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Staff Report

Item # _____

To: Lemoore City Council
From: Holly Smyth, Planning Director
Date: March 14, 2007
Subject: Acknowledgment of Irrevocable Offer of Dedication by Pankaj Mowji and Daksha Mowji for land adjacent to 19th Avenue north of Iona Avenue to Highway 198

Discussion:

On April 10, 2006, the Lemoore Planning Commission approved Site Plan Review No. 2006-05 to construct a 2,900 square foot convenience store with eight gas pumps at the northwest corner of Iona Avenue and 19th Avenue with 20 conditions of approval. As part of the approval, condition 4 required the applicant to dedicate right-of-way along 19th Avenue to accommodate the future interchange with State Route 198 to Caltrans, as generally delineated in their Conceptual Master Plan. However, in the best interest of the City and the applicant, staff has requested that the Irrevocable Offer of Dedication be given to the City of Lemoore instead as we are responsible to right-of-way for the new interchange. The engineer's have coordinated with Caltrans to insure that the right-of-way is located in the proper location.

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 the interchange will not be built immediately, staff is requesting that the City Council acknowledge the executed offer and direct staff to record the Irrevocable Offer without signing the certificate of acceptance so that the owner will be responsible for maintaining the property until it is actually needed for the interchange. This will guarantee that the appropriate right-of-way is given now and the certificate of acceptance by the City will be executed at a later point in time after coming back to the City Council.

Budget Impact:

None.

Recommendation:

Council should acknowledge the Irrevocable Offer of Dedication provided to the City to accommodate the future 19th Avenue at State Route 198 interchange and direct the Planning Department to record with the Kings County Recorder without a certificate of acceptance.