

RESOLUTION NO. _____ (CM)

ACCEPTANCE OF OFFER OF DEDICATION IN FEE OF PARCELS B, C AND D AND PUBLIC UTILITY AND SANITARY SEWER EASEMENTS AS SHOWN ON THE BLACKBIRD HOMES FINAL SUBDIVISION MAP TRACT 1585

WHEREAS, on May 6, 2015, by Resolution 12-15, the Planning Commission recommended approval of a Tentative Subdivision Map, Special Use Permit with Design Review and Mitigated Negative Declaration to construct 48 Townhome Units at 35 Harkins Slough Road, and

WHEREAS, on May 6, 2015, by Resolution 13-15, the Planning Commission recommended approval of the Planned Development Permit Application to construct 48 Townhome Units at 35 Harkins Slough Road, and

WHEREAS, on June 23, 2015, by Resolution 112-15, the Council approved the Tentative Subdivision Map for Tract 1585, to construct 48 Townhome Units at 35 Harkins Slough Road, and

WHEREAS, on June 23, 2015, by Resolution 113-15, the Council approved a Special Use Permit with Design Review to construct 48 Townhome Units at 35 Harkins Slough Road, and

WHEREAS, on July 5, 2016, by Resolution 121-16, the Council approved a Public and On-Site Improvement Agreement for Tract 1585, the Blackbird Homes subdivision at 35 Harkins Slough Road, and

WHEREAS, on July 5, 2016, by Resolution 122-16, the Council approved a Final Subdivision Map for Tract 1585, the Blackbird Homes subdivision at 35 Harkins Slough Road, and

WHEREAS, the Final Subdivision Map for Tract 1585, the Blackbird Homes subdivision at 35 Harkins Slough Road was recorded on December 30, 2016, in Volume

126, page 4 et seq as Tract 1585 "Blackbird Homes" in the Office of the Recorder of Santa Cruz County, State of California, and

WHEREAS, the Subdivision contains an Irrevocable Offer of Dedication of an interest in real property in the, and

WHEREAS, said Subdivision Map dedicated parcels B, C and D to the City of Watsonville in fee, as follows:

WE HEREBY DEDICATE TO THE CITY OF WATSONVILLE FOR PUBLIC USE, IN FEE, PARCEL "B", PARCEL "C" AND PARCEL "D" AS SHOWN HEREON FOR NEW RECREATION TRAILS.

and

WHEREAS, the Subdivision Map also dedicated public utilities easements over, under and upon Parcel A and a sanitary sewer easement, both shown on said Subdivision Map as follows:

WE HEREBY DEDICATE TO THE CITY OF WATSONVILLE AN EASEMENT FOR PUBLIC UTILITIES OVER, UNDER & UPON PARCEL "A" AS SHOWN HEREON AND A 10' WIDE SANITARY SEWER EASEMENT AS SHOWN HEREON. ALL EASEMENTS ARE TO BE KEPT OPEN AND FREE FROM BUILDINGS AND STRUCTURES NOT SERVING THE PURPOSE OF EASEMENT.

and,

WHEREAS, construction of the 48 Townhome Units at 35 Harkins Slough Road finished in or about March 2019, and

WHEREAS, Section 27281 of the California Civil Code provides that conveyances of any interest in or easement upon real estate to a political corporation or governmental

agency for public purposes shall not be accepted for recordation without the consent of the grantee evidenced by its certificate or resolution of acceptance in the form prescribed by Section 27281, and

WHEREAS, any use of said easement and right of way by owners, their assignees or successors in interest which is not compatible with or interferes with said easement and right of way and the rights and privileges herein accepted shall not be allowed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATSONVILLE, CALIFORNIA, AS FOLLOWS:

1. Adopting a Resolution acceptance of offer of dedication does not meet CEQA's definition of a "project," because the action does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

2. The City of Watsonville hereby accepts the dedications of the fee and easements as set forth in the Subdivision Map and provided herein.

3. The City Clerk is authorized and directed to execute and record the Certification of Resolution of Acceptance of Dedication (Attachment A) and this Resolution, if required, with the Santa Cruz County Recorder and provide a conformed copy to the property owner.
