



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

C-19

For the meeting of: October 7, 2014

Date: September 8, 2014

To: Board of Supervisors

From: *(Signature)* Thomas K. Mattson, Public Works Director

SUBJECT: COSBY SUBDIVISION, APN 511-101-12, MCKINLEYVILLE

RECOMMENDATION(S): That the Board of Supervisors:

1. Accept and approve the subdivision map for filing with the County Recorder.
2. Direct the Clerk of the Board to sign the subdivision map on behalf of the Board.
3. Authorize the Chair to execute the Conveyance and Agreement.
4. Direct the Clerk of the Board to transmit the subdivision map and the Conveyance and Agreement to the County Recorder.

SOURCE OF FUNDING:

General Fund County Surveyor 1100-168

DISCUSSION:

On January 3, 2013, the Planning Commission approved a tentative map for the subdivision of an approximately one-acre parcel located on Hidden Fox Lane in McKinleyville into two



Prepared by Dave Ryan, County Surveyor

CAO Approval

Cheryl Dillingham

REVIEW: Auditor _____ County Counsel *JS* Human Resources _____

TYPE OF ITEM:
 Consent
 Departmental
 Public Hearing
 Other _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
Upon motion of Supervisor *Bass* Seconded by Supervisor *Lovelace*
Ayes *Sundberg, Lovelace, Bahn, Fennell, Bass*
Nays _____
Abstain _____
Absent _____

PREVIOUS ACTION/REFERRAL:

Board Order No. _____

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Meeting of: _____

Dated:
By:

Oct. 7, 2014
Kathy Hayes, Clerk of the Board

parcels. The subdivision involves a Final Map due to Cosby's interest in successive subdivisions on adjacent lands (see Book 24 of Maps, Pages 124-126 filed in December 2009).

The subdividers, Denis and Rene Cosby, request that the Board approve the subdivision as complete and accept the subdivision map for filing with the County Recorder.

The Planning Division of the Planning & Building Department has required the subdivider to convey development rights for secondary dwellings to the County for both parcels until such time that parkland dedication fees are paid. The subdivider has executed a Conveyance and Agreement for this purpose, which has been approved by the Planning Division.

There were no subdivision improvements required by the Department of Public Works. The parcels front on Hidden Fox Lane, a non-County maintained road, which connects directly to Little Pond Street, a County maintained road. Maintenance of Hidden Fox Lane is the responsibility of the landowners through an existing Road & Drainage Maintenance Association recorded as Document No. 2008-9891-6, Records of Humboldt County, of which the subject property is a member.

The Department of Public Works and the Planning Division have determined that the subdivider has met all conditions of subdivision approval, and within the required time limits.

The Tax Collector or his designee has signed the map indicating that all taxes have been paid or secured to his satisfaction.

It is requested that the Board take the recommended actions.

FINANCIAL IMPACT:

None; there is no impact to the General Fund.

This item conforms with the Board of Supervisors' Strategic Framework, Core Role of enforcing laws and regulations to protect residents.

OTHER AGENCY INVOLVEMENT:

None

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Board discretion.

ATTACHMENTS:

- Subdivision Map (on file with the Clerk of the Board)
- Conveyance and Agreement

2014-017746-2
Recorded - Official Records
Humboldt County, California
Carolyn Crnich, Recorder
Recorded by: HLTCO

Clerk: LH Total:\$0.00
Oct 15, 2014 at 09:39:22

Document Number: _____

Map Number: 646

Map Type: Subdivision

Map Book: 25

Map Page(s): 46-47

Owners Name(s): Denis E. Cosby

Rene D. Cosby

Cosby Subdivision

Surveyor's Name(s): Stephen G. Nesvold

	Section	Township	Range
Legal Description:	30	7N	1E

Recording Requested By:
County of Humboldt
Planning and Building Department

2014-017755-4
Recorded - Official Records
Humboldt County, California
Carolyn Crnich, Recorder
Recorded by: HLTCO
Rec Fee: \$35.00

Return To:
County of Humboldt
Planning and Building Department
3015 H Street Eureka, CA 95501-4484

Clerk: LH Total: \$35.00
Oct 15, 2014 at 10:18:49
CONFORMED COPY

NOTICE OF DEVELOPMENT PLAN AND NOTICE OF GEOLOGIC REPORT

Filed with the Humboldt County
Planning and Building Department
By: **Denis E. Cosby and Rene D. Cosby**

Regarding: Cosby Subdivision
Case Number: FMS-12-007 Apps Number: 8470
Assessor Parcel Number: 511-101-012

NOTICE IS HEREBY GIVEN that a Development Plan consisting of either a map or a written document or both, and a Geologic Report consisting of a written document with maps, and describing special restrictions and/or conditions to which development of the real property or real properties described in the attached EXHIBIT "A" is subject, has been filed with the Humboldt County Community Development Services under the Case number and File Number noted above.

NOTICE IS FURTHER GIVEN that development of the real property or real properties described in the attached EXHIBIT "A" will be reviewed by the County of Humboldt for conformance with the Development Plan and Geologic Report, and that development which is determined by the County to be not in conformance with the Development Plan or with the specific recommendations of the Geologic Report may not be granted permits or other approvals necessary to carry out the development.

NOTICE IS FURTHER GIVEN that the Development Plan and Geologic Report was filed by the person(s) whose name(s) is/are subscribed on page 2 of this instrument as the owner(s) of record of the real property or real properties described in the attached EXHIBIT "A" to fulfill a condition of the County of Humboldt's approval of the development project referenced above or the subdivision creating the subject real property or real properties; and that the purpose of the Development Plan and Geologic Report is to provide record and notice of special development restrictions and/or conditions that are applicable to said property and have been imposed by the County of Humboldt and will be enforced with the granting of permits or other approvals necessary to develop the subject real property or real properties.

THIS NOTICE IS GIVEN BY THE COUNTY OF HUMBOLDT PLANNING AND BUILDING DEPARTMENT:

September 9, 2014

Kevin R. Hamblin

Kevin R. Hamblin, Director
County of Humboldt Planning and Building Department

CERTIFICATE OF ACKNOWLEDGMENT

STATE OF CALIFORNIA }
COUNTY OF HUMBOLDT }

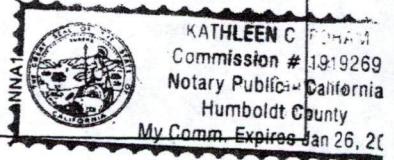
On this 9th day of September 20 14 before me, Kathleen C. Boham Public Notary, personally appeared Kevin R. Hamblin who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

Witness my hand and official seal.

Kathleen C. Boham
Signature Commission # 1919269

(seal)



ILLEGIBLE NOTARY SEAL DECLARATION

GOVERNMENT CODE 27361.7

I certify under the penalty of perjury that the notary seal on the document to which this statement is attached reads as follows:

Name of Notary: Kathleen Boham

Date Commission Expires: Jan. 26, 2015

Notary Commission Number: 1919269

State of Commission: California

County of Commission: Humboldt

State of Notary Execution: California

County of Notary Execution: Humboldt

Date of Notary Execution: Sept. 9, 2014

Date: 10/15/14

Clair Shelley
Signature

HTCO
(Firm Name, if applicable)

(for names and signatures)

OWNER'S REPRESENTATION

We hereby represent that we are the owner(s) of record of the real property described in the attached EXHIBIT "A" and that we have filed a Development Plan and Geologic Report with the Humboldt County Planning Division to fulfill a condition of Humboldt County's approval of the development project for the subject real property and the subdivision creating the real property described in the attached Exhibit "A", and that we have consented to the notice given herein.

Sign above. Print name here: Denis E. Cosby *

Sign above. Print name here: Rene D. Cosby

Sign above. Print name here:

Sign above. Print name here:

* Husband and wife as community property with right of survivorship

CERTIFICATE OF ACKNOWLEDGMENT

STATE OF CALIFORNIA }
COUNTY OF HUMBOLDT }

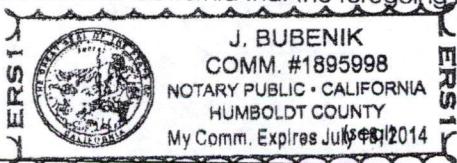
On this 26th day of February 2013, before me, J. Bubenik,

Public Notary, personally appeared Denis E. Cosby + Rene D. Cosby who 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 hi/her/their authorized capacity(ies), and that by his/her/their signature(s) on behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

Witness my hand and official seal.

Signature J. Bubenik



My Comm. Expires July 18, 2014

EXHIBIT "A"

PROPERTY DESCRIPTION

All that real property situated in the Southeast Quarter of the Southeast Quarter of Section 30, Township 7 North, Range 1 East, Humboldt Meridian, County of Humboldt, State of California, more particularly described as follows:

Lots 1 and 2, as shown on Tract No. 10410, recorded Oct. 15, 2014 in
Book 25 of Maps, pages 416-417, Humboldt County Records.

[END OF DESCRIPTION]

This real property description has been prepared by me or under my direction in conformance with the Professional Land Surveyor's Act on February 5, 2013.

Stephen G. Nesvold
Stephen G. Nesvold, P.E.
RCE 25681



Recording Requested by:
County of Humboldt
Planning and Building Department
EXEMPT PURSUANT TO G.C. 27383

2014-017756-6
Recorded - Official Records
Humboldt County, California
Carolyn Crnich, Recorder
Recorded by: HLTCO

Return to:
County of Humboldt
Planning and Building Department
3015 H Street
Eureka, CA 95501-4484

Clerk: LH Total: \$0.00
Oct 15, 2014 at 10:18:49
CONFORMED COPY

**CONVEYANCE AND AGREEMENT
(for Development Restrictions)**

Entered Into On: October 7, 2014)
(to be filled in by the Clerk of the Board)

Assessor Parcel Number:
511-101-012

BY AND BETWEEN)
Denis E. Cosby and Rene D. Cosby)

)
(hereinafter referred to as OWNER)

Case No.: **FMS-12-007**

AND THE COUNTY OF HUMBOLDT)
(hereinafter referred to as COUNTY)

Application No.: **8470**

WITNESSETH

WHEREAS, OWNER has applied to COUNTY for permits and other grants of approval necessary to carry out a project which is described within a project application filed with Humboldt County Community Development Services as the Case Number and File Number referenced above (hereinafter referred to as proposed project); and

WHEREAS, the real property upon which OWNER's proposed project is situated, is or includes the real property which is described in EXHIBIT A which is attached to this agreement and incorporated by reference herein (hereinafter referred to as the subject property); and

WHEREAS, the subject property is situated in the County of Humboldt, State of California; and

WHEREAS, COUNTY, as a condition and in consideration of approval of OWNER's proposed project, requires that OWNER grant to COUNTY all of the OWNER's right, power, and privilege to develop the subject property in the manner or for the purposes described in PART 1 of EXHIBIT B which is attached to this Agreement and incorporated by reference herein; and

WHEREAS, OWNER is willing and desires to grant to COUNTY the OWNER's right, power, and privilege to develop the subject property in the manner or for the purposes described in PART 1 of EXHIBIT B attached hereto;

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

1. OWNER hereby relinquishes and grants to COUNTY all of the OWNER's right, power, and privilege to develop the subject property in the manner or for the purposes described in PART 1 of EXHIBIT B attached hereto. Concurrently with this grant, OWNER agrees not to develop the subject property in the manner or for the purposes described in PART 1 of EXHIBIT B unless and until COUNTY quitclaims to OWNER or OWNER's successors in interest in said property, all rights, power, and privilege granted to COUNTY by this conveyance.

2. Both parties acknowledge that this agreement and the grant of the right to develop by OWNER to COUNTY contained herein are made in consideration of approval by COUNTY of OWNER's proposed project.

3. COUNTY agrees to quitclaim to OWNER, or OWNER's successor(s) in interest, the right, power and privilege to development subject property in the manner or for the purposes described in PART 1 of EXHIBIT B attached hereto, if and when both of the following events occur:

A. OWNER or OWNER's successor(s) in interest applies to COUNTY for reconveyance to the OWNER or OWNER's successor(s) of the right, power, and privilege herein granted to COUNTY.

B. OWNER or OWNER's successor(s) in interest shows to COUNTY's satisfaction either that the conditions specified in PART 2 of EXHIBIT B attached hereto have been satisfied by the OWNER of the subject property, or that because of changed circumstances the conditions specified in PART 2 of EXHIBIT B are no longer applicable.

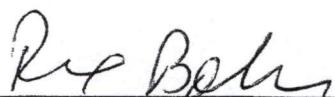
OWNER understands and agrees that the quitclaim by COUNTY to OWNER or OWNER's successor(s) in interest of the right, power, and privilege herein granted to COUNTY, as provided above, will not give OWNER or OWNER's successor(s) in interest the unlimited right to develop the subject property, but will only vest in OWNER or OWNER's successor(s) in interest the right, power, and privilege to apply to COUNTY for the permits and other grants of approval necessary to develop the subject property and to have such application processed in accordance with, and subject to, all laws and regulations applicable to such application at the time it is submitted.

4. OWNER agrees to insert in any document which transfers title to the subject property, or any part thereof, a provision excepting from such transfer the right, power, and privilege to develop the subject property in the manner or for the purposes described in PART 1 of EXHIBIT B attached hereto unless and until COUNTY has executed and delivered to OWNER and OWNER's successor(s) in interest the quitclaim deed provided for above. OWNER further agrees to include in any such transfer document a provision by the terms of which the transferee, and each subsequent transferee, agrees to each and every condition contained in this Conveyance and Agreement, including the requirement contained in this paragraph.

IN WITNESS WHEREOF, the parties hereto have caused this Conveyance and Agreement to be executed by their duly authorized officers on the date set forth above.

COUNTY OF HUMBOLDT

BY



Chair, Board of Supervisors of the County of Humboldt,
State of California

OWNER(s)

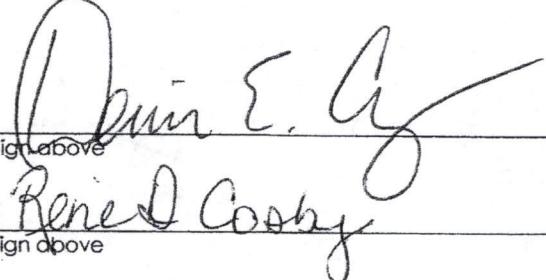
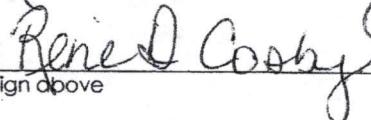
Denis E. Cosby *

Print name here

Rene D. Cosby *

Print name here

Sign above

Sign above

* Husband and wife as community property with right of survivorship

ACKNOWLEDGMENT

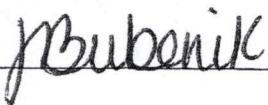
State of California
County of Humboldt

On 21/26 2013 before me, J. Bubenik, Public Notary, personally appeared Denis E. Cosby & Rene D. Cosby, who 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.

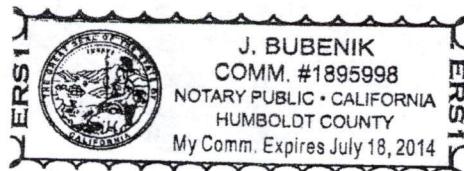
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)



Certificate of Acknowledgment

State of California)
County of Humboldt)

On October 7, 2014 before me, Ana G. Hartwell, Deputy Clerk of the Humboldt County
Board of Supervisors, personally appeared REX BOHN, who proved to me on the basis of
satisfactory evidence to be the person whose name is subscribed to the within instrument and
acknowledged to me that he executed the same in his authorized capacity, and that by his
signature on the instrument the person, or the entity upon behalf of which the person acted,
executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Ana Hartwell

EXHIBIT "A"

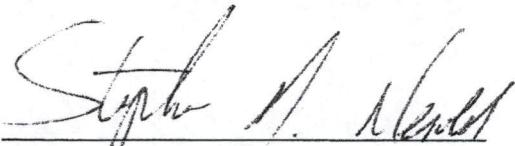
PROPERTY DESCRIPTION

All that real property situated in the Southeast Quarter of the Southeast Quarter of Section 30, Township 7 North, Range 1 East, Humboldt Meridian, County of Humboldt, State of California, more particularly described as follows:

Lots 1 and 2, as shown on Tract No. 6416, recorded Oct. 15, 2014 in
Book 25 of Maps, pages 46-47, Humboldt County Records.

[END OF DESCRIPTION]

This real property description has been prepared by me or under my direction in conformance with the Professional Land Surveyor's Act on February 5, 2013.



Stephen G. Nesvold, P.E.
RCE 25681



EXHIBIT "B"**DEVELOPMENT RESTRICTIONS****PART 1**

The OWNER relinquishes and grants to the County of Humboldt the right, power, and privilege to develop the real property described in Exhibit A for:

Conveyance:

1. The construction of secondary dwelling units on Lots 1 and 2.

PART 2

The condition referred to in Paragraph B of Section 3 of the agreement to which this exhibit is attached is as follows:

Terms of Reconveyance:

The County agrees to reconvey the right to use the property described above when it is demonstrated that the following conditions exists:

1. Payment of parkland dedication fees in the amount of \$1,533.96 for Lots 1 and 2 or on a pro-rata basis at the time individual lot owners apply for a permit to construct a secondary dwelling unit according to the following schedule:

Lot No.	FEE	Date Paid	Lot No.	FEE	Date Paid
1	\$604.73		2	\$929.29	