OP HILLING

RESOURCE MANAGEMENT AGENCY COUNTY OF TULARE AGENDA ITEM

BOARD OF SUPERVISORS KUYLER CROCKER District One

> PETE VANDER POEL District Two

AMY SHUKLIAN District Three

EDDIE VALERO District Four

DENNIS TOWNSEND

T

AGENDA DATE: February 26, 2019

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Public Hearing Required Scheduled Public Hearing w/Clerk Published Notice Required Advertised Published Notice Meet & Confer Required Electronic file(s) has been sent Budget Transfer (Aud 308) attached Personnel Resolution attached Agreements are attached and signature tab(s)/flag(s)	Yes Yes Yes Yes Yes Yes Iine Yes	□ □ □ □ for Chairr	N/A N/A N/A N/A N/A N/A n/A n/A	⊠ ⊠ ⊠ ⊠ S marked	with
tab(s)/flag(s) CONTACT PERSON: Celeste Perez PHO		(559) 624-7			

SUBJECT: Final Map for Phase 1 of Subdivision Tract No. 789

REQUEST(S):

That the Board of Supervisors:

- 1. Approve the Final Map for Phase 1 of Subdivision Tract No. 789, located between Avenue 308 and Avenue 310 east of Road 72, in the community of Goshen; and
- Approve the Agreement to complete all required public improvements for Phase 1 of Subdivision Tract No. 789 and authorize the Chairman to sign Agreement; and
- 3. Accept the road right of way dedications for Phase 1 of Subdivision Tract No. 789 as shown on the Final Map.

SUMMARY:

The subdivider of Subdivision Tract No. 789 is TRD 2 – Goshen Village, LLC, a Delaware limited liability company. The tentative map for Subdivision Tract No. 789 was conditionally approved by the Planning Commission on August 16, 2005. Subdivision Tract No. 789 is a division of 17.06 acres into 76 residential lots to be constructed in three phases, with Phase 1 consisting of 25 lots and one ponding lot, located between Avenue 308 and Avenue 310 east of Road 72, in the community of Goshen.

The required public improvements for the subdivision are subject to plan approval and construction inspection by the Resource Management Agency (RMA) Public Works Branch, California Water Service Company and Goshen Public Utilities District. The improvements include construction of public roads and connection to the Goshen

SUBJECT:Final Map for Phase 1 of Subdivision Tract No. 789DATE:February 26, 2019

Public Utilities District sewer system and the California Water Service Company water system. These improvements will be completed in accordance with the terms of an improvement agreement between the Subdivider and County. The improvement agreement between the County and the Subdivider will be in effect for a period of one year from the Board approval date.

The County Surveyor has determined that the Final Map for Phase 1 of Subdivision Tract No. 789 is in conformance with the Subdivision Map Act, local ordinances and conditions of Tentative Map approval applicable at the time of filing. State law requires the local legislative body to approve a final map if it conforms to the requirements of the Subdivision Map Act and local ordinance. Therefore, in the absence of evidence of noncompliance, the County is obligated to approve the Final Map for this subdivision.

Ten percent of the security provided by the subdivider guaranteeing faithful performance will be retained by the county for a period of one year following acceptance of the improvements by your Board, as a guarantee and warranty against defective work or materials furnished pursuant to Section 7-01-2045 of the ordinance code. In addition, the security provided by the subdivider securing payment to the contractor, subcontractors and to persons furnishing labor, materials or equipment for construction of the improvements will be retained by the county for a period of ninety (90) days after acceptance of the improvements by your Board pursuant to requirements of the Subdivision Map Act and California Civil Code.

Assessment District Nos. 18-789-GOSHEN and 18-789R-GOSHEN will be formed concurrently with this final map to pay for the continuing cost of maintaining the storm drainage system improvements and road and street maintenance located within this Subdivision.

FISCAL IMPACT/FINANCING:

No net County cost.

The subdivider has borne the cost of constructing the required public improvements. The County will be responsible for future costs of road maintenance and associated general liability upon acceptance of the public improvements. The two assessment districts formed for this subdivision will pay for the continuing costs of maintaining the storm drain system and maintaining the public roads located in the subdivision.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's five-year strategic plan includes the economic well-being initiative to promote economic development opportunities and effective growth management. The acceptance of the public improvements for Tract 789 encourages growth consistent with the County's General Plan.

SUBJECT:Final Map for Phase 1 of Subdivision Tract No. 789DATE:February 26, 2019

ADMINISTRATIVE SIGN-OFF:

Reed Schenke, P.E. Director

CC:

County Administrative Office

Attachment(s) Attachment A – Vicinity Map Attachment B – Final Map Attachment C – Agreement for improvements

BEFORE THE BOARD OF SUPERVISORS **COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF FINAL MAP FOR PHASE 1 OF SUBDIVISION TRACT NO. 789) Agreement No. _____

) Resolution No. _____

UPON MOTION OF SUPERVISOR SECONDED BY SUPERVISOR , THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _FEBRUARY 26, 2019_, BY THE FOLLOWING VOTE:

AYES: NOES: **ABSTAIN:** ABSENT:

> ATTEST: JASON T. BRITT COUNTY ADMINISTRATIVE OFFICER/ CLERK, BOARD OF SUPERVISORS

BY:

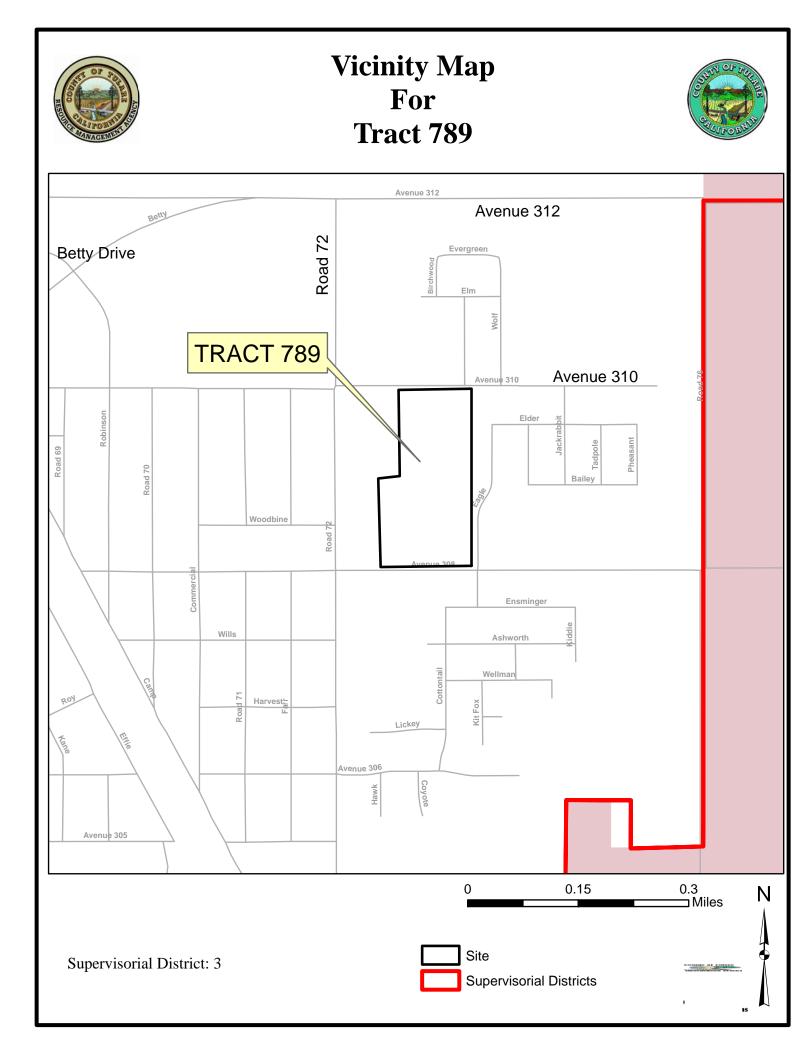
Deputy Clerk

* * * * * * * * * * * * * * * *

- 1. Approved the Final Map for Phase 1 of Subdivision Tract No. 789, located between Avenue 308 and Avenue 310 east of Road 72, in the community of Goshen; and
- Approved the Agreement to complete all required public improvements for Phase 1 of Subdivision Tract No. 789 and authorized the Chairman to sign Agreement; and
- 3. Accepted the road right of way dedications for Phase 1 of Subdivision Tract No. 789 as shown on the Final Map.

Attachment A

Vicinity Map



Attachment B

Final Map

NOTARIAL STATEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA/COUNTY OF TULARE

ON ______, BEFORE ME, ______A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, 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/SHETKHET EXECUTED THE SAME IN HIS/HEXTHEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HEXTHEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S) AC 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	MΥ	HAND.

SIGNATURE	
	PRINT NAME
MY COMMISSION EXPIRES	
MY COMMISSION NO	
PRINCIPAL PLACE OF BUSINESS	COUNTY

NOTARIAL STATEMENT

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STATE OF CALIFORNIA/COUNTY OF TULARE

ON ______, BEFORE ME, _____, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED

OF SATISFACTORY EVIDENCE TO BE THE PERSON(5) MHOSE NAME(5) ISARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THER AUTHORIZED CAPACITY(165), AND THAT BY HIS/HER/THER SIGNATURE(5) ON THE INSTRUMENT THE PERSON(5), OR ENTITY UPON BEHALF OF WHICH THE PERSON(5) ACTED, EXECUTED THE INSTRUMENT. WHO PROVED TO ME ON THE BASIS

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 _

	PRINT NAME
MY COMMISSION EXPIRES	
MY COMMISSION NO	
PRINCIPAL PLACE OF BUSINESS	COUNTY

BOARD OF SUPERVISOR'S STATEMENT

STATE OF CALIFORNIA COUNTY OF TULARE

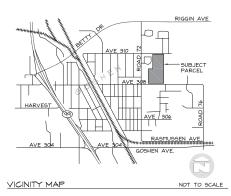
THIS IS TO STATE THAT AT A REGULAR MEETING OF THE TULARE COUNTY BOARD OF SUPERVISORS HELD ON THE _____DAY OF _____AD ____AN OPDER HAS DULY AND REGULARLY MADE AND ENTERED APPROVING THIS MAP AND SUBDIVISION, AND ACCEPTING, SUBJECT TO IMPROVEMENT, ON BEHALF OF THE PUBLIC, THE STREETS AND THE SUBDIVISION SHOWN UPON THIS MAP.

WITNESS MY HAND AND OFFICIAL SEAL OF THE COUNTY OF TULARE THIS _____

JASON T. BRITT COUNTY ADMINISTRATIVE OFFICER/CLERK OF THE BOARD OF SUPERVISORS

BY DEPUTY

16-117 GOSHEN VILLAGE



RECORDER'S STATEMENT

DOCUMENT NO. _____

FILED THIS ____ DAY OF ____ _____, 20____, AT _____M., IN BOOK ____

OF MAPS, AT PAGE _____, AT THE REQUEST OF GREG NUNLEY.

ROLAND P. HILL TULARE COUNTY ASSESSOR/CLERK-RECORDER

BΥ		
	DEPUTY	Î

BOARD OF SUPERVISOR'S STATEMENT

I, JASON T. BRITT, COUNTY ADMINISTRATIVE OFFICER/CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE, STATE OF CALIFORNIA, HEREBY CRTITY TO THE COUNTY RECORDER AND TO MHOREVER IT MAT CONCERN, THAT ALL OF THE FROVISIONS OF CHAPTER 2, DIVISION 2, TITLE 7 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA AND ANY LOCAL ORDINANCE PERTAINING TO OF THE STATE OF CALIFORNIA AND ANT LOCAL OKDINANCE PERTAINING TO DEPOSITS REQUIRED AT THE TIME OF APPROVAL BY THE BOARD OF SUPERVISORS OF THIS MAP, HAVE BEEN COMPLIED WITH.

DATED THIS __ DAY OF ___ ____ 20____

JASON T. BRITT COUNTY ADMINISTRATIVE OFFICER/CLERK OF THE BOARD OF SUPERVISORS

BY DEPUTY

TENTATIVE MAP APPROVAL

DATED

TENTATIVE MAP APPROVED NOVEMBER 29, 2006 BY TULARE COUNTY PLANNING COMMISSION RESOLUTION NO. 8/9/

BY MICHAEL WASHAM, PLANNING DIRECTOR

TRACT NO. 789 GOSHEN VILLAGE - PHASE 1 BEING A DIVISION OF A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 18 SOUTH, RANGE 24 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE COUNTY OF TULARE, STATE OF

AUGUST 2016

PREPARED FOR:	GREG NUNLEY 1969 HILLMAN STREET + TULARE + CA 93274 + (559) 799-6993
PREPARED BY:	NEIL ZERLANG - LAND SURVEYOR, INC.

2908-B WEST MAIN STREET + VISALIA, CA 93291 + (559) 739-1616

SURVEYOR'S STATEMENT

DATE

THIS MAP MAS PREPARED BY ME, OR UNDER MY DIRECTION, AND IS COMPLED FROM RECORD DATA AND DE BASED UPON A FIELD SURVEY IN CONFORMANCE THIS TAP RECORD DATA AND DE BASED UPON A FIELD SURVEY IN CONFORMANCE AND A SUBJECT OF GREEN AND A SUBJECT AND A SUBJECT AND A SUBJECT AND AT THE REQUEST OF GREEN NULLEY IN MAKUBT 206. IHEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY. ALL MONUTERS ARE OF THE CHARACTER AND COUPY THE POSITIONS INDICATED AND ARE SUFFICIENT TO EMABLE THE SURVEY TO BE RETRACED.

NEIL ZERLANG - LAND

		EXP. 12-31-17
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SURVEYOR	LS 5358	E OF CALIF

AND

NEIL ZERLANG

TULARE COUNTY SURVEYOR'S STATEMENT

I HEREBY STATE THAT I HAVE CAREFULLY EXAMINED THIS MAP, AND I AM SATISFIED THAT IT IS TECHNICALLY CORRECT, AND THAT THE SUBDIVISION AS SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE APPROVED TENTATIVE MAP, IF REGURED, AND ANY APPROVED ALTERATIONS THEREOF, AND THAT ALL OF THE PROVISIONS OF CHAPTER 2, DIVISION 2, TITLE 7 OF THE GOVERNMENT CODE AND ANY LOCAL ORDINANCE APPLICABLE AT THE TIME OF APPROVAL OF THE TRONSING STAL AVAGE BENCOMPLED WITH.

DATED THIS DAY OF . 20

MICHAEL BOND - COUNTY SURVEYOR, PLS 5852

OWNER'S STATEMENT

WE HEREBY STATE WE ARE THE OWNERS OF, OR HAVE SOME RIGHT, TITLE OR INTEREST IN THE REAL PROPERTY SHOWN ON THIS PARCEL MAP AND THAT WE ARE THE ONLY PERSONG WHOSE CONSENT IS NECESSARF YOR THE REPRARTION AND RECORDATION OF SAID PARCEL MAP AS SHOWN WITHIN THE BLUE BORDER LINES HEREON. WE CONSENT TO THE RECORDING OF SAID MAP AND DEDICATE TO FUNDIL USE THE ROAD RIGHT OF MAY AS SHOWN HEREON FOR DEDICATION TO THE COUNTY OF THEARE

FOR TRD 2 GOSHEN VILLAGE, LLC, A DELAWARE LIMITED LIABILITY COMPANY

NAME TITLE

FOR CHICAGO TITLE COMPANY, A CALIFORNIA CORPORATION AS TRUSTEE PER DOCUMENTS RECORDED AS DOC. NO.: 2017-0040351 AND 2017-0040352 OF OFFICIAL RECORDS DATED JULY 17, 2017.

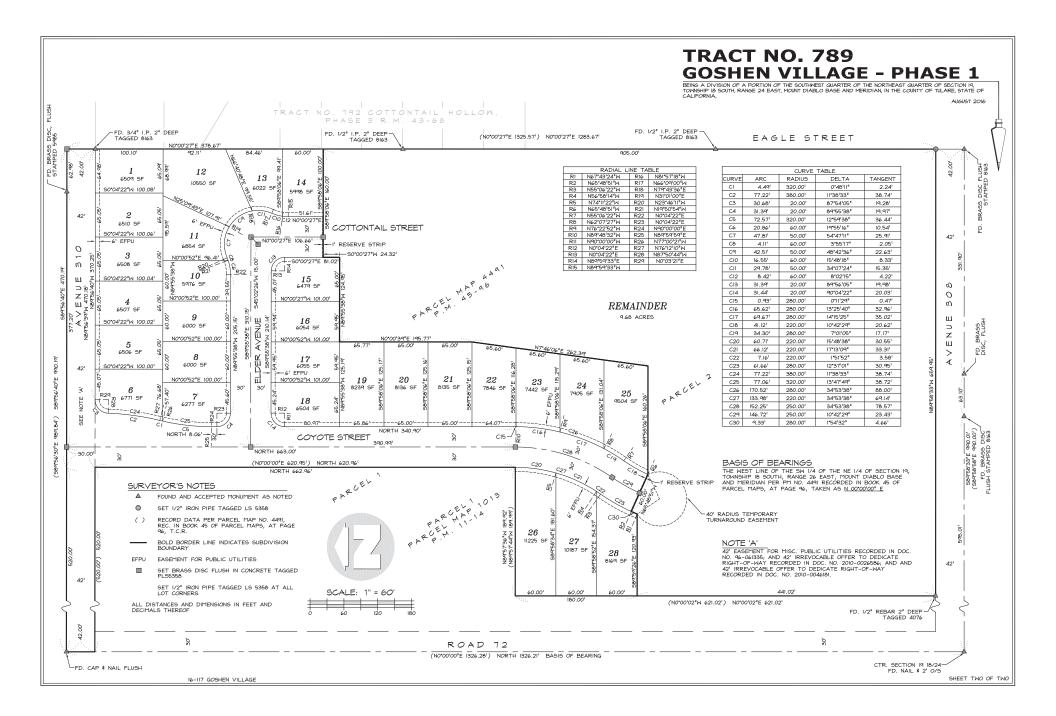
TITLE

NAME

RIGHT TO FARM NOTICE

RIGHT TO FARM NOTICE IN ACCORDANCE WITH SECTION 7-28-1070(A) OF THE TULARE COUNTY ORDINANCE CODE, AND AS A CONDITION OF APPROVAL OF THE ABOVE-REFERENCED USE PERMIT, PARCEL MAP, SUBDIVISION MAP GT MINIMA MD FEARD ATOLICT AN THE UNREPEANED HERE DAGENYLE DEAD THAT IN AND FEARD ATOLICT AN THE UNREPEANED HERE DAGENYLE DEAD THAT AGRICULTURAL OPERATIONS WITHIN THE COUNTY, RESIDENTS OF PROPERTY ON OR NEAR AGRICULTURAL OPERATIONS WITHIN THE COUNTY, RESIDENTS OF PROPERTY ON OR NEAR AGRICULTURAL OPERATIONS WITHIN THE COUNTY, RESIDENTS OF PROPERTY ON OR NEAR AGRICULTURAL OPERATIONS WITHIN THE COUNTY, RESIDENTS OF TROFERITY ON OR NEAR AGRICULTURAL OPERATIONS, INCLUDING, BUT NOT NECESSARILY LIMITED TO NOISE, DORS, FUTES, DUST, STOKE, INSECTS, OPERATION OF MACHINERY (INCLUDING ABLES AND SPRATING OR OTHERWISE OF CHEMICAL FERTILIZERS, SOIL ATENDINTS, HERBICIDES AND PESTICIDES, CONSISTENT WITH THIS POLICY, CALIFORNIA CIVIL CONSISTENT WITH ARCHER AND ACCEPTED CUSTORS AND STANDARDS, AS ESTABLISHED AND POLICY DATE THE AND ACCEPTED CUSTORS AND STANDARDS, AS ESTABLISHED AND POLICY DATE THE ADD CALIFY, SHEAR CONSIDENT WITH PROPER AND ACCEPTED CUSTORS AND STANDARDS, AS ESTABLISHED AND POLICY DATE THE THE THE AND ACCEPTED CUSTORS AND STANDARDS, AS ESTABLISHED AND POLICY DATE THE THE SAME LOCALITY, SHALL BE OR BECOME A NUISANCE, PRIVATE OR PUBLIC, DUE TO ANY CHANGED CONTINCIAN IN COLLIDANCE AND THE AS BEEN IN OPERATION FOR MORE THAN THREE YEARS IF IT WAS NOT A NUISANCE AT THE THE BEAN.

SHEET ONE OF TWO



Attachment C

Improvement Agreement

AGREEMENT
THIS AGREEMENT, made and entered into as of this day of , 2019, by and between TRD 2 – GOSHEN VILLAGE, LLC., a Delaware limited liability company, hereinafter referred to as the "Subdivider", and the COUNTY OF TULARE, hereinafter referred to as the "County";
WITNESSETH:
WHEREAS, the Subdivider has filed with the Board of Supervisors the Final Map for Phase I of Subdivision Tract No. 789 for approval; and
WHEREAS, certain public improvements are required to be made by the Subdivider in said Subdivision in accordance with the approved Tentative Map of said Subdivision and said public improvements have not been completed; and
WHEREAS, if said public improvements have not been completed, Section 66462 of the Government Code provides that as a condition precedent to the approval of the final Map, the Board of Supervisors shall require the Subdivider to enter into an Agreement to complete said improvements;
NOW, THEREFORE, BE IT AGREED as follows:
1. The Subdivider hereby agrees to complete all required public improvements in the Subdivision in accordance with the conditions of approval of the Subdivision and the requirements and standards set forth in Section 7-01-1000 through 7-01-2855 of the Ordinance Code of Tulare County as said requirements and standards read at the time of approval or conditional approval of the Tentative Map of said Subdivision. All of the required improvements shall be completed not later than twelve (12) months from and after the date first above written.
2. The Subdivider shall make all necessary arrangements for the relocation of all overhead and underground public utility facilities that interfere with the improvement work to be performed by the Subdivider. The Subdivider shall also make necessary arrangements with the serving public utility company for the costs of relocating such facilities as no portions of the relocation costs will be paid by the County.
3. The Subdivider shall repair any damage to public streets or any other public property or improvements which results from or is incidental to the construction of the required improvement in said Subdivision or, in lieu of making such repairs, the Subdivider shall pay to the County the full cost of making such repairs.
TULARE COUNTY AGREEMENT NO.

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4. The Subdivider agrees to hold harmless, defend and indemnify the County and its 1 2 officers and employees from any injuries or damages alleged to have been caused by or arisen out 3 of the work performed by the Subdivider pursuant to this Agreement. 4 5 5. The Subdivider or his Contractor(s) shall obtain an encroachment permit from the 6 County or State for any work that is to be done within any County or State maintained road right of 7 way or easements which are located outside of the boundary of said Subdivision. 8 9 6. The Subdivider agrees to furnish security which complies with Section 66499 et seq. of the Government Code, in such amounts as are fixed by the Board of Supervisors of the County, to 10 guarantee the faithful performance of this Agreement and to guarantee payment to contractors, 11 subcontractors, laborers, materialmen and other persons employed in the performance of the work 12 13 under this Agreement at the time of execution of this Agreement. 14 7. Within thirty (30) days after the Subdivider notifies the Tulare County Public Works 15 16 Director or his designee that the required work has been completed, the Tulare County Public 17 Works Director or his designee shall inspect such work and, if such has been performed in the required manner, he shall advise the Board of Supervisors that the public improvements are 18 complete and are ready for acceptance by the County. 19 20 21 8. This Agreement is binding on all heirs, assigns and successors in interest. No assignment of this Agreement may be made without the express written consent of the County. 22 23 24 IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the day 25 and year first above written. 26 27 // 28 // 29 // 30 // 31 // 32 // 33 // 34 \parallel 35 // 36 // 37 \parallel 38 // 39 // 40 // 41 // 42 // 43 // 44 // | // 45

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TRD 2 - GOSHEN VILLAGE, LLC, a Delaware limited liability company a California Corporation James G. Nunley, General Partner MARAGING MEMBER. Kent J. McNiece, General Partner rber mangejne "Subdivider" COUNTY OF TULARE, By_ Chairman, Board of Supervisors "County" ATTEST: JASON T. BRITT, County Administrative Officer/Clerk of the Board of Supervisors Ву _____ Deputy APPROVED AS TO FORM COUNTY COUNSEL By Deputy 1/29/19