

**REPORT TO MAYOR AND CITY COUNCIL****TO THE HONORABLE MAYOR AND CITY COUNCIL:**

DATE: July 22, 2014

**SUBJECT: CONFIRMATION OF ACCEPTANCE OF OFFER OF DEDICATION NO. 1739  
(SHELL OIL USE PERMIT AMENDMENT 3-79)****Report in Brief**

Property owner of 4290 Clayton Road requests confirmation of acceptance of Offer of Dedication No. 1739. Staff recommends that the City Council confirm that it has accepted Offer of Dedication No. 1739.

**Background**

On December 18, 1985, the City of Concord Planning Commission conditionally approved the application of the Shell Oil Company to install a convenience store at an existing gas station at 4290 Clayton Road, at the southwest corner of Clayton Road and Treat Boulevard. Among other conditions imposed, the Planning Commission required the applicant to dedicate a 12 foot right-of-way along the Clayton Road and Treat Boulevard, including a 20 foot corner radius for a future right turn lane.

The landowners, Jayson L. Pahlmeyer and Janet D. Pahlmeyer, dedicated the required land on June 24, 1986 via Offer of Dedication No. 1739,<sup>1</sup> which was duly recorded by the Contra Costa County Recorder on February 9, 1987 as Serial No. 87-30138 in Book 13439, Page 716 of Official Records. On June 24, 1986, the City of Concord authorized the acceptance of Offer of Dedication No. 1739 for recordation purposes only. Thereafter, various sidewalk and related improvements were constructed within the dedication area. Since that time, the property was acquired by Janet Davies, the current property owner.

According to Offer of Dedication No. 1739, the offer was irrevocable and could be accepted at any time, following recordation, by action of the City Council or by the City Manager. Although the City accepted the dedication area, the current property owner has asked that the City formalize that acceptance through the City Council.

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<sup>1</sup> Internal City reference is No. 1726.

**Discussion**

California Government Code section 27281 provides that a city may, by general resolution, authorize one or more officers or agents to accept and consent to deeds and grants. City Council Resolution No. 1441 authorizes the City Manager to accept deeds on the City's behalf. Pursuant to that authority, an Acceptance of Dedication No. 1739 was signed by the City Manager and has been submitted to the Contra Costa County Recorder for recordation.

In order to address certain contractual commitments and to clear title on the property, the current property owner has also asked that the City Council formally confirm its acceptance of Offer of Dedication No. 1739. California Government Code section 7050 provides that a city council may accept an irrevocable offer of dedication at any time once such offer is recorded in the office of the county recorder. Pursuant to section 7050, staff recommends that the City Council confirm that it has accepted Offer of Dedication No. 1739.

**Fiscal Impact**

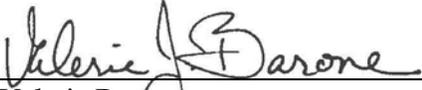
Confirmation of acceptance of Offer of Dedication No. 1739 will have no fiscal impact on the City of Concord.

**Public Contact**

The City Council agenda was posted.

**Recommendation for Action**

Staff recommends that the City Council confirm that it has accepted Offer of Dedication No. 1739.

  
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Valerie Barone  
City Manager

Prepared by: Robert Ovadia  
City Engineer

Reviewed by: Victoria Walker  
Director of Community and Economic  
Development

RECORDING REQUESTED  
WHEN RECORDED MAIL TO

City Clerk  
City of Concord  
1950 Parkside Drive, MS 03  
Concord, CA 94519-2578

SPACE ABOVE FOR RECORDER'S USE ONLY

DOCUMENT TITLE

**ACCEPTANCE OF DEDICATION NO. 1739**

THIS IS TO CERTIFY that the interest in real property conveyed to the City of Concord by Offer of Dedication No. 1739 dated **June 24, 1986**, from JAYSON L. PAHLMAYER and JANET D. PAHLMAYER to the City of Concord, a general law City in Contra Costa County, California, which Offer was accepted for recordation purposes only by the City of Concord and recorded on February 9, 1987 in Book 13439 Page 716 of Official Records, Contra Costa County, is hereby accepted by order of the City Council pursuant to Resolution 1441, adopted April 11, 1960, and the grantee City of Concord consents to recordation thereof by its duly authorized officer.

7-2-14

Dated

Valerie J. Barone  
City Manager

ACKNOWLEDGEMENT

STATE OF CALIFORNIA  
COUNTY OF CONTRA COSTA

On July 2, 2014 before me, Mary Rae Lehman, City Clerk, personally appeared Valerie J. Barone, City Manager of the City of Concord who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Mary Rae Lehman  
CITY CLERK

APPROVED:

Susanne Barone  
City Attorney

[Signature]  
City Engineer