundabout, recognize that the landscaping improvements to be installed as of the date of this letter are interim in nature. Final improvements are to be provided when the linear park system and final roundabout improvements are designed, approved and installed in accordance with the adopted Specific Plan. It is further understood that the roundabout landscaping will not be formally accepted by the City until there is an approved final landscape design and installation of that design is complete.

Sincerely,

A handwritten signature in blue ink, appearing to read "Doug Yount".

Doug Yount
Project Director
The Dunes on Monterey Bay

cc: Don Hofer
Rick Krausher
Victor Davi

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of December 5, 2017

RECOMMENDATION TO CONSIDER ADOPTING RESOLUTION NO. 2017-, ACCEPTING THE OFFER OF DEDICATION OF RIGHT-OF-WAY ON 9TH STREET FROM MARINA COMMUNITY PARTNERS, LLC, AND; DESIGNATE CITY PROPERTY AS RIGHT OF WAY OF 9TH STREET, AND; AUTHORIZE THE CITY CLERK TO RECORD THE DEDICATION WITH THE MONTEREY COUNTY RECORDER'S OFFICE

RECOMMENDATION:

It is recommended that the City Council:

1. Consider accepting the offer of dedication of right-of-way on 9th Street from Marina Community Partners, LLC, and;
2. Designate City Property as right-of-way of 9th Street, and;
3. Authorize the City Clerk to record the dedication with the Monterey County Recorder's Office.

BACKGROUND:

At the regularly scheduled meeting of May 31, 2005, the City Council adopted Resolution No. 2005-127, certifying the Final Environmental Impact Report for the University Village Development Project (now the Dunes on Monterey Bay).

At the regularly scheduled meeting of May 31, 2005, the City Council adopted Resolution No. 2005-128, approving the General Plan Amendments, Resolution No. 2005-130, for the Specific Plan, Resolution No. 2005-131, for the Tentative Map and Resolution No. 2005-132, Design Review for the regional retail, the Village Promenade and all residential phases for the former University Village Development Project (now the Dunes on Monterey Bay).

At the regularly scheduled meeting of May 31, 2005, the City Council adopted Ordinance No. 2005-07, approving the Zoning Ordinance amendments and Ordinance No. 2005-08, approving the Final Development Agreement.

At the regularly scheduled meeting of September 18, 2012, the City Council adopted Resolution No. 2012-140, approving the Phase 1B Final Map for The Dunes Development Project Subdivision. The Map was recorded on November 1, 2012 in volume 23 of Parcel Maps, page 27.

ANALYSIS:

The Tentative Map approved by Council on May 31, 2005 and amended in 2008 identified a new transit corridor along the southern limits of Phase 1B. Staff received the improvements plans for the corridor, also known as 9th Street in Phase 1B in June of 2014. Staff reviewed the plans in conformance with the Tentative Map and recorded Final Map. The plans were approved with a Grading Permit issued on February 9, 2016.

On March 24, 2017, the City found the 9th Street improvements to be substantially completed and provided a Letter of Maintenance Relief to Marina Community Partners (MCP). The letter stated that full acceptance of the roadway was contingent on final dedication of right-of-way from MCP as well as designation of right-of-way from the City. The areas of dedication by MCP and right-of-way designation by the City can be seen in (**“Exhibit A”**).

MCP has provided exhibits for recordation for the right-of-way dedication (**“Exhibit B”**). Staff has found the dedication to be in conformance with the approved Tentative Map and recorded Final Map. These exhibits also identify the areas of City property to be designated as right-of-way for 9th Street.

FISCAL IMPACT:

Should the City Council approve this request, the City would maintain all right-of-way improvements within the dedication area except for landscaping within the roundabout per the letter from MCP of July 5, 2017 (**“Exhibit C”**).

CONCLUSION:

This request is submitted for City Council consideration and possible action.

Respectfully submitted,

Edrie Delos Santos, P.E.
Senior Engineer, Engineering Division
Public Works Department
City of Marina

REVIEWED/CONCUR:

Brian McMinn, P.E., P.L.S.
Public Works Director/City Engineer
City of Marina

Layne P. Long
City Manager
City of Marina