



Council Meeting: February 23, 2010

SUBJECT: Approval of Final Map (Tract No. 9872) – Forty-eight Condominium Units at 1170 Morse Avenue by Classic Communities, Inc.

BACKGROUND

Tract No. 9872 is a 48-unit condominium project. The tentative map was approved by the City Council on June 26, 2006. The tentative map was extended to June 26, 2009 by the City and is further extended by another year to June 26, 2010 by Senate Bill 1185 pursuant to California Government Code Section 66452.21.

DISCUSSION

The final map for Tract No. 9872, consisting of eight residential lots and five common lot areas, was examined by the Public Works Department staff and found to be in conformance with Sunnyvale Municipal Code Title 18 *Subdivision*, the State of California "Subdivision Map Act" and the tentative map. The developer will execute the subdivision agreement and provide improvement securities (\$109,890 bond for faithful performance and \$109,890 bond for labor and materials) to guarantee completion of public improvements.

RECOMMENDATION

City staff recommends that the City Council approve the final map for Tract No. 9872; authorize the Mayor to sign the subdivision agreement upon: developer's signatures, submittal of improvement securities, payment of development fees, and submittal of other documents deemed necessary by the Director of Public Works; direct the City Clerk to sign the City Clerk's Statement; and direct the City Clerk to forward the final map for recordation.

Reviewed by:

Marvin A. Rose, Director, Public Works
Prepared by: Eric Gonzales, Civil Engineer

Approved by:

Gary M. Luebbbers, City Manager

Attachment

Final Map for Tract No. 9872

OWNER'S STATEMENT

WE HEREBY STATE THAT WE ARE THE OWNERS OF, OR HAVE SOME RIGHT, TITLE OR INTEREST IN AND TO THE REAL PROPERTY INCLUDED WITHIN THE SUBDIVISION SHOWN UPON THE HEREON MAP; THAT WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS A CLEAR TITLE TO SAID PROPERTY; THAT WE HEREBY CONSENT TO THE PREPARATION AND FILING OF SAID MAP AND SUBDIVISION AS SHOWN WITHIN THE DISTINCTIVE BORDER LINE.

WE ALSO HEREBY DEDICATE TO PUBLIC USE AN EASEMENT FOR EMERGENCY ACCESS DELINEATED HEREON AND DESIGNATED AS "E.V.A.E." (EMERGENCY VEHICLE ACCESS EASEMENT) TO BE USED FOR EMERGENCY VEHICLE INGRESS AND EGRESS PURPOSE ONLY.

WE ALSO HEREBY DEDICATE TO PUBLIC USE EASEMENTS FOR ANY AND ALL PUBLIC SERVICE FACILITIES INCLUDING BUT NOT LIMITED TO POLES, WIRES, CONDUITS, GAS, WATER, STORM DRAIN, SANITARY SEWER, HEAT MAINS AND ALL APPURTENANCES THERETO ABOVE, UNDER, UPON, OR OVER THE LAND DELINEATED HEREON AND DESIGNATED AS "P.U.E." (PUBLIC UTILITY EASEMENT). SAID EASEMENTS ARE TO BE KEPT OPEN AND FREE OF BUILDINGS AND STRUCTURES OF ANY KIND EXCEPT PUBLIC SERVICE STRUCTURES, IRRIGATION SYSTEMS AND APPURTENANCES, AND LAWFUL UNSUPPORTED ROOF OVERHANGS AND BALCONIES.

WE ALSO HEREBY RESERVE FOR THE OWNERS OF ALL LOTS SHOWN ON THE HEREIN MAP AND THEIR LICENSEES, VISITORS, AND TENANTS RECIPROCAL RIGHTS UPON AND OVER LOTS 11, 12, AND 13 FOR THE INSTALLATION AND MAINTENANCE OF PRIVATE WATER, FIRE SERVICE, STORM DRAINAGE AND SANITARY SEWER FACILITIES AS DELINEATED HEREON AND DESIGNATED AS "P.W.E." (PRIVATE WATER EASEMENT), "P.F.S.E." (PRIVATE FIRE SERVICE EASEMENT), "P.S.D.E." (PRIVATE STORM DRAIN EASEMENT), AND "P.S.S.E." (PRIVATE SANITARY SEWER EASEMENT). THOSE PRIVATE EASEMENTS ARE TO BE KEPT OPEN AND FREE FROM BUILDINGS AND STRUCTURES OF ANY KIND EXCEPT FOR THOSE PRIVATE UTILITY FACILITIES AND APPURTENANCES. THE MAINTENANCE, REPAIR, AND/OR REPLACEMENT OF PRIVATE WATER, FIRE SERVICE, STORM DRAINAGE AND SANITARY SEWER FACILITIES SHALL BE THE SOLE RESPONSIBILITY OF THE PROPERTY OWNERS AS DETERMINED BY THE APPROPRIATE COVENANTS, CONDITIONS AND RESTRICTIONS. SAID EASEMENTS ARE NOT OFFERED, NOR ARE THEY ACCEPTED FOR DEDICATION BY THE CITY OF SUNNYVALE.

WE ALSO HEREBY RESERVE FOR THE OWNERS OF ALL LOTS SHOWN ON THE HEREIN MAP AND THEIR LICENSEES, VISITORS AND TENANTS RECIPROCAL RIGHTS OF INGRESS AND EGRESS PURPOSES UPON AND OVER LOTS 1 THROUGH 13 INCLUSIVE, AS DELINEATED HEREON AND DESIGNATED AS "P.I.E.E." (PRIVATE INGRESS AND EGRESS EASEMENT). THE MAINTENANCE, REPAIR, AND/OR REPLACEMENT OF SAID EASEMENT SHALL BE THE SOLE RESPONSIBILITY OF THE PROPERTY OWNERS AS DETERMINED BY THE APPROPRIATE COVENANTS, CONDITIONS AND RESTRICTIONS. SAID EASEMENT IS NOT OFFERED, NOR IS IT ACCEPTED FOR DEDICATION BY THE CITY OF SUNNYVALE.

WE ALSO HEREBY RESERVE A PRIVATE STREET, DESIGNATED ON THE HEREIN MAP AS "TOPAZ TERRACE". THE PRIVATE STREET CONTAINED WITHIN THIS TRACT IS NOT OFFERED, NOR IS IT ACCEPTED FOR DEDICATION FOR PUBLIC STREET PURPOSES.

LOTS 9, 10, 11, 12, AND 13 ARE "COMMON AREA" LOTS AND ARE NOT DEDICATED FOR THE USE OF THE GENERAL PUBLIC, BUT ARE RESERVED FOR THE USE OF THE HOMEOWNERS OF THE SUBDIVISION FOR, BUT NOT LIMITED TO, ACCESS, PARKING, UTILITIES, SERVICES, DRAINAGE, INGRESS AND EGRESS IN ACCORDANCE WITH THE SUBDIVISION RESTRICTIONS FOR THIS MAP.

AS OWNER: FAIR OAKS PLACE, L.P., A CALIFORNIA GENERAL PARTNERSHIP

BY: CLASSIC COMMUNITIES, INC., A CALIFORNIA CORPORATION ITS: GENERAL PARTNER

BY: NAME: ITS:

OWNER ACKNOWLEDGMENT

STATE OF)SS. COUNTY OF)

ON 20, BEFORE ME, A 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(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:

NOTARY'S SIGNATURE: NOTARY'S PRINTED NAME: NOTARY'S PRINCIPAL PLACE OF BUSINESS: NOTARY'S COMMISSION No.: NOTARY'S COMMISSION EXPIRATION DATE:

TRACT NO. 9872 1170 MORSE AVENUE FOR CONDOMINIUM PURPOSES

CONSISTING OF 4 SHEETS

BEING A SUBDIVISION OF PARCEL 2, AS SHOWN ON THAT CERTAIN PARCEL MAP, FILED JULY 10, 1981, IN BOOK 487 OF MAPS AT PAGES 12 AND 13, RECORDS OF SANTA CLARA COUNTY.

LYING ENTIRELY WITHIN THE CITY OF SUNNYVALE, SANTA CLARA COUNTY, CALIFORNIA

DATE: DECEMBER 2009



ENGINEERS - SURVEYORS - PLANNERS 1650 TECHNOLOGY DRIVE, SUITE 650 SAN JOSE, CALIFORNIA 95110

BENEFICIARY'S STATEMENT

WE, UNION BANK OF CALIFORNIA, N.A., AS BENEFICIARY UNDER THAT CERTAIN DEED OF TRUST, RECORDED SEPTEMBER 5, 2007 AS DOCUMENT NO. 19574892, OFFICIAL RECORDS OF SANTA CLARA COUNTY, ENCUMBERING THE LAND HEREIN SHOWN, CONSENT TO THE MAKING AND FILING OF THIS MAP.

AS BENEFICIARY: UNION BANK OF CALIFORNIA, N.A.

BY: NAME: ITS:

BENEFICIARY ACKNOWLEDGMENT

STATE OF)SS. COUNTY OF)

ON 20, BEFORE ME, A 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(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:

NOTARY'S SIGNATURE: NOTARY'S PRINTED NAME: NOTARY'S PRINCIPAL PLACE OF BUSINESS: NOTARY'S COMMISSION No.: EXPIRATION OF NOTARY'S COMMISSION:

SOILS REPORT NOTE

A SOILS REPORT ON THIS PROPERTY HAS BEEN PREPARED BY ENGEQ INCORPORATED, ENTITLED "GEOTECHNICAL INVESTIGATION, 1170 MORSE AVENUE, SUNNYVALE, CA", REPORT NO. 7013.3.003.01, DATED OCTOBER 20, 2006.

BKF No. 20060125-20 REF. 20036095, 20056095, 20056129 & 20056143 K: \SUR05\056143\DWG\FINAL MAP\1SVMAFM.dwg

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF CLASSIC COMMUNITIES, INC. IN DECEMBER 2009. I HEREBY STATE THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR THEY WILL BE SET IN THOSE POSITIONS BEFORE DECEMBER 31, 2011; AND THAT THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED; AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP.

DATE

BILLY MARTIN P.L.S. NO. 5797 LIC. EXP. 6-30-2010



CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THE HEREON FINAL MAP OF THE TRACT NO. 9872; THAT THE SUBDIVISION AS SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF; THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT, AS AMENDED, AND OF ANY LOCAL ORDINANCE APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH; AND I AM SATISFIED THAT SAID MAP IS TECHNICALLY CORRECT.

DATE

BY: MARVIN A. ROSE DIRECTOR OF PUBLIC WORKS R.C.E. NO. 30831 REG. EXP. 03/31/2010 CITY OF SUNNYVALE CALIFORNIA

CITY CLERK'S STATEMENT

I HEREBY STATE THAT THE CITY COUNCIL OF THE CITY OF SUNNYVALE AT ITS REGULAR MEETING HELD ON THE DAY OF 20, DULY APPROVED THE HEREIN FINAL MAP OF THE TRACT NO. 9872 AS SHOWN HEREON AND ACCEPTED ON BEHALF OF THE PUBLIC ALL EASEMENTS OFFERED FOR DEDICATION TO PUBLIC USE IN CONFORMITY WITH THE TERMS OF THE OFFER OF DEDICATION.

GAIL T. BORKOWSKI, CITY CLERK OF THE CITY OF SUNNYVALE, CALIFORNIA

DATE

BY: GAIL T. BORKOWSKI

RECORDER'S STATEMENT

FILED THIS DAY OF 20, AT M. IN BOOK OF MAPS AT PAGES SANTA CLARA COUNTY RECORDS, AT THE REQUEST OF BKF ENGINEERS.

FILE NO.:

REGINA ALCOMENDRAS, COUNTY RECORDER SANTA CLARA COUNTY, CALIFORNIA

FEE: \$ PAID

BY: DEPUTY

TRACT NO. 9872

1170 MORSE AVENUE

FOR CONDOMINIUM PURPOSES

CONSISTING OF 4 SHEETS

BEING A SUBDIVISION OF PARCEL 2, AS SHOWN ON THAT CERTAIN PARCEL MAP, FILED JULY 10, 1981, IN BOOK 487 OF MAPS AT PAGES 12 AND 13, RECORDS OF SANTA CLARA COUNTY.

LYING ENTIRELY WITHIN THE CITY OF SUNNYVALE, SANTA CLARA COUNTY, CALIFORNIA

SCALE: 1" = 100'

DATE: DECEMBER 2009



ENGINEERS - SURVEYORS - PLANNERS
1650 TECHNOLOGY DRIVE, SUITE 650
SAN JOSE, CALIFORNIA 95110

BASIS OF BEARINGS

THE BEARING N14°52'00"E OF THE CENTER LINE OF MORSE AVENUE AS SHOWN ON THAT CERTAIN PARCEL MAP, FILED JULY 10, 1981 IN BOOK 487 OF MAPS AT PAGES 12 AND 13, RECORDS OF SANTA CLARA COUNTY, WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS MAP.

NOTES

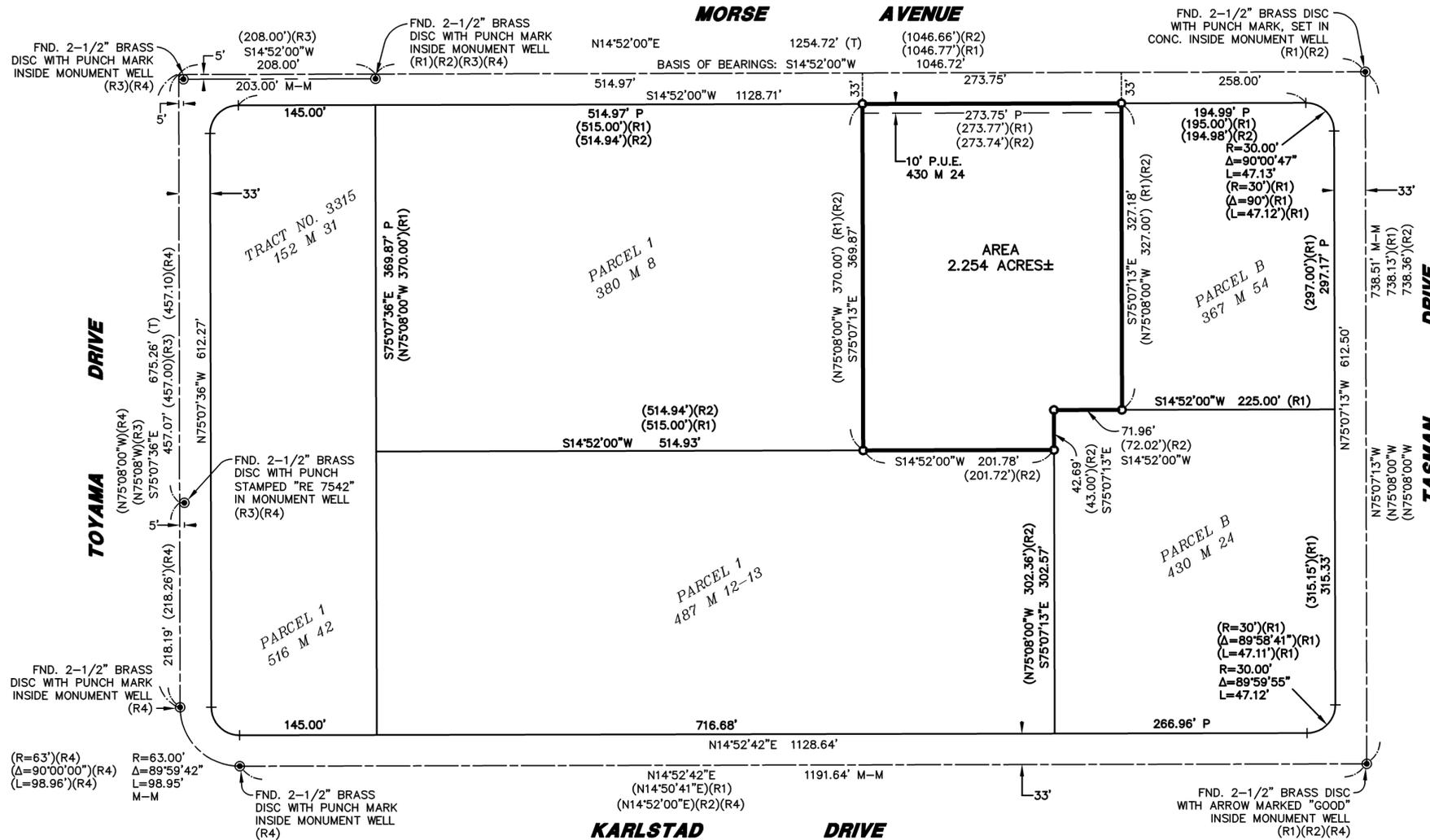
- ALL DISTANCES AND DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
- THE DISTINCTIVE BORDER LINE INDICATES THE BOUNDARY OF LAND SUBDIVIDED BY THIS MAP AND CONTAINS AN AREA OF 2.254 ACRES, MORE OR LESS.
- SEE SHEET 3 OF 4 FOR P.U.E., P.F.S.E., P.S.D.E., P.S.S.E. & P.W.E.; AND SEE SHEET 4 OF 4 FOR E.V.A.E. & P.I.E.E.

MAP REFERENCES

- (R1) PARCEL MAP 380 M 8
- (R2) PARCEL MAP 487 M 12-13
- (R3) TRACT NO. 3315, 152 M 31
- (R4) PARCEL MAP 516 M 42

LEGEND

- CONC. CONCRETE
- E.V.A.E. EMERGENCY VEHICLE ACCESS EASEMENT
- P.I.E.E. PRIVATE INGRESS AND EGRESS EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- P.F.S.E. PRIVATE FIRE SERVICE EASEMENT
- P.S.D.E. PRIVATE STORM DRAIN EASEMENT
- P.S.S.E. PRIVATE SANITARY SEWER EASEMENT
- P.W.E. PRIVATE WATER EASEMENT
- FND. FOUND
- M-M MONUMENT TO MONUMENT DISTANCE
- SF SQUARE FEET
- (T) TOTAL DISTANCE
- 266.96' P PRORATED DISTANCE VALUE
- SET 3/4" IRON PIPE WITH PLASTIC PLUG AND TACK, STAMPED "LS 5797"
- ⊙ SET 2-1/2" BRASS DISK IN CONCRETE BASE STAMPED "LS 5797" IN MONUMENT WELL
- FOUND MONUMENT, AS NOTED ON MAP
- DISTINCTIVE BOUNDARY LINE
- LOT LINE
- CENTER LINE/MONUMENT LINE
- EASEMENT LINE



TRACT NO. 9872

1170 MORSE AVENUE

FOR CONDOMINIUM PURPOSES

CONSISTING OF 4 SHEETS

BEING A SUBDIVISION OF PARCEL 2, AS SHOWN ON THAT CERTAIN PARCEL MAP, FILED JULY 10, 1981, IN BOOK 487 OF MAPS AT PAGES 12 AND 13, RECORDS OF SANTA CLARA COUNTY.

LYING ENTIRELY WITHIN THE CITY OF SUNNYVALE, SANTA CLARA COUNTY, CALIFORNIA

 SCALE: 1" = 30' DATE: DECEMBER 2009



ENGINEERS - SURVEYORS - PLANNERS
 1650 TECHNOLOGY DRIVE, SUITE 650
 SAN JOSE, CALIFORNIA 95110

NOTE

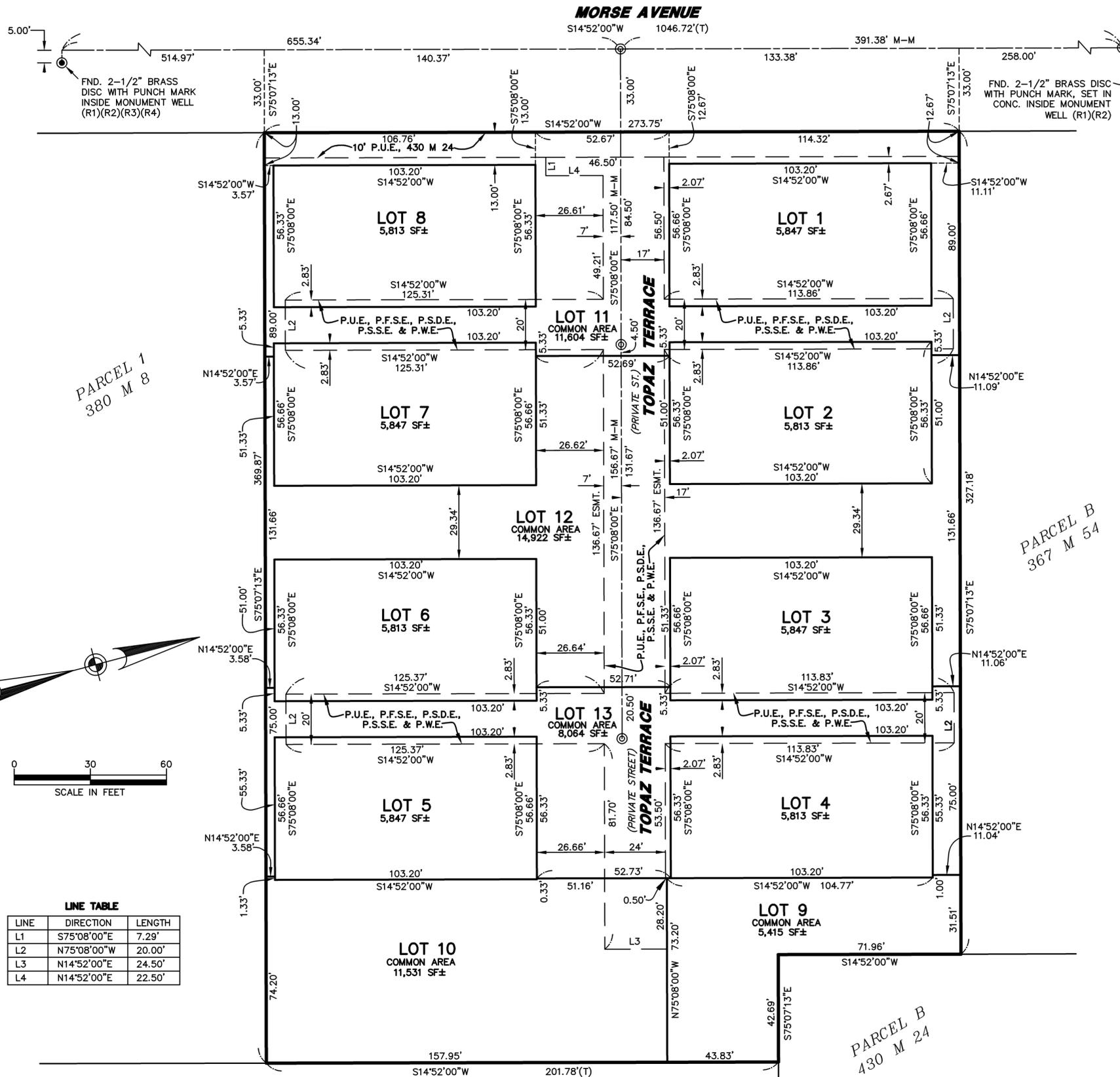
- ALL DISTANCES AND DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
- SEE SHEET 4 OF 4 FOR E.V.A.E. AND P.I.E.E.

MAP REFERENCES

- (R1) PARCEL MAP 380 M 8
- (R2) PARCEL MAP 487 M 12-13
- (R3) TRACT NO. 3315, 152 M 31
- (R4) PARCEL MAP 516 M 42

LEGEND

- CONC. CONCRETE
- E.V.A.E. EMERGENCY VEHICLE ACCESS EASEMENT
- P.I.E.E. PRIVATE INGRESS AND EGRESS EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- P.F.S.E. PRIVATE FIRE SERVICE EASEMENT
- P.S.D.E. PRIVATE STORM DRAIN EASEMENT
- P.S.S.E. PRIVATE SANITARY SEWER EASEMENT
- P.W.E. PRIVATE WATER EASEMENT
- FND. FOUND
- M-M MONUMENT TO MONUMENT DISTANCE
- SF SQUARE FEET
- (T) TOTAL DISTANCE
- ⊙ SET 2-1/2" BRASS DISK IN CONCRETE BASE STAMPED "LS 5797" IN MONUMENT WELL
- FOUND MONUMENT, AS NOTED ON MAP
- DISTINCTIVE BOUNDARY LINE
- LOT LINE
- CENTER LINE/MONUMENT LINE
- EASEMENT LINE



PARCEL 1
380 M 8

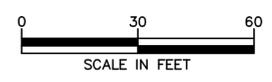
PARCEL B
367 M 54

PARCEL 1
487 M 12-13

PARCEL B
430 M 24

LINE TABLE

LINE	DIRECTION	LENGTH
L1	S75°08'00"E	7.29'
L2	N75°08'00"W	20.00'
L3	N14°52'00"E	24.50'
L4	N14°52'00"E	22.50'



TRACT NO. 9872

1170 MORSE AVENUE

FOR CONDOMINIUM PURPOSES

CONSISTING OF 4 SHEETS

BEING A SUBDIVISION OF PARCEL 2, AS SHOWN ON THAT CERTAIN PARCEL MAP, FILED JULY 10, 1981, IN BOOK 487 OF MAPS AT PAGES 12 AND 13, RECORDS OF SANTA CLARA COUNTY.

LYING ENTIRELY WITHIN THE CITY OF SUNNYVALE, SANTA CLARA COUNTY, CALIFORNIA

SCALE: 1" = 30'

DATE: DECEMBER 2009



ENGINEERS - SURVEYORS - PLANNERS
1650 TECHNOLOGY DRIVE, SUITE 650
SAN JOSE, CALIFORNIA 95110

NOTE

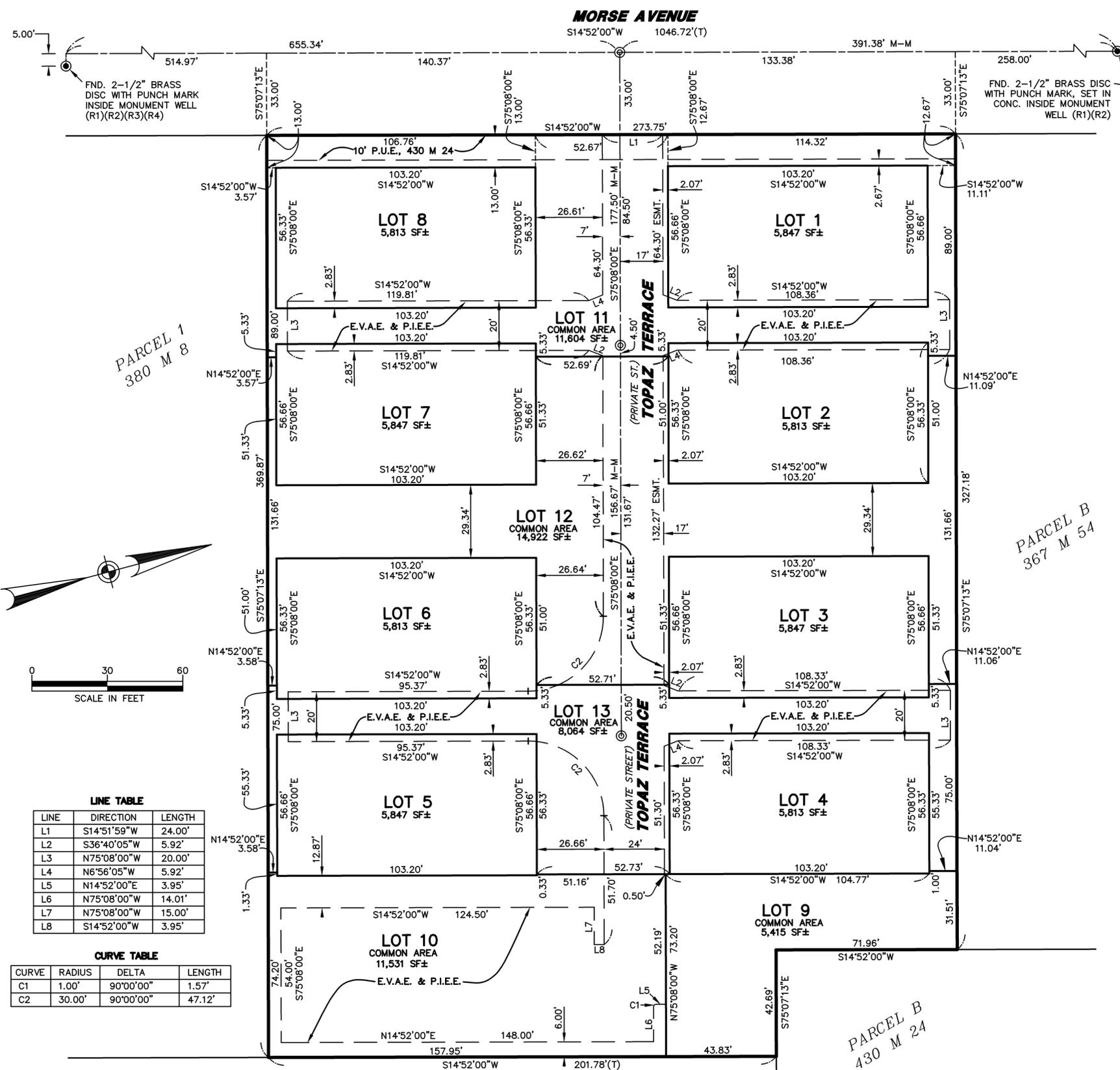
- ALL DISTANCES AND DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
- SEE SHEET 3 OF 4 FOR P.U.E., P.F.S.E., P.S.D.E., P.S.S.E. AND P.W.E.

MAP REFERENCES

- (R1) PARCEL MAP 380 M 8
- (R2) PARCEL MAP 487 M 12-13
- (R3) TRACT NO. 3315, 152 M 31
- (R4) PARCEL MAP 516 M 42

LEGEND

- CONC. CONCRETE
- E.V.A.E. EMERGENCY VEHICLE ACCESS EASEMENT
- P.I.E.E. PRIVATE INGRESS AND EGRESS EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- P.F.S.E. PRIVATE FIRE SERVICE EASEMENT
- P.S.D.E. PRIVATE STORM DRAIN EASEMENT
- P.S.S.E. PRIVATE SANITARY SEWER EASEMENT
- P.W.E. PRIVATE WATER EASEMENT
- FND. FOUND
- M-M MONUMENT TO MONUMENT DISTANCE
- SF SQUARE FEET
- (T) TOTAL DISTANCE
- ⊙ SET 2-1/2" BRASS DISK IN CONCRETE BASE
- ⊙ STAMPED "LS 5797" IN MONUMENT WELL
- ⊙ FOUND MONUMENT, AS NOTED ON MAP
- DISTINCTIVE BOUNDARY LINE
- LOT LINE
- CENTER LINE/MONUMENT LINE
- EASEMENT LINE

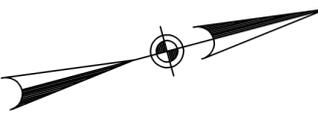
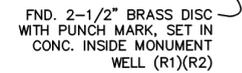
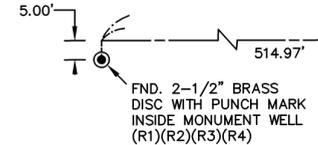


PARCEL 1
380 M 8

PARCEL B
367 M 54

PARCEL 1
487 M 12-13

PARCEL B
430 M 24



LINE TABLE

LINE	DIRECTION	LENGTH
L1	S14°51'59"W	24.00'
L2	S36°40'05"W	5.92'
L3	N75°08'00"W	20.00'
L4	N6°56'05"W	5.92'
L5	N14°52'00"E	3.95'
L6	N75°08'00"W	14.01'
L7	N75°08'00"W	15.00'
L8	S14°52'00"W	3.95'

CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH
C1	1.00'	90°00'00"	1.57'
C2	30.00'	90°00'00"	47.12'