

STAFF REPORT**COUNCIL MEETING OF MAY 11, 2010****CONSENT AGENDA****TO: HONORABLE MAYOR AND MEMBERS OF THE TOWN COUNCIL****FROM: BRIAN FRAGIAO, DIRECTOR OF PUBLIC WORKS /TOWN ENGINEER** **DATE: APRIL 28, 2010****SUBJECT: HUNTER OAKS SUBDIVISION – HOMEOWNERS ASSOCIATION OPEN SPACE NON-DEVELOPMENT EASEMENT DONATION****RECOMMENDATION:**

Staff recommends that the Town Council direct staff to work with the Hunter Oaks Subdivision Homeowners Association (HOA) representatives to process the disbanding of the HOA and preparing the dedication easement documents for Town Council Approval and recordation.

ISSUE STATEMENT AND DISCUSSION:

The representatives of the Hunters Oaks Subdivision HOA has requested that the Town take over the Open Space Non-Development Easement (Lot A) located on the south end of the subdivision adjacent to Interstate 80.

During the subdivision approval process back in 2002, the developer was required to install a landscaped sound berm and encompass the area in an easement. The Town would maintain the berm landscaping and open space within the easement using funds from the established subdivision Assessment District. The ownership of the easement land belongs to the Developer. The Developer created a Homeowners Association to own, manage the liability of the berm and to enforce the Covenants, Conditions and Restrictions (CC&R's).

In order to disband the HOA and eliminate the monthly charge to the property owners to cover the liability insurance of the easement, the property owners in the subdivision will need to vote out the HOA and the enforcement it does for the CC&R's, and dedicate the Open Space and Non-development easement over to the Town. The financial status of the HOA will also have to be dealt with since it is incorporated as a nonprofit mutual benefit corporation under the laws of California.

Staff received an estimate from DA+SFI (Town's survey consultant) to provide the easement documentation and it will cost \$1,140. The annual insurance premium to cover the easement property would be the Town's general liability; it is calculated on the cost of our payroll and would not increase with the inclusion of that property.

FINANCIAL AND/OR POLICY IMPLICATIONS:

The cost to prepare the dedication document for recording is estimated at \$1,140. The HOA will pay for the preparation. The annual insurance premium to cover the easement property would not increase the Town's budget. The maintenance of the landscape and open space area within the easement is currently covered under the Subdivision's Assessment District Maintenance Account managed by the Town.

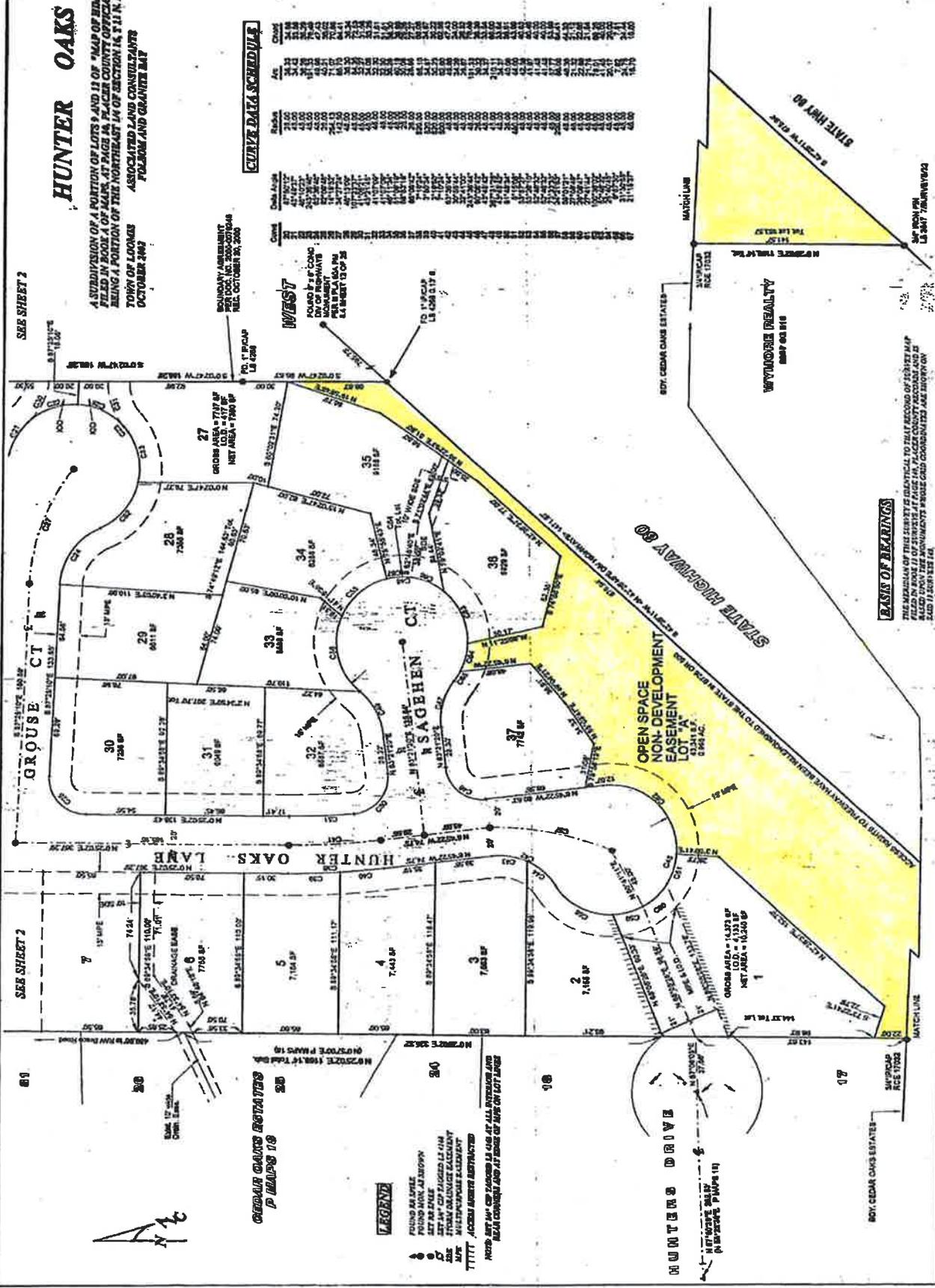
The HOA currently has an account balance that could pay for the document preparation and the first few years of the liability insurance. The balance amount has not been given to staff at this time.

HUNTER OAKS

A SUBDIVISION OF A PORTION OF LOTS 9 AND 13 OF "MAP OF RIDGES TRACT" FILED IN BOOK 4 OF MAPS AT PAGE 14, PLACER COUNTY OFFICIAL RECORDS, BEING A PORTION OF THE NORTHEAST 1/4 OF SECTION 14, T.11 N., R.7 E., M.D.A. CALIFORNIA ASSOCIATED LAND CONSULTANTS FOLSOM AND GRANITE BAY OCTOBER 2003

CURVE DATA SCHEDULE

Curve No.	Station	Chord Length	Chord Bearing	Chord Azimuth
1	1+00.00	100.00	S 00° 00' 00" E	90.00
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SEE SHEET 2

SEE SHEET 2



CEDAR CREEK ESTATES P LOTS 10

LEGEND

- FOUND OR EXISTING
- SETBACK OR EASEMENT
- SETBACK OR EASEMENT
- SETBACK OR EASEMENT
- SETBACK OR EASEMENT

NOTED SETBACK OR EASEMENT IS AS AT ALL INTERSECTIONS AND NEAR CORNERS AND AT ENDS OF LOTS

BASE OF BEARINGS

THE MEDIUM OF THE SURVEY IS BEARING TO THAT SECOND OF FIRST MAP FILED IN BOOK 11 OF SURVEYS AT PAGE 14, PLACER COUNTY RECORDS AND IS CALLED UPON THE SURVEY'S PROSE AND CONDITIONS AS ARE SHOWN ON THIS MAP.

Dave Smith
President
Hunter Oaks Homeowners Association
Loomis, CA 95650

April 29, 2010

Town of Loomis
3665 Taylor Road
Loomis, CA 95650

Dear Town of Loomis:

On behalf of the Hunter Oaks Home Owners Association, the Hunter Oaks Board of Directors would like to make the proposal to dedicate to the Town of Loomis as a regional Neighborhood Park, the real property situated in the Town of Loomis, County of Placer, State of California described as :

(See Exhibit "A", attached hereto and incorporated herein by reference)

Exhibit "A" is referred to as Lot A contained within the PLAT of Hunter Oaks Subdivision described by Assessor's Map Book 45 Page 29 County of Placer, California. A copy of which is attached as:

(See Exhibit "B", attached hereto and incorporated herein by reference)

This Offer of Dedication is subject to the Town of Loomis being open to the idea of accepting this dedication, and the approval of the Hunter Homeowners Association and the Hunter Oaks Board of Directors. Preliminary approval by the Hunter Oaks Board of Directors has resulted in the resolution seeking to dedicate Exhibit "A" to the Town of Loomis. Should the Town of Loomis be open to the acceptance of the Offer of Dedication of Exhibit "A", the Hunter Oaks Board of Directors can proceed with the following plan.

- Obtain from the Town of Loomis the Town's requirements for acceptance.
- Explore the costs of meeting the Town's requirements.
- Draft an HOA resolution to dedicate to the Town of Loomis Lot A as described in Exhibit "A" and subsequently bring to a full vote of the Homeowners Association.
- After a successful vote, present a formal Offer of Dedication of Exhibit "A" to the Town of Loomis for the Town's consideration.

Please feel free to contact me directly at 916-652-7242 or via email at dbsmith192@sbcglobal.net if there are any questions regarding this matter.

Sincerely,



Dave Smith
President
Hunter Oaks Homeowners Association

ENCLOSURE

“EXHIBIT A”

LEGAL DESCRIPTION

All that real property located in the Town of Loomis, County of Placer, and State of California more particularly described as follows;

That portion of the North 1/2 of Section 16, T.11N., R.7E., M.D.B.&M. more particularly described as follows;

Being Lot “A” of Hunter Oaks Subdivision on file in the Office of the Placer County Recorder in Book Y of Maps of Record at Page 51.

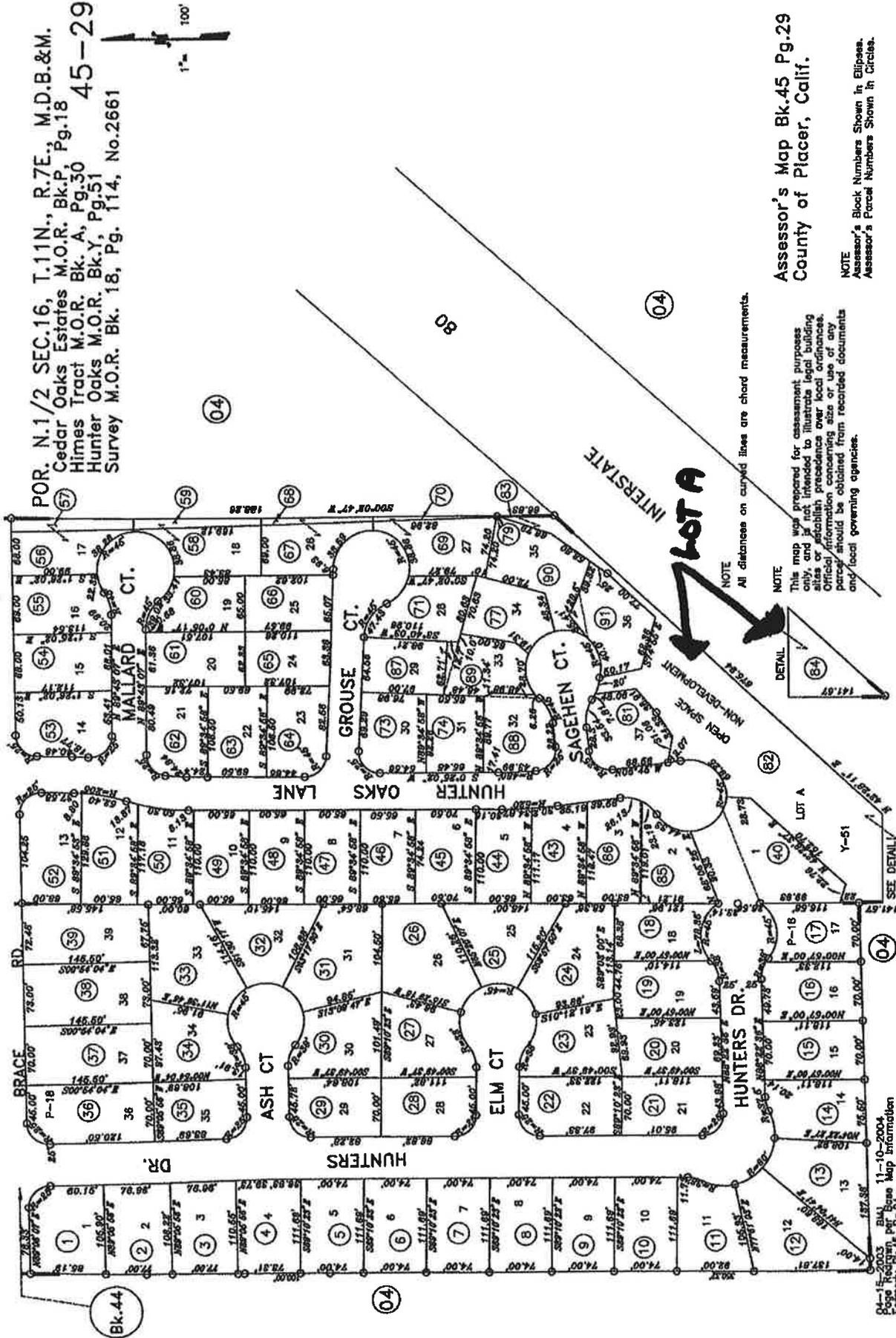
Consisting of Assessor’s Parcel Numbers;

045-290-082 (36,307 square feet) and

045-290-084 (6,982 square feet)

End Description

Exhibit "B"



POR. N.1/2 SEC.16, T.11N., R.7E., M.D.B.&M.
 Cedar Oaks Estates M.O.R. Bk.P. Pg.18
 Himes Tract M.O.R. Bk. A, Pg.30
 Hunter Oaks M.O.R. Bk.Y, Pg.51
 Survey M.O.R. Bk. 18, Pg. 114, No.2661

Assessor's Map Bk.45 Pg.29
 County of Placer, Calif.

NOTE
 Assessor's Block Numbers Shown in Ellipses.
 Assessor's Parcel Numbers Shown in Circles.