



# County of Fresno

Hall of Records, Rm. 301  
2281 Tulare Street  
Fresno, California  
93721-2198

## Legislation Text

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**File #:** 19-1394, **Version:** 1

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**DATE:** November 5, 2019

**TO:** Board of Supervisors

**SUBMITTED BY:** Steven E. White, Director  
Department of Public Works and Planning

**SUBJECT:** Rescission of Rejection of Offer of Dedication for Road Right of Way on San Bruno Avenue and Acceptance of Original Offer of Dedication

**RECOMMENDED ACTION(S):**

**Approve and authorize the Chairman to execute resolution (a) rescinding the County's earlier "rejection" of the previously-offered dedication of a 1-foot by 60-foot strip of real property for a future street on San Bruno Avenue (the Dedication of Real Property), (b) accepting the Dedication of Real Property, and (c) authorizing the Director of Public Works and Planning, or his designee, to record the adopted resolution in the Office of the County Recorder, and to execute any such documents as may be necessary to effectuate the County's acceptance of the Dedication of Real Property (Government Code § 66477.2).**

Your Board's approval of the recommended action will authorize execution of a resolution rescinding the "rejection" (which occurred by operation of law) of a previously-offered dedication of a strip of real property for road right of way on San Bruno Avenue (the Dedication of Real Property), and accepting the Dedication of Real Property. The Dedication of Real Property was previously offered in the final map for Tract No. 1602, in 1956.

The resolution would also authorize the Director of Public Works and Planning, or his designee, to record the adopted resolution, as required by Government Code § 66477.2, and to execute any further documents necessary to effectuate the County's acceptance of the Dedication of Real Property. This item pertains to a location in District 2.

**ALTERNATIVE ACTION(S):**

If the recommended action is not approved, the real property in question will remain as an outlot and not be usable for roadway purposes. This would preclude use of the roadway by the residents of Tract No. 1602, as well as construction of a planned development, which requires the use of the real property offered.

**FISCAL IMPACT:**

There is no increase Net County Cost associated with the recommended action. The property in question was offered for use as a road right-of-way (ROW) pursuant to the Moroa Terrace Resubdivision Map, Tract No. 1602, approved by the Board on September 4, 1956, and there is no cost associated with the rescission of the County's rejection, and acceptance, of the offer of dedication.

DISCUSSION:

On September 4, 1956 the Board approved the final map entitled "Moroa Terrace, Tract No. 1602," and accepted all parcels and easements offered for dedication for public use, excepting those parcels indicated on the final map as "offered for dedication for future street." The final map depicts an "Outlot B," which is a 1-foot by 60-foot strip of real property at a current western terminus of San Bruno Avenue, as further described in the attached Exhibit A, which was offered for dedication for use as a road right of way.

California Government Code § 66477.1 requires that at the time the legislative body approves a final map, the legislative body shall accept or reject any offer of dedication. However, Government Code § 66477.2 provides that if at the time the final map is approved, any streets or rights of way for local transit facilities which directly benefit the residents of a subdivision are deemed "rejected," in this case by not being accepted, the offer of dedication remains open, and the legislative body may by resolution at any later date rescind its action, and accept and open the streets or rights of way for local transit facilities, which acceptance shall be recorded in the office of the county recorder.

In this case, the final map was approved on September 4, 1956, and the offer of dedication for this real property was never accepted by the County. Because this offer was made 63 years ago and never accepted, to formalize the County's acceptance of this real property, County staff recommend that your Board rescind the County's prior "rejection" of the offer of dedication (which occurred by operation of law), and accept the offer of dedication, which must be accepted by resolution, pursuant to Section 66477.2. If your Board approves the recommended resolution, attached as Exhibit B, following your Board's approval of the resolution and acceptance of the offer of dedication, the acceptance must be recorded in the Office of the County Recorder, pursuant to Section 66477.2.

Part (b) of the recommended action authorizes the Director of Public Works or his designee to record the acceptance in the Office of the County Recorder, and Part (c) of the recommended action authorizes the Director of Public Works or his designee to execute any such documents as may be necessary to effectuate the acceptance approved by your Board.

REFERENCE MATERIAL:

BAI #60, December 4, 2018  
BAI #9, November 6, 2018

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit A  
On file with Clerk - Resolution

CAO ANALYST:

Sonia M. De La Rosa