



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

For the meeting of: November 8, 2016

Date: October 13, 2016

To: Board of Supervisors

From: *P* Thomas K. Mattson, Public Works Director

SUBJECT: APPROVAL OF TOWN OF SCOTIA SUBDIVISION, PHASE 1, APN 205-351-031, SCOTIA

RECOMMENDATION(S): That the Board of Supervisors:

1. Accept and approve the subdivision map for filing with the County Recorder.
2. Accept the dedications to the County of Humboldt of Main Street, Mill Street, Church Street, Eddy Street, and First Street for public road purposes; accept the Public Utility Easement (PUE) for public utility and sidewalk easement for public use; accept Alley 1, Alley 2, and Parcels A, B, C, D, E, and F for public utilities; reject Parcels HH, II, KK, and LL for ingress, egress and storm water drainage; and reject Mill Lane for public road purposes.
3. Direct the Clerk of the Board to sign the subdivision map on behalf of the Board of Supervisors and further certify to the vacation of portions those existing easements for public highways within Phase 1 of this subdivision lying outside the areas dedicated by this map pursuant to section 66434(g) of the Government code. Reference is hereby made to the "Abandonment Note" on the subdivision map for particulars.
4. Authorize the Chairman to execute the Conveyance and Agreement

P Prepared by Ron Garton, County Surveyor *PS*

CAO Approval *Helen Clower*

REVIEW: Auditor _____ County Counsel *gs* Human Resources _____ Other _____

TYPE OF ITEM:
 Consent
 Departmental
 Public Hearing
 Other _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
Upon motion of Supervisor _____ Seconded by Supervisor _____
Ayes _____
Nays _____
Abstain _____
Absent _____

PREVIOUS ACTION/REFERRAL:

Board Order No. K-1a

Meeting of: 11/10/2009

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

Dated: _____
By: _____

Kathy Hayes, Clerk of the Board

5. 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 Land Use 1100-168

DISCUSSION: On November 10, 2009, the Planning Commission approved a tentative map for Town of Scotia Subdivision, being the subdivision of a four hundred and sixty-five (465) acre parcel into three hundred and forty (340) lots to be completed in several phases (FMS-05-001, APN 205-351-031). Also approved at that time was a General Plan Amendment and Zone Reclassification (GPA-05-01) and a Planned Development Permit (PDP-05-01). This map represents Phase 1, which is comprised of fifty (50) lots.

The subdivision is located in Humboldt County at Highway 101 and Main Street approximately two (2) miles south of Rio Dell.

The Town of Scotia has a rich history as one of American's longest surviving "company towns". These towns, once common throughout the county, were entirely owned and operated by the companies. In the late 1800's, Pacific Lumber Company started logging operations in Humboldt County and needed housing for the loggers and mill workers. The Town of Scotia is a privately owned community of approximately two hundred and seventy-two (272) homes in the unincorporated portions of Humboldt County (<http://townofscotia.com>). Scotia is situated approximately thirty (30) miles directly south of Eureka. Mountainous, redwood forested areas extend to the east and south of Scotia along the Eel River and US Highway 101. Scotia has a long history with lumber milling and associated forestry operations and services. Growth of the town was substantial during building booms in the early Twentieth century. The Scotia community today is owned by the Town of Scotia Company, LLC (Company), held by an investment group.

Pursuant to Government Code Section 66458(a), the subdivider, Town of Scotia, LLC, requests that the Board approve the first phase of 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 to use garage lots for residential purposes until such time that the County of Humboldt has determined that residential use of garage lots is appropriate due to changed conditions. The subdivider has executed a Conveyance and Agreement for this purpose, which has been approved by the Planning Division.

The Planning Division has provided notice that all conditions of tentative map approval, other than those required by the Department of Public Works, have been satisfied.

The Department of Public Works has inspected and approved all subdivision improvements.

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.

Scotia has a self-governed Scotia Community Services District (CDS) that was recently formed and is working with the Company to transition utility and other community services from the Company to the CSD. CSD services include: storm drainage, sewer and water services; road maintenance for Alley 1, Alley 2, and Mill Lane; and operation of the park and recreation facilities which include a museum and theater. The CSD will ultimately be funded through utility rates, service fees and assessments.

It is requested that the Board take the recommended actions.

FINANCIAL IMPACT: There is no impact to the General Fund. The existing county-maintained streets and storm drains that are dedicated by the final map have been rehabilitated by the subdivider therefore reducing costs to the Road Fund.

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

OTHER AGENCY INVOLVEMENT Scotia Community Services District

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board may determine that the map does not conform to all the requirements of the Subdivision Map Act and any local subdivision ordinance applicable at the time of approval or conditional approval of the tentative map and any rulings made thereunder. By doing so the Board shall disapprove the map in accordance with Government Code Section 66458(a).

ATTACHMENTS:

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

Informational note regarding subdivision map noted as attachment: For safekeeping the Land Use Division of Public Works will store the original of the map until approximately 3 working days prior to the Board meeting, at which time it will be transmitted to the Clerk of the Board. For any questions, contact Ron Garton at 268-3762 or Bob Bronkall at 445-7205.

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

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

CONVEYANCE AND AGREEMENT
(for Development Restrictions)

Entered Into On: _____)
(to be filled in by the Clerk of the Board)

Assessor Parcel Number:

205-351-031

BY AND BETWEEN _____)
TOWN OF SCOTIA COMPANY, LLC)

(hereinafter referred to as OWNER

Case No: **FMS-05-001**

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

Application No: **3709**

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 Planning and Building Department as the Case Number and Assessor Parcel 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.

4. 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 revert 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.

5. 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
County of Humboldt, State of California

CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }
COUNTY OF HUMBOLDT }

On this _____ day of _____, 20____, before me, _____ Public

Notary, personally appeared _____ 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 is true and correct.

Witness my hand and official seal.

Signature (seal)

OWNER(s)*

TOWN OF SCOTIA COMPANY, LLC a Delaware limited liability company by FRANK SHAW BACIK, President

Frank Shaw Bacik
FRANK SHAW BACIK, PRESIDENT

Sign above

* Owners attach separately full page Notary Acknowledgment

CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }
COUNTY OF HUMBOLDT }

On this 26th day of October 20 16, before me, Deborah Vining Public

Notary, personally appeared Frank Shaw Bacik 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 is true and correct.

Witness my hand and official seal.

Deborah Vining (seal)
Signature



EXHIBIT A

PROPERTY DESCRIPTION

All that real property situated in the County of Humboldt, State of California, described as follows:

Lots 38, 39, 56 and 81 of Tract No. _____, TOWN OF SCOTIA SUBDIVISION PHASE 1
for TOWN OF SCOTIA COMPANY, LLC, filed in Book _____ of Maps, Pages
_____, Humboldt County Records.

Prepared by:



10/26/16

Ronald C. Garton, PLS 7717

Date



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:

Rights to use garage lots for residential purposes.

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:

The County of Humboldt has determined that residential use of garage lots is appropriate due to changed conditions.