



CITY OF MARTINEZ

**CITY COUNCIL AGENDA
October 21, 2009**

TO: Mayor and City Council
FROM: Tim Tucker, City Engineer
SUBJECT: Accepting Subdivision 7297 "Westaire" Improvements
DATE: October 2, 2009

RECOMMENDATION:

Accept Subdivision 7297 "Westaire" improvements and authorizing the release of performance and labor and materials bonds.

BACKGROUND:

This Subdivision is located northeast of Old Orchard Road and southeast of the railroad tracks (see attached vicinity map). It consists of 340 residential lots and common open space areas to be maintained by the homeowners association. The City Council approved the final map and easements subject to completion of improvements on November 15, 1989. Construction has been completed in accordance with the approved plans and the subdivision improvement agreement. In addition, storm drain system and other utilities including power, cable, sewer and water have been installed.

Final acceptance of the Subdivision improvements has been withheld pending the developer securing an offsite public storm drain easements. With recent assistance from staff, the developer was finally able to secure the easements.

On June 11, 2009 staff released landscaping, irrigation and fencing bonds for this subdivision. The Labor and Materials, and Performance bonds for the Subdivision improvements to be released after the subdivision improvements are accepted by the Council.

FISCAL IMPACT:

The City has been maintaining the public improvements since completion of the work.

ACTION:

Adopt resolution accepting the public dedications and improvements for Subdivision No. 7297, Westaire.

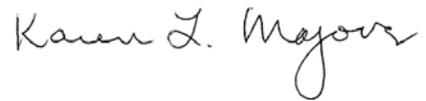
DOCUMENTS ATTACHED:

- 1) Vicinity Map
- 2) Final Map
- 3) Resolution



APPROVED BY:

City Manager



APPROVED BY:

Assistant City Manager
Community & Economic Development

RESOLUTION NO. -09

**ACCEPTING THE PUBLIC DEDICATIONS AND IMPROVEMENTS
FOR SUBDIVISION 7297, WESTAIRE**

WHEREAS, On November 15, 1989 the City Council approved the final map for Subdivision No. 7297 and accepted, subject to construction of improvements, the streets and easements shown as dedicated to public use; and

WHEREAS, The City Engineer has notified the City Council of the completion of the subdivision improvements in accordance with the subdivision agreement between the subdivider and the City; and

WHEREAS, in accordance with the conditions of approval, the open space Parcels "A", "B", "C", "D" and "E" as depicted on the Final Map to be held in common by the owners of the lots and maintained by the homeowners association; and

WHEREAS, the City Engineer recommends the acceptance of certain easements and dedications previously offered by the subdivider on the final map.

NOW THEREFORE, IT BE RESOLVED by the City Council of the City of Martinez, that:

1. The improvements in Subdivision No. 7297, including grading, streets, storm drains, landscaping and utilities have been completed in accordance with the Subdivision Agreement.
2. The following dedications, set forth in the Owner's Statement on the Final Map, are hereby accepted: Shadow Falls Drive, Westaire Boulevard, Westaire Court, Oakwood Circle, Crestview Avenue, Brady Street, Brady Court, knollview Court, Trailview Circle, Claeys Street, Valley View Court, Orchard View Avenue, Trailhead Way, Live Oak Court and Old Orchard Road widening; the areas marked as Storm Drain Easement or "SDE", the area marked as Waterline Easement or "WLE" as depicted on the Final Map.
3. All public street and storm drain improvements that have been accepted herein are accepted for maintenance.

4. All Labor and Materials, and performance Bonds for the subdivision improvements shall be released.
5. This resolution shall become effective immediately upon its passage and adoption.
6. The City Clerk of the City of Martinez is directed to record a certified copy of this resolution in the Office of the Recorder of Contra Costa County, State of California.

* * * * *

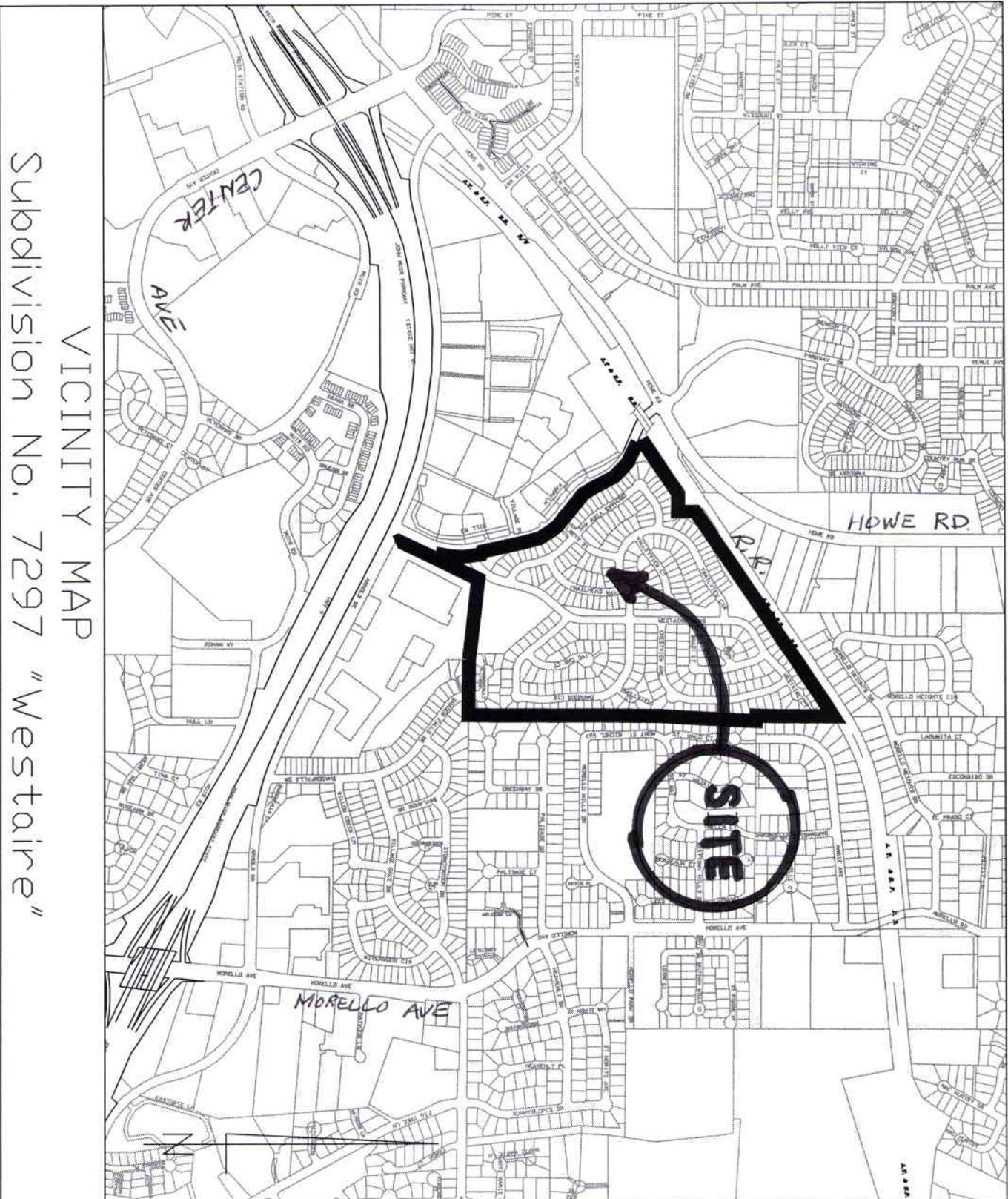
I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 21st day of October, 2009, by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ



VICINITY MAP

Subdivision No. 7297 "Westaire"

**SUBDIVISION 7297
WESTAIRE**

BEING A PORTION OF RANCHO LAS JUNTAS,
A PORTION OF THE VINE HILL HOMESTEAD TRACT,
AND A PORTION OF PARCEL A AS SHOWN ON THE
RECORD OF SURVEY MAP FILED JUNE 12, 1986 IN
BOOK 36 OF LICENSED SURVEYORS MAPS AT
PAGE 29, CONTRA COSTA COUNTY.

**CITY OF MARTINEZ
CONTRA COSTA COUNTY, CALIFORNIA
STEDMAN & ASSOCIATES, INC.
CIVIL ENGINEERS
LAND SURVEYORS/LAND PLANNERS
WALNUT CREEK CALIFORNIA
JANUARY, 1990
SCALE: 1"=40'**

OWNER'S STATEMENT

THE UNDERSIGNED, BEING THE PARTY HAVING A RECORD TITLE INTEREST IN THE LANDS DELINEATED AND EMBRACED WITHIN THE HEAVY BLACK LINES UPON THIS MAP, DOES HEREBY CONSENT TO THE MAKING AND RECORDATION OF THE SAME; DOES HEREBY DEDICATE TO THE CITY OF MARTINEZ FOR PUBLIC USE ALL STREETS AND PORTIONS OF SAID LANDS DESIGNATED ON SAID MAPS AS SHADOW FALLS DRIVE, WESTAIRE BOULEVARD, WESTAIRE COURT, OAKWOOD CIRCLE, CRESTVIEW AVENUE, BRADY STREET, KNOLLVIEW COURT, BRADY COURT, TRAILVIEW CIRCLE, CLAEYS STREET, VALLEY VIEW COURT, ORCHARD VIEW AVENUE, TRAILHEAD WAY, LIVE OAK COURT AND OLD ORCHARD ROAD WIDENING. PARCEL "A", PARCEL "B", PARCEL "C", PARCEL "D" PARCEL "E" AND PARCEL "F" ARE DEDICATED TO THE CITY OF MARTINEZ AS OPEN SPACE AREAS AND SHALL BE MAINTAINED BY A HOMEOWNERS ASSOCIATION.

THE AREAS MARKED "STORM DRAIN EASEMENT" OR "SDE" ARE DEDICATED TO THE PUBLIC FOR STORM, FLOOD AND SURFACE WATER DRAINAGE, INCLUDING CONSTRUCTION, ACCESS AND MAINTENANCE OF WORKS, IMPROVEMENTS AND STRUCTURES WHETHER COVERED OR OPEN, OR THE CLEARING OF OBSTRUCTIONS AND VEGETATION.

THE AREA MARKED "WATERLINE EASEMENT" OR "WLE" IS DEDICATED TO THE CITY OF MARTINEZ AS AN EASEMENT FOR THE CONSTRUCTION, MAINTENANCE, USE AND OPERATION OF WATER TRANSMISSION PIPELINES, AND ALL NECESSARY APPURTENANCES THERETO; TOGETHER WITH THE RIGHT OF INGRESS TO AND EGRESS FROM SAID EASEMENT.

THE AREA DESIGNATED "20' WIDE PRIVATE ACCESS EASEMENT APPURTENANT TO LOTS 160 AND 161" IS A NON-EXCLUSIVE EASEMENT TO LOTS 160 AND 161 FOR INGRESS AND EGRESS, UTILITIES AND DRAINAGE FROM AND ONTO WESTAIRE COURT FOR NORMAL RESIDENTIAL PURPOSES.

THE AREA MARKED "SANITARY SEWER EASEMENT" OR "SSE" IS OFFERED FOR DEDICATION TO THE MT. VIEW SANITARY DISTRICT OR ITS DESIGNEE IN GROSS, AS AN EXCLUSIVE SUBSURFACE EASEMENT AND NON-EXCLUSIVE SURFACE EASEMENT FOR SANITARY SEWER PURPOSES INCLUDING CONSTRUCTION, ACCESS OR MAINTENANCE OF WORKS, IMPROVEMENTS, AND STRUCTURES, AND THE CLEARING OF OBSTRUCTIONS AND VEGETATION. NO BUILDING OR STRUCTURE MAY BE PLACED ON SAID EASEMENT, NOR SHALL ANYTHING BE DONE THEREON WHICH MAY INTERFERE WITH MT. VIEW SANITARY DISTRICT'S FULL ENJOYMENT OF SAID EASEMENT.

THIS MAP SHOWS ALL THE EASEMENTS ON THE PREMISES, OR OF RECORD.

A-M HOMES,
A CALIFORNIA LIMITED PARTNERSHIP

BY: A-M HOMES, INC., A DELAWARE CORPORATION
GENERAL PARTNER

BY: Kenneth L. Riding
KENNETH L. RIDING, SENIOR VICE PRESIDENT

ACKNOWLEDGEMENT - CORPORATION AS A GENERAL PARTNER OF A LIMITED PARTNERSHIP

STATE OF CALIFORNIA)
COUNTY OF CONTRA COSTA) SS
Santa Clara

ON THIS 18 DAY OF October, 1990, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED KENNETH L. RIDING, PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE VICE PRESIDENT OF A-M HOMES, INC., A DELAWARE Senior CORPORATION, THE CORPORATION THAT EXECUTED THE WITHIN INSTRUMENT AND TO BE THE PERSON WHO EXECUTED THE WITHIN INSTRUMENT ON BEHALF OF SAID CORPORATION PURSUANT TO ITS BY-LAWS OR A RESOLUTION OF ITS BOARD OF DIRECTORS, SAID CORPORATION BEING PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE GENERAL PARTNER OF A-M HOMES, THE LIMITED PARTNERSHIP THAT EXECUTED THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SUCH CORPORATION EXECUTED THE SAME AS SUCH GENERAL PARTNER OF A-M HOMES, AND THAT SUCH LIMITED PARTNERSHIP EXECUTE THE SAME.

WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE: Lisa J. Gunniak
NOTARY PUBLIC IN AND
Santa Clara FOR THE COUNTY OF
CONTRA COSTA, STATE OF
CALIFORNIA

MY COMMISSION EXPIRES: Feb. 16, 1994 LISA J. GUNNAK
PRINCIPAL PLACE OF BUSINESS SANTA CLARA COUNTY

ENGINEER'S STATEMENT

I, THE UNDERSIGNED, JAMES R. STEDMAN, DO HEREBY STATE THAT I AM A REGISTERED CIVIL ENGINEER IN THE STATE OF CALIFORNIA, WHO IS RESPONSIBLE FOR THE SURVEY FROM WHICH THE HEREIN EMBODIED FINAL MAP ENTITLED "SUBDIVISION 7297, WESTAIRE", CONSISTING OF TWELVE (12) SHEETS, THIS STATEMENT BEING UPON SHEET 1 THEREOF, HAS BEEN PREPARED AND THAT I AM RESPONSIBLE FOR SAID MAP; THAT THE DATE OF THE SURVEY WAS DECEMBER, 1989, AND THAT SAID SURVEY WAS MADE UNDER MY DIRECTION; THAT SAID SURVEY IS TRUE AND COMPLETE AS SHOWN, AND THAT ALL THE MONUMENTS SHOWN ACTUALLY EXIST OR WILL BE SET AS SHOWN ON OR BEFORE SEPTEMBER, 1995; THAT THEY ARE OF THE CHARACTER, OR WILL BE OF THE CHARACTER, AND OCCUPY, OR WILL OCCUPY, THE POSITIONS SHOWN ON THIS MAP AND SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED; AND THAT THE AREA FOR THIS SUBDIVISION IS 61.41 ACRES, MORE OR LESS.

DATE: 10-17-90



James R. Stedman
JAMES R. STEDMAN, R.C. 17522
R.C.E. EXP. 6/30/93

CITY ENGINEER'S STATEMENT

I, KENNETH L. ERICKSON, CITY ENGINEER OF THE CITY OF MARTINEZ, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, HEREBY STATE THAT I HAVE EXAMINED THIS MAP ENTITLED "SUBDIVISION 7297, WESTAIRE"; THAT SAID SUBDIVISION AS SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF AS APPROVED BY THE CITY OF MARTINEZ CITY COUNCIL ON NOVEMBER 15, 1989; THAT ALL THE PROVISIONS OF STATE LAW AND LOCAL ORDINANCES GOVERNING THE FILING OF SUBDIVISION MAPS HAVE BEEN COMPLIED WITH, AND I AM SATISFIED THAT THE SAME IS TECHNICALLY CORRECT.

A SOILS REPORT FOR THIS SUBDIVISION HAS BEEN PREPARED BY THE FIRM PURCELL, RHODES & ASSOCIATES, DATED JUNE 27, 1988, UNDER THE DIRECTION OF DONALD R. POINDEXTER, FILE NUMBER 1-0140/4869-03. THE REPORT IS ON FILE IN THE OFFICE OF THE CITY ENGINEER.

DATE: 10/9/90

Kenneth L. Erickson
KENNETH L. ERICKSON, R.C.E. 13456
CITY ENGINEER, CITY OF MARTINEZ
COUNTY OF CONTRA, STATE OF CALIFORNIA
R.C.E. EXP.: MARCH 31, 1993

353 M 41

**SUBDIVISION 7297
WESTAIRE**

BING A PORTION OF RANCHO LAS JUNTAS,
A PORTION OF THE VINE HILL HOMESTEAD TRACT,
AND A PORTION OF PARCEL A AS SHOWN ON THE
RECORD OF SURVEY MAP FILED JUNE 12, 1985 IN
BOOK 36 OF LICENSED SURVEYORS MAPS AT
PAGE 29, CONTRA COSTA COUNTY.

**CITY OF MARTINEZ
CONTRA COSTA COUNTY, CALIFORNIA
STEDMAN & ASSOCIATES, INC.
CIVIL ENGINEERS
LAND SURVEYORS/LAND PLANNERS
WALNUT CREEK CALIFORNIA
JANUARY, 1990**

TRUSTEE'S STATEMENT

THE UNDERSIGNED, AS TRUSTEE UNDER THE DEED OF TRUST RECORDED
JANUARY 3, 1990, IN BOOK 15578 OF OFFICIAL RECORDS, AT PAGE 171,
CONTRA COSTA COUNTY, DOES HEREBY JOIN IN AND CONSENT TO THE
EXECUTION OF THE FOREGOING OWNER'S STATEMENT AND TO THE
PREPARATION AND RECORDATION OF THIS MAP AND ALL DEEDING AND
DEDICATIONS THEREON.

EQUITABLE DEED COMPANY,
A CALIFORNIA CORPORATION.

SIGNATURE: Darlene Wright DATE: 10-22-90

SIGNATURE: Theresa Luebben DATE: 10/21/90

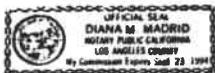
ACKNOWLEDGEMENT - CORPORATION

STATE OF California
COUNTY OF Los Angeles)SS

ON October 22, 1990, BEFORE ME, THE UNDERSIGNED, A NOTARY
PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED
Darlene Wright AND Theresa Luebben
KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY
EVIDENCE) TO BE THE Vice President AND Vice President
OF THE CORPORATION THAT EXECUTED THE FOREGOING STATEMENT, AND
ALSO KNOWN TO ME TO BE THE PERSONS WHO EXECUTED IT ON BEHALF OF
SUCH CORPORATION AND ACKNOWLEDGED TO ME THAT SUCH CORPORATION
EXECUTED THE ABOVE STATEMENT PURSUANT TO ITS BY-LAWS OR A
RESOLUTION OF ITS BOARD OF DIRECTORS.

WITNESS MY HAND AND OFFICIAL SEAL. Diana M. Madrid
NOTARY PUBLIC IN AND FOR
THE COUNTY OF CONTRA COSTA,
STATE OF CALIFORNIA

MY COMMISSION EXPIRES: September 23, 1994



CLERK OF THE BOARD OF SUPERVISORS' STATEMENT

I HEREBY STATE AS CHECKED BELOW, THAT:

[] A TAX BOND ASSURING PAYMENT OF ALL TAXES WHICH ARE NOW A
LIEN, BUT NOT YET PAYABLE, HAS BEEN RECEIVED AND FILED
WITH THE BOARD OF SUPERVISORS, COUNTY OF CONTRA COSTA, STATE
OF CALIFORNIA.

[X] ALL TAXES DUE HAVE BEEN PAID, AS CERTIFIED BY THE COUNTY
REDEMPTION OFFICER.

DATE: November 14, 1990 PHIL BATCHELOR
CLERK OF THE BOARD OF SUPERVISORS
AND COUNTY ADMINISTRATOR OF CONTRA
COSTA COUNTY, STATE OF CALIFORNIA

BY: Barbara Sidau
DEPUTY CLERK

PLANNING COMMISSION'S STATEMENT

I HEREBY STATE THAT THE PLANNING COMMISSION OF THE CITY OF
MARTINEZ, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, HAS
APPROVED THE TENTATIVE MAP OF THIS SUBDIVISION (7297), UPON WHICH
THIS FINAL MAP IS BASED.

DATE: 10/10/90 BY: Richard Pearson
RICHARD PEARSON,
SECRETARY OF THE PLANNING
COMMISSION, CITY OF MARTINEZ,
COUNTY OF CONTRA COSTA,
STATE OF CALIFORNIA

CITY CLERK'S STATEMENT

I, THE UNDERSIGNED, SHERRY M. KELLY, DEPUTY CITY CLERK AND EX-
OFFICIO CLERK OF THE CITY COUNCIL OF THE CITY OF MARTINEZ, COUNTY
OF CONTRA COSTA, STATE OF CALIFORNIA, DO HEREBY STATE THAT THIS
MAP, CONSISTING OF 12 SHEETS AND ENTITLED "SUBDIVISION 7297,
WESTAIRE", WAS PRESENTED TO SAID COUNCIL AS APPROVED BY LAW AT
A(N) Regular MEETING HELD ON THE 17 DAY OF
October, 1990, AND THAT SAID COUNCIL DID THEREUPON
APPROVE SAID MAP AND REJECTED, ON BEHALF OF THE PUBLIC, ANY REAL
PROPERTY OFFERED FOR DEDICATION FOR PUBLIC USE IN CONFORMANCE
WITH THE TERMS OF THE OFFER OF DEDICATION.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS 25 DAY
OF October, 1990

Sherry M. Kelly
DEPUTY CITY CLERK AND EX-OFFICIO
CLERK OF THE CITY COUNCIL OF THE
CITY OF MARTINEZ, COUNTY OF
CONTRA COSTA, STATE OF CALIFORNIA

COUNTY RECORDER'S STATEMENT

THE MAP ENTITLED "SUBDIVISION 7297, WESTAIRE" IS HEREBY ACCEPTED
FOR RECORDATION, SHOWING A CLEAR TITLE AS PER LETTER OF TITLE
MADE BY FOUNDERS TITLE COMPANY, DATED THE 15th DAY OF
November, 1990, AND AFTER EXAMINING THE SAME, I DEEM THAT
SAID MAP COMPLIES IN ALL RESPECTS WITH THE PROVISIONS OF STATE
LAW AND LOCAL ORDINANCES GOVERNING THE FILING OF SUBDIVISION
MAPS.

FILED AT THE REQUEST OF FOUNDERS TITLE COMPANY, AT 10A.M., ON
THE 15th DAY OF November, 1990 IN BOOK
353 OF MAPS, AT PAGES 44, IN THE OFFICE OF THE COUNTY
RECORDER OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA.

STEVE WEIR
COUNTY RECORDER, COUNTY OF CONTRA
COSTA, STATE OF CALIFORNIA
BY: Sue Munn
DEPUTY COUNTY RECORDER

90-238470

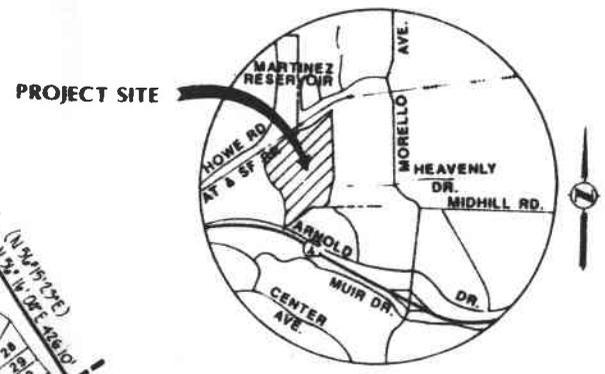
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353 M 43

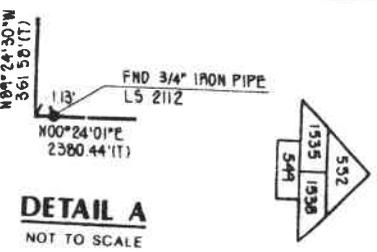
SUBDIVISION 7297 WESTAIRE

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CITY OF MARTINEZ
CONTRA COSTA COUNTY, CALIFORNIA
STEDMAN & ASSOCIATES, INC.
CIVIL ENGINEERS
LAND SURVEYORS/LAND PLANNERS
WALNUT CREEK CALIFORNIA
JANUARY, 1990
SCALE: 1"=200'

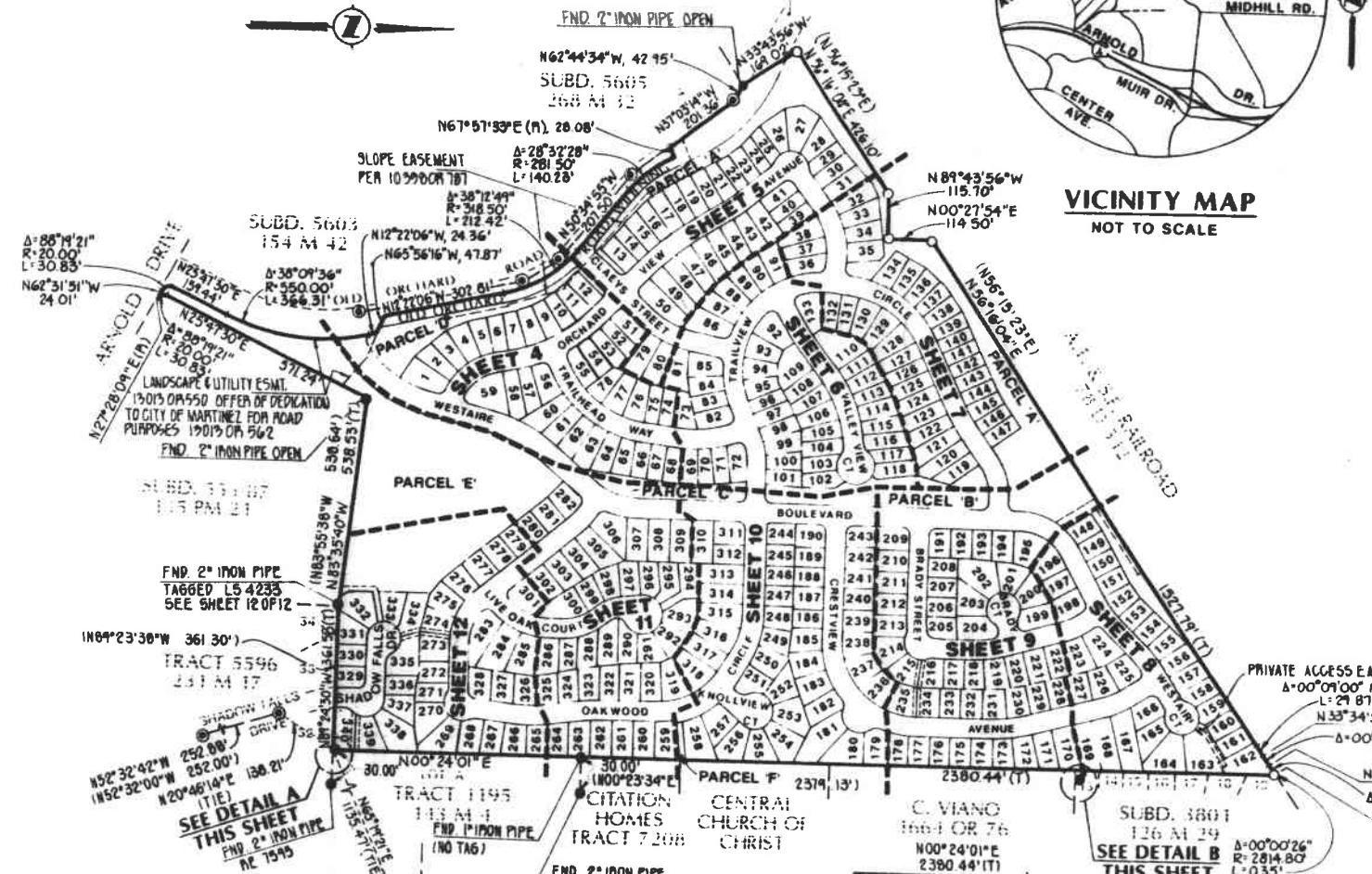


VICINITY MAP
NOT TO SCALE



DETAIL A
NOT TO SCALE

NOTE: A RIGHT OF WAY CONTINUATION FOR
OLD ORCHARD ROAD WILL BE FILED
BY SEPARATE INSTRUMENT.



LEGEND

- SUBDIVISION BOUNDARY
- RIGHT OF WAY
- LOT LINE
- MONUMENT LINE
- EASEMENT LINE
- CENTERLINE
- (T) TOTAL
- (R) RADIAL BEARING
- (M-M) MONUMENT TO MONUMENT
- ⊙ SET STANDARD STREET MONUMENT
- ⊙ FOUND STANDARD STREET MONUMENT
- ⊙ FOUND IRON PIPE AS NOTED
- () SET 5/8" REBAR AND CAP, RCE 17522
- () RECORD INFORMATION

BASIS OF BEARINGS

THE MONUMENT LINE OF PALISADE DRIVE, AS SHOWN
ON THE FINAL MAP FOR SUBDIVISION 3408, (100 M 18),
TAKEN AS N 89°16'28" W.



DETAIL B
NOT TO SCALE