

MEMORANDUM
COMMUNITY DEVELOPMENT/RESOURCE AGENCY
ENGINEERING AND SURVEYING DIVISION
County of Placer

TO: Board of Supervisors DATE: March 8, 2016

FROM: Michael J. Johnson, AICP
Agency Director

BY: Richard Eiri, P.E.
Deputy Director, Engineering and Surveying Division

SUBJECT: Schaffer's Mill Phase 3A (Previously Eaglewood/Timilick), Tract No. 1013, Project No. DPN 8699

ACTION REQUESTED

1. Accept the improvements as complete.
2. Authorize the Faithful Performance and Labor and Materials security to be released in full immediately upon your Board's approval.

BACKGROUND

The Schaffer's Mill Phase 3A subdivision is located in the Martis Valley off Schaffer Mill Road, approximately one mile from Highway 267, as shown on the attached Vicinity Map (Attachment 1). Schaffer's Mill, originally called Eaglewood (then Timilick), was approved to create 462 residential units. Phase 3A creates 50 single-family residential lots ranging in size from 21,780 to 43,124 square feet, one sewer lift station lot, one Open Space (Golf Course) lot, and five private road lots as shown on the attached Map of Subdivision (Attachment 2).

The improvements constructed with this subdivision consist of private subdivision streets, sewer, drainage and utility infrastructure, survey monumentation, and miscellaneous items. Streets within this project are private, with maintenance provided by the property owner's association. No Labor & Materials Security is being retained based upon the Subdivider's representation that no liens or claims have been, nor can be filed pursuant to State Law for payment to the contractor of the public improvements. Warranty Security for the public improvements is held by the serving Utility District.

ENVIRONMENTAL IMPACT

A Final Environmental Impact Report (EIR) for Schaffer's Mill (Eaglewood) was certified by the Planning Commission on June 24, 2004. Mitigation measures have been addressed by the Conditions of Approval for this subdivision.

FISCAL IMPACT

None.

- Attachment 1 - Vicinity Map
- Attachment 2 - Map of Subdivision
- Attachment 3 - Mechanic's Lien Letter

SCHAFFER'S MILL PHASE 3A

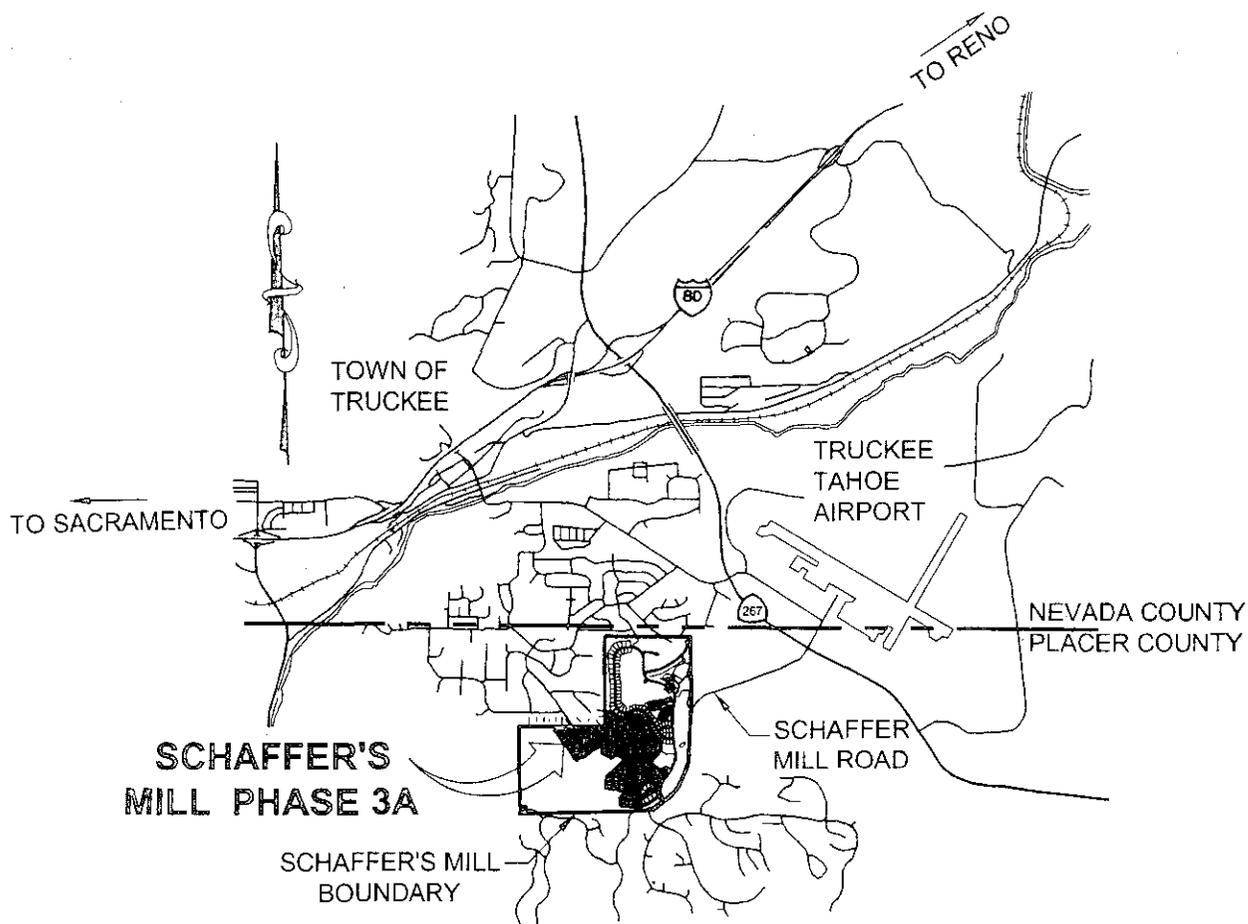
A PORTION OF REMAINDER BOOK 'BB' OF MAPS, PAGE 34, PLACER COUNTY RECORDS
A PORTION OF SECTION 23, TOWNSHIP 17 NORTH, RANGE 16 EAST, M.D.M.

COUNTY OF PLACER

SCALE: 1"=5000'±

CALIFORNIA

MAY 20, 2014



AUERBACH ENGINEERING CORP

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PROGRAM MANAGEMENT AND PLANNING

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PREPARED FOR: NMP
PROJECT NO. 2192.03A

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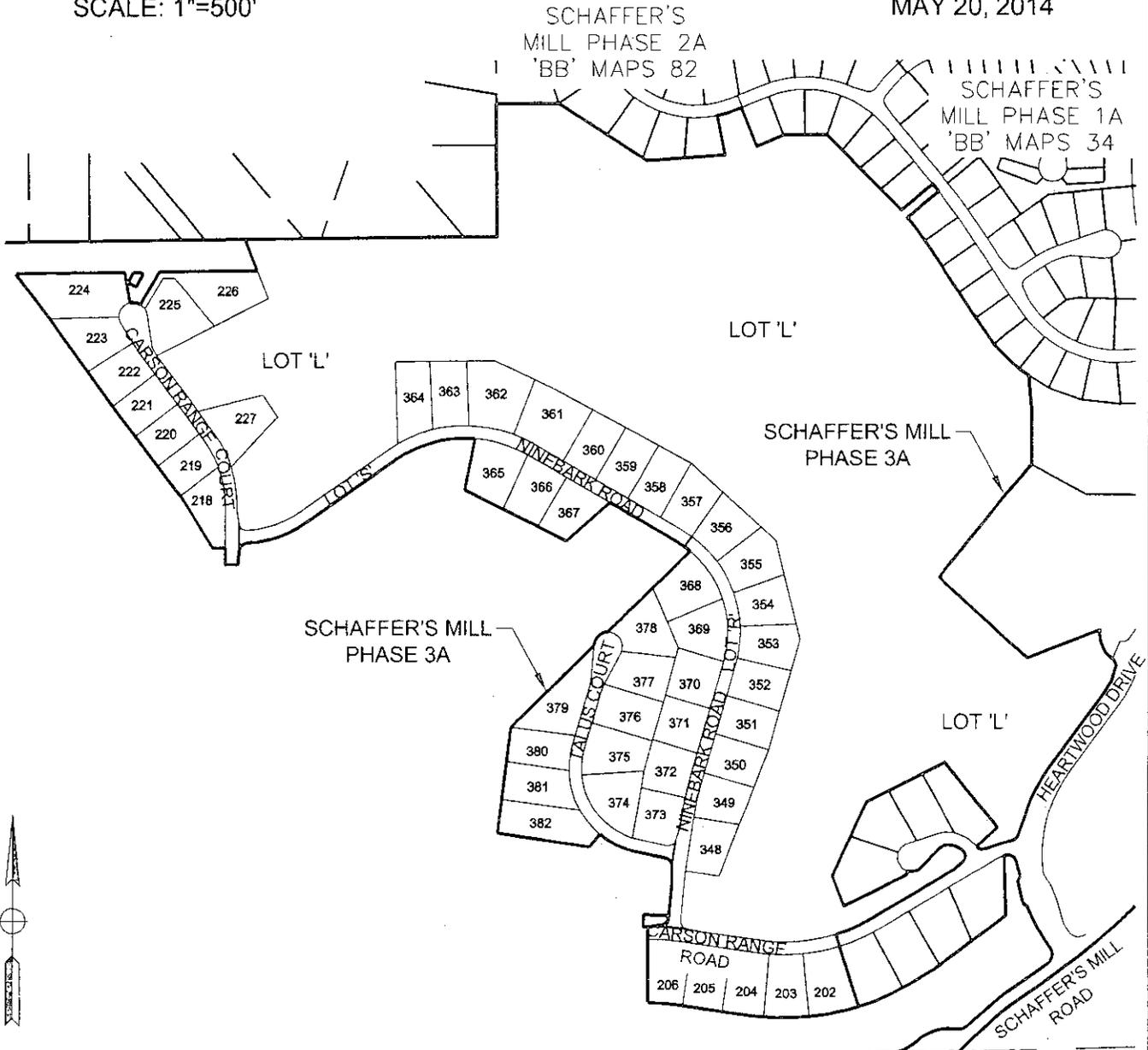
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Corporation, Of Counsel

† Certified Specialist in Estate
Planning, Trust & Probate Law

* Also licensed in Nevada

December 10, 2015

Ed Staniforth
Placer County

Re: *Schaffer's Mill - Phase 3A*
Opinion Letter Regarding Phase 3A Infrastructure Work and Mechanic's Liens

Dear Ed:

This office represents New Martis Partners, LLC ("NMP"), owner of the Schaffer's Mill subdivision in Truckee, Placer County, California. I understand that Placer County has asked for a legal opinion on the possibility and validity of mechanic's liens that may be recorded against the Phase 3A infrastructure work.

I understand that the infrastructure work has been completed. No construction work has been done by any contractor or subcontractor, nor have supplies been provided for the infrastructure work for over a month.

In 2012, California mechanic's lien law was rewritten and relocated in the 8000 and 9000 series of the California Civil Code, commencing with Civil Code Section 8000. Only subcontractors and suppliers who timely served preliminary notices on NMP may record mechanic's liens (Section 8410). I have been informed by representatives of NMP that no such preliminary notices were served.

Therefore, only a general contractor in direct contract with NMP would be entitled to record a mechanic's lien. I have enclosed a letter from AM-X Construction and Excavation, Inc., the general contractor on the project, confirming that it has been paid in full through the date of this letter.

My opinion, which is based upon the facts as I know them, is that the general contractor, subcontractors and suppliers have no lien rights associated with the Phase 3A infrastructure work at Schaffer's Mill. No subcontractors or suppliers served preliminary notices on NMP (which would have to have been sent by registered or certified mail), so no subcontractors or suppliers have mechanic's lien rights (Section 8410). Even if a subcontractor or supplier provided a late preliminary lien notice, the claim would be limited to a look back period of 20 days prior to the date of the notice. [Section 8204(a)]. Here, no work has been performed or supplies provided

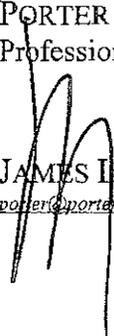
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for at least a month, precluding lien claims for such work even were a late preliminary notice to be served.

Finally, the general contractor has been paid in full and has no lien rights. If you need more, please do not hesitate to contact me.

Very truly yours,

PORTER SIMON
Professional Corporation


JAMES L. PORTER, JR.
porter@porter-simon.com

JLP/eh
Enc.

AM-X Construction & Excavation, Inc.

California #779898 Class A - General Engineering Contractor
Nevada #0078962 Class A - General Engineering Contractor



November 30, 2015

To: New Martis Partners, LLC
Attn: Steve Maglisceau
15443 Knoll Trail Road, Suite 130
Dallas, Texas 75248

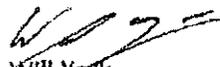
Re: Schaffer's Mill Phase 3A
Truckee, California 96161

Dear Steve,

This document may be considered confirmation that AM-X Construction & Excavation, Inc has been paid in full by New Martis Partners, LLC for all work associated with Schaffer's Mill Phase 3A which has been performed and billed to date.

If you have any questions please feel free to contact me directly.

Sincerely,
AM-X Construction & Excavation, Inc.


Will York
Project Manager