



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Public Works
Department No.: 054
For Agenda Of: April 5, 2011
Placement: Administrative
Estimated Tme: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director Scott D. McGolpin, Public Works Department, 568-3010
Contact Info: Michael Emmons, County Surveyor, 568-3020
SUBJECT: **Release of Monument Bond - Tract 14,550**
 4th Supervisorial District

County Counsel Concurrence

As to form: N/A

Other Concurrence:

As to form: N/A

Auditor-Controller Concurrence.

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

Release the monument bond posted in the amount of \$5,900 for Tract 14,550 to Mission Valley-Syncon LP as required by law.

Summary Text:

The California Subdivision Map Act allows lots in tracts to have lot corners set (excluding the exterior boundary of the tract) at a time subsequent to the recording date of the map that creates the lots. As a condition to approve the deferral of setting the interior lot corners, the local jurisdiction is required to obtain security sufficient to allow the payment to the surveyor of record (or the County Surveyor or designee in certain cases) for work performed should the owner/subdivider of the property refuse to pay for such service. The security is typically posted in the form of a bond which is approved by the Board of Supervisors and held by the Clerk of the Board until released. Such was the case with this tract and this request is to release the security in the form of a bond to the principal, Mission Valley-Syncon, LP.

Background:

- 1) Tract 14,550 was approved by the Board of Supervisors on July 22, 2003.

- 2) A monument bond was required as a condition of approval which was provided by Mission Valley-Syncon, LP in the amount of \$5,900 and was posted with the Clerk of the Board on July 24, 2003.
- 3) A request for monument inspection was received on October 25, 2010 from Mr. Berk Blake, PLS stating that all monuments had been set as required.
- 4) County staff verified that the monuments were in place in November 2010.
- 5) A request for release of the security was made by Mr. Berk Blake, PLS after he received payment (a requirement for release of the bond) from Syncon Homes of California, LP.

Fiscal and Facilities Impacts:

Budgeted: No

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
General Fund			
CalFire			
Federal			
Fees:			
Other:			\$ -
Total	\$ -	\$ -	\$ -

Staffing Impacts:

None

Special Instructions:

Please forward a certified, stamped Minute Order to the attention of Michael Emmons, County Surveyor. Forward a certified, stamped Minute Order, along with bond # 0366920 posted by Mission Valley-Syncon, LP to: Mr. Nick Foster, Agent for Syncon Homes, 300 Derek Place, Roseville, CA 95678. Forward a certified, stamped Minute Order to the attention of Mr. Berk Blake, PLS, P.O. Box 869, Buellton, CA 93427.

Attachments:

Attachment – Copy of bond issued by International Fidelity Insurance Company – July 24, 2003
Letter of receipt of payment from Mr. Berk Blake, PLS – March 4, 2011

Authored by:

Michael B. Emmons, County Surveyor, 568-3020

COUNTY OF SANTA BARBARA
OFFICE MEMORANDUM

TO: Tax Collector, Transportation, File Building,
Parks, Surveyor, Planning

DATE: July 24, 2003

FROM: Russ Barker, Clerk of the Board

IN RE: TM 14550

THIS IS TO INFORM YOU THAT THIS OFFICE HAS RECEIVED BOND OR CASH DEPOSIT

Amount: \$5900

From: Mission Valley Syncon , LP

Posted to Insure: 2003-04 TAXES

Name and Address of Depositor

Project: TM 14550

Landscape, Monuments, Walls, Signs, Taxes, Roads, Etc.

Bonding Company: International Fidelity Insurance Co.

Name, Address, Case Number

Bond Number: 0366920

Name and Address

SUBDIVISION MONUMENT BOND

State of California
(Government Code 66496) Tract/Parcel Map No.: TM14450
Bond No.: 0366920
Premium: \$100.00

BONDING COMPANY: International Fidelity Insurance Company
ADDRESS: 1575 Treat Blvd., Ste. 208
CITY: Walnut Creek, CA 94596

PRINCIPAL: Mission Valley-Syncon, LP
ADDRESS: 1603 Copenhagen Dr., Ste. #8
CITY: Solvang, CA 93463

KNOW ALL MEN BY THESE PRESENTS:

That Mission Valley Syncon, LP, Subdivider, as Principal, and International Fidelity Insurance Company, a Corporation, as Surety, are hereby jointly and severally bound to pay the County of Santa Barbara the sum of Five Thousand Nine Hundred and NO/100. \$5,900.00

The condition of the obligation is that whereas the Subdivider, as a condition of the filing of the final subdivision map of (Tract/Parcel Map) TM14550, entered into an agreement with said County to set Survey Monuments in said tract and to pay the engineer or surveyor performing the work, in full within 30 days after completion.

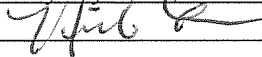
NOW, THEREFORE, if the Subdivider shall well and truly perform said agreement during the original term thereof or of any extension of said term that may be granted by the County of Santa Barbara, with or without notice to the Surety, this obligation shall be void, otherwise it shall remain in full force and effect.

As a part of the obligation secured hereby and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by the County in successfully enforcing such obligation, all to be taxes as costs and included in any judgement rendered.

The Surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the agreement or to the work to be performed thereunder or the specifications accompanying the same shall in anywise affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the agreement or to the work or to the specifications.

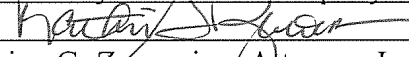
Dated: July 23, 2003

NAME OF PRINCIPAL: Mission Valley-Syncon LP

AUTHORIZED SIGNATURE: By:  Title PM

(IF CORPORATION, AFFIX SEAL)

NAME OF SURETY: International Fidelity Insurance Company

AUTHORIZED SIGNATURE: By: 
Katherine G. Zerounian, Attorney-In-Fact

(IF CORPORATION, AFFIX SEAL)

ATTACH NOTARIAL ACKNOWLEDGMENT OF SIGNATURE OF PRINCIPAL
AND ATTORNEY-IN-FACT

California All Purpose Acknowledgment

State of California

County of San Mateo

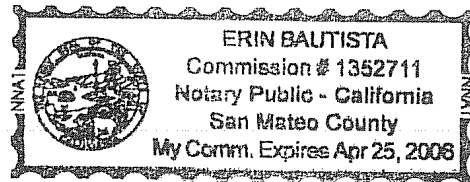
On July 23, 2003, before me, Erin Bautista, Notary Public
Date Name & Title of Officer/Notary

personally appeared Katherine G. Zerounian
Names(s) of Signer(s)

personally known to me, or 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.

WITNESS my hand and official seal.

Erin Bautista
Notary Public



-----**OPTIONAL**-----

(The information below is not required by law)

Description of Attached Document

Title/type of Document _____

Date of Document _____ No. of Pages _____

Other Signer(s) _____

POWER OF ATTORNEY INTERNATIONAL FIDELITY INSURANCE COMPANY

HOME OFFICE: ONE NEWARK CENTER, 20TH FLOOR
NEWARK, NEW JERSEY 07102-5207

KNOW ALL MEN BY THESE PRESENTS: That INTERNATIONAL FIDELITY INSURANCE COMPANY, a corporation organized and existing laws of the State of New Jersey, and having its principal office in the City of Newark, New Jersey, does hereby constitute and appoint

**BRYAN D. MARTIN, JEFF PREVOST, KATHERINE G. ZEROUNIAN, JEAN L. NEU, ERIN BAUTISTA,
JODY A. JOHNSON**

Redwood City, CA.

its true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said INTERNATIONAL FIDELITY INSURANCE COMPANY, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal office.

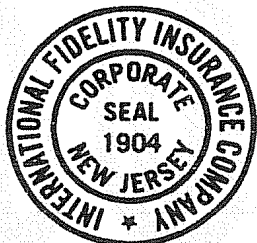
This Power of Attorney is executed, and may be revoked, pursuant to and by authority of Article 3-Section 3, of the By-Laws adopted by the Board of Directors of INTERNATIONAL FIDELITY INSURANCE COMPANY at a meeting called and held on the 7th day of February, 1974.

The President or any Vice President, Executive Vice President, Secretary or Assistant Secretary, shall have power and authority

- (1) To appoint Attorneys-in-fact, and to authorize them to execute on behalf of the Company, and attach the Seal of the Company thereto, bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and,
- (2) To remove, at any time, any such attorney-in-fact and revoke the authority given.

Further, this Power of Attorney is signed and sealed by facsimile pursuant to resolution of the Board of Directors of said Company adopted at a meeting duly called and held on the 29th day of April, 1982 of which the following is a true excerpt:

Now therefore the signatures of such officers and the seal of the Company may be affixed to any such power of attorney or any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.



IN TESTIMONY WHEREOF, INTERNATIONAL FIDELITY INSURANCE COMPANY has caused this instrument to be signed and its corporate seal to be affixed by its authorized officer, this 31st day of August, A.D. 1998.

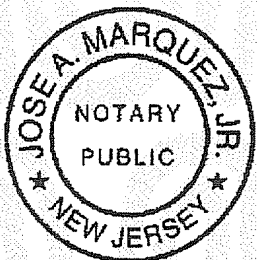
STATE OF NEW JERSEY
County of Essex

INTERNATIONAL FIDELITY INSURANCE COMPANY

[Signature]
Vice-President

On this 31st day of August 1998, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said he is the therein described and authorized officer of the INTERNATIONAL FIDELITY INSURANCE COMPANY; that the seal affixed to said instrument is the Corporate Seal of said Company; that the said Corporate Seal and his signature were duly affixed by order of the Board of Directors of said Company.

IN TESTIMONY WHEREOF, I have hereunto set my hand affixed my Official Seal, at the City of Newark, New Jersey the day and year first above written.



[Signature]

A NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Nov. 21, 2005

CERTIFICATION

I, the undersigned officer of INTERNATIONAL FIDELITY INSURANCE COMPANY do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Section of the By-Laws of said Company as set forth in said Power of Attorney, with the ORIGINALS ON IN THE HOME OFFICE OF SAID COMPANY, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect

IN TESTIMONY WHEREOF, I have hereunto set my hand this 23rd day of July, 2003.

[Signature]
Assistant Secretary



BLAKE Land Surveys

250 Industrial Way, Unit C, P.O. Box 869,
Buellton, CA 93427 Tel: 805-688-2054

Est. 1980

L.S. 4786

March 4, 2011
Project 2002007

Michael B. Emmons
County Surveyor
County of Santa Barbara
123 East Anapumu Street
Santa Barbara, CA 93101

RE: Tract 14550

Mr. Emmons:

Syncon Homes has paid me for setting of the monuments on the above referenced tract map. You have my permission to release them from their monumentation bond.

They are still under an obligation to pay me for the Certificate of Correction that was submitted in October 2010 and will be under a further obligation to pay me for the Corner Records that you requested and we are preparing.

Sincerely;

Berk Blake, PLS

