

*We are a welcoming, active, and business-friendly rural
foothill community built on California's rich gold rush history.*



City Manager's Report
November 14, 2023 City Council Meeting
Prepared by: Rebecca Neves, City Engineer
Item #: 7.13

Subject: Consider approving an Irrevocable Offer of Dedication Bond Agreement with WH Placerville 39, LLC for Cottonwood Park Planned Development Phase 4 & 6 in an amount not to exceed \$150,000 and authorize the City Manager to execute the same.

Recommendation: Adopt a Resolution approving a bond agreement with WH Placerville 39, LLC as the project owners of Cottonwood Park Planned Development Phase 4 & 6 for the recording of the Irrevocable Offers of Dedication associated with the project as is required by the Conditions of Approval, and authorizing the City Engineer or City Manager to execute said agreement.

Purpose: The purpose of this item is to approve an agreement with the project and property owner of Cottonwood Park Planned Development Phase 4 & 6, WH Placerville 39, LLC, to allow bonding for the recording of the Irrevocable Offers of Dedication necessary to secure the remaining right of way for the recently constructed and future public street of Constellation Avenue located within the subdivision.

Background: On September 12, 2023, City Council approved the Final Map for the Phase 4 and Phase 6 of the Cottonwood Park Subdivision (TSM 05-01-E5), Assessor's Parcel Numbers 002-051-027, 002-071-033, and 002-071-034 and accepting easements and dedications offered on the said map. Among the dedications offered and as required under Conditions 34, 60, 87, and 88, four parcels contained either slope easements or grants of right-of-way for the improvements contained on Constellation Avenue were presented as signed Irrevocable Offers of Dedication (IOD) ready for recording and cleared by a local title company. When the final map was submitted to the County for recording, along with the four IODs, the headquarters of the local title company found a discrepancy in the title for one of the four IODs (APN 002-051-015) that prohibits it from being recorded at this time. The final map, along with the other 3 IODs (APNs 002-051-028, 002-051-020, 002-051-012) are clear to record and are with the County Surveyor's office.

Discussion: The proposed agreement will institute a bond in the amount of \$150,000, to be paid to the City by WH Placerville 39, LLC for the purposes of finalizing the recording of the last IOD. Should the developer fail to clear title and record the last IOD, the City will engage with the property owner to obtain those rights. The property owner has already previously signed the Irrevocable Offer of Dedication and allowed that portion of Constellation Avenue to be constructed on his property as future City right-of-way.

Cost: There is no cost to the City currently to execute the agreement.

Budget Impact: Upon execution of the agreement, WH Placerville 39, LLC will provide a bond in the amount of \$150,000 to the City.



M. Cleve Morris, City Manager



Rebecca Neves, City Engineer

Attachments:

- A. Resolution
- B. Draft IOD Bond Agreement