



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Board Report

File #: 12-1119, **Version:** 1

- a. Accept subdivision improvements for the Tehàma Phase 1, Tehàma Phase III, Tehàma Phase IV, and the Cañada Woods Commercial Center Subdivisions as completed;
- b. Approve and authorize the Director of Public Works or his designee to execute the Request for Full Reconveyance for the Deeds of Trust for Phase I, Phase III, Phase IV and the Commercial Center securing completion of the infrastructure improvements; and
- c. Authorize the Director of Public Works or his designee to execute Substitution of Trustee and Reconveyance documents for Tehàma Phase I, Tehàma Phase II, Tehàma Phase III, Tehàma Phase IV, Canada Woods Commercial Center, and York Highlands Subdivisions.

RECOMMENDATIONS:

It is recommended that the Board of Supervisors:

- a. Accept subdivision improvements for the Tehàma Phase 1, Tehàma Phase III, Tehàma Phase IV, and the Cañada Woods Commercial Center Subdivisions as completed; and
- b. Approve and authorize the Director of Public Works or his designee to execute the Request for Full Reconveyance for the Deeds of Trust for Phase I, Phase III, Phase IV and the Commercial Center securing completion of the infrastructure improvements.
- c. Authorize the Director of Public Works or his designee to execute Substitution of Trustee and Reconveyance documents for Tehàma Phase I, Tehàma Phase II, Tehàma Phase III, Tehàma Phase IV, Canada Woods Commercial Center, and York Highlands Subdivisions.

SUMMARY/DISCUSSION:

On September 2, 2003, July 13, 2005, August 30, 2006 and December 7, 1999, respectively, the Board of Supervisors approved the Subdivision Improvement Agreements for Tehàma Phase 1, Tehàma Phase III, Tehàma Phase IV and the Cañada Woods Commercial Center. The Subdivider, Canada Woods, LLC, provided Deeds of Trust to secure completion of the improvements naming the County of Monterey as Beneficiary. The Subdivider has fulfilled the conditions of the Subdivision Improvement Agreements for each of the above-referenced subdivisions, and the Subdivider's consulting engineer has inspected the improvements and certified their completion as to conformance with the approved plans. In June 2009, the Board approved a Partial Reconveyance of the Deed of Trust for parcels D, E and F of the Commercial Center; this action will authorize the remaining parcel B to be reconveyed. A request for reconveyance for all of the phases was submitted to the County. This action would allow the Deeds of Trust to be reconveyed by Chicago Title Insurance Company acting as Trustee.

On October 2, 2012, the Board accepted the subdivision improvements for the Tehàma Phase II, and approved the reconveyance of the Deed of Trust securing those improvements. On May 22, 2012, the Board approved the final map for the York Highland Subdivision, and approved the Subdivision Improvement Agreement, which provided for the reconveyance of certain parcels. Although the requests for reconveyance have been sent to Chicago Title, Chicago Title is declining to process the reconveyances due to a variety of reasons. It is expected that they will not process the reconveyances for Tehàma Phase 1, Tehàma Phase III, Tehàma Phase IV

or the Cañada Woods Commercial Center. As the trustee has failed to act, the County as beneficiary under the deed of trusts is required to substitute itself as trustee and process the reconveyance. This action would allow the Deeds of Trust to be reconveyed by the County in the instances that Chicago Title has failed to act.

OTHER AGENCY INVOLVEMENT:

RMA staff has coordinated closely with the Office of the County Counsel.

FINANCING:

There is no financial impact to the General Fund. Sufficient funds are available in the Road Fund budget (Fund 002, Unit 8195) to finance this work. The cost to process the reconveyance is funded with developer fees.

Prepared by: Saba Engineer, P.E., Senior Civil Engineer (831) 755-4940

Approved by:

Robert K. Murdoch, P.E., Director of Public Works

Benny J. Young, RMA Director

Dated: November 30, 2012

Attachments: Requests for Full Reconveyance for Tehàma Phase 1, Tehàma Phase III, Tehàma Phase IV, and the Cañada Woods Commercial Center; Engineer's Letters of Inspection for Tehàma Phase 1, Tehàma Phase III, Tehàma Phase IV, and the Cañada Woods Commercial Center; Subdivision Improvement Agreements and Deeds of Trust for Tehàma Phase 1, Tehàma Phase III, Tehàma Phase IV, and the Cañada Woods Commercial Center; Location Map