



**Council Meeting: August 31, 2010**

**SUBJECT: Approval of Final Map (Tract No. 9962) – Thirty-six Townhomes at 637 East Taylor Avenue by D. R. Horton Bay, Inc.**

**BACKGROUND**

Tract No. 9962 is a 36-unit Townhome project. The tentative map was approved by the Planning Commission on August 13, 2007 and extended to August 13, 2011 pursuant to Government Code Section 66452.11.

**DISCUSSION**

The final map for Tract No. 9962, consisting of thirty-six residential lots and one common lot, 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 (\$256,000 bond for faithful performance and \$256,000 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. 9962; accept the public street dedication and public utility easement; 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: Bennett Chun, Civil Engineer

Approved by:

Gary M. Luebbers, City Manager

**Attachment**

Final Map for Tract No. 9962

**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 REAL 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 (AND OFFER TO DEDICATE TO PUBLIC USE) ALL STREETS AND PORTIONS OF STREETS NOT PREVIOUSLY EXISTING AS DELINEATED HEREON AND DESIGNATED AS "STREET DEDICATION", AND ALSO DEDICATE TO PUBLIC USE EASEMENTS FOR ANY AND ALL PUBLIC USES UNDER, UPON AND OVER SAID STREETS AND PORTIONS THEREOF.

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, 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.

ALL OF THE HEREIN DESCRIBED STREETS AND PUBLIC UTILITY EASEMENTS SHALL BE KEPT OPEN AND FREE FROM BUILDINGS AND STRUCTURES OF ANY KIND THAT IMPAIR THE USE OF OR ARE INCONSISTENT WITH THE PURPOSE OF THE STREET OR EASEMENT.

WE ALSO HEREBY DEDICATE TO PUBLIC USE AN EASEMENT OVER "LOT A" 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 RESERVE PRIVATE STREETS, DESIGNATED ON THE HEREIN MAP AS "PRIVATE STREET". THE PRIVATE STREETS CONTAINED WITHIN THIS TRACT ARE NOT OFFERED, NOR ARE THEY ACCEPTED FOR DEDICATION, FOR PUBLIC STREET PURPOSES.

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 UPON AND OVER LOT A AS DELINEATED HEREON AND DESIGNATED AS "P.I.E.E." (PRIVATE INGRESS AND EGRESS EASEMENT). THE MAINTENANCE, REPAIR, AND/OR REPLACEMENT OF SAID EASEMENTS 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 UPON AND OVER "LOT A" 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.S.D.E." (PRIVATE STORM DRAIN EASEMENT), AND "P.S.S.E." (PRIVATE SANITARY SEWER EASEMENT), "P.F.S.E." (PRIVATE FIRE SERVICE EASEMENT) THESE PRIVATE EASEMENTS ARE TO BE KEPT OPEN AND FREE FROM BUILDINGS, AND STRUCTURES OF ANY KIND EXCEPT FOR THOSE PRIVATE UTILITY FACILITIES AND APPURTENANCES, AND SMALL STRUCTURES SUCH AS GAZEBOS, KIOSKS, BICYCLE RACKS, TRASH, ENCLOSURES AND MAIL BOXES. 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 AND/OR ASSOCIATION 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, THE RIGHT TO PARK UPON AND OVER THOSE STRIPS OF LAND DESIGNATED "P.P.E." (PRIVATE PARKING EASEMENT). THE MAINTENANCE, REPAIR AND/OR REPLACEMENT OF ALL IMPROVEMENTS IN SAID EASEMENT SHALL BE THE SOLE RESPONSIBILITY OF THE PROPERTY OWNERS AS DETERMINED BY THE APPROPRIATE COVENANTS, CONDITIONS AND RESTRICTIONS, SAID EASEMENTS ARE NOT OFFERED, NOR ACCEPTED FOR DEDICATION, BY THE CITY OF SUNNYVALE.

WE ALSO HEREBY RESERVE FOR THE OWNERS OF ADJACENT LOTS THE RIGHT TO HAVE THEIR ROOF OVERHANGS, INCLUDING GUTTERS, ENCR OACH OVER THE PROPERTY LINE OF THEIR ADJACENT NEIGHBORING LOT, THOSE STRIPS OF LAND ARE DESIGNATED "R.O.E." (ROOF OVERHANG EASEMENT). THE MAINTENANCE, REPAIR AND/OR REPLACEMENT OF ALL IMPROVEMENTS IN SAID EASEMENT SHALL BE THE SOLE RESPONSIBILITY OF THE PROPERTY OWNERS AS DETERMINED BY THE APPROPRIATE COVENANTS, CONDITIONS AND RESTRICTIONS, SAID EASEMENTS ARE NOT OFFERED, NOR ACCEPTED FOR DEDICATION, BY THE CITY OF SUNNYVALE.

"LOT A", DESIGNATED ON THE HEREIN MAP, IS COMMON AREA FOR THE EXCLUSIVE USE OF THE RESIDENTS AND VISITORS OF TRACT NO. 9962. IT CONTAINS, BUT NOT LIMITED TO, PRIVATE INGRESS/EGRESS ACCESS, PRIVATE WALKWAYS, PRIVATE PARKING, PRIVATE UTILITIES, EMERGENCY VEHICLE ACCESS AND PUBLIC UTILITIES. "LOT A" WILL BE CONVEYED TO THE HOMEOWNERS' ASSOCIATION.

AS OWNERS:

- D.R. HORTON BAY, INC., A DELAWARE CORPORATION

  
BY: NICHOLAS ARENSON, VICE PRESIDENT OF LAND ACQUISITION AND FORWARD PLANNING

**ACKNOWLEDGMENT**

STATE OF CALIFORNIA  
COUNTY OF Alameda } SS.  
ON Aug 13, 2010 BEFORE ME, Alison V. Metz, PERSONALLY  
APPEARED Nicholas Arenson

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 Alison V. Metz (SEAL)

Notary Name: Alison V. Metz  
Commission Number: 1837806  
Commission Expires: Feb 22, 2013  
County of Principal Place of business: Alameda

**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. 9962, AS SHOWN HEREON AND ACCEPTED ON BEHALF OF THE PUBLIC ALL STREETS AND EASEMENTS OFFERED FOR DEDICATION TO PUBLIC USE IN CONFORMITY WITH THE TERMS OF THE OFFER OF DEDICATION.

KATHLEEN FRANCO SIMMONS  
CITY CLERK  
CITY OF SUNNYVALE, CALIFORNIA

DATED: \_\_\_\_\_ BY: \_\_\_\_\_

**COUNTY RECORDER'S STATEMENT**

FILED \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AT \_\_\_\_\_ M. IN BOOK \_\_\_\_\_ OF MAPS AT PAGES \_\_\_\_\_, SANTA CLARA COUNTY RECORDS, STATE OF CALIFORNIA, AT THE REQUEST OF GIULIANI & KULL, INC.

FEE: \$ \_\_\_\_\_ PAID  
FILE NO. \_\_\_\_\_

REGINA ALCOMENDRAS, COUNTY RECORDER  
SANTA CLARA COUNTY, CALIFORNIA

BY: \_\_\_\_\_  
DEPUTY

**SOILS REPORT NOTE:**

A SOIL REPORT ON THIS PROPERTY HAS BEEN PREPARED BY TERRARESEARCH, INC., ENTITLED GEOTECHNICAL INVESTIGATION ON PROPOSED RESIDENTIAL DEVELOPMENT 637 EAST TAYLOR AVENUE, SUNNYVALE, CALIFORNIA, FOR BYLDAN CORPORATION, DATED JANUARY 8, 2007, A COPY OF WHICH HAS BEEN FILED WITH THE CITY OF SUNNYVALE.

**CITY ENGINEER'S STATEMENT**

I HEREBY STATE THAT I HAVE EXAMINED THE HEREON FINAL MAP OF THE TRACT NO. 9962; 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, CITY ENGINEER  
DIRECTOR OF PUBLIC WORKS  
RCE #30831, EXP. 3/31/12  
CITY OF SUNNYVALE, CALIFORNIA

**TRACT NO. 9962  
CONSISTING OF TWO SHEETS**

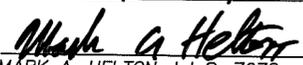
BEING ALL OF LOTS 11 & 12 IN BLOCK 5, AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP OF THE FAIROAKS ADDITION TO THE TOWN OF SUNNYVALE", WHICH MAP WAS FILED FOR RECORD IN BOOK "L" OF MAPS, AT PAGE 4, SANTA CLARA COUNTY RECORDS, AND LYING ENTIRELY WITHIN THE

CITY OF SUNNYVALE, CALIFORNIA  
OCTOBER 2008

**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 STUART WELTE ON FEBRUARY 7, 2007. I HEREBY STATE THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN; THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR THEY WILL BE SET IN SUCH POSITIONS ON OR BEFORE DECEMBER 31, 2011; AND THAT THE MONUMENTS ARE SUFFICIENT, OR WILL BE, TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP.



DATE: 8-12-2010  
  
MARK A. HELTON, L.L.S. 7078  
LICENSE EXPIRES: 12-31-2010

**GK Giuliani & Kull, Inc.**  
Engineers • Planners • Surveyors  
4880 Stevens Creek Blvd. Suite 205 San Jose, CA. 95129  
(408) 615-4000 Fax (408) 615-4004  
Auburn • San Jose • Oakdale

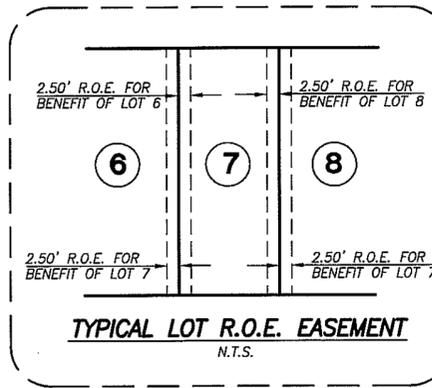
MAUDE AVE.

LEGEND

ALL DISTANCES AND DIMENSIONS ARE IN FEET & DECIMALS THEREOF

THE AREA WITHIN THE DISTINCTIVE BORDER OF THIS SUBDIVISION IS 1.85± ACRES

- ( ) INDICATES RECORD INFORMATION WHICH AGREES WITH MEASURED INFORMATION
- [ ] INDICATES RECORD INFORMATION IN CONFLICT WITH MEASURED INFORMATION OR CALCULATED DATA
- INDICATES FOUND IRON PIPE, AS NOTED
- INDICATES SET NAIL WITH BRASS TAG (LS7078)
- INDICATES SET 3/4" IRON PIPE TAGGED L.S. 7078, UNLESS OTHERWISE NOTED.
- ⊙ INDICATES FOUND MONUMENT IN MONUMENT BOX, AS DESCRIBED, (ORIGIN UNKNOWN, UNLESS SHOWN)
- ⊙ INDICATES SET CITY STD. MONUMENT
- |— INDICATES CENTERLINE (OR MONUMENT LINE)
- — — — — INDICATES PROPERTY LINE
- — — — — INDICATES EASEMENT LINE
- P.U.E. PUBLIC UTILITY EASEMENT
- E.V.A.E. EMERGENCY VEHICLE ACCESS EASEMENT
- P.I.E.E. PRIVATE INGRESS/EGRESS EASEMENT
- P.S.D.E. PRIVATE STORM DRAIN EASEMENT
- P.S.S.E. PRIVATE SANITARY SEWER EASEMENT
- P.W.E. PRIVATE WATER EASEMENT
- P.F.S.E. PRIVATE FIRE SERVICE EASEMENT
- R.O.E. ROOF OVERHANG EASEMENT
- S.F.N.F. SEARCHED FOR, NOT FOUND
- 21 LOT NUMBER



Lot No.	Area (S.F.)
1	1,751
2	1,079
3	1,067
4	1,329
5	1,332
6	1,071
7	1,083
8	1,083
9	1,751
10	1,842
11	1,017
12	927
13	934
14	1,382
15	1,271
16	942
17	931
18	1,834
19	1,850
20	927
21	927
22	1,351
23	1,359
24	927
25	927
26	1,017
27	1,842
28	2,205
29	1,406
30	1,406
31	1,401
32	1,731
33	1,730
34	1,406
35	1,406
36	2,205
A	30,157

**BASIS OF BEARINGS**  
THE BEARING NORTH 14°52'00" EAST, BEING THE EASTERLY BOUNDARY LINE OF PARCEL 1, AS SHOWN ON THAT CERTAIN PARCEL MAP, WHICH WAS FILED FOR RECORD IN BOOK 129 OF MAPS, AT PAGE 3, IN SANTA CLARA COUNTY RECORDS, AND AS FOUND MONUMENTED IN THE FIELD, WAS USED AS THE BASIS OF BEARINGS FOR THIS MAP.

**TRACT NO. 9962**  
**CONSISTING OF TWO SHEETS**

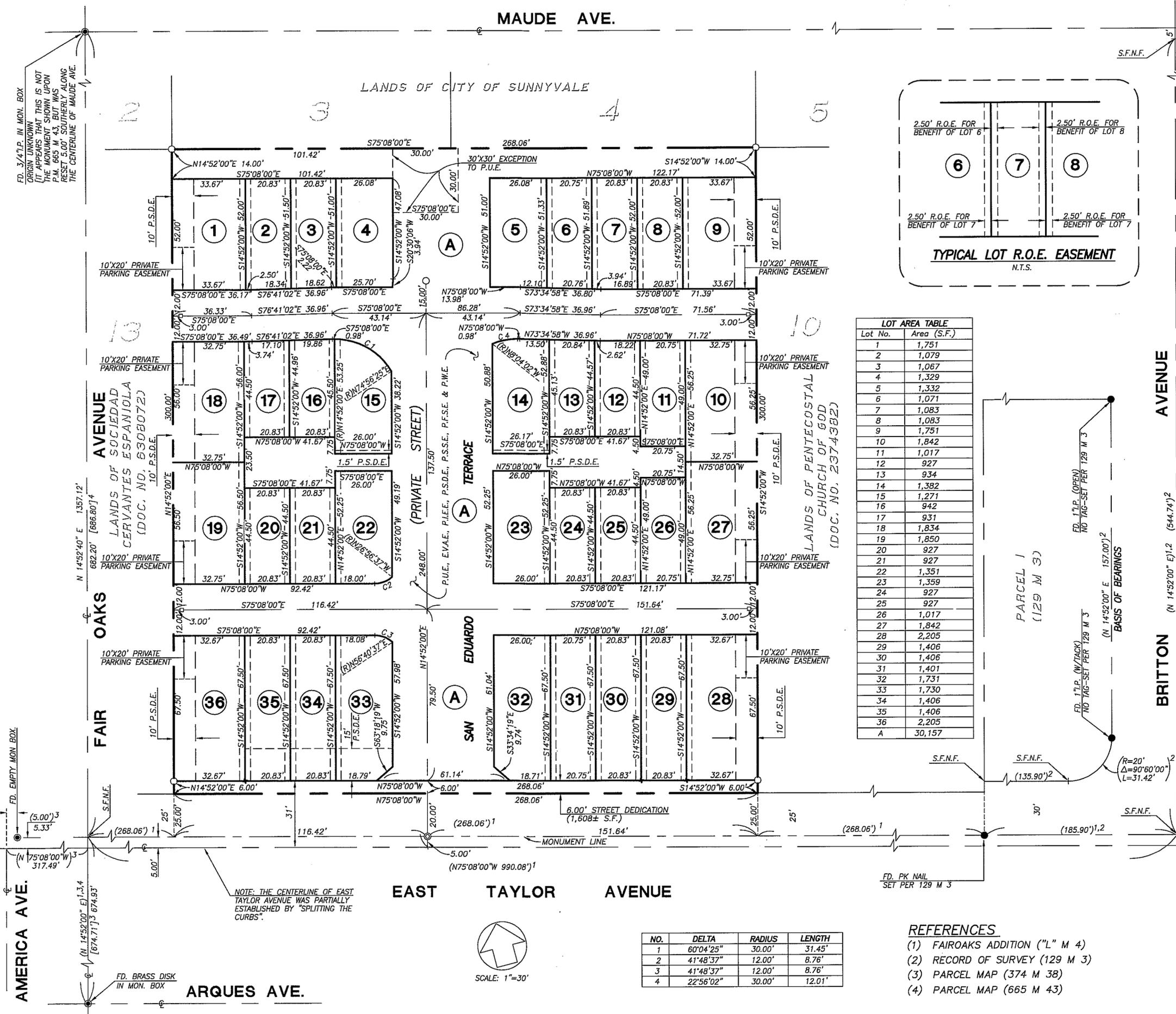
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**CITY OF SUNNYVALE, CALIFORNIA**  
SCALE: 1"=30' OCTOBER 2008

**GK Giuliani & Kull, Inc.**  
Engineers • Planners • Surveyors  
4880 Stevens Creek Blvd. Suite 205 San Jose, CA. 95129  
(408) 615-4000 Fax (408) 615-4004  
Auburn • San Jose • Oakdale

- REFERENCES**
- (1) FAIROAKS ADDITION ("L" M 4)
  - (2) RECORD OF SURVEY (129 M 3)
  - (3) PARCEL MAP (374 M 38)
  - (4) PARCEL MAP (665 M 43)

NO.	DELTA	RADIUS	LENGTH
1	60°04'25"	30.00'	31.45'
2	41°48'37"	12.00'	8.76'
3	41°48'37"	12.00'	8.76'
4	22°56'02"	30.00'	12.01'



FD. 3/4" I.P. IN MON. BOX  
ORIGIN UNKNOWN  
IT APPEARS THAT THIS IS NOT THE MONUMENT SHOWN UPON PAR. 965 OF S. BERRY ALONG THE CENTERLINE OF MAUDE AVE.

FD. EMPTY MON. BOX  
(5.00')<sup>3</sup>  
(5.00')<sup>3</sup>  
(5.00')<sup>3</sup>

FD. BRASS DISK IN MON. BOX  
(N. 14°52'00" E.) 1.34  
(674.71')<sup>3</sup> 674.93'

S.F.N.F.

AVENUE

BRITTON

FD. 1" I.P. (OPEN) NO TAG-SET PER 129 M 3  
BASIS OF BEARINGS  
(N. 14°52'00" E. 157.00')<sup>2</sup>  
(135.90')<sup>2</sup>  
(185.90')<sup>1,2</sup>

S.F.N.F.

S.F.N.F.

S.F.N.F.

FD. PK NAIL SET PER 129 M 3