



## Staff Report January 10, 2023

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**TO:** Honorable Mayor and Members of the Town Council  
**FROM:** Merrill Buck, Town Engineer  
**RE:** Acceptance of Right-of-Way Easement Dedications along Sierra College Boulevard and Brace Road (APN 045-042-064)

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### **Recommendation**

Staff recommends that the Town Council adopt a resolution accepting right of way easement dedications along Sierra College Boulevard and Brace Road.

### **Issue Statement and Discussion**

On November 8, 2022, the Town Council adopted Resolution #22-53 approving a Modified Conditional Use Permit and Design Review for a Costco Retail Warehouse subject to Conditions of Approval.

Condition of Approval #27B requires the applicant to construct curb, gutter, sidewalk, pavement and other necessary street frontage improvements along Sierra College Boulevard and Brace Road per Town Standards. Because these improvements are outside existing right of way, Condition of Approval #27H requires the applicant to dedicate right of way, as needed, for the required frontage improvements.

Accepting the proposed right-of-way will create an easement for road and utility purposes along the Costco property's Sierra College Boulevard and Brace Road frontages. This will not only allow for the proposed Costco improvements to be constructed, but the undergrounding of overhead utilities that are included in the Sierra College Loomis Rule 20A Undergrounding Utility District established by Resolution #17-34.

In accordance with Municipal Code Section 2.12.120, the Town Manager may execute agreements on behalf of the Town, but this authority does not extend to the acceptance of right-of-way or easement dedications. The Town Council is therefore being asked to accept the Public Right of Way Easement Deed (included as Exhibit 1 to the Resolution), which will create roadway easements along Sierra College Boulevard and Brace Road.

### **CEQA Requirements**

The act of accepting right-of-way easement dedications is exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15061(b)(3), which exempts administrative items.

### **Financial and/or Policy Implications**

There is little financial impact associate with the recommended action. Sierra College Boulevard and Brace Road are public streets. Acceptance of this additional right-of-way simply adds to their existing width. This will allow for the construction of additional, public right of way improvements. And while the Town is responsible for the ongoing maintenance of these improvements, Costco is responsible for their initial construction cost.

### **Attachments**

- A. Resolution with Resolution Exhibit 1 (Right of Way Easement Grant Deed)

**TOWN OF LOOMIS**

RESOLUTION NO. 23 - \_\_\_\_\_

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOOMIS  
ACCEPTING RIGHT-OF-WAY EASEMENT DEDICATIONS ALONG SIERRA COLLEGE  
BOULEVARD AND BRACE ROAD (APN 045-042-064)**

**WHEREAS**, on November 8, 2022, the Town Council adopted Resolution #22-53 approving a Modified Conditional Use Permit and Design Review for a Costco Retail Warehouse subject to Conditions of Approval; and

**WHEREAS**, the Conditions of Approval require the applicant to construct curb, gutter, sidewalk, pavement and other necessary street frontage improvements along Sierra College Boulevard and Brace Road per Town Standards; and

**WHEREAS**, since the proposed improvements are outside existing right of way, the applicant is required to dedicate right of way easements along Sierra College Boulevard and Brace Road, in conjunction with the frontage improvements; and

**WHEREAS**, the applicant has signed a Public Right of Way Easement Deed, in a form acceptable to the Town Attorney, with a corresponding plat and legal description which has been reviewed and accepted by the Town Surveyor; and

**WHEREAS**, the Town Council wishes to accept the Public Right of Way Easement Deed.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Council of the Town of Loomis does hereby accept the Public Right of Way Easement Deed for right of way easements adjacent to Sierra College Boulevard and Brace Road, as described in **Resolution Exhibit 1**, attached hereto; and be it

**FURTHER RESOLVED**, that the Deputy Town Clerk of the Town of Loomis is hereby authorized and directed to record the Public Right of Way Easement Deed in the Office of the Placer County Recorder, when fully executed and notarized.

**PASSED AND ADOPTED** by the Town Council of the Town of Loomis this 10th day of January 2023 by the following vote:

**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTAINED:**

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Deputy Town Clerk

# Item 8 Attachment A - Exhibit 1

**NO FEE DOCUMENT  
GOVERNMENT CODE SECTION 27383**

Recording Requested By and  
When Recorded Mail To:

Town of Loomis  
3665 Taylor Road  
Loomis, CA 95650  
Attn: City Clerk

The Above Space For Recorder's Use Only

O.K. to Accept: \_\_\_\_\_  
Date: \_\_\_\_\_, 20\_\_

Project Name: Costco  
Address: \_\_\_\_\_  
A.P.N.: \_\_\_\_\_

THIS TRANSACTION IS EXEMPT FROM CALIFORNIA DOCUMENTARY TRANSFER TAX PURSUANT TO SECTION 11922 OF THE CALIFORNIA REVENUE AND TAXATION CODE. THIS DOCUMENT IS EXEMPT FROM RECORDING FEES PURSUANT TO SECTION 27383 OF THE CALIFORNIA GOVERNMENT CODE.

## PUBLIC RIGHT-OF-WAY EASEMENT DEED

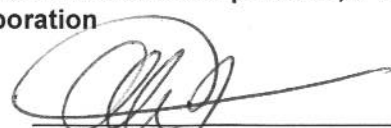
FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged,

**Costco Wholesale Corporation, a Washington Corporation** ("Grantor"), as owner of that certain real property located in the Town of Loomis, County of Placer, State of California legally described on Exhibit A and depicted on Exhibit B, attached hereto and made a part hereof ("Property"), hereby grants a public right-of-way for any and all public purposes, on, over, under and across the Property to the **Town of Loomis**, a municipal corporation ("Grantee").

Executed this 27<sup>th</sup> day of December, 2022.

GRANTOR:

**Costco Wholesale Corporation, a Washington Corporation**

By:  \_\_\_\_\_

Name: ALI MOAYERI

Title: SVP CONSTRUCTION

**CERTIFICATE OF ACCEPTANCE**

This is to certify that the interest in real property conveyed by the grant deed dated \_\_\_\_\_, 20\_\_ from **Costco Wholesale Corporation, a Washington Corporation**, to the **Town of Loomis**, a municipal corporation, is hereby accepted by the undersigned officer or agent on behalf of the Loomis Town Council pursuant to authority conferred by Town Council of the Town of Loomis on \_\_\_\_\_, 2023, and the Grantee consents to recordation thereof by its duly authorized officer.

Dated: \_\_\_\_\_, 2023

By:

\_\_\_\_\_  
Carol Parker, Deputy City Clerk

**ACKNOWLEDGEMENT**

STATE OF WASHINGTON )  
 )  
COUNTY OF King )

On December 27, 2022, before me, Heather J Cimuchowski, Notary Public, personally appeared Ali Moayeri, 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 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.

Heather J Cimuchowski  
Notary Public



STATE OF CALIFORNIA )  
 )  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, 20\_\_, before me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_, 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 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.

\_\_\_\_\_  
Notary Public

**Exhibit A**

Legal Description

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**RIGHT OF WAY DEDICATION IN FEE**

REAL PROPERTY SITUATE IN THE TOWN OF LOOMIS, COUNTY OF PLACER, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF ADJUSTED PARCEL 1 AS DESCRIBED IN THAT CERTAIN LOT LINE ADJUSTMENT TOWN OF LOOMIS APPLICATION #20-03 RECORDED JANUARY 28, 2021 AS INSTRUMENT NO. 2021-0011923 AND A PORTION OF PARCEL TWO AND PARCEL FOUR AS DESCRIBED IN THE DEED IN LIEU OF FORECLOSURE RECORDED NOVEMBER 17, 2011 AS DOCUMENT NO. 2011-0092281 PLACER COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTHEAST CORNER OF SAID PARCEL TWO (2011-0092281) ALSO BEING A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF BRACE ROAD;

THENCE LEAVING SAID SOUTHERLY RIGHT OF WAY LINE, ALONG THE EASTERLY LINE OF PARCEL TWO (2011-0092281), SOUTH 0° 18' 01" WEST, 11.00 FEET TO A POINT ON A LINE THAT IS PARALLEL WITH AND 11.00 FEET SOUTHERLY OF SAID SOUTHERLY RIGHT OF WAY LINE;

THENCE ALONG SAID PARALLEL LINE, SOUTH 88° 55' 07" WEST, 179.32 FEET;

THENCE SOUTH 1° 04' 53" EAST, 9.00 FEET TO A POINT ON A LINE THAT IS PARALLEL WITH AND 20.00 FEET SOUTHERLY OF SAID SOUTHERLY RIGHT OF WAY LINE;

THENCE ALONG LAST SAID PARALLEL LINE, SOUTH 88° 55' 07" WEST, 39.08 FEET;

THENCE SOUTH 44° 29' 41" WEST, 27.08 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT;

THENCE ALONG SAID 33.52 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, WHOSE CENTER POINT BEARS SOUTH 81° 32' 33" EAST, THROUGH A CENTRAL ANGLE OF 8° 21' 26", AN ARC LENGTH OF 4.89 FEET TO A POINT ON A LINE THAT IS PARALLEL WITH AND 20.00 FEET EASTERLY OF THE EASTERLY RIGHT OF WAY LINE OF SIERRA COLLEGE BOULEVARD;

THENCE ALONG LAST SAID PARALLEL LINE, SOUTH 0° 05' 08" WEST, 176.62 FEET;

THENCE SOUTH 5° 47' 46" WEST, 120.60 FEET TO A POINT ON A LINE THAT IS PARALLEL WITH AND 15.00 FEET EASTERLY OF SAID EASTERLY RIGHT OF WAY LINE;

THENCE ALONG LAST SAID PARALLEL LINE, SOUTH 0° 05' 08" WEST, 276.08 FEET;

THENCE SOUTH 89° 54' 52" EAST, 9.00 FEET TO A POINT ON A LINE THAT IS PARALLEL WITH AND 24.00 FEET EASTERLY OF SAID EASTERLY RIGHT OF WAY LINE;

THENCE ALONG LAST SAID PARALLEL LINE, SOUTH 0° 05' 08" WEST, 46.94 FEET;

THENCE SOUTH 45° 00' 19" EAST, 19.15 FEET;

THENCE SOUTH 8° 40' 14" EAST, 72.89 FEET;

THENCE SOUTH 30° 24' 03" WEST, 42.91 FEET TO A POINT ON A LINE THAT IS PARALLEL WITH AND 27.00 FEET EASTERLY OF SAID EASTERLY RIGHT OF WAY LINE;

THENCE ALONG LAST SAID PARALLEL LINE, SOUTH 0° 05' 08" WEST, 111.84 FEET;



THENCE SOUTH 0° 05' 15" WEST, 29.75 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE ALONG SAID 66.50 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 17° 26' 15", AN ARC LENGTH OF 20.24 FEET;

THENCE SOUTH 17° 31' 29" WEST, 21.63 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;

THENCE ALONG SAID 53.50 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 17° 26' 21", AN ARC LENGTH OF 16.28 FEET TO A POINT ON A LINE THAT IS PARALLEL WITH AND 15.00 FEET EASTERLY OF SAID EASTERLY RIGHT OF WAY LINE;

THENCE ALONG LAST SAID PARALLEL LINE, SOUTH 0° 05' 08" WEST, 15.65 FEET TO THE SOUTHERLY LINE OF SAID PARCEL FOUR (2011-0092281);

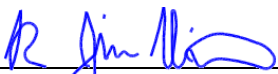
THENCE ALONG SAID SOUTHERLY LINE, SOUTH 87° 50' 36" WEST, 15.01 FEET TO A POINT ON SAID EASTERLY RIGHT OF WAY LINE;

THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE, NORTH 0° 05' 08" EAST, 973.72 FEET;

THENCE NORTH 43° 50' 10" EAST, 37.03 FEET TO A POINT ON SAID SOUTHERLY RIGHT OF WAY LINE;

THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE, NORTH 88° 55' 07" EAST, 238.96 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 26,905 SQUARE FEET OR 0.6176 ACRES OF LAND, MORE OR LESS.

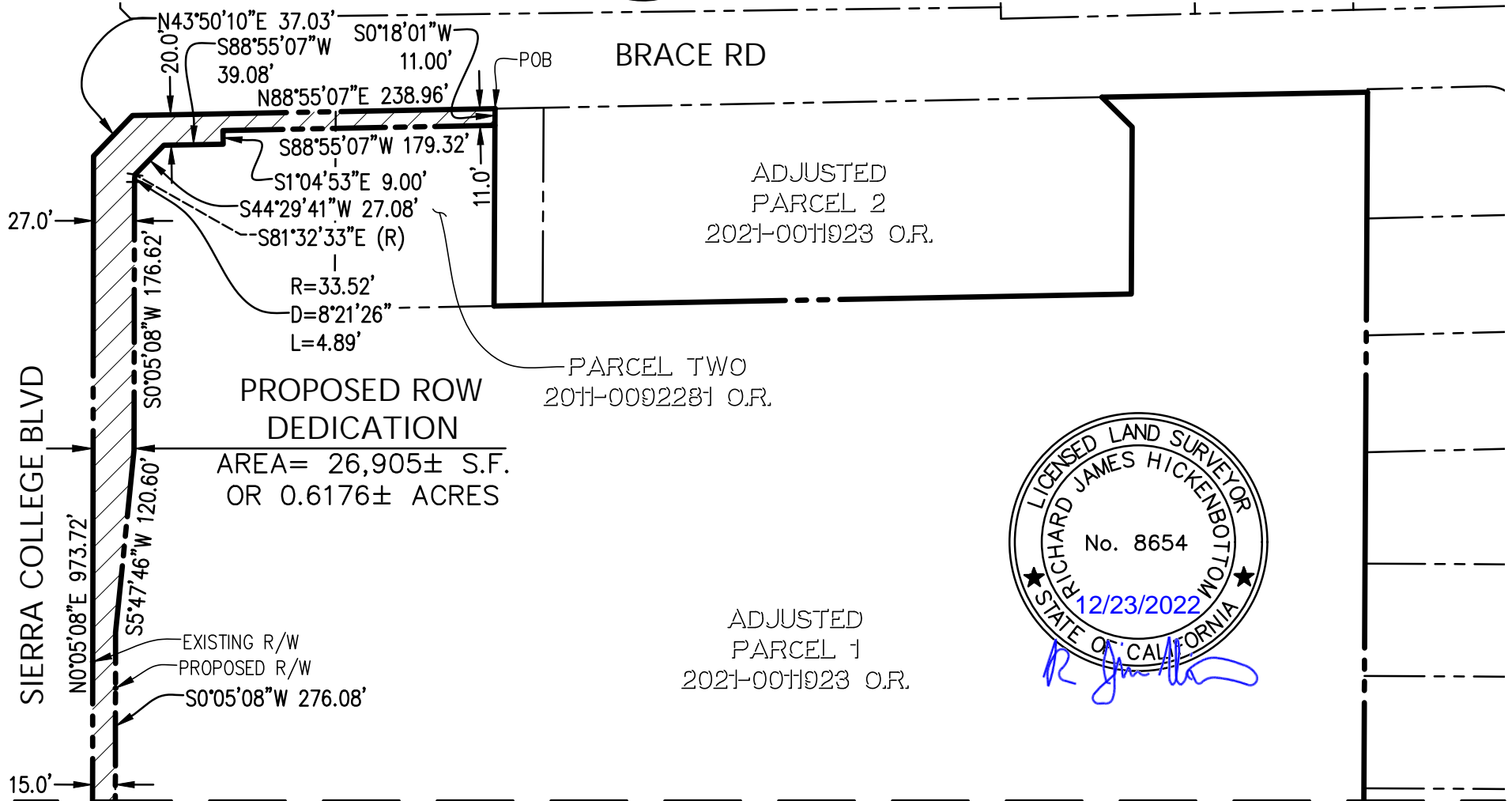
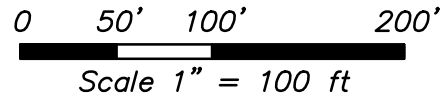
  
\_\_\_\_\_  
RICHARD JAMES HICKENBOTTOM, P.L.S. 8654

12/23/2022  
DATE



**Exhibit B**

Plat of Easement



SEE SHEET 2



**KIER+WRIGHT**

2850 Collier Canyon Road  
Livermore, CA 94551

Phone: (925) 245-8788  
www.kierwright.com

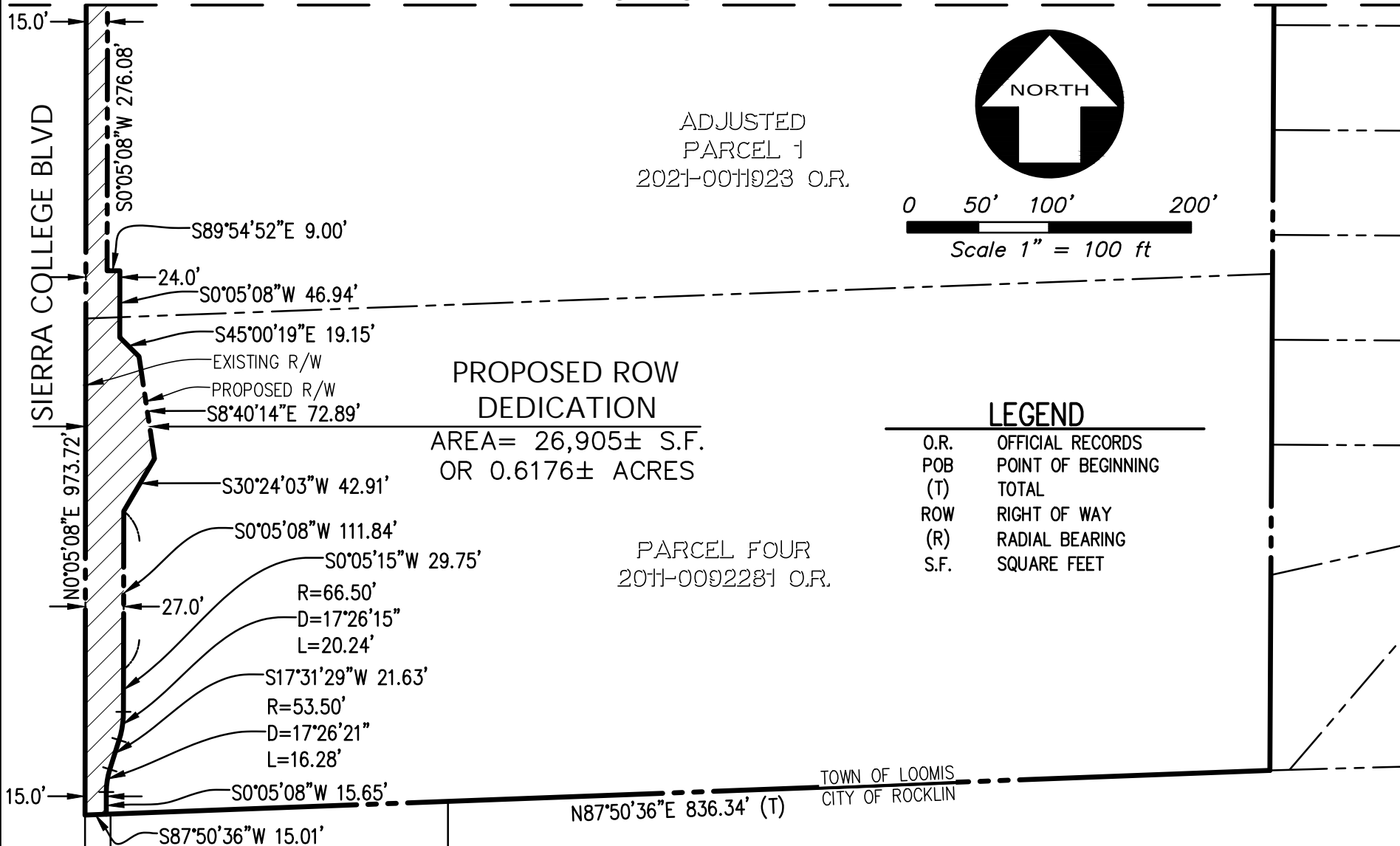
LOOMIS,

EXHIBIT "B"  
RIGHT OF WAY  
DEDICATION

CALIFORNIA

DATE	DEC., 2022
SCALE	1" = 100'
BY	BMM
JOB NO.	A16658-1
SHEET	1 OF 2

SEE SHEET 1



**KIER+WRIGHT**

2850 Collier Canyon Road  
Livermore, CA 94551

Phone: (925) 245-8788  
www.kierwright.com

LOOMIS,

EXHIBIT "B"  
RIGHT OF WAY  
DEDICATION

CALIFORNIA

DATE	DEC., 2022
SCALE	1" = 100'
BY	BMM
JOB NO.	A16658-1
SHEET	2 OF 2