

## RESOLUTION NO. 19-380

**RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS ACCEPTING ON BEHALF OF THE PUBLIC THE IRREVOCABLE OFFER TO DEDICATE REAL PROPERTY FOR PUBLIC PURPOSES, TO WIT, FOR PUBLIC STREETS FROM 510 BRUSH ST., L.P., A CALIFORNIA LIMITED PARTNERSHIP, LOCATED APPROXIMATELY 0.15 +/- MILES EAST OF UKIAH CITY LIMITS, LYING JUST NORTH OF BRUSH STREET (COUNTY ROAD 217), 0.05 +/- MILES EAST OF ITS INTERSECTION WITH ORR STREET (COUNTY ROAD 216); 350 BRUSH STREET; ASSESSOR'S PARCEL NUMBER 002-050-21 (UKIAH AREA)**

WHEREAS, Mendocino County Ordinance Number 4335, rezoned Assessor's Parcel Numbers (APNs) 002-050-16 and 002-050-17, within a Mixed Use Site, from I-1:FP to R-3:CR:FP, with said zoning changes subject to the conditions and restrictions set forth in the Contract for Compliance with Rezoning Conditions (Mendocino County Clerk-Recorder Document Number 2015-06141); and

WHEREAS, Boundary Line Adjustment Number (No.) B\_2017-0050 merged APNs 002-050-16 and 002-050-17 to create one parcel, APN 002-050-21; and

WHEREAS, said Contract for Compliance with Rezoning Conditions provides that prior to the completion of any project within the Mixed Use Site, the property owner shall construct all on-site circulation, infrastructure and open space improvements illustrated within the Mixed Use Site shown on the Brush Street Triangle Master Plan; and

WHEREAS, in conjunction with the aforementioned development, the Contract for Compliance with Rezoning Conditions requires dedication to accommodate development of the required area-wide circulation, infrastructure and open space improvements; and

WHEREAS, 510 Brush St., L.P., recently completed development of apartment housing on that certain property situated in the County of Mendocino, State of California, and more particularly described by APN 002-050-21; and

WHEREAS, by Resolution No. 19-158 (April 9, 2019), the Board approved Department of Transportation (DOT) Agreement No. 190007/BOS Agreement No. 19-121, Improvement Agreement for Brush Meadows Apartments, with 510 Brush St., L.P.; and

WHEREAS, during development, 510 Brush St., L.P., completed the required improvements within the existing Brush Street right of way and the Brush Street dedication; and

WHEREAS, on May 8, 2019, as a condition of the Contract for Compliance with Rezoning Conditions, 510 Brush St., L.P., recorded an Irrevocable Offer to Dedicate Real Property for Public Purposes, to Wit, for Public Streets (Mendocino County Clerk-Recorder Document No. 2019-04894), for a 0.09 +/- acre strip of land along the north side of Brush Street to accommodate the required right of way improvements; and

WHEREAS, pursuant to the Improvement Agreement, Department of Transportation (DOT) staff has inspected and accepted the required improvements; and

WHEREAS, the Mendocino County Redemption Officer has determined that there are no liens against the real property defined by the Irrevocable Offer to Dedicate Real Property for Public Purposes or any part thereof for unpaid State, County, Municipal or Local Taxes, or special assessments collected as taxes, except taxes of special assessments not yet payable;



and

WHEREAS, the Mendocino County Assessor has estimated the amount of taxes and assessments, which are a lien against the real property, for taxes or special assessments not yet payable, to be Four Thousand, Three Hundred Eighty Dollars (\$4,380.00), said amount having been deposited with the County Treasurer.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors hereby:

1. Accepts on behalf of the public the Irrevocable Offer to Dedicate Real Property for Public Purposes from 510 Brush St., L.P., a California Limited Partnership, conveying real property to the County of Mendocino; and
2. Authorizes and directs the Clerk of the Mendocino County Board of Supervisors to execute the Acceptance of Irrevocable Offer of Dedication, in the form attached hereto as Exhibit 1, and deliver to the Recorder for processing and recording; and
3. Authorizes and directs the County Auditor and the County Assessor to prorate and transfer taxes as of the date of recording of this Resolution conveying certain real property to the County of Mendocino, pursuant to Section 4986 of the Revenue and Taxation Code of the State of California.

The foregoing Resolution introduced by Supervisor Gjerde, seconded by Supervisor Haschak, and carried this 12<sup>th</sup> day of November, 2019, by the following vote:

AYES: Supervisors Brown, McCowen, Haschak, Gjerde and Williams  
NOES: None  
ABSENT: None

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO  
Clerk of the Board

Karla VantHagen  
Deputy

APPROVED AS TO FORM:  
CHRISTIAN M. CURTIS  
Acting County Counsel

Christian M. Curtis

CARRE BROWN  
CARRE BROWN, Chair  
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

BY: CARMEL J. ANGELO  
Clerk of the Board

Karla VantHagen  
Deputy

**EXHIBIT 1** 2019-14171  
Recorded at the request of:  
MENDO COU BRD OF SUPS  
11/15/2019 12:25 PM  
Fee: \$0 Pgs: 1 of 8

**RECORDING REQUESTED BY:**

County of Mendocino  
Clerk of the Board of Supervisors  
501 Low Gap Road, Room 1010  
Ukiah, CA 95482

**WHEN RECORDED, MAIL TO:**

County of Mendocino  
Department of Transportation  
340 Lake Mendocino Drive  
Ukiah, CA 95482-9432  
Attn: Howard N. Dashiell, Director

OFFICIAL RECORDS  
Katrina Bartolomie - Clerk-Recorder  
Mendocino County, CA



SPACE ABOVE THIS LINE FOR RECORDER'S USE

**ACCEPTANCE OF IRREVOCABLE OFFER OF DEDICATION**

WHEREAS, 510 Brush Street, L.P., as owner(s), have made an Irrevocable Offer of Dedication of the following described property:

**See attached Exhibit A and Exhibit B to Attachment 1**

AND WHEREAS, such offer is for the purpose of: Public Purposes, to Wit, for Public Streets

AND WHEREAS, the County of Mendocino, State of California intended to use the above described property for the purposes herein described:

Public Street Purposes

NOW, THEREFORE, the Board of Supervisors of the County of Mendocino, State of California hereby accepts the Irrevocable Offer of Dedication from 510 Brush Street, L.P., and authorizes the Clerk of the Board to execute this acceptance.

(SEAL AFFIXED)

Dated: 11.14-19

Karla Van Hagen  
Clerk of the Board

**DEPUTY**

Rev. 2019