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**Planning
Department**
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Staff Report

Item # 4G

To: Lemoore City Council
**From: Holly Smyth, Planning Director,
Gloria Hobbs, Assistant Planner**
Date: June 13, 2011
**Subject: Irrevocable Offer of Right-of-Way Dedication and Grant of Easement
by Bangar Properties, LLC, A California Limited Liability Company for
land at the intersection of Lemoore Avenue and 'D' Street (aka
Popeye's)**

Discussion:

On December 2, 2009, the Lemoore Planning Director approved Administrative Site Plan Review No. 2009-09 to convert the 2,400 sq. ft. existing building to a 1,968 sq. ft. restaurant with drive-thru at 310 N. Lemoore Avenue, the northeast corner of Lemoore Avenue and 'D' Street. As part of the approval, Condition #3 required the applicant to dedicate right-of-way along Lemoore Avenue and "D" Street so that a full 42' right of way will exist from each street centerline. Additionally, the condition required a public utility easement behind both rights-of-way.

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".

The attached two documents have been reviewed and approved by the Planning Department and the City Engineer and are deemed acceptable per Condition #3.

Budget Impact:

None.

Recommendation:

Council should accept the Irrevocable Offer of Right-of-Way Dedication and Grant of Easement documents provided to the City to accommodate the full 42' right-of-way from each street centerline and public utility easements for recordation with the Kings County Recorder with certificates of acceptance.