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DEPARTMENT OF
PUBLIC WORKS

CITY OF SACRAMENTO
CALIFORNIA

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August 31, 2001

City Council
Sacramento, California

Honorable Members in Session:

**SUBJECT: RESCINDING APPROVAL OF FINAL MAP AND SUBDIVISION
IMPROVEMENT AGREEMENT FOR RIVER VIEW #1 VILLAGE B - (P98-079)
- RESOLUTION 2001-567**

LOCATION/COUNCIL DISTRICT:

North Natomas - South of San Juan Road and East of the West Drainage Canal.
Council District 1.

RECOMMENDATION:

This report recommends the City Council rescind its approval of the Final Map and Subdivision Improvement Agreement for River View #1 Village B (P98-079) Resolution 2001-567.

CONTACT PERSON: Fritz Buchman, Senior Engineer, 264-7493
Bob Robinson, Supervising Surveyor, 264-8970

FOR COUNCIL MEETING OF: October 2, 2001

SUMMARY:

This action is needed to rescind the approval of the Final Map for River View #1 Village B and void Resolution 2001-567. On August 14, 2001, Resolution 2001-567 was approved by City Council based on the council report on file with the City Clerk's Office. This resolution

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approved the final map for River View #1 Village B. Unbeknownst to staff, the owner of the property identified on the Final Map sold the affected property to a third party (the "current owner") prior to the recording of the Final Map. The current owner was not a party to the previously approved Final Map or the Subdivision Improvement Agreement. Due to this ownership change, the County Recorder has properly refused to record the Final Map approved via Resolution 2001-567 and therefore the approval of that Final Map must be rescinded pursuant to the Subdivision Map Act (Government Code sections 66410 et seq., hereinafter referred to as the "Act") section 66466(b). The current owner may, although he has not to date, submit a new Final Map and Subdivision Improvement Agreement for the property. When a new Final Map and Subdivision Improvement Agreement have been properly submitted, they will be brought before the City Council for approval.

COMMITTEE/COMMISSION ACTION:

None.

BACKGROUND INFORMATION:

On August 14, 2001, Resolution 2001-567 was approved by City Council based on the council report on file with the City Clerk's Office. Prior to August 14, 2001, there was an ownership change not reported to the City which negated the validity of the Final Map and Subdivision Improvement Agreement for River View #1 Village B.

Previously, on March 23, 1999, the City Council approved a Tentative subdivision Map by adopting an amended Notice of Decision.

FINANCIAL CONSIDERATIONS:

None

ENVIRONMENTAL CONSIDERATIONS:

On March 23, 1999 the City Council adopted an amended Notice of Decision ratifying the Negative Declaration and approving the mitigation monitoring plan for this project.

POLICY CONSIDERATIONS:

Pursuant to Sacramento City Code, Chapter 16.28.110, and Government Code Section 66458, the City Council may, by resolution, approve final maps. For a map to be approved, it

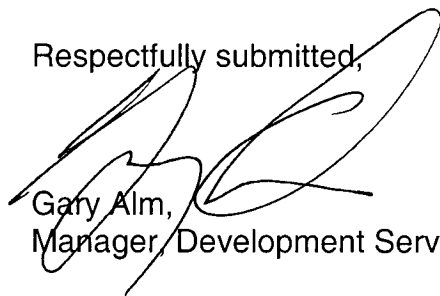
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must conform to all the requirements of the Government Code, the Act and Title 16 of the City Code, applicable at the time of conditional approval of the Tentative Map. It is now apparent that the map approved under Resolution 2001-567 does not conform to Title 16 or the Act in the following respects: (1) An acknowledged abstract of the Subdivision Improvement Agreement cannot be recorded as required by section 16.48.140 because the current record owner is not a party to that agreement, (2) the Act at section 66436(a) requires each owner of record to evidence his or her consent to the preparation and recording of the map by signature upon the map (the present owner of record is not a signatory upon the map) and (3) the map cannot be recorded because pursuant to the Act at section 66465, the subdivider must present to the recorder evidence that, "at the time of the filing of the final or parcel map in the office of the County Recorder, the parties consenting to such filing are all of the parties having a record interest in the real property being subdivided, as shown by the records in the office of the recorder, otherwise the map shall not be filed." Due to the fact that the map does not conform to the Act, the County Recorder has refused to record it. This refusal to record the map necessitates the action herein requested, that the Final Map approval be rescinded, pursuant to Government Code section 66466(b).

ESBD CONSIDERATIONS:

City Council adoption of the attached resolution is not affected by City policy related to the ESBD Program.

Respectfully submitted,



Gary Alm,
Manager, Development Services


RECOMMENDATION APPROVED:



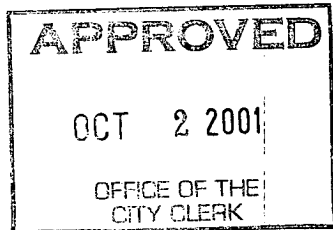
ROBERT P. THOMAS
City Manager

FB/pt

Approved:



Michael Kashiwagi
Director of Public Works



RESOLUTION NO. *2001-654*

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

RESCINDING RESOLUTION 2001-567 AND RESCINDING APPROVAL OF THE FINAL MAP AND SUBDIVISION IMPROVEMENT AGREEMENT FOR RIVER VIEW #1 VILLAGE B - (P98-079)

WHEREAS, THE CITY COUNCIL OF THE CITY OF SACRAMENTO FINDS AND DETERMINES AS FOLLOWS:

- A. The previous approval of the Final Map by City Council on August 14, 2001 was subject to and conditioned upon the execution of the Subdivision Improvement Agreement by all parties. A change in ownership of the property subject to the Final Map prohibited a Subdivision Improvement Agreement from being executed, and therefore, the approval of the final map could not be effectuated.
- B. Due to a change in ownership of the property subject to the Final Map, the county recorder has properly refused to record that Final Map. Therefore, pursuant to Government Code section 66466(b) the approval of the Final Map and Subdivision Improvement Agreement for River View #1 Village B (P98-079) is hereby rescinded.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO AS FOLLOWS:

- A. Resolution 2001-567 is hereby rescinded.
- B. The approval of the Final Map and Subdivision Improvement Agreement for River View #1 Village B (P98-079) evidenced by Resolution 2001-567, is hereby rescinded.

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____