

**Before the Board of Supervisors
County of Placer, State of California**

In the matter of: A RESOLUTION CANCELLING THE DEED RESTRICTION ON ASSESSOR'S PARCEL NO. 098-169-007 LOCATED AT 428 GRAY AVENUE AND IMPOSING AN EARLY CANCELLATION PENALTY IN THE AMOUNT OF \$4,050.00 TO BE PAID TO KAILUA PARK COUNTY SERVICE AREA AND (CSA) NO. 28, ZONE 75.

Resol. No:.....

Ord. No:.....

First Reading:.....

The following RESOLUTION was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held _____, by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chairman, Board Of Supervisors

ATTEST:
Clerk of said Board

BE IT HEREBY RESOLVED by the Board of Supervisors of the County of Placer, State of California, that this Board hereby cancels the deed restriction on Assessor's Parcel No. 098-169-007 located at 428 Gray Avenue and imposes an early cancellation penalty in the amount of \$4,050.00 to be paid to the Kailua Park CSA No. 28, Zone 75 for ongoing maintenance of roadway and drainage improvements and authorizes the Director of Public Works to execute such documents as may be necessary to effectuate the cancellation.



PLACER COUNTY

DEPARTMENT OF PUBLIC WORKS

JACK WARREN, Director
JAN W. TIER, Assistant Director
LARRY COCO, Deputy Director
ALAN RUBY, Deputy Director

January 31, 1990

SEE ATTACHED LIST OF PROPERTY OWNERS LETTER WAS MAILED TO ON JAN. 30, 1990

TO: KAILUA PARK PROPERTY OWNERS

SUBJECT: ROAD & DRAINAGE IMPROVEMENT PROJECT, CURRENT STATUS OF GRANT AND ASSESSMENT DISTRICT FUNDING, CONSTRUCTION SCHEDULE

BACKGROUND

A planned project of drainage improvements and asphalt paving on all of the public roads within the Kailua Park Subdivision this summer is progressing very well. The attached map shows the roads to be paved. This work will also include the placing of concrete curb and gutter or rubble lined ditches to prevent soil erosion into Lake Tahoe.

The County Board of Supervisors authorized the formation of an Assessment District in January, 1988 by approving a Resolution of Intention, accepting signed petitions from the property owners and approving the proposed boundary Map. Delays and problems in completing the construction plans and obtaining Grant Funding to do the erosion control work are now resolved and the County is prepared to move forward with completing the Assessment District formation and constructing the project this summer.

Formation of a County Service Area to fund road maintenance and snow removal will also be considered as part of the approval to form an Assessment District.

PROJECT AND ASSESSMENT COST

The total project cost is currently estimated at \$455,000 with grant funding paying approximately \$322,000 and the Assessment District \$143,000. These costs are slightly higher than the estimates shown in a June 15, 1987 letter to all property owners.

436

KAILUA PARK PROPERTY OWNERS
ROAD & DRAINAGE IMPROVEMENT PROJECT
January 31, 1990

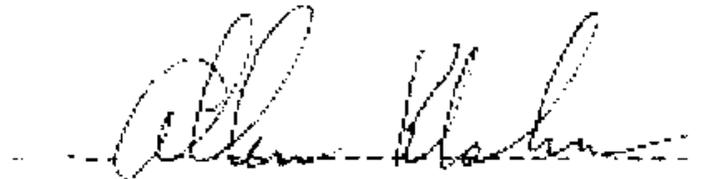
Page 2

The per lot assessment is currently estimated at \$2,550 based on a total of 37 lots in the Assessment District. Note that this assessment can be paid off in cash at approximately 10% discount or paid on the annual property tax bill amortized over 15 years. The amortized interest is now estimated at 7.142% which would yield an approximate annual cost of \$170.

SUMMARY

I would like to discuss any questions or concerns you have with this project at the earliest opportunity. I can be reached at (916) 884-4900 or from Tanner 888-2317 Ext. 2109. Your patience over the last two years with the project delays we have encountered is greatly appreciated.

COUNTY OF PLACER
DEPARTMENT OF PUBLIC WORKS
JACK WARREN, DIRECTOR



ALLEN KLAHN
ASSOCIATE CIVIL ENGINEER

BTAC:cp

cc: Mike Sisco
Jack Warren
Ed McCarthy

cc: Failure to

CALIFORNIA TAHOE CONSERVANCY

1081 THIRD STREET
SOUTH LAKE TAHOE, CA 96150
(530) 542-5560



April 17, 2007

SENT VIA FAX

Bob Reiss
Building Official
Placer County Building Department
P.O. Box 5036
Tahoe City, CA 96145

**Re: Land Coverage Transfer for Placer County Permit Application
Placer County APN 98-169-07
Mr. Mike Westphal
428 Gray Ave.**

Thanks for letting me know that Placer County is evaluating the status of Mr. Mike Westphal's proposed residential project for the above-referenced parcel. The Conservancy has initiated a transfer of land coverage to assist his project, but we need confirmation whether his project can move forward before we complete our transfer.

Attached to this letter is a copy of the original "deed restriction" that was discovered in our files, raising concerns about our ability to transfer land coverage to the property. I'm also attaching an old preliminary title report, prepared for the Conservancy in 1995, that identified this document.

If you or other County staff have additional questions please give me a call at (530) 543-6042.

Sincerely,

A handwritten signature in cursive script that reads "Gerry Willmett".

Gerry Willmett
Program Analyst

Attachments

- "Deed Restriction" = (1) Page
- Preliminary Title Report = (9) Pages

John K SPG
Compliments of
First American Title Co.

Recorded at the request of Title Comp.
Was Attached Before to
Placer County Board of Supervisors
171 Industrial Avenue
Yuba, Ca. 95901

90-071870	Total	.00
Recorded		
Official Records		
County of		
Placer		
Mary Ann Healee		
Recorder		
11/19am 3-Nov-90	10	3

98-169-07

GRANT OF DEVELOPMENT RIGHTS

WHEREAS, GRANTORS desire to restrict development of their property by placing binding conditions on future development, or use of the property; and,

WHEREAS, for purposes of assessment, pursuant to the Kailua Park Assessment District No. A-101, the County of Placer has agreed to not assess GRANTORS' property if the use of the property is restricted for a specified period of time:

John P. Schofield, Debbie M. Schofield, and John MacDonald,
("GRANTORS"):

Hereby grant to the County of Placer, for a period of twenty years from the date of execution of this Grant, all of the following incidents of ownership of that real property of GRANTOR'S described in "EXHIBIT A", attached hereto and by this reference incorporated herein:

The right to construct building improvements on the property including but not limited to: a new residence, driveways, a garage or car port structure, additions to the existing residence located on the adjoining parcel, decks or any other building improvement separate from or appurtenant to the adjoining parcel.

GRANTORS reserve the right to use said property in any lawful manner provided that such use is not inconsistent with the rights hereby granted to the County of Placer for the twenty year term described above.

This grant shall be binding upon GRANTORS, their heirs, assigns, or successors in interest for the entire period of time set forth herein.

SPECIAL PROVISION:

In the event GRANTORS' property described in Exhibit "A" is combined with the adjoining parcel to the south, (lot 9, Assn't. 16), by the process of a recorded Minor Boundary Line Resolution, processed through Placer County, this Grant of Development Rights shall be terminated and all provisions considered null and void.

Executed this *13* day of *September* 1990 at *Tahoe City* California.

John P. Schofield
John P. Schofield
Debbie M. Schofield
Debbie M. Schofield
John MacDonald
John MacDonald

