

**Mayor**  
Willard Rodarmel  
**Mayor Pro Tem**  
John Plourde  
**Council Members**  
John Gordon  
John Murray  
William Siegel



**Planning  
Department**  
711 Cinnamon Drive  
Lemoore, CA 93245  
Phone (559) 924-6740  
FAX (559) 924-6708

## Staff Report

Item # 31

**To: Lemoore City Council**  
**From: Holly Smyth, Planning Director,**  
**Date: July 26, 2012**  
**Subject: Acceptance and Re-recording of Irrevocable Offer of Dedication of land along 19<sup>th</sup> Avenue for Inclusion into Public Facilities Maintenance District No. 1, Zone 1 of Tract 817-1 – The Landing**

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### **Discussion:**

On September 28, 2005 an Irrevocable Offer of Dedication was recorded along with the Final Subdivision Map for Tract 817, Phase 1 of The Landing. At the time of recordation, the City had not yet formed any of the Public Facility Maintenance Districts (PFMD), so the City decided to not immediately “accept” the strips of property on the exterior of the subdivision until the future Lighting & Landscape Maintenance district was formed. The City was recently notified by the County Recorder’s office that some of these frontage areas had never been accepted by the City when the PFMD District No. 1, Zone 1 was formed June 2006, and therefore the original developer is still shown as the owner and had been billed taxes for the area since 2005 when the areas should have been part of the PFMD owned by the City of Lemoore which is exempt from property taxes all along. However, since the improvements were made along 19<sup>th</sup> Avenue, the City crews have maintained the areas paid for by the property owners within the subdivision in accordance with a normal PFMD setup and were included in tabulating the expenses for maintaining the improvements.

In order to rectify the error and legally include these frontage areas within this subdivision’s PFMD and reverse the property taxes for the strip areas, the County stated that the City would have to:

- a) Get a new signature from Hugh Thorson, the President of the Landing Lemoore LLC
- b) Get a new notary for Mr. Thorson
- c) Attach a City’s acceptance with appropriate signatures and notary after the City Council accepts the area
- d) Re-record the original Irrevocable Offer of Dedication document with the above items

### **Budget Impact:**

None.

### **Recommendation:**

Council should accept the attached Irrevocable Offer of Dedication and direct staff to re-record the document along with the Acceptance which should have been in place back in 2005.

RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:

City of Lemoore  
711 Cinnamon Drive  
Lemoore, CA 93245

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SPACE ABOVE THIS LINE FOR RECORDERS USE ONLY

IRREVOCABLE OFFER OF DEDICATION

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TITLE OF DOCUMENT

This document is being rerecorded to add certificate of acceptance

"In God We Trust"

**CERTIFICATE OF ACCEPTANCE**

This is to certify that the IRREVOCABLE OFFER OF DEDICATION for landscape maintenance purposes of APN# 023-600-010 and APN# 023-600-011 and the landscape median area in the center of Atlantic Avenue due west of 19<sup>th</sup> Avenue (as shown and described in the attached Exhibit's A, B, and C) from The Landing Lemoore LLC to the City of Lemoore, a Municipal Corporation, is hereby accepted to be part of Public Facilities Maintenance District No. 1, Zone 1 by Order of the Lemoore City Council on August 7, 2012 and the Grantee consents to the recordation by its duly authorized officer.

DATED:

CITY OF LEMOORE

\_\_\_\_\_

\_\_\_\_\_  
JEFF BRILTZ  
City Manager

ATTEST:

\_\_\_\_\_  
Mary Jane French  
City Clerk

**PUBLIC AGENCY ACKNOWLEDGEMENT**

STATE OF CALIFORNIA    )  
COUNTY OF KINGS        ) ss.  
CITY OF LEMOORE         )

On \_\_\_\_\_ before me, Mary Jane French, City Clerk, personally appeared Jeff Briltz, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his 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.

\_\_\_\_\_  
Mary Jane French  
City Clerk



Titles: 01 Pages: 004  
 Fees: 0.00  
 Taxes: 0.00  
 PAID: \$0.00

Doc Nbr: 0531962  
 Doc Type: 42

Kings County Clerk Recorder 09/28/2005  
 Ken Baird 11:26:07  
**First American Title Company** e018

RECORDING REQUESTED BY:

AND WHEN RECORDED MAIL THIS DEED AND UNLESS OTHERWISE SHOWN BELOW, MAIL TAX STATEMENT TO:

CITY OF LEMOORE  
 119 FOX STREET  
 LEMOORE, CA 93245

SPACE ABOVE THE LINE FOR RECORDER'S USE

### Irrevocable Offer of Dedication

THE UNDERSIGNED GRANTOR(s) DECLARE(s):

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged  
 Grantor: THE LANDING, LLC, a California Limited Liability Company

Hereby offers to dedicate to the City of Lemoore, a Municipal Corporation, for inclusion into the Lighting & Landscape Maintenance District exclusively for the Landing-Tract 817-1, the real property in the City of Lemoore, County of Kings, State of California, described as follows:

See Exhibits "A-C" attached hereto

This offer to dedicate is irrevocable and shall be binding on the grantor, their heirs, assigns and successors of the grantor, and shall continue in effect until the governing board of the City of Lemoore accepts or rejects the offer.

9-29-05

STATE OF CALIFORNIA

COUNTY OF San Luis Obispo

On August 31, 2005, before me,

Rachael M. Osborne

a notary public for the State of California, personally appeared Terrence Paul Flatter, personally known to me (or 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.

Witness my hand and official seal.

Signature \_\_\_\_\_  
 Notary Public

For The Landing Lemoore LLC,

By Terrence Paul Flatter V.P.

By \_\_\_\_\_



Enclosure

**EXHIBIT A**

Offer of Dedication for Landscape Maintenance Purposes:

Parcel 1:

In the City of Lemoore, County of Kings, State of California, being the easterly 7 feet of Parcel 2 of Parcel Map Waiver for Lot Line Adjustment No. 2004-02, per Document No. 2004-0432794, recorded November 1, 2004 in the Office of the County Recorder of said County, containing 5,920 square feet, more or less.

See attached Exhibit B made a part hereof.

Parcel 2:

In the City of Lemoore, County of Kings, State of California, being a portion of Parcel 2 of Parcel Map Waiver for Lot Line Adjustment No. 2004-02, per Document No. 2004-0432794, recorded November 1, 2004 in the Office of the County Recorder of said County more particularly described as follows:

**COMMENCING** at the southeast corner of said Parcel 2, said point also being on the westerly right-of-way of 19<sup>th</sup> Avenue;

thence along said westerly right-of-way North 00°30'42" East, 420.80 feet;

thence North 89°33'23" West, 12.01 feet to the **POINT OF BEGINNING**;

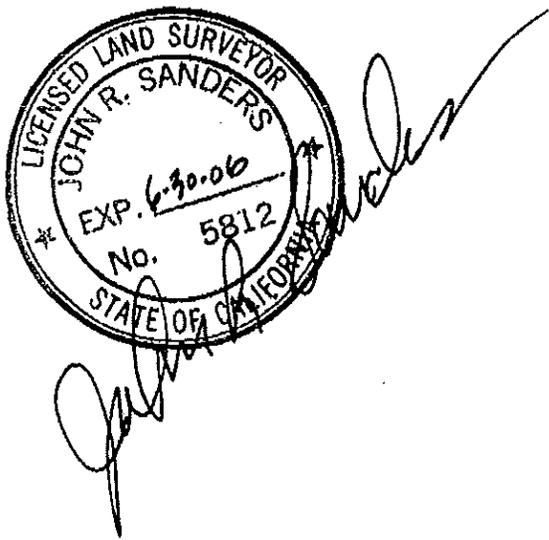
thence North 89°33'23" West, 85.38 feet;

thence North 00°26'37" East, 10.00 feet;

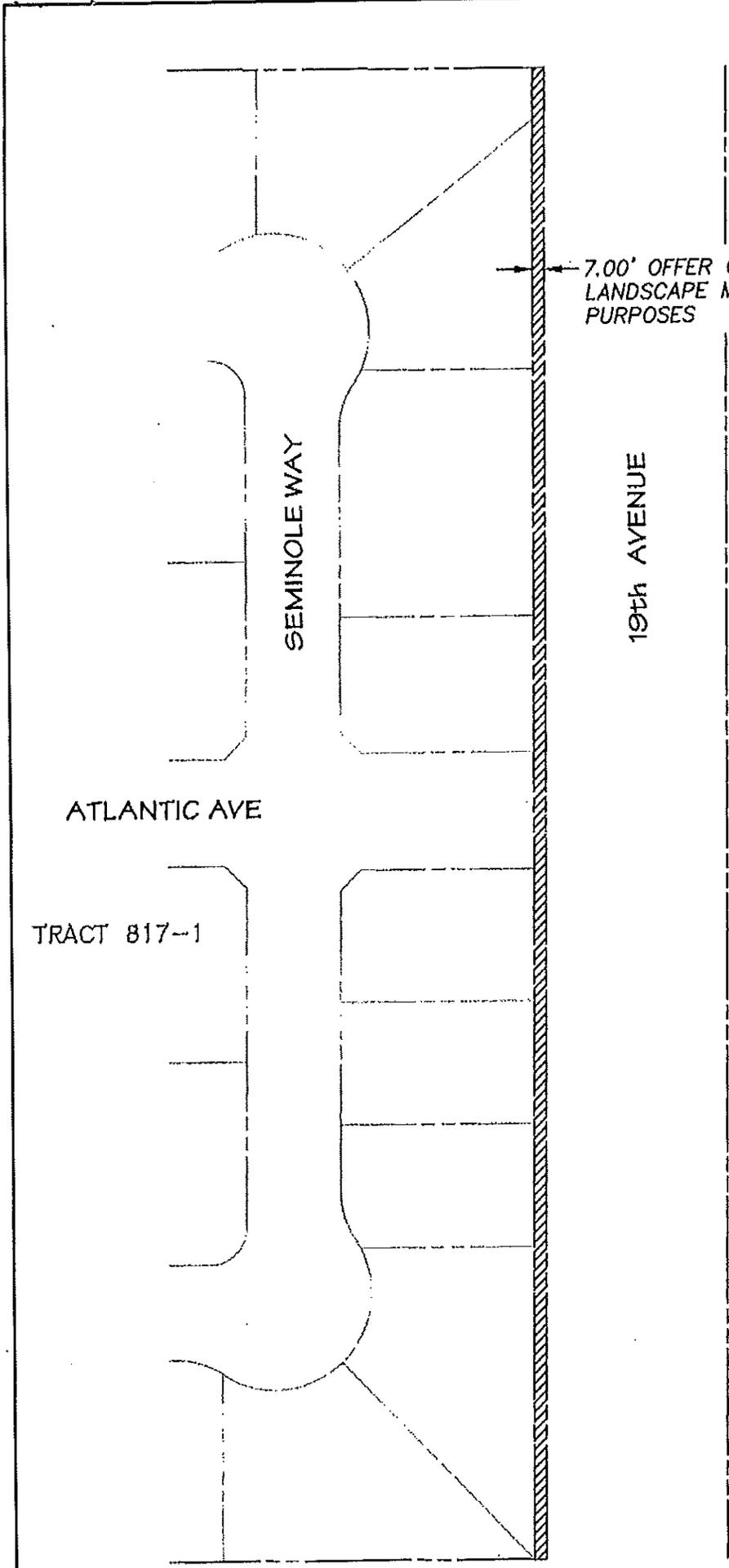
thence South 89°33'23" East, 85.38 feet;

thence South 00°26'37" West, 10.00 feet to the **POINT OF BEGINNING**, and containing 854 square feet more or less.

See attached Exhibit C made a part hereof.



**EXHIBIT B**



7.00' OFFER OF DEDICATION FOR LANDSCAPE MAINTENANCE PURPOSES

Montclair Apartments



NO SCALE



*John R. Sanders*

**EXHIBIT C**

Montclair Apartments

OFFER OF DEDICATION FOR LANDSCAPE MAINTENANCE PURPOSES

ATLANTIC AVE

N 00°26'37" E  
10.00'

S 89°33'23" E 85.38'

N 89°33'23" W 85.38'

P.O.B.

S 00°26'37" W 10.00'

N 89°33'23" W 12.01'

TRACT 817-1

SEMINOLE WAY

19th AVENUE

N 00°30'42" E 420.80'

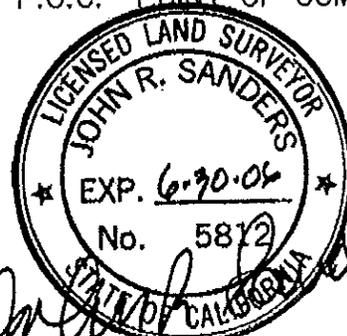


NO SCALE

**LEGEND**

P.O.B. POINT OF BEGINNING

P.O.C. POINT OF COMMENCEMENT



P.O.C.

