

RESOLUTION NUMBER R- 307910

DATE OF FINAL PASSAGE DEC 04 2012

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE RELEASE OF CASH BONDS ASSOCIATED WITH SUBDIVISION MAPS PURSUANT TO SECTION 66497 OF THE GOVERNMENT CODE.

WHEREAS, when a subdivision map is approved by the City of San Diego, the subdivider has the option to delay the setting of the property corners (monuments) until the improvements associated with the subdivision are completed; and

WHEREAS, in order to delay the setting of these monuments, the subdivider is required to post a cash bond with the City to cover the cost of setting the survey monuments at a later date; and

WHEREAS, the City of San Diego Development Services Department is currently holding monument bonds that are associated with various subdivision maps of record; and

WHEREAS, the bond holders have requested that the City release these monument bonds back to them; and

WHEREAS, Government Code Section 66497 of the Subdivision Map Act (SMA) governs how these monumentation bonds are to be released; and

WHEREAS, the SMA states that the legislative body must make the determination as to whom the monument bonds will be released to; and

WHEREAS, City staff has gathered all the documents and evidence necessary for Council to determine whom the bonds should be released to; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a

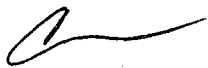
public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego as follows: the monuments for the following maps have been set to the satisfaction of the City Engineer and payment of the land surveyor or engineer has been confirmed with the exception of seven APEC maps shown. Both the depositor and the Development Services Department have twice attempted to contact the surveyor of work (Mr. William Gregory Clarke) for these maps through certified mail to ascertain whether he was paid for his services. Although the certified mail return receipt indicates Mr. Clarke received and signed for such correspondence, he has not responded. Development Services is requesting that the City Council authorize the release of the bonds pursuant to section 66497 of the SMA to the associated depositors listed below:

Depositor	Map Number	Engineer	W.O. No.	Bond Amount
Pardee	7988	APEC	70411	\$ 1,500.00
Pardee	12215	APEC	861034	\$ 2,000.00
Pardee	12996	Rick Engineering Co.	881173	\$ 4,000.00
Pardee	12216	APEC	870461	\$ 2,000.00
Pardee	12998	APEC	881170	\$ 3,000.00
Pardee	13040	APEC	881168	\$ 5,500.00
Pardee	13041	APEC	881162	\$ 6,500.00
Pardee	13192	APEC	940424	\$ 5,000.00
Arch Insurance Company	15165	Rick Engineering Co.	422300	\$ 6,500.00
Pardee Homes	15678	Project Design Consultants	428013	\$20,000.00

Safeway Inc.	20900	Latitude 33	24001150	\$ 3,800.00
Pardee Homes	15686	Project Design Consultants	428086	\$ 35,000.00
Pardee Homes	14882	Snipes-Dye Associates	950604	\$ 17,800.00

APPROVED: JAN I. GOLDSMITH, City Attorney

By 

Corrine L. Neuffer
Deputy City Attorney

CLN:jls
November 15, 2012
Or.Dept: DSD
Doc. No. 473179