

RESOLUTION NO. 2018-32

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
APPROVING THE IRREVOCABLE OFFER OF DEDICATION FOR THE
RELINQUISHMENT OF ABUTTER'S RIGHTS OF ACCESS, AND
AUTHORIZING THE CITY MANAGER TO EXECUTE THE FINAL MAP ON
BEHALF OF CITY SUBJECT TO FINAL REVIEW AND APPROVAL BY
THE CITY ATTORNEY

WHEREAS, at the regular meeting of May 31, 2005, City Council adopted Resolution No. 2005-127, certifying the Environmental Impact Report for the University Village Development Project, Resolution No. 2005-130, approving the University Village Specific Plan, Resolution No. 2005-131, approving the University Village Tentative Map and Resolution No. 2005-132, approving Sign Program for Regional Retail, Village promenade, Site Plans, Landscaping Plans, Lighting Plans and Building Elevations for Residential Units, and;

WHEREAS, at the regular meeting of October 21, 2008, the City Council adopted Resolution No. 2008-209, certifying an addendum to the Environmental Impact Report EIR SCH No. 2004091167, approving an amended tentative map and conditions of approval, revised site plan for the Dunes Phase 1B and revised Project and Tenant Sign Criteria, subject to conditions, and;

WHEREAS, at the regular meeting of February 3, 2015, the City Council adopted Resolution No. 2015-11, approving amendment to the University Village (now The Dunes on Monterey Bay) Tentative Subdivision Map (Resolution No. 2008-209) Conditions of Approval No. 3 and No. 20 to: (1) provide for the establishment of a Community Facilities District in lieu of a Landscape and Lighting District; (2) provide for the establishment of that Community Facilities District prior to the City's acceptance of any infrastructure, improvements, or easements to be maintained by the Community Facilities District; and (3) provide that any Subdivision Improvement Agreement between the City and Marina Community Partners or any transferee conform or be conformed to the Conditions of Approval as amended, and;

WHEREAS, at the regular meeting of February 18, 2015, the City Council adopted Resolution No. 2015-21, approving the Phase 1C Final Map for The Dunes on Monterey Bay Development Project Subdivision. This final map is considered the 1st Phase of residential development for Phase 1C, and;

WHEREAS, at the regular meeting of November 3, 2015, the City Council adopted Resolution No. 2015-129, approving the Phase 2 Final Map of Phase 1C for The Dunes on Monterey Bay Development Project Subdivision. This final map is considered the 2nd of 3 Phases for the residential development of Phase 1C, and;

WHEREAS, Shea Homes has discovered that the Phase 1 and Phase 2 Final Maps for Phase 1C Residential were recorded with a technical error that omitted some of the hatch patterns on the map that represented the relinquishment of abutter's access rights, and;

WHEREAS, per Condition 31 of the latest amended Tentative Map Conditions of Approval, the Final Map shall show an abandonment of abutter's vehicular access rights on all lots that have two street (or one street and one alley) frontages and where vehicle access from the public street is undesirable since the design is for vehicle access from the alley, and;

WHEREAS, Shea Homes has provided an exhibit for recordation that would correct the omission of relinquishment for the appropriate lots. Staff has reviewed the exhibit and finds the correction to be in compliance with the requirements of the Tentative Map conditions of approval, and;

WHEREAS, there is no fiscal impact to accepting the irrevocable offer of dedication. Should the City Council approve this request, the Developer will record the irrevocable offer of dedication with the Monterey County Recorder's office.

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

1. approve the Irrevocable Offer of Dedication for the Relinquishment of Abutter's Rights of Access ("Exhibit A"), and;
2. Authorize the City Manager to execute the dedication on behalf of City subject to final review and approval by the City Attorney.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting held on the 17th day of April 2018, 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

EXHIBIT A TO STAFF REPORT

RECORDING REQUESTED BY

CITY OF MARINA

AND WHEN RECORDED MAIL TO

CITY CLERK
CITY OF MARINA
211 HILLCREST
MARINA, CA

SPACE ABOVE THIS LINE FOR RECORDER'S USE

DOCUMENT TRANSFER TAX None

Signature of declarant or agent determining tax - Firm name

IRREVOCABLE OFFER TO DEDICATE (Abutter's Access Rights)

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Shea Homes Limited Partnership, a California limited partnership ("Grantor"), does hereby make an irrevocable offer of dedication, as specified below and with reference to the following facts:

- A. Grantor previously relinquished any and all rights of ingress and egress to vehicular traffic ("abutter's rights of access") across lines on certain lots owned by Grantor, as effected and delineated in; (1) Grantor's subdivision map entitled "Final Map of Phase 1C, The Dunes on Monterey Bay — First Phase" filed in the records of Monterey County, California, on March 3, 2015, in Volume 24 of Cities and Towns at page 40; and (2) Grantor's subdivision map entitled "Final Map of Phase 1C, The Dunes on Monterey Bay — Second Phase" filed in the records of Monterey County, California, on November 13, 2015, in Volume 24 of Cities and Towns at page 44.
- B. The City of Marina desires that Grantor relinquish abutter's rights of access for certain additional lots owned by Grantor.

BY THIS INSTRUMENT, GRANTOR IRREVOCABLY OFFERS FOR DEDICATION to the City of Marina, a municipal corporation of the State of California ("Grantee"), the relinquishment of abutter's rights of access along Light House Lane, Boardwalk Avenue, Shorebirds Place, 3rd Avenue, and 10th Street, as follows:

THE EAST LINE OF LOTS 118 THROUGH 126, 183 AND 184
THE WEST LINE OF LOTS 171, 172, 180, 181, 182
THE NORTH LINE OF LOTS 126, 170, 182, 183
THE SOUTH LINE OF LOT 118

AS SAID LINES AND LOTS ARE SHOWN ON THAT CERTAIN FINAL MAP ENTITLED "PHASE 1C, THE DUNES ON MONTEREY BAY – SECOND PHASE", FILED ON NOVEMBER

SHHO\52771\1380700.2 661\05\2124543.1

13, 2015 IN VOLUME 24 OF CITIES AND TOWNS AT PAGE 44, OFFICIAL RECORDS OF MONTEREY COUNTY; AND

THE WEST LINE OF LOTS 50, 51, 52, 66 AND 67
THE NORTH LINE OF LOT 34, 52 AND 67
THE SOUTH LINE OF LOT 60

AS SAID LINES AND LOTS ARE SHOWN ON THAT CERTAIN FINAL MAP ENTITLED "PHASE 1C, THE DUNES ON MONTEREY BAY – FIRST PHASE", FILED ON MARCH 3, 2015 IN VOLUME 24 OF CITIES AND TOWNS AT PAGE 40, OFFICIAL RECORDS OF MONTEREY COUNTY.

as depicted in the First Phase and Second Phase Maps, with respect to the following, certain real property situated in the City of Marina, County of Monterey, State of California: (1) Lots 50, 52, 53, 60, 66, 67 and Parcels D and E, as more particularly described on the First Phase Map, and as shown in **Exhibit A** to this Irrevocable Offer to Dedicate; and (2) Lots 118, 119, 120, 121, 122, 123, 124, 125, 126, 171, 172, 182, 183, and 184 and Parcel H, as more particularly described on the Second Phase Map, and as shown in **Exhibit B** to this Irrevocable Offer to Dedicate.

This offer of a dedication of waiver of direct vehicular access rights 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. This offer of dedication be recorded pursuant to Government Code sections 7050 and 66476 and other applicable law.

IN WITNESS WHEREOF, Grantor, SHEA HOMES LIMITED PARTNERSHIP, a California limited partnership, has caused these presents to be executed this ____ day of January, 2018.

GRANTOR:

SHEA HOMES LIMITED PARTNERSHIP,
a California limited partnership

By: _____
Name: Don Hofer
Its: Authorized Agent

By: _____
Name: Layne Marceau
Its: Authorized Agent

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 _____

CITY OF MARINA CERTIFICATE OF ACCEPTANCE:

This is to certify that the interest in abutter's access rights relinquished by the Irrevocable Offer of Dedication dated _____, 20____, from SHEA HOMES LIMITED PARTNERSHIP, a California limited partnership, to the CITY OF MARINA, a municipal corporation, is accepted by the undersigned on behalf of the City Council pursuant to authority conferred by Resolution No. _____ of the City Council, adopted on _____, _____ and the grantee consents to recordation thereof.

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.

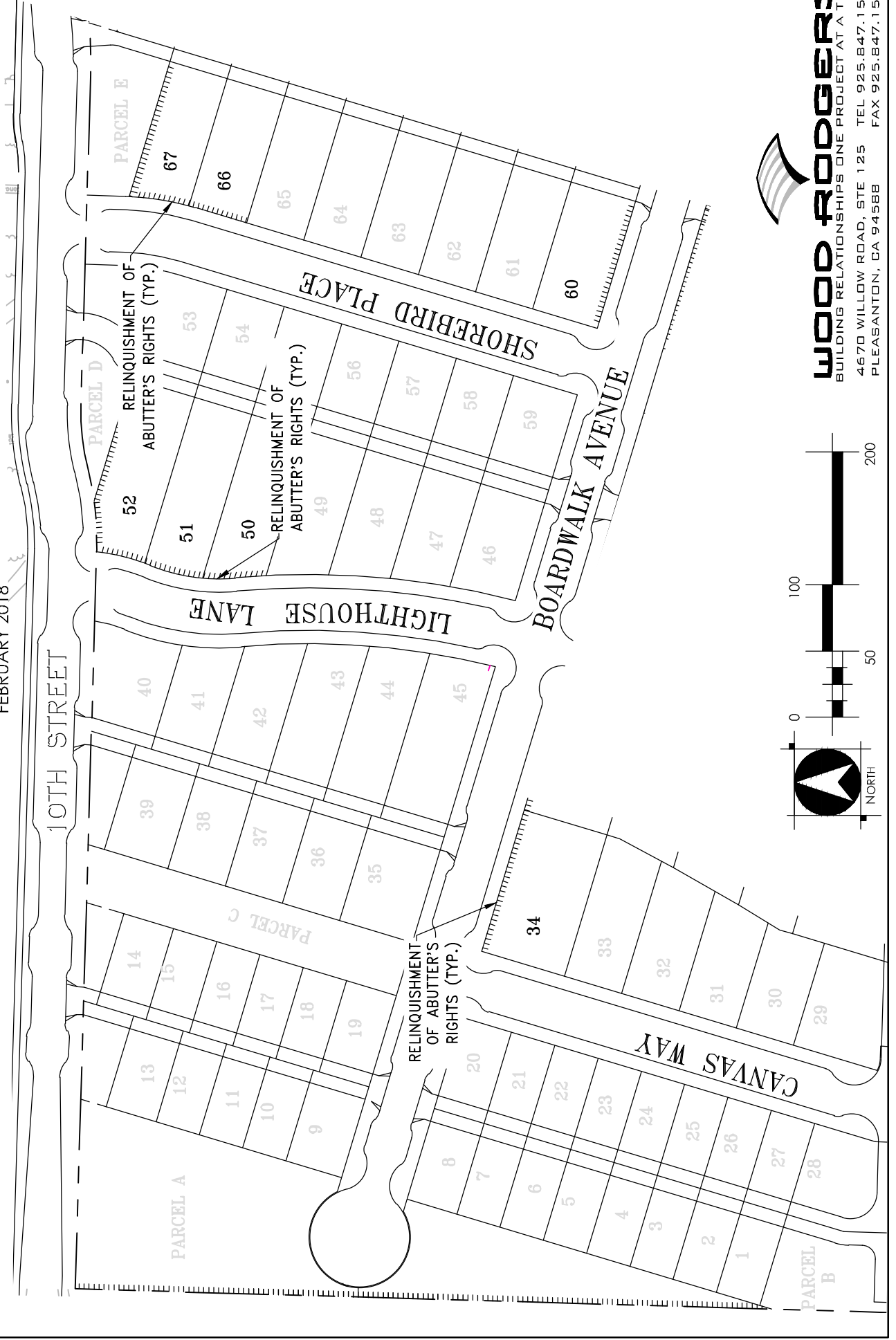
WITNESS my hand and official seal.

Signature _____

EXHIBIT A - RELINQUISHMENT OF ABUTTER'S RIGHTS

THE DUNES ON MONTEREY BAY - PHASE 1C

CITY OF MARINA, CALIFORNIA
FEBRUARY 2018

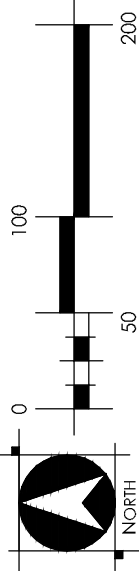
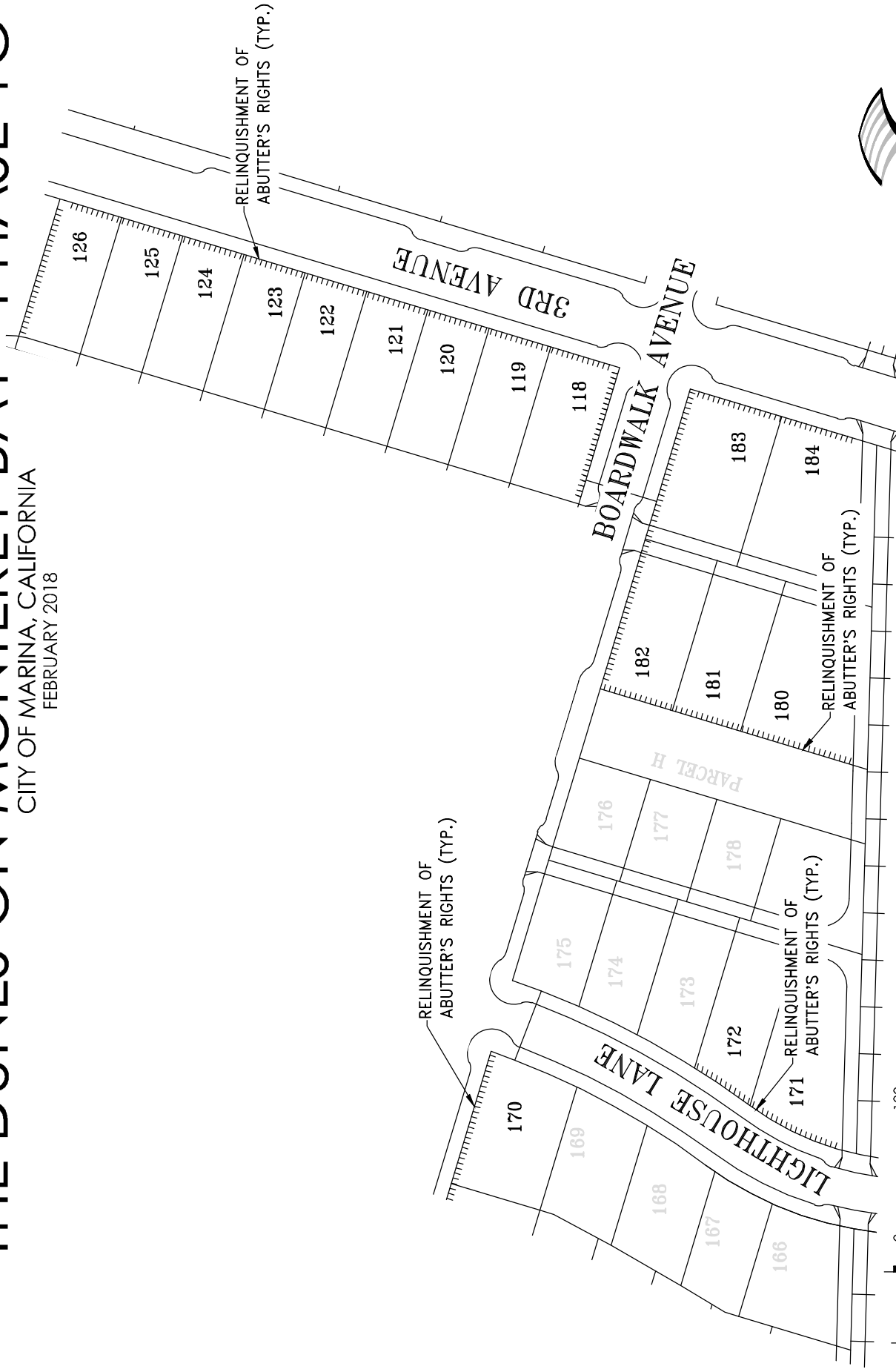


WOOD RODGERS
BUILDING RELATIONSHIPS ONE PROJECT AT A TIME
4670 WILLOW ROAD, STE 125 TEL 925.847.1556
PLEASANTON, CA 94588 FAX 925.847.1557

EXHIBIT B - RELINQUISHMENT OF ABUTTER'S RIGHTS

THE DUNES ON MONTEREY BAY - PHASE 1C

CITY OF MARINA, CALIFORNIA
FEBRUARY 2018



WOOD RODGERS
BUILDING RELATIONSHIPS ONE PROJECT AT A TIME
4670 WILLOW ROAD, STE 125 TEL 925.847.1556
PLEASANTON, CA 94588 FAX 925.847.1557

April 10, 2018

Item No. **8f(5)**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of April 17, 2018

RECOMMENDATION TO CONSIDER ADOPTING RESOLUTION NO. 2018-, APPROVING THE IRREVOCABLE OFFER OF DEDICATION FOR THE RELINQUISHMENT OF ABUTTER'S RIGHTS OF ACCESS, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE FINAL MAP ON BEHALF OF CITY SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY

RECOMMENDATION:

It is recommended that the City Council:

1. Consider adopting Resolution No. 2018-, approving the Irrevocable Offer of Dedication for the Relinquishment of Abutter's Rights of Access and;
2. Authorizing the City Manager to execute the dedication on behalf of City subject to final review and approval by the City Attorney.

BACKGROUND:

At the regular meeting of May 31, 2005, City Council adopted Resolution No. 2005-127, certifying the Environmental Impact Report for the University Village Development Project, Resolution No. 2005-130, approving the University Village Specific Plan, Resolution No. 2005-131, approving the University Village Tentative Map and Resolution No. 2005-132, approving Sign Program for Regional Retail, Village promenade, Site Plans, Landscaping Plans, Lighting Plans and Building Elevations for Residential Units.

At the regular meeting of October 21, 2008, the City Council adopted Resolution No. 2008-209, certifying an addendum to the Environmental Impact Report EIR SCH No. 2004091167, approving an amended tentative map and conditions of approval, revised site plan for the Dunes Phase 1B and revised Project and Tenant Sign Criteria, subject to conditions.

At the regular meeting of February 3, 2015, the City Council adopted Resolution No. 2015-11, approving amendment to the University Village (now The Dunes on Monterey Bay) Tentative Subdivision Map (Resolution No. 2008-209) Conditions of Approval No. 3 and No. 20 to: (1) provide for the establishment of a Community Facilities District in lieu of a Landscape and Lighting District; (2) provide for the establishment of that Community Facilities District prior to the City's acceptance of any infrastructure, improvements, or easements to be maintained by the Community Facilities District; and (3) provide that any Subdivision Improvement Agreement between the City and Marina Community Partners or any transferee conform or be conformed to the Conditions of Approval as amended.

At the regular meeting of February 18, 2015, the City Council adopted Resolution No. 2015-21, approving the Phase 1C Final Map for The Dunes on Monterey Bay Development Project Subdivision. This final map is considered the 1st Phase of residential development for Phase 1C.

At the regular meeting of November 3, 2015, the City Council adopted Resolution No. 2015-129, approving the Phase 2 Final Map of Phase 1C for The Dunes on Monterey Bay Development Project Subdivision. This final map is considered the 2nd of 3 Phases for the residential development of Phase 1C.

ANALYSIS:

Shea Homes has discovered that the Phase 1 and Phase 2 Final Maps for Phase 1C Residential were recorded with a technical error that omitted some of the shading on the map that represented the relinquishment of abutter's access rights.

Per Condition 31 of the latest amended Tentative Map Conditions of Approval, the Final Map shall show an abandonment of abutter's vehicular access rights on all lots that have two street (or one street and one alley) frontages and where vehicle access from the public street is undesirable since the design is for vehicle access from the alley.

Shea Homes has provided an exhibit for recordation that would correct the omission of relinquishment for the appropriate lots. Staff has reviewed the exhibit and finds the correction to be in compliance with the requirements of the Tentative Map conditions of approval ("EXHIBIT A").

FISCAL IMPACT:

There is no fiscal impact to accepting the irrevocable offer of dedication. Should the City Council approve this request, the Developer will record the irrevocable offer of dedication with the Monterey County Recorder's office.

CONCLUSION:

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

Respectfully submitted,

Edrie Delos Santos, P.E.
Senior Engineer
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