



**COUNTY OF PLACER**  
**Community Development Resource Agency**

Michael Johnson, Agency Director

**ENGINEERING  
&  
SURVEYING**

Wes Zicker  
Director of Engineering & Surveying

**MEMORANDUM**

**TO:** Honorable Board of Supervisors  
**FROM:** Wes Zicker, Director  
Department of Engineering and Surveying, Community Development Resource Agency  
**DATE:** July 7, 2009  
**SUBJECT:** NORTHSTAR VILLAGE PHASES 3 & 4, TRACT # 946, PN 8323

**ACTION REQUESTED / RECOMMENDATION**

This department has inspected construction of all improvements within the Northstar Village Phases 3 and 4 and found the work to be in accordance with approved standards. Therefore, it is requested that the Board take the following actions:

Accept the improvements as complete.

1. Authorize releasing the Faithful Performance and Labor and Materials bonds.
2. Authorize the Chairman to sign the Release of Subdivision Improvement Agreement
3. Instruct the Clerk of the Board to prepare the Release of Subdivision Improvement Agreement for recording
4. Adopt a Resolution to abandon the Water Easements created on the final map.

**BACKGROUND**

Northstar Village is a condominium development approved to create 213 condominium units on six lots, nine commonly owned lots, and a remainder, in four phases. Phases 1 and 2, mapped together on one final map, created 100 condominium units on three lots, six commonly owned lots and a remainder. Phases 3 and 4, mapped together on one final map created the remaining 113 condominium units on three lots, and one commonly owned lot as shown on Attachment 1. This subdivision is located at the southerly end of Northstar Drive in the Northstar Village.

The improvements constructed with this subdivision consist of private infrastructure (drainage, sewer, and water improvements), survey monumentation, and miscellaneous items. Labor/materials and faithful performance bonds have been supplied to replace the cash security originally provided. Consistent with the County's Land Development Manual, the Release of Subdivision Improvement Agreement will remove the privately maintained improvements from the coverage provided by the security supplied with the final map. There are no public improvements associated with this project therefore a release of all security is requested.

The public service provider (Northstar Community Services District) has advised the County by correspondence dated June 11, 2009, that all of the infrastructure intended for public maintenance will now be privately maintained. The public water easements created for maintenance are now unnecessary and may be abandoned.

Staff is aware that neighboring property owners have filed a legal complaint against the owners of this project. It is staff's opinion that the project has complied with all County conditions and that the Lahontan Regional Water Quality Control Board requirements have been met.

**ENVIRONMENTAL**

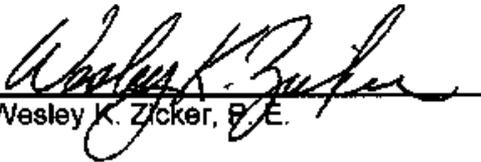
An Addendum EIR (EIAQ #3575) was approved by the Planning Commission on October 28, 2004. A Notice of Determination was posted with the County Clerk on November 2, 2004. The Board of Supervisors previously certified an EIR for the Northstar Village (SCH#2001012081) on October 21, 2003. The Addendum EIR and previously certified EIR have been determined to be adequate to satisfy the requirements of CEQA for this project. This project is in compliance with the environmental mitigation measures in that approved EIR as implemented by the conditions of approval.

The proposed abandonment of the water easement is categorically exempt from the provisions of CEQA.

**FISCAL IMPACT**

None

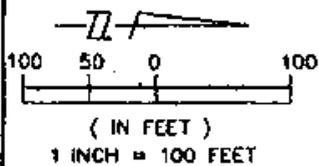
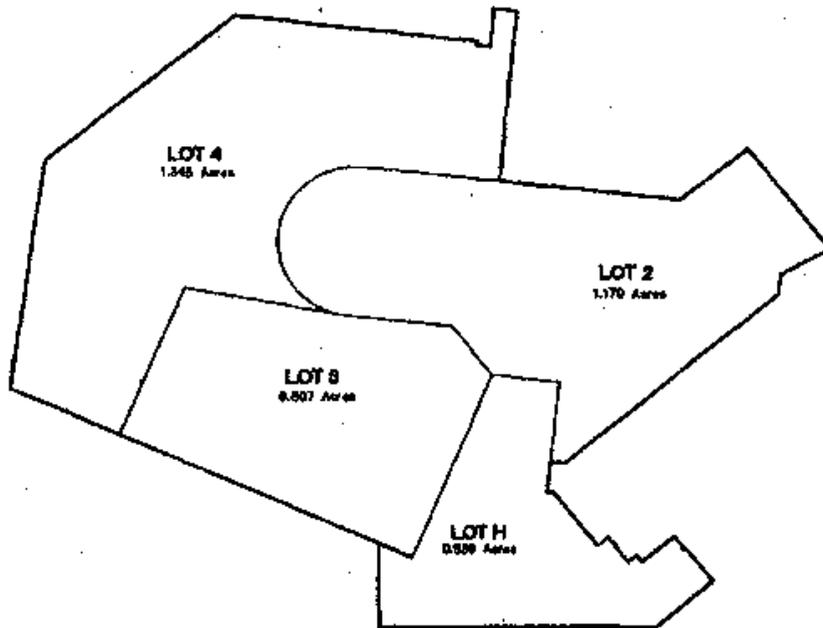
Respectfully submitted,



Wesley K. Zicker, P.E.

Attachments: Attachment 1 – Map of Northstar Villages Phase 3 & 4  
Attachment 2 – Location Map of Northstar Villages  
Resolution of Abandonment  
Release of Subdivision Improvement Agreement

ATTACHMENT 1

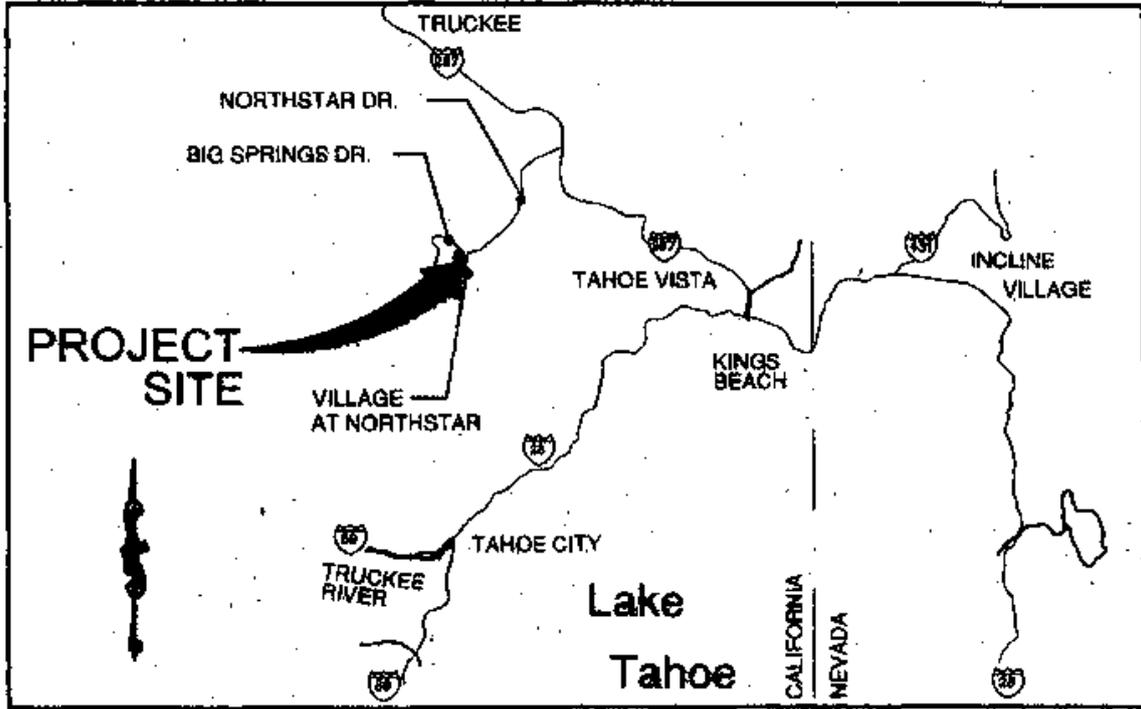


**NORTHSTAR VILLAGE-PHASE 3 & 4**

COUNTY OF PLACER		STATE OF CALIFORNIA	
DATE: 08/24/2008	SCALE: 1" = 100'	<b>PSOMAS</b> <small>1000 South Main Street, Suite 100                  Sacramento, CA 95811                  (916) 756-9112 (fax) 756-0990 (fax)</small>	
DRWN. BY: DJF	CHK. BY: BEB		

Aug. 21, 2008 - 1000 South Main Street, Suite 100, Sacramento, CA 95811 - Updated by DJF

ATTACHMENT 2



VICINITY MAP

N.T.S.

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

In the matter of: A RESOLUTION ABANDONING  
WATER EASEMENTS - NORTHSTAR VILLAGE  
PHASE 3 & 4.

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 July 7, 2009,  
by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Attest:  
Clerk of said Board

Chairman, Board of Supervisors

Ann Holman \_\_\_\_\_

Jim Holmes \_\_\_\_\_

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WHEREAS, Water Easements were dedicated on the final map of Northstar Village Phase No. 3 & 4 filed in Book BB of Maps at Page 30, Official Records of Placer County; and

WHEREAS, it has been determined that the Water Easements as described in the attached Exhibit "A" and shown on the attached Exhibit "B" are no longer necessary for present or prospective public use;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Placer County that from and after the date this Resolution is recorded, the Water Easements as described in the attached Exhibit "A" and shown on the attached Exhibit "B", shall be vacated and abandoned, and shall thereafter not constitute Water Easements.

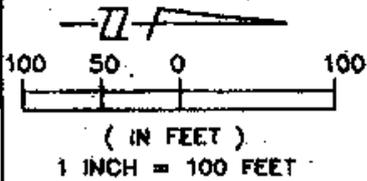
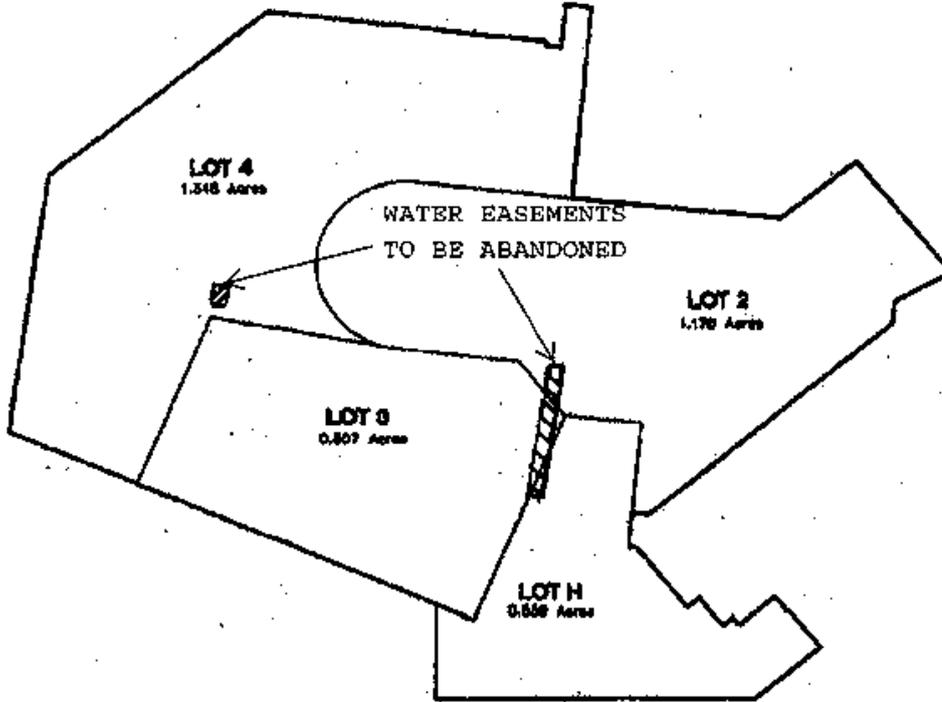
Exhibit A  
Exhibit B

## EXHIBIT "A"

All those easements identified as "Water Easements" shown as irrevocably offered for dedication on the Final Map of Northstar Village Phase No. 3 & 4, filed in Book BB of Maps at Page 30, Placer County Official Records.

EXHIBIT "B"

NORTHSTAR VILLAGE PHASES 3&4



NORTHSTAR VILLAGE-PHASE 3 & 4

COUNTY OF PLACER

STATE OF CALIFORNIA

DATE: 08/24/2006

SCALE: 1" = 100'

DRWN. BY: DJF

CHK. BY: BEB

SHEET 1 OF 1

**PSOMAS**

Professional Surveyors  
1000 North Street, Suite 200  
Folsom, CA 95630  
(916) 786-3400 (FAX) 786-0900 (TOLL)

Aug. 25, 2006 - 089 00000 P:\MADON\146\Survey\06\089\00000 (089)1.dwg - Updated by djf

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Recording Requested by  
and Return to:

Placer County  
Community Development Resource Agency  
Engineering and Surveying Department  
3091 County Center Dr., Suite 120  
Auburn, California 95603

Subdivision No.: SUB-416/CUP 2938; Tract No. 946  
Recorded at: Book BB of Maps, at Page 30  
Placer County Official Records.  
Contract No. 30946  
Subdivider: NORTHSTAR BIG HORN, LLC  
Original Subdivision Improvement Agreement  
Recorded: Doc. 2006-0099079  
Effective Date: July \_\_, 2009

#### **RELEASE OF SUBDIVISION IMPROVEMENT AGREEMENT**

This Release of Subdivision Improvement Agreement ("Release Agreement") is entered into by and between the County of Placer, hereinafter called "County," and Northstar Big Horn, LLC, a Delaware limited liability company, hereinafter called "Subdivider," on the \_\_\_ day of \_\_\_\_\_, 2009.

#### **RECITALS**

1. Subdivider received approval from County of a certain tentative subdivision map commonly known as Northstar Village (the "Subdivision").
2. Subdivider filed for record a final map (the "Map") in substantial conformance with the Subdivision, on September 15, 2006 in Book BB of Maps at Page 30 in the Official Records of Placer County. Copies of the Map are on file with the Placer County Community Development Resource Agency and by this reference incorporated herein.
3. County approved the Map, subject to the execution of a Subdivision Improvement Agreement recorded as Document No. 2006-0099079 in the Placer County Official Records (the "SIA").
4. The Subdivider provided security in the form of Faithful Performance and Labor & Materials Bonds each in the amount of One Million Seven Hundred Ninety Thousand Nine Hundred Eighty One and 00/100 dollars (\$1,790,981) to the County.

{00104224.DOC }

5. The Improvements are now complete, and Subdivider has asserted to the County by letter dated June 17, 2009 that, a) Subdivider has acquired final lien releases for the Improvements constructed pursuant to the SIA; and, b) that no claims are known or exist from contractors or subcontractors that performed the construction of the Improvements.

6. The Improvements will not be publicly maintained.

7. County and Subdivider wish to enter into an agreement to release the security provided under the SIA and further to effectuate release of the SIA as a covenant running with the land described in the SIA.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, County and Subdivider hereby agree as follows:

**AGREEMENT**

1. The County hereby releases the following security provided pursuant to the SIA:

a. Faithful Performance Bond No. 0430438 in the amount of One Million Seven Hundred Ninety Thousand Nine Hundred Eighty One and 00/100 dollars (\$1,790,981).

b. Labor & Materials Bond No. 0430438 in the amount of One Million Seven Hundred Ninety Thousand Nine Hundred Eighty One and 00/100 dollars (\$1,790,981).

2. Subdivider consents to the recordation of this Release Agreement in the Placer County Official Records. Upon recordation, the SIA shall be released as a covenant running with the land described in the SIA.

IN WITNESS WHEREOF, County and Subdivider have executed this Release Agreement by duly authorized representatives, all as of the date first written above.

COUNTY:

COUNTY OF PLACER

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

Approved As to Form:

By: \_\_\_\_\_  
County Counsel

SIGNATURES CONTINUED ON NEXT PAGE

SUBDIVIDER:

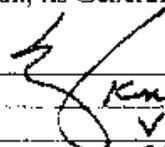
NORTHSTAR BIG HORN, LLC,  
a Delaware limited liability company

By: Northstar Mountain Properties, LLC,  
a Delaware limited liability company,  
Its Member and Manager

By: NMP Holdings, LLC  
A Delaware limited liability company  
Its Manager

By: East West Resort Development V,  
L.P., L.L.L.P., a Delaware Limited Partnership  
Registered as a Limited Liability Partnership  
its Member and Manager

By: HF Holding Corp., a Colorado  
Corporation, its General Partner

By:   
Name: King Ensey  
Title: VP  
Date: 6/25/09

[Notarial acknowledgements on pages to follow]

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of Placer }

On 6/25/09 before me, Virginia Allee, Notary Public  
Date Here Insert Name and Title of the Officer

personally appeared Kurt Krieg  
Name(s) of Signer(s)

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 Virginia Allee  
Signature of Notary Public



Place Notary Seal Above

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document*

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

- Signer's Name: \_\_\_\_\_
- Individual
  - Corporate Officer — Title(s): \_\_\_\_\_
  - Partner — Limited  General
  - Attorney in Fact
  - Trustee
  - Guardian or Conservator
  - Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

- Signer's Name: \_\_\_\_\_
- Individual
  - Corporate Officer — Title(s): \_\_\_\_\_
  - Partner — Limited  General
  - Attorney in Fact
  - Trustee
  - Guardian or Conservator
  - Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

