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## Staff Report

Item # 4E

**To: Lemoore City Council**  
**From: Holly Smyth, Planning Director**  
**Date: November 28, 2011**  
**Subject: Irrevocable Offer of Dedication in Fee Interest and Irrevocable Offer of Dedication by Central Union, Island Union, Lemoore Union Elementary, and Lemoore Union High School Districts along Iona Avenue in front of the School Bus Yard (aka CNG project site)**

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### **Discussion:**

On July 12, 2011, staff approved Administrative Site Plan Review #2010-05 for a fast and slow fill compressed natural gas fueling station at the current joint school bus yard site at 857 Iona Avenue. As part of the approval, Condition #3 required the applicant to dedicate up to 3.5' of right-of-way to accommodate the future build out of the street. In reviewing the area further, only 2' of additional right-of-way, so that a full 42' right of way will exist from the street centerline, was needed. Additionally, the condition required a 10' public utility easement behind the new right-of-way also be recorded.

California Government Code Section 7050 states that "with the consent of the City, an irrevocable offer of dedication of real property for any public purpose may be made pursuant to this section. Such offer of dedication shall be executed, acknowledged, and recorded in the same manner as a conveyance of real property. Such offer of dedication, when recorded in the office of the county recorder, shall be irrevocable and may be accepted at any time by the City Council".

Because street widening in the area is not needed in the near term, staff recommends that Council "acknowledge" and record the attached offers instead of "accepting" and recording them. The attached two documents have been reviewed and approved by the Planning Department and the City Engineering and are deemed acceptable per Condition #3 and have been fully executed by the school district parties.

### **Budget Impact:**

None.

### **Recommendation:**

Council should "acknowledge" the attached two Irrevocable Offers as prepared to accommodate the full 42' right-of-way from the street centerline and 10' public utility easement for recordation with the Kings County Recorder with certificates of acknowledgement

*"In God We Trust"<sub>sm</sub>*