RESOLUTION NO. 2021-19

A RESOLUTION OF THE CITY OF MARINA APPROVING THE PHASE 3B FINAL MAP FOR THE SEA HAVEN DEVELOPMENT PROJECT SUBDIVISION (FORMERLY MARINA HEIGHTS), AND AUTHORIZING THE CITY CLERK TO CERTIFY THE FINAL MAP ON BEHALF OF THE CITY SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY

WHEREAS, at the regular meeting of March 21, 2006, the City Council adopted Resolution No. 2006-56, approving the Phase 1 Final Map for the Marina Heights Development Project Subdivision. The Phase 1 final map and improvement plans were only for the major roadways (Arterials) and utilities for the Marina Heights Project, and;

WHEREAS, at the regular meeting of September 6, 2006, the City Council adopted Resolution 2006-228, approving the Phase 2 Final Map for the Marina Heights. The Phase 2 final map and improvement plans were for the first 299 residential units in the Marina Heights Project, and;

WHEREAS, at the regular meeting of August 7, 2019, the City Council adopted Resolution 2019-81, approving the Phase 5A Final Map for the Marina Heights (now Sea Haven), and;

WHEREAS, at the regular meeting of February 4, 2020, the City Council adopted Resolution 2020-23, approving the Phase 3A Final Map for the Sea Haven project, and;

WHEREAS, the developers have submitted the Phase 3B subdivision map ("**EXHIBIT A**") to the City and the Marina Coast Water District for review and approval. Improvement plans have also been submitted to the City and the Marina Coast Water District for review and approval ("**EXHIBIT B**"- Cover Sheet Only). After review, staff has determined that the conditions of approval have been met for the Final Map and Improvement Plans for Phase 3B with the exception of a Public Improvement Agreement. Marina Coast Water District staff have also reviewed and approved the plans, and;

WHEREAS, the Developer has also submitted a Public Improvement Agreement for Council consideration and will provide labor and materials and faithful performance bonds required for the recordation of the Phase 3B Final Map. The Public Improvement Agreement will be discussed during this meeting and is a Tentative Map condition of Final Map approval and that it be accepted prior to Final Map approval. It has been determined that all other Tentative Map Conditions of Approval have been met, and;

WHEREAS, the Phase 3B final map and improvement plans are for 91 residential units in the Marina Heights Project. The Phase 3B final map and improvement plans include the specific neighborhood improvements such as parks and open space in the area of the 91 residential units, and:

WHEREAS, all required future phased final maps must meet all the appropriate conditions of approval and will be presented to City Council for consideration at a future date, and;

WHEREAS, should the City Council approve this request, the Developer has provided payment to cover the costs associated with the production, review, and recording of the Final Map.

Resolution No. 2021-19 Page Two

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

- 1. Approve the Phase 3B Final Map for Sea Haven Development Project Subdivision ("**EXHIBIT A**"), and;
- 2. Authorize the City Clerk to certify the Final Map on behalf of the City subject to final review and approval by the City Attorney.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 16th day of March 2021, by the following vote:

AYES: COUNCIL MEMBERS: Medina Dirksen, Burnett, Berkley, Biala, Delgado

NOES: COUNCIL MEMBERS: None ABSENT: COUNCIL MEMBERS: None ABSTAIN: COUNCIL MEMBERS: None

ATTEST:	Bruce Delgado, Mayor
Anita Sharp, Deputy City Clerk	

OWNER'S STATEMENT

WE HEREBY CERTIFY 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 THIS MAP, AND WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS A CLEAR TITLE TO SAID PROPERTY, AND WE CONSENT TO PREPARATION AND RECORDATION OF SAID MAP AND SUBDIVISION AS SHOWN WITHIN THE SUBDIVISION BOUNDARY LINE.

WE HEREBY DEDICATE IN FEE FOR PUBLIC USE TO THE CITY OF MARINA PARCEL P3R2, BEING ARROYO DRIVE, BONTE COURT, LASSEN WAY, PINNACLES WAY, RUSSELL WAY AND SHASTA WAY, WITHIN THE SUBDIVISION FOR ROAD AND UTILITY PURPOSES, AND SUCH OFFER IS IRREVOCABLE; SUBJECT TO THE RESERVATION OF THE RIGHT TO MAINTAIN LANDSCAPING, IRRIGATION AND STORM DRAIN WITHIN PARCEL P3R2.

WE ALSO HEREBY DEDICATE TO THE CITY OF MARINA, EMERGENCY VEHICLE ACCESS EASEMENTS OVER PARCELS P3A7 AND P3A8, AS SHOWN HEREON.

WE ALSO HEREBY DEDICATE TO THE CITY OF MARINA, PUBLIC TRAIL EASEMENTS FOR PEDESTRIAN ACCESS PURPOSES WITHIN THE SUBDIVISION, OVER PARCELS P3N12, P3N13, P3N14 AND P3N15, AS SHOWN HEREON.

WE ALSO HEREBY CREATE PARCEL P3B3 WHICH WILL REMAIN PRIVATE AND WILL BE TRANSFERRED TO THE HOME OWNER'S ASSOCIATION AT A FUTURE DATE.

WE ALSO HEREBY CREATE A WATERLINE EASEMENT OVER, UNDER AND ACROSS A PORTION OF LOTS 238 AND 239, AS SHOWN HEREON, WHICH WILL REMAIN PRIVATE AND WILL BE TRANSFERRED TO THE HOME OWNER'S ASSOCIATION AT A FUTURE DATE.

WE ALSO HEREBY RELINQUISH ANY AND ALL RIGHTS OF INGRESS AND EGRESS TO VEHICULAR TRAFFIC (ABUTTER'S RIGHTS) ACROSS THE LINES AS SHOWN ON HEREON MAP AND DEPICTED AS

SUBDIVIDER SHALL DEFEND, INDEMNIFY, AND HOLD HARMLESS THE CITY, ITS CITY COUNCIL, PLANNING COMMISSION, AGENTS, OFFICERS AND EMPLOYEES FROM ANY CLAIM, ACTION OR PROCEEDING AGAINST THE CITY OR ITS CITY COUNCIL, PLANNING COMMISSION, AGENTS OFFICERS OR EMPLOYEES, TO ATTACK, SET ASIDE, VOID OR ANNUL AN APPROVAL OF THE CITY, ITS CITY COUNCIL, PLANNING COMMISSION, OR OTHER BOARD, ADVISORY AGENCY OR LEGISLATIVE BODY CONCERNING THIS SUBDIVISION. CITY WILL PROMPTLY NOTIFY THE SUBDIVIDER OF ANY CLAIM, ACTION OR PROCEEDING AGAINST IT AND WILL COOPERATE FULLY IN THE DEFENSE. THIS CONDITION IS IMPOSED PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 66474.9

WATHEN CASTANOS PETERSON HOMES, INC., A DELAWARE CORPORATION

BY______ JOSHUA E. PETERSON, PRESIDENT

104 INVESTMENTS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

BY______FARID ASSEMI, MANAGER

LOCANS INVESTMENTS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

BY______ FARID ASSEMI, MANAGER

WATHEN CASTANOS PETERSON COASTAL, LP, A CALIFORNIA LIMITED PARTNERSHIP BY: ASSEMI GROUP, INC. A CALIFORNIA CORPORATION, ITS GENERAL PARTNER

FARID ASSEMI, PRESIDENT

JOHN A. BEZMALINOVIC, SECRETARY

CITY ENGINEER & SURVEYOR'S STATEMENT

I, BRIAN McMINN, CITY ENGINEER AND SURVEYOR OF THE CITY OF MARINA, HEREBY STATE THAT I HAVE EXAMINED THIS MAP AND AM SATISFIED THAT IT IS TECHNICALLY CORRECT; THAT THE SUBDIVISION SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF, AS APPROVED BY THE CITY COUNCIL OF THE CITY OF MARINA ON THE 16TH DAY OF SEPTEMBER, 2003, THAT ALL OF THE PROVISIONS OF THE "CALIFORNIA SUBDIVISION MAP ACT", AS AMENDED, AND THE CITY OF MARINA SUBDIVISION ORDINANCE, TITLE 16 OF THE MARINA MUNICIPAL CODE HAVE BEEN COMPLIED WITH.

BRIAN McMINN DATE
PE 64143
PLS 8116 EXPIRES _____

CITY ENGINEER AND SURVEYOR, CITY OF MARINA

NOTARY ACKNOWLEDGMENT

STATE OF CALIFORNIA)

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.

ON ______, 2021, BEFORE ME,______, 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 AND OFFICIAL SEAL.

SIGNATURE: _____

NOTARY ACKNOWLEDGMENT

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 ______)

APPEARED ______ WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO

ON ______, 2021, BEFORE ME,______, PERSONALLY

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: _____

SURVEYOR'S STATEMENT

I, DAVID T. EDSON, HEREBY STATE THAT 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 WATHEN CASTANOS MARINA EA, LLC IN JANUARY 2020. I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR THAT THEY WILL BE SET IN THOSE POSITIONS BEFORE MAY 31, 2022, AND THAT THE MONUMENTS WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP.

DAVID T. EDSON LS 4974

DATE



NOTARY ACKNOWLEDGMENT

STATE OF CALIFORNIA)

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.

ON ______, 2021, BEFORE ME,______, 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 AND OFFICIAL SEAL.

SIGNATURE:

BENEFICIARY STATEMENT

CYPRESS MARINA HEIGHTS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AS BENEFICIARY UNDER A DEED OF TRUST RECORDED AS DOCUMENT #2018015916, OFFICIAL RECORDS OF MONTEREY COUNTY, CALIFORNIA, DOES HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP AND SUBDIVISION AS SHOWN HEREON AS BENEFICIARY.

CYPRESS MARINA HEIGHTS LLC,
A CALIFORNIA LIMITED LIABILITY COMPANY

BY: ______

NAME: DIEGO RICO

COLINITY DECORDED

TITLE: AUTHORIZED SIGNATORY

COUNTY RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 2021 AT ____M, IN VOLUME ____ OF CITIES AND TOWNS, AT PAGE ____, AT THE REQUEST OF CENTRAL COAST SURVEYORS.

COUNTY NECONDER	
DEPUTY	
SERIAL NO.	FEE

TRACT NO. ____ MARINA HEIGHTS PHASE 3B

A SUBDIVISION OF THE PHASE 3A REMAINDER PARCEL AS SHOWN ON "TRACT No. 1543, MARINA HEIGHTS PHASE 3A", FILED IN VOLUME 24, CITIES AND TOWNS, PAGE 65 OFFICIAL RECORDS OF MONTEREY COUNTY, CALIFORNIA

CITY OF MARINA COUNTY OF MONTEREY STATE OF CALIFORNIA

BY

CENTRAL COAST SURVEYORS

5 HARRIS COURT, SUITE N-11 MONTEREY, CALIFORNIA 93940

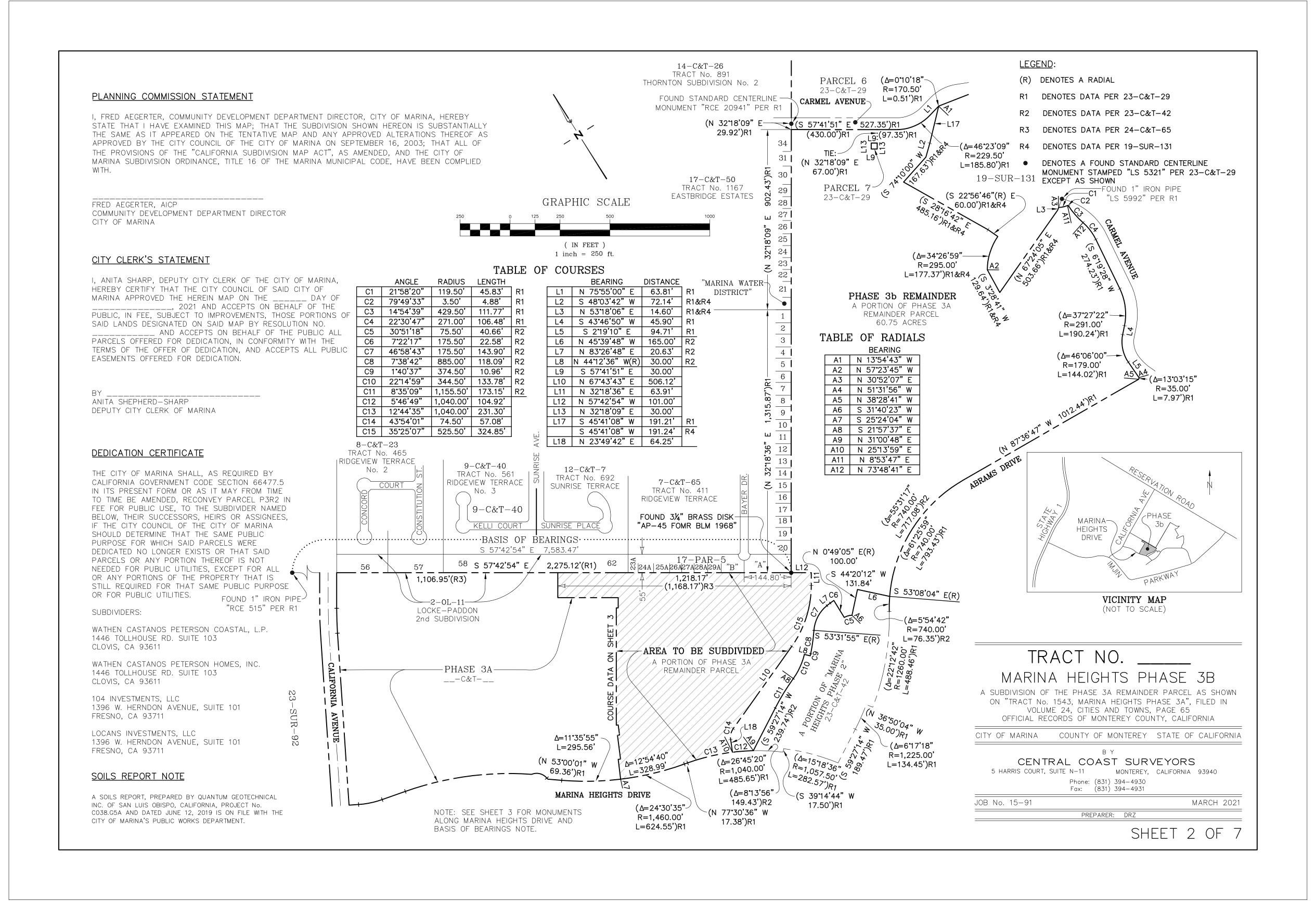
Phone: (831) 394-4930

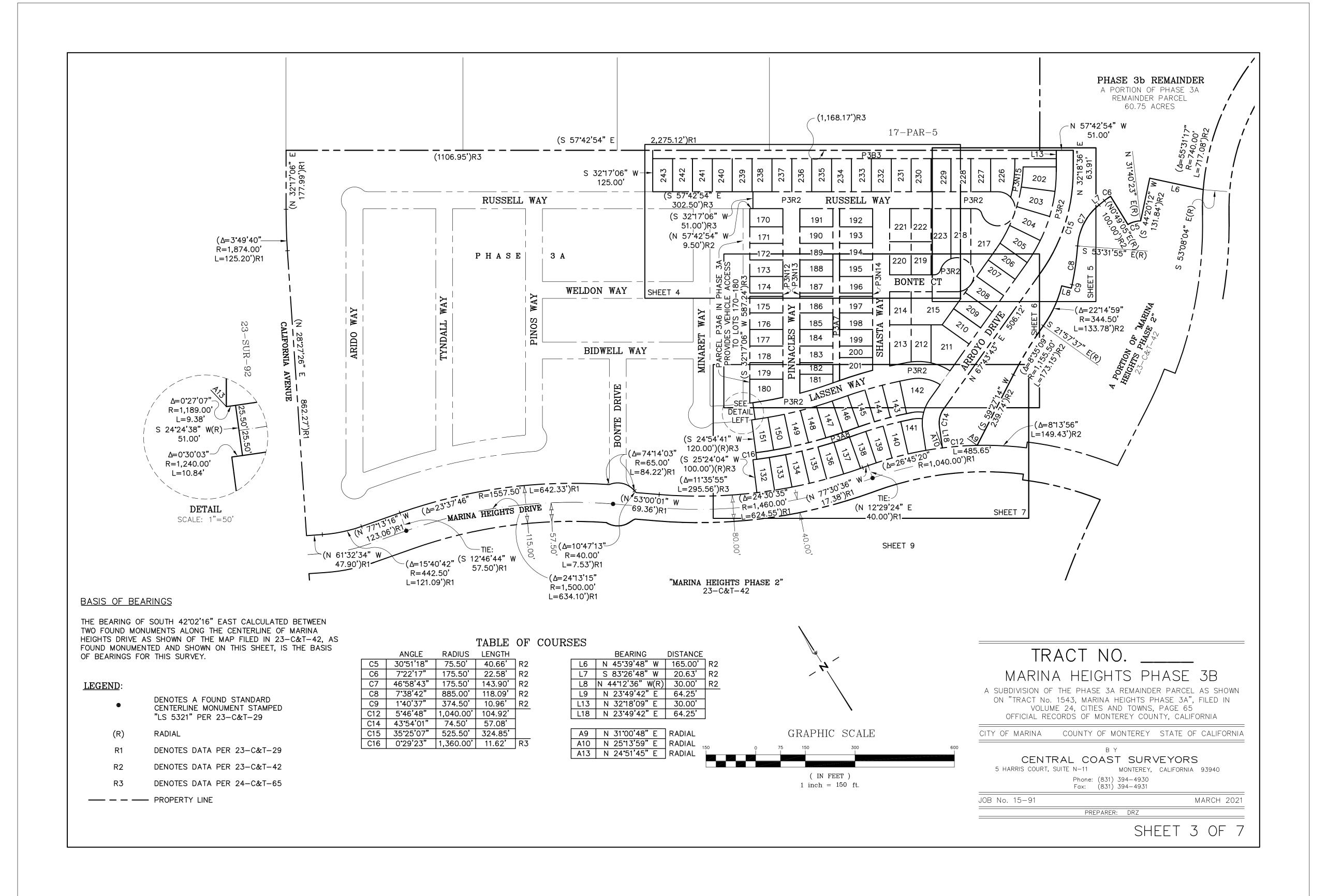
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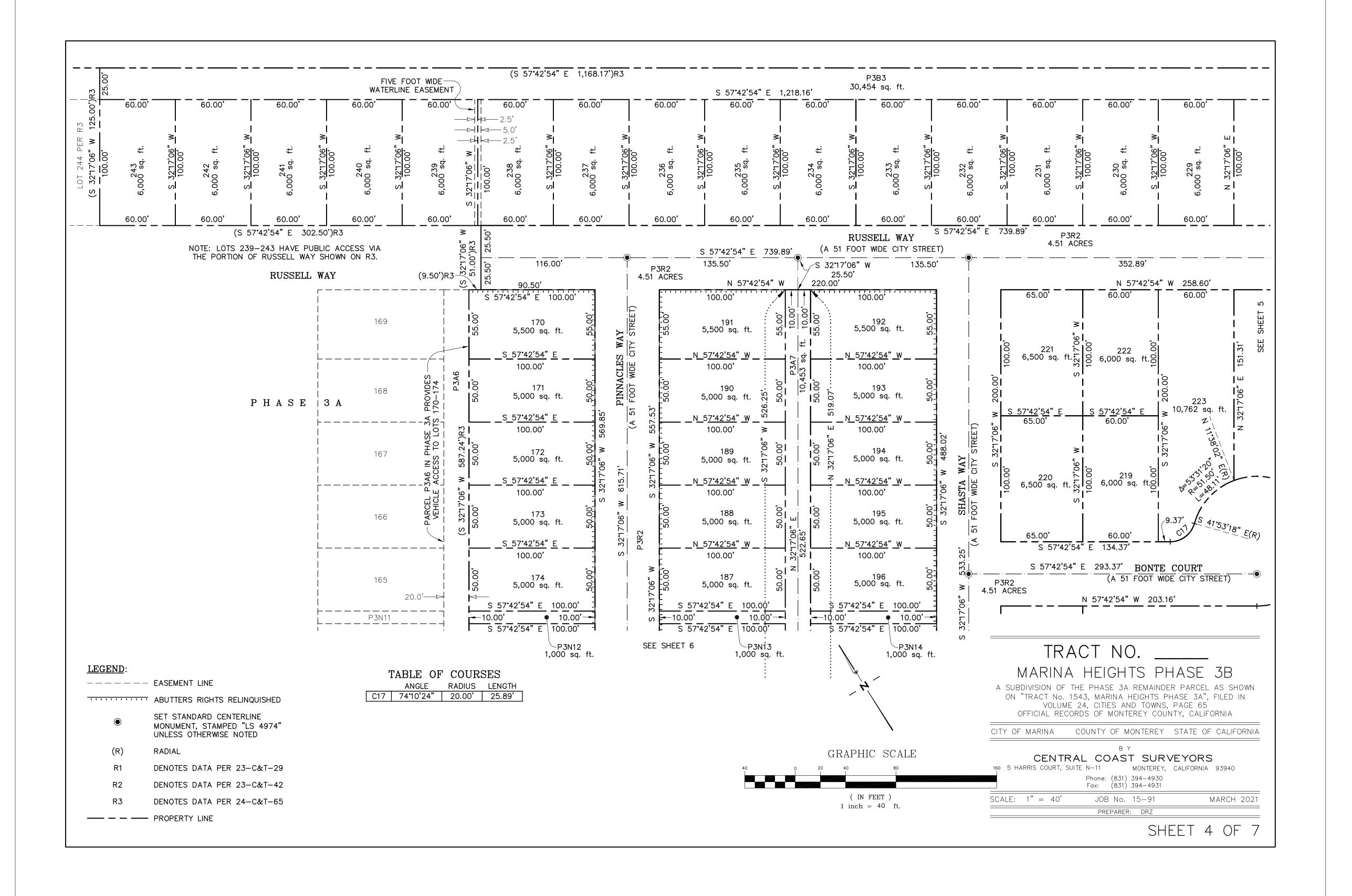
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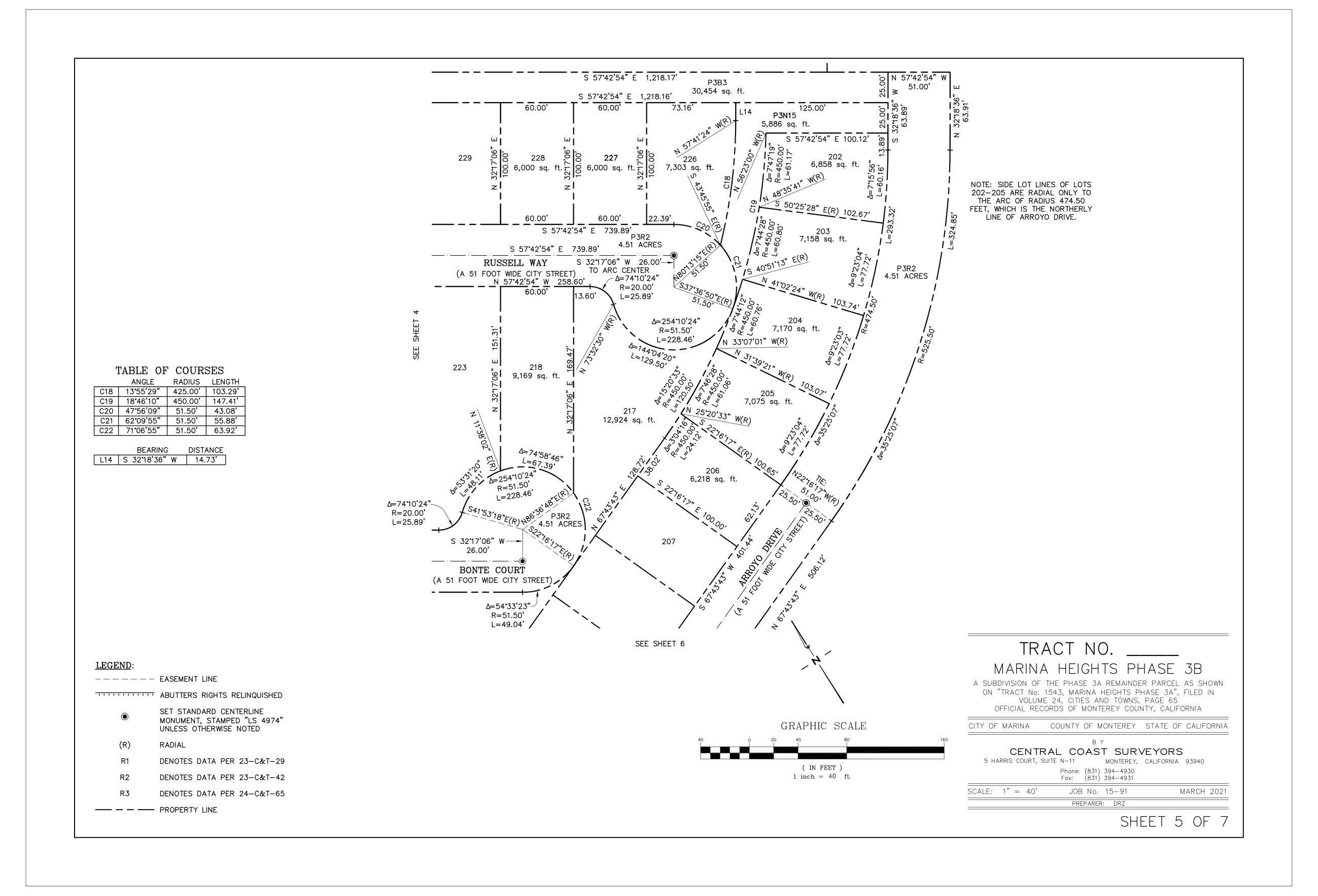
PREPARER: DRZ

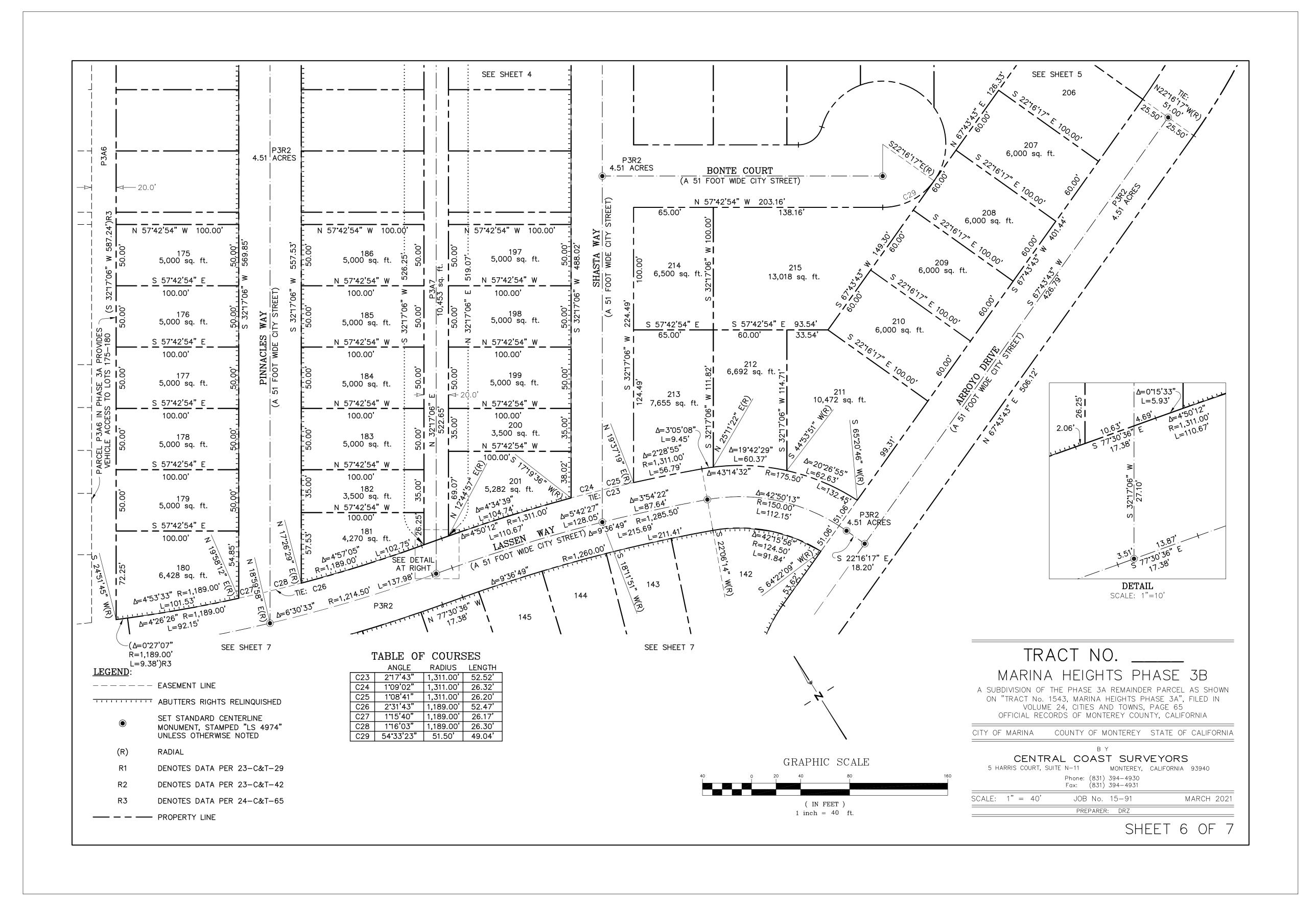
SHEET 1 OF 7

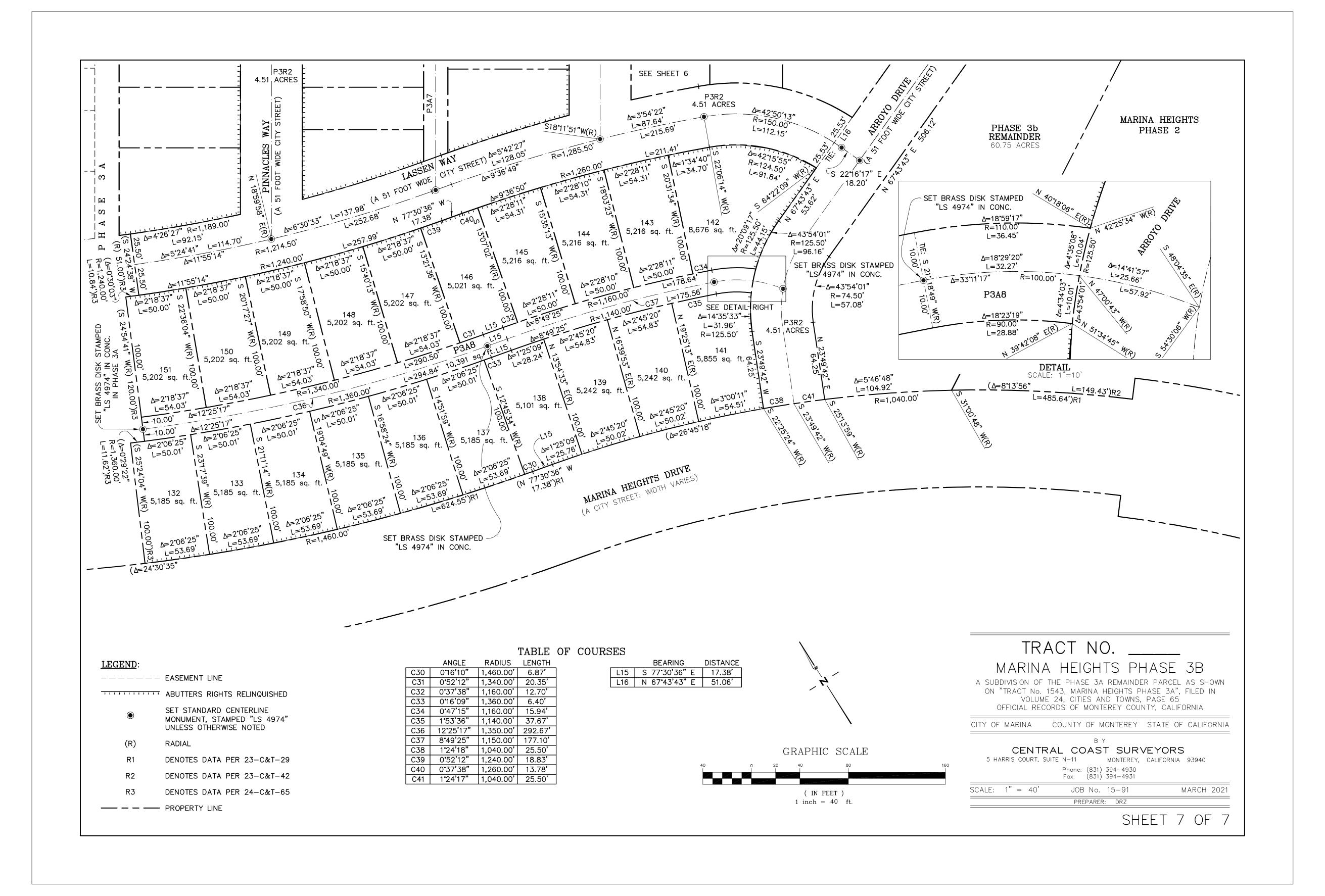


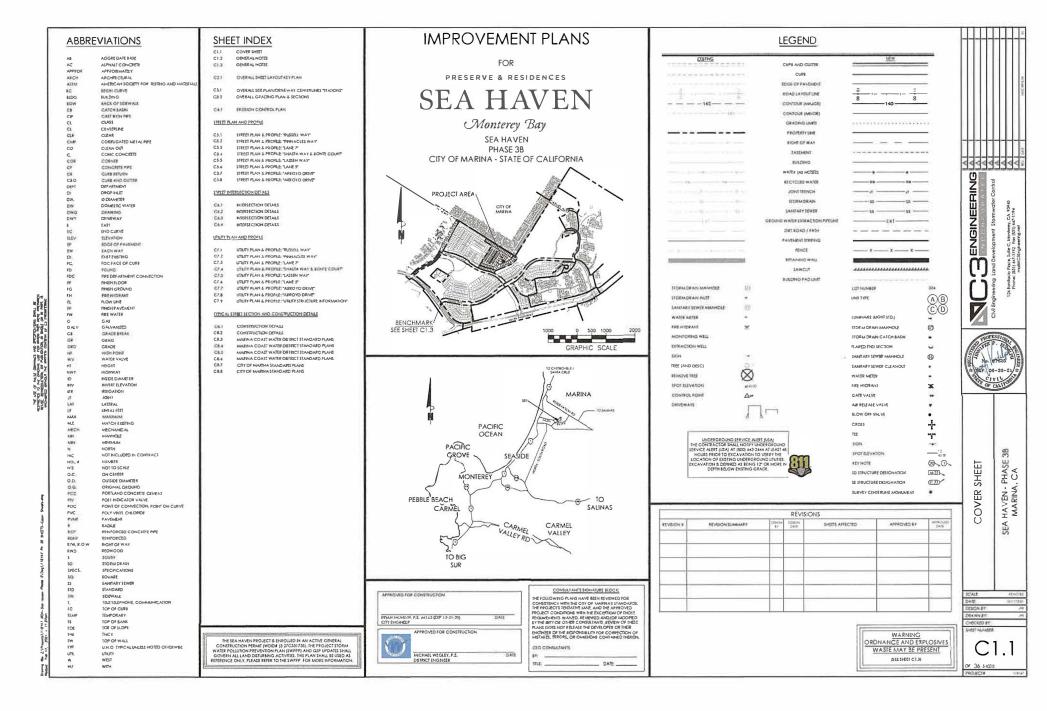












March 9, 2021 Item No. 8i(1)

Honorable Mayor and Members of the Marina City Council

City Council Meeting of March 16, 2021

RECOMMENDATION TO CONSIDER ADOPTING RESOLUTION NO. 2021-, APPROVING THE PHASE 3B FINAL MAP FOR THE SEA HAVEN DEVELOPMENT PROJECT SUBDIVISION (FORMERLY MARINA HEIGHTS), AND AUTHORIZING THE CITY CLERK TO CERTIFY THE FINAL MAP ON BEHALF OF THE CITY SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY

RECOMMENDATION:

It is recommended that the City Council:

- 1. Consider adopting Resolution No. 2021-, approving the Phase 3B Final Map for Sea Haven Development Project Subdivision ("**EXHIBIT A**"), and;
- 2. Consider authorizing the City Clerk to certify the Final Map on behalf of the City subject to final review and approval by the City Attorney.

BACKGROUND:

At the regular meeting of March 21, 2006, the City Council adopted Resolution No. 2006-56, approving the Phase 1 Final Map for the Marina Heights Development Project Subdivision. The Phase 1 final map and improvement plans were only for the major roadways (Arterials) and utilities for the Marina Heights Project.

At the regular meeting of September 6, 2006, the City Council adopted Resolution 2006-228, approving the Phase 2 Final Map for the Marina Heights. The Phase 2 final map and improvement plans were for the first 299 residential units in the Marina Heights Project.

At the regular meeting of August 7, 2019, the City Council adopted Resolution 2019-81, approving the Phase 5A Final Map for the Marina Heights (now Sea Haven).

At the regular meeting of February 4, 2020, the City Council adopted Resolution 2020-23, approving the Phase 3A Final Map for the Sea Haven project.

ANALYSIS:

The developers have submitted the Phase 3B subdivision map ("**EXHIBIT A**") to the City and the Marina Coast Water District for review and approval. Improvement plans have also been submitted to the City and the Marina Coast Water District for review and approval ("**EXHIBIT B**"- Cover Sheet Only). After review, staff has determined that the conditions of approval have been met for the Final Map and Improvement Plans for Phase 3B with the exception of a Public Improvement Agreement. Marina Coast Water District staff have also reviewed and approved the plans.

The Developer has also submitted a Public Improvement Agreement for Council consideration and will provide labor and materials and faithful performance bonds required for the recordation of the Phase 3B Final Map. The Public Improvement Agreement will be discussed during this meeting and is a Tentative Map condition of Final Map approval and that it be accepted prior to Final Map approval. It has been determined that all other Tentative Map Conditions of Approval have been met.

The Phase 3B final map and improvement plans are for 91 residential units in the Marina Heights Project. The Phase 3B final map and improvement plans include the specific neighborhood improvements such as parks and open space in the area of the 91 residential units.

All required future phased final maps must meet all the appropriate conditions of approval and will be presented to City Council for consideration at a future date.

FISCAL IMPACT:

Should the City Council approve this request, the Developer has provided payment to cover the costs associated with the production, review, and recording of the Final Map.

CONCLUSION:

This request is submitted for City Council consideration and possible action.

Respectfully submitted,

Edrie Delos Santos, P.E.
Senior Engineer, Engineering Division
City of Marina

REVIEWED/CONCUR:

Brian McMinn, P.E., P.L.S.
Public Works Director/City Engineer
City of Marina

Layne P. Long
City Manager

City of Marina