SUBJECT: Approval of Final Map (Tract No. 10114) – Seventeen Unit Townhome Development at 1060 Morse Avenue by Toyama Park, L.P.

BACKGROUND
Tract No. 10114 is a seventeen unit townhome development project. The tentative map was approved by the Planning Commission on July 25, 2011.

DISCUSSION
The final map for Tract No. 10114, consisting of seventeen townhome units and six common lots, was examined by the Public Works staff and found to be in conformance with Sunnyvale Municipal Code Title 18 Subdivision, the State of California “Subdivision Map Act”. The developer will execute a subdivision agreement and provide improvement securities ($69,000 for faithful performance and $69,000 for labor and materials) to guarantee completion of public improvements.

RECOMMENDATION
Staff recommends that Council approve the final map for Tract No. 10114; 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 forward the final map for recordation.

Reviewed by:

Kent Steffens, Director of Public Works
Prepared by: Eric Gonzales, Civil Engineer

Approved by:

Gary M. Luebbers, City Manager

Attachment
Final Map for Tract No. 10114
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 BOUNDARY WITHIN THE SUBDIVISION SHOWN UPON THE HEADING MAPS THAT WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS A CLEAR TITLE TO THE SAID PROPERTY, THAT WE HEREBY CONSENT TO THE PREPARATION AND FILING OF SAID MAP AND SUBDIVISION AS SHOWN WITHIN THE DESCRIPTIVE BOUNDARY LINE.

WE HEREBY DECLARE TO PUBLIC USE EXACTMENTS FOR ANY AND ALL PUBLIC SERVICE FACILITIES INCLUDING BUT NOT LIMITED TO POLES, WIRES, CONDUITS, GAS, AND ALL APPLIANCES PLACED ABOVE, UNDER, OPEN, OR OVER THE LAND DESIGNATED HEREIN AND DESIGNATED AS "L" (PUBLIC UTILITY EXCETMENT). SAID EXCETMENTS ARE TO BE KEPT OPEN AND FREE OF BUILDINGS AND STRUCTURES OF ANY KIND EXCEPT PUBLIC SERVICE STRUCTURES, IRRIGATION DITCHES AND APPLIANCES, UNLESS OTHERWISE NOTED. THE CITY OF SUNNYVALE DOES NOT HAVE ANY MAINTENANCE RESPONSIBILITIES WITHIN THE BOUNDARY LINE AS SHOWN ON SHEET 3.

WE HEREBY DECLARE FOR THE OWNERS OF ALL LOTS SHOWN ON THE HEADING MAP AND THEIR LICENSEES, VISITORS, AND TENANTS, RECIPROCAL RIGHTS OF INGRESS AND EGRESS PURSUED UPON AND OVER PARCEL F AS DESIGNATED HEREIN AND DESIGNATED AS "L" (PRIVATE UTILITY EXCETMENT). THE MAINTENANCE, REPAIR, AND/OR REPLACEMENT OF SAID EXCETMENTS SHALL BE THE SOLE RESPONSIBILITY OF THE PROPERTY OWNERS AS DETERMINED BY THE APPEARANT CONVENIENCE, CONCERNS AND RESTRICTIONS. SAID EXCETMENTS ARE NOT OFFERED, NOR ARE THEY ACCEPTED FOR UTILIZATION BY THE CITY OF SUNNYVALE.

WE HEREBY DECLARE FOR THE OWNERS OF ALL LOTS SHOWN ON THE HEADING MAP AND THEIR LICENSEES, VISITORS, AND TENANTS, RECIPROCAL RIGHTS OF INGRESS AND EGRESS PURSUED UPON AND OVER PARCEL F AS DESIGNATED HEREIN AND DESIGNATED AS "P" (PRIVATE UTILITY EXCETMENT). THOSE PRIVATE EXCETMENTS 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 UTILITY AND SANITARY UTILITY FACILITIES SHALL BE THE SOLE RESPONSIBILITY OF THE PROPERTY OWNERS AS DETERMINED BY THE APPEARANT CONVENIENCE, CONCERNS AND RESTRICTIONS. SAID EXCETMENTS ARE NOT OFFERED, NOR ARE THEY ACCEPTED FOR UTILIZATION BY THE CITY OF SUNNYVALE.

SPACER TERRACE, LEVAN TERRACE, AND LEVAN TERRACE, DESIGNATED ON THE HEADING MAP (PARCEL F), IS COMMON AREA FOR THE EXCLUSIVE USE OF THE RESIDENTS AND VICTORS OF PARCEL F. IT CONTAINS, BUT IS NOT LIMITED TO, PRIVATE AGES/EGRESS ACCESS, PRIVATE WALKWAYS, PRIVATE PARKING, PRIVATE UTILITIES, EMERGENCY VEHICLE ACCESS AND PUBLIC UTILITIES. SPACER TERRACE, LEVAN TERRACE, AND LEVAN TERRACE (PARCEL F) WILL BE CONNED TO THE "HOMEOWNERS ASSOCIATION." WE HEREBY DECLARE PRIVATE RIGHTS, DESIGNATED ON THE HEADING MAP AS ADDITIONAL-designated, LEVAN TERRACE, AND LEVAN TERRACE (PARCEL F). THE PRIVATE STREETS DESIGNATED WITHIN THIS TRACT ARE NOT OFFERED, NOR ARE THEY ACCEPTED FOR UTILIZATION BY PUBLIC STREET PURPOSES.

AS OWNERS, TOYAMA PARK, INC., A CALIFORNIA LIMITED PARTNERSHIP

BY: CLASSIC COMMUNITIES, INC., A CALIFORNIA CORPORATION

GENERAL PARTNER

BY: DAVID REAGAN

Vice President

OWNER'S ACKNOWLEDGMENT

STATE OF: ___________________

COUNTY OF _______________ 55

ON ______________, 2012, BEFORE ME, ____________________________________________________________, A NOTARY PUBLIC, PERSONALLY APPEARED ______________________, AND PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) ARE DASHED TO THE NOTARY INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/HER/HEIR/HEIR/HEIRER/HEIRER(S) EXECUTED THE SAME IN HIS/HER/HERS AUTHORIZED CAPACITY(IES), AND BY HIM/HER/HER/HER ER(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:

SIGNATURE: ___________________________________________________________

NAME (PRINT): ____________________________

PRINCIPAL COUNTY OF BUSINESS: ____________________________

MY COMMISSION NUMBER: ____________________________

MY COMMISSION EXPIRED: ____________________________

TRUSTEE'S STATEMENT

THE UNINCORPORATED CORPORATION, AS TRUSTEE UNDER THE DEED OF TRUST RECORDED ON AUGUST 15, 2011, INSTRUMENT NO. 211289 OF OFFICIAL RECORDS, SANTA CLARA COUNTY, CALIFORNIA, DOES HEREBY JOIN IN AND CONSENT TO THE FOREGOING STATEMENT AND ALL EXCETMENTS SHOWN HEREIN.

UNINCORPORATED CORPORATION, A CALIFORNIA CORPORATION

BY: ____________________________

TITLE: ____________________________

TRUSTEE'S ACKNOWLEDGMENT

STATE OF: _______________________

COUNTY OF _______________ 55

ON ______________, 2012, BEFORE ME, ____________________________________________________________, A NOTARY PUBLIC, PERSONALLY APPEARED ______________________, AND PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) ARE DASHED TO THE NOTARY INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/HER/HEIR/HEIR/HEIRER/HEIRER(S) EXECUTED THE SAME IN HIS/HER/HERS AUTHORIZED CAPACITY(IES), AND BY HIM/HER/HER/HER ER(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:

SIGNATURE: ___________________________________________________________

NAME (PRINT): ____________________________

PRINCIPAL COUNTY OF BUSINESS: ____________________________

MY COMMISSION NUMBER: ____________________________

MY COMMISSION EXPIRED: ____________________________

TRACT 10114
CLASSICS AT TOYAMA
A 17 LOT RESIDENTIAL SUBDIVISION CONSISTING OF 3 SHEETS
BEING A SUBDIVISION OF LOT 3 OF TRACT 3315, LAFERTY SUBDIVISION, BOOK 152 OF MAPS, AT PAGE 31, SANTA CLARA COUNTY RECORDS, LYING ENTIRELY WITHIN THE CITY OF SUNNYVALE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA.

CARLSON, BARBEE & GIBSON, INC.
ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON, CALIFORNIA

JANUARY 2012
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 September 2011. I hereby state that all monuments are of the character shown and will be set in the positions indicated on or before December 2013 and that the monuments will be sufficient to enable the survey to be retraced, and that the final map substantially conforms to the conditionally approved tentative map.

CHRISTOPHER S. HARINGTON, P.E.
L.S. NO. 7176

CITY ENGINEER'S STATEMENT

I hereby state that I have examined the herein final map of Tract 10114, that the subdivision as shown herein is substantially the same as it appeared on the tentative map and any approved amendments thereto, 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.

MARK YOGUE
CITY ENGINEER
RECE. NO. 50588
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____, 2013, duly approved the herein final map of the Tract No. 10114 as shown herein and accepted on behalf of the public all covenants and conditions for dedication to public use in conformity with the terms of the offer of dedication.

KATHLEEN FRANCIS SMITH
CITY CLERK
CITY OF SUNNYVALE, CALIFORNIA

RECORBER'S STATEMENT

I’d the day of____, 2013, at the request of____, the following maps, at the request of____, in book of maps at page____, through page____, all of____. I AM SATISFIED THAT SAID MAP IS TECHNICALLY CORRECT.

ROBERT HAGGON
RECE. NO. 21705

SOILS/GEOTECHNICAL REPORT NOTE

A soils report on the property was prepared by Cornerstone Earth Group, entitled, "Geotechnical Investigation, 1080 Morse Avenue Residential Development, Job No. 180-8-1, dated August 11, 2011, which has been filed with the City of Sunnyvale.

1881-20

TRACT 10114
CLASSICS AT TOYAMA
A 17 LOT RESIDENTIAL SUBDIVISION CONSISTING OF 3 SHEETS BEING A SUBDIVISION OF LOT 5, OF TRACT 3315, LAFFERTY SUBDIVISION, BOOK 152 OF MAPS, AT PAGE 31, SANTA CLARA COUNTY RECORDS, LYING ENTIRELY WITHIN THE CITY OF SUNNYVALE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA.

CARLSON, BARBEE & GIBSON, INC.
ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON, CALIFORNIA

JANUARY 2012