

Council/Agency Meeting Held: _____	City Clerk's Signature _____
Deferred/Continued to: _____	
<input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved <input type="checkbox"/> Denied	
Council Meeting Date: 3/21/2005	Department ID Number: PWW 05-015

CITY CLERK
 HUNTINGTON BEACH, CA
 MAR - 9 A 9:07
PLW

**CITY OF HUNTINGTON BEACH
REQUEST FOR CITY COUNCIL ACTION**

SUBMITTED TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

SUBMITTED BY: *Penelope Culbreth Graft*
 PENELOPE CULBRETH-GRAFT, CITY ADMINISTRATOR

PREPARED BY: *Paul Emery*
 PAUL EMERY, ACTING DIRECTOR OF PUBLIC WORKS

SUBJECT: **Approve the Release of Securities for Tract No. 15943 and Accept the Public Improvements**

Statement of Issue, Funding Source, Recommended Action, Alternative Action(s), Analysis, Environmental Status, Attachment(s)

Statement of Issue: Sassounian, Adams and Zuckerman, LLC., the developer of Tract No. 15943 (located at the northeast corner of Huntington Street and Garfield Avenue), has completed all required public improvements and is eligible to receive a release of securities pursuant to the provisions of the Subdivision Map Act.

Funding Source: Not applicable.

Recommended Action: Motion to:

1. Accept the improvements constructed and dedicated for public use with Tract No. 15943;
2. Accept Guarantee and Warranty Bond No. 838904S, the security furnished for guarantee and warranty of improvements, and instruct the City Clerk to file the bond with the City Treasurer;
3. Release the Faithful Performance/Labor and Material Bond No. 3SM98831800 and Monument Bond No. 3SM98831900 pursuant to California Government Code Section No. 66499.7(a);
4. Instruct the City Clerk to notify the developer, Sassounian, Adams and Zuckerman, LLC., of this action and the City Treasurer to notify the surety, American Motorists Insurance Company, of this action; and
5. Instruct the City Clerk to record the "Acceptance of Public Improvements" (Attachment 1) with the Orange County Recorder.

Alternative Action(s): Deny the recommended action. This action may violate the Subdivision Map Act.

REQUEST FOR ACTION

MEETING DATE: 3/21/2005

DEPARTMENT ID NUMBER: PW 05-015

Analysis: On May 7, 2001, the City Council approved Final Tract Map No. 15943 and accepted bonds from Sassounian, Adams and Zuckerman, LLC., the securities furnished for faithful performance, labor and material and monuments. The developer, Sassounian, Adams and Zuckerman, LLC., has completed all required public improvements, and is requesting acceptance of the work and release of the faithful performance, labor and material and monument bonds, pursuant to California Government Code Section 66499.7(a). Public improvements constructed consist of the domestic water system and appurtenances within the private streets.

The City Engineer has determined that the improvements have been constructed in substantial compliance with the approved plans and specifications, and recommends acceptance of the improvements. The developer has provided Guarantee and Warranty Bond No. 838904S (Attachment 2) as security for the one-year warranty period.

Following is a list of project data:

Developer: Sassounian, Adams and Zuckerman, LLC.
21190 Beach Boulevard, Huntington Beach, CA 92648
Engineer: DRC, 8175 E. Kaiser Boulevard, Anaheim Hills, CA 92808
Location: Northeast corner of Huntington Street and Garfield Avenue (Attachment 3)
Zone: RM (Residential Medium Density)
No. of Acres: 1.035
No. of Lots: 1 numbered and 1 lettered

Public Works Commission Action: Not required.

Environmental Status: The recommended action is a ministerial act, and is exempt from the requirements of the California Environmental Quality Act, pursuant to State CEQA Guidelines, California Administrative Code, Title 14, Chapter 3, Section 15268(b).

Attachment(s): List attachment(s) below.

City Clerk's Page Number	No.	Description
3	1.	Acceptance of Public Improvements Form
5	2.	Guarantee and Warranty Bond No. 838904S
13	3.	Location Map

E-12.2

ATTACHMENT #1

E-12.3

Recording requested by,
and when recorded return to:

Joan Flynn, City Clerk
Office of the City Clerk
CITY OF HUNTINGTON BEACH
P.O. Box 190 – 2000 Main Street
Huntington Beach, Ca. 92648

(Space above this line for Recorder's use only)

ACCEPTANCE OF PUBLIC IMPROVEMENTS
(Huntington Beach Zoning and Subdivision Ordinance Section 255.22)

PLEASE TAKE NOTICE THAT on February 23, 2005, the City Engineer considered the subdivision improvements described below, and found them to have been completed satisfactory and accepted, as limited by *Huntington Beach Zoning and Subdivision Ordinance Section 255.22(A)*, the improvements for public use.

Further, the public improvements for the subdivision(s) have been dedicated to the City of Huntington Beach, as described on Final Map No. 15943.

Public improvements constructed consist of the domestic water system and appurtenances within the private streets, and the curb, gutter, paving and sidewalk within Garfield Avenue and Huntington Street.

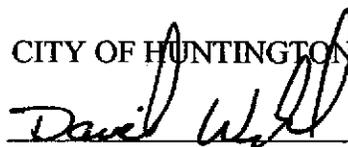
The Foregoing instrument is the City Clerk's Original Document Reflecting City Council Action Taken at the March 21, 2005 City Council Meeting Submitted for Recordation by the Orange County Recorder.

Attest _____ 20____

City Clerk and Ex-officio Clerk of the City Council Of the City of Huntington Beach, California

By _____ Deputy

CITY OF HUNTINGTON BEACH


by: City Engineer

E-12.4

ATTACHMENT #2

E-12.5

BOND NO. 838904S
PREMIUM \$591.00 is for
a 1 year term

GUARANTEE AND WARRANTY BOND

Sassounian, Adams & Zuckerman, LLC

WHEREAS, _____, as

a Principal, and Developers Surety and Indemnity Company

corporation organized under the laws of the State of Iowa

and duly authorized to do business in the State of California, as Surety, are held and firmly bound unto the

City of Huntington Beach, California, as Obligor, in the penal sum of Nineteen Thousand

Seven Hundred & no/100, representing 10 percent of the contract price
\$19,700.00

entered into between the Principal and Obligor, to which payment well and truly to be made we do bind

ourselves, and each of our heirs, executors, administrators, successors and assigns jointly and severally.

WHEREAS, the said principal entered into a contract with said Obligor, dated May 7,

2001 for work described as follows:

Tract # 15943, Improvements

WHEREAS, said contract provides that the Principal will furnish a bond conditioned to
guarantee and warrant for the period of one year after completion of the work and acceptance thereof by
the Obligor, against all defects in workmanship and materials during said one year period.

WHEREAS, said work has been completed, and accepted by Obligor on _____

NOW, THEREFORE, the Principal and Surety, jointly and severally shall indemnify the
Obligor for all loss that the Obligor may sustain by reason of any defective materials or workmanship
which become apparent during the period of one year from and after date of completion of work and
acceptance thereof by Obligor.

In witness whereof, this instrument has been duly executed by the principal and surety
above named, on December 22, 192004

Sassounian, Adams & Zuckerman, LLC, as Principal

By _____

By _____

APPROVED AS TO FORM:

JENNIFER McGRATH, City Attorney
2/3/05

E-12.6

Developers Surety and Indemnity Company

_____, as Surety

By David Noddle, Attorney in Fact.

By _____

STATE OF CALIFORNIA)
) SS
COUNTY OF ORANGE)

ON 24 JAN 2005, BEFORE ME, AIDA O'BRIEN,

A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED B. LIPAN

SASSOUNIAN AND _____

PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGES TO ME THAT THEY EXECUTED THE SAME IN THEIR AUTHORIZED CAPACITIES, AND THAT BY THEIR SIGNATURES ON THE INSTRUMENT THE PERSONS, OR THE ENTITY UPON BEHALF OF WHICH THE PERSONS ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND

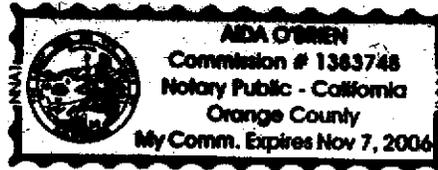
SIGNATURE Aida O'Brien
NOTARY PUBLIC IN AND FOR SAID STATE

MY PRINCIPAL PLACE OF BUSINESS IS
IN ORANGE COUNTY

AIDA O'BRIEN
(NAME PRINTED)

MY COMMISSION EXPIRES 11/14/06

STATE OF CALIFORNIA)
) SS
COUNTY OF ORANGE)



ON _____, BEFORE ME, _____

A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED _____

AND _____

PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGES TO ME THAT THEY EXECUTED THE SAME IN THEIR AUTHORIZED CAPACITIES, AND THAT BY THEIR SIGNATURES ON THE INSTRUMENT THE PERSONS, OR THE ENTITY UPON BEHALF OF WHICH THE PERSONS ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND

SIGNATURE _____
NOTARY PUBLIC IN AND FOR SAID STATE

MY PRINCIPAL PLACE OF BUSINESS IS
IN _____ COUNTY

(NAME PRINTED)

MY COMMISSION EXPIRES _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

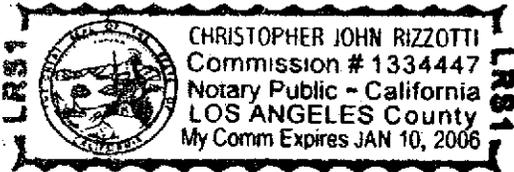
State of California

County of Los Angeles

On DEC 22 2004 before me, Christopher John Rizzotti, Notary Public
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared David Noddle
Name(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.

[Handwritten Signature]
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer
Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer
Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer Is Representing: _____

E-12.8

**POWER OF ATTORNEY FOR
DEVELOPERS SURETY AND INDEMNITY COMPANY
INDEMNITY COMPANY OF CALIFORNIA**

PO BOX 19725, IRVINE, CA 92623 (949) 263-3300

KNOW ALL MEN BY THESE PRESENTS, that except as expressly limited, DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA, do each, hereby make, constitute and appoint:

*****David Noddle, Renee Tarica, jointly or severally*****

as their true and lawful Attorney(s)-in-Fact, to make, execute, deliver and acknowledge, for and on behalf of said corporations, as sureties, bonds, undertakings and contracts of suretyship giving and granting unto said Attorney(s)-in-Fact full power and authority to do and to perform every act necessary, requisite or proper to be done in connection therewith as each of said corporations could do, but reserving to each of said corporations full power of substitution and revocation, and all of the acts of said Attorney(s)-in-Fact, pursuant to these presents, are hereby ratified and confirmed.

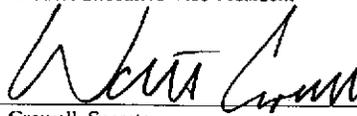
This Power of Attorney is granted and is signed by facsimile under and by authority of the following resolutions adopted by the respective Board of Directors of DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA, effective as of November 1, 2000:

RESOLVED, that the Chairman of the Board, the President and any Vice President of the corporation be, and that each of them hereby is, authorized to execute Powers of Attorney, qualifying the attorney(s) named in the Powers of Attorney to execute, on behalf of the corporations, bonds, undertakings and contracts of suretyship; and that the Secretary or any Assistant Secretary of the corporations be, and each of them hereby is, authorized to attest the execution of any such Power of Attorney:

RESOLVED, FURTHER, that the signatures of such officers may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures shall be valid and binding upon the corporation when so affixed and in the future with respect to any bond, undertaking or contract of suretyship to which it is attached.

IN WITNESS WHEREOF, DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA have severally caused these presents to be signed by their respective Executive Vice President and attested by their respective Secretary this 1st day of October, 2003.

By: 
David H. Rhodes, Executive Vice-President

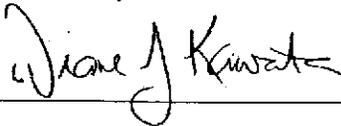
By: 
Walter A. Crowell, Secretary

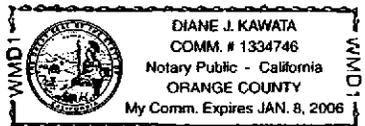


STATE OF CALIFORNIA)
)SS.
COUNTY OF ORANGE)

On October 1, 2003, before me, Diane J. Kawata, personally appeared David H. Rhodes and Walter A. Crowell, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

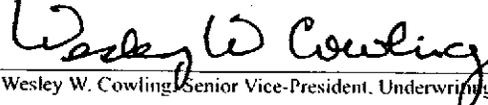
Signature 



CERTIFICATE

The undersigned, as Senior Vice-President, Underwriting of DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA, does hereby certify that the foregoing Power of Attorney remains in full force and has not been revoked, and furthermore, that the provisions of the resolutions of the respective Boards of Directors of said corporations set forth in the Power of Attorney, are in force as of the date of this Certificate.

This Certificate is executed in the City of Irvine, California, the _____ day of _____ **DEC 22 2004**

By: 
Wesley W. Cowling, Senior Vice-President, Underwriting

E-12.9



DISCLOSURE RIDER

Terrorism Risk Insurance Act of 2002

The Terrorism Risk Insurance Act of 2002 created a three-year program under which the Federal Government will share in the payment of covered losses caused by certain events of international terrorism. The Act requires that we notify you of certain components of the Act, and the effect, if any, the Act will have on the premium charged for this bond.

Under this program, the Federal Government will cover 90% of the amount of covered losses caused by certified acts of terrorism, as defined by the Act. The coverage is available only when aggregate losses resulting from a certified act of terrorism exceed \$5,000,000.00. Insurance carriers must also meet a variable deductible established by the Act. The Act also establishes a cap of \$100 billion for which the Federal Government or an insurer can be responsible.

Participation in the program is mandatory for specified lines of property and casualty insurance, including surety insurance. The Act does not, however, create coverage in excess of the amount of the bond, nor does it provide coverage for any losses that are otherwise excluded by the terms of the bond, or by operation of law.

No additional premium has been charged for the terrorism coverage required by the Act.

**Developers Surety and Indemnity Company
Indemnity Company of California**
17780 Fitch, Suite 200
Irvine, CA 92614
(949) 263 3300
www.InscoDico.com

BOND NO. 838904S
PREMIUM \$591.00 is for
a 1 year term

COPY

GUARANTEE AND WARRANTY BOND

Sassounian, Adams & Zuckerman, LLC

WHEREAS, _____, as

a Principal, and Developers Surety and Indemnity Company

corporation organized under the laws of the State of Iowa

and duly authorized to do business in the State of California, as Surety, are held and firmly bound unto the

City of Huntington Beach, California, as Obligor, in the penal sum of Nineteen Thousand

Seven Hundred & no/100 _____, representing 10 percent of the contract price

\$19,700.00

entered into between the Principal and Obligor, to which payment well and truly to be made we do bind

ourselves, and each of our heirs, executors, administrators, successors and assigns jointly and severally.

WHEREAS, the said principal entered into a contract with said Obligor, dated _____

_____ for work described as follows:

Tract # 15943, Improvements

WHEREAS, said contract provides that the Principal will furnish a bond conditioned to guarantee and warrant for the period of one year after completion of the work and acceptance thereof by the Obligor, against all defects in workmanship and materials during said one year period.

WHEREAS, said work has been completed, and accepted by Obligor on _____

NOW, THEREFORE, the Principal and Surety, jointly and severally shall indemnify the Obligor for all loss that the Obligor may sustain by reason of any defective materials or workmanship which become apparent during the period of one year from and after date of completion of work and acceptance thereof by Obligor.

In witness whereof, this instrument has been duly executed by the principal and surety above named, on December 22, 192004

Sassounian, Adams & Zuckerman, LLC, as Principal

By _____

By _____

E-12.11

Developers Surety and
Indemnity Company _____ as Surety

By David Noddle, Attorney in Fact
By _____

STATE OF CALIFORNIA)
) SS
COUNTY OF ORANGE)

ON _____, BEFORE ME, _____
A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED _____

AND _____
PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE)
TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND
ACKNOWLEDGES TO ME THAT THEY EXECUTED THE SAME IN THEIR AUTHORIZED CAPACITIES,
AND THAT BY THEIR SIGNATURES ON THE INSTRUMENT THE PERSONS, OR THE ENTITY UPON
BEHALF OF WHICH THE PERSONS ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND

SIGNATURE _____
NOTARY PUBLIC IN AND FOR SAID STATE

MY PRINCIPAL PLACE OF BUSINESS IS
IN _____ COUNTY

(NAME PRINTED)

MY COMMISSION EXPIRES _____

STATE OF CALIFORNIA)
) SS
COUNTY OF ORANGE)

ON _____, BEFORE ME, _____
A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED _____

AND _____
PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE)
TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND
ACKNOWLEDGES TO ME THAT THEY EXECUTED THE SAME IN THEIR AUTHORIZED CAPACITIES,
AND THAT BY THEIR SIGNATURES ON THE INSTRUMENT THE PERSONS, OR THE ENTITY UPON
BEHALF OF WHICH THE PERSONS ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND

SIGNATURE _____
NOTARY PUBLIC IN AND FOR SAID STATE

MY PRINCIPAL PLACE OF BUSINESS IS
IN _____ COUNTY

(NAME PRINTED)

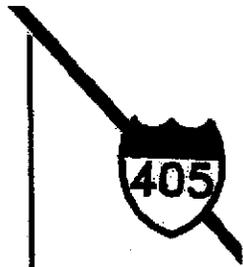
MY COMMISSION EXPIRES _____

18867

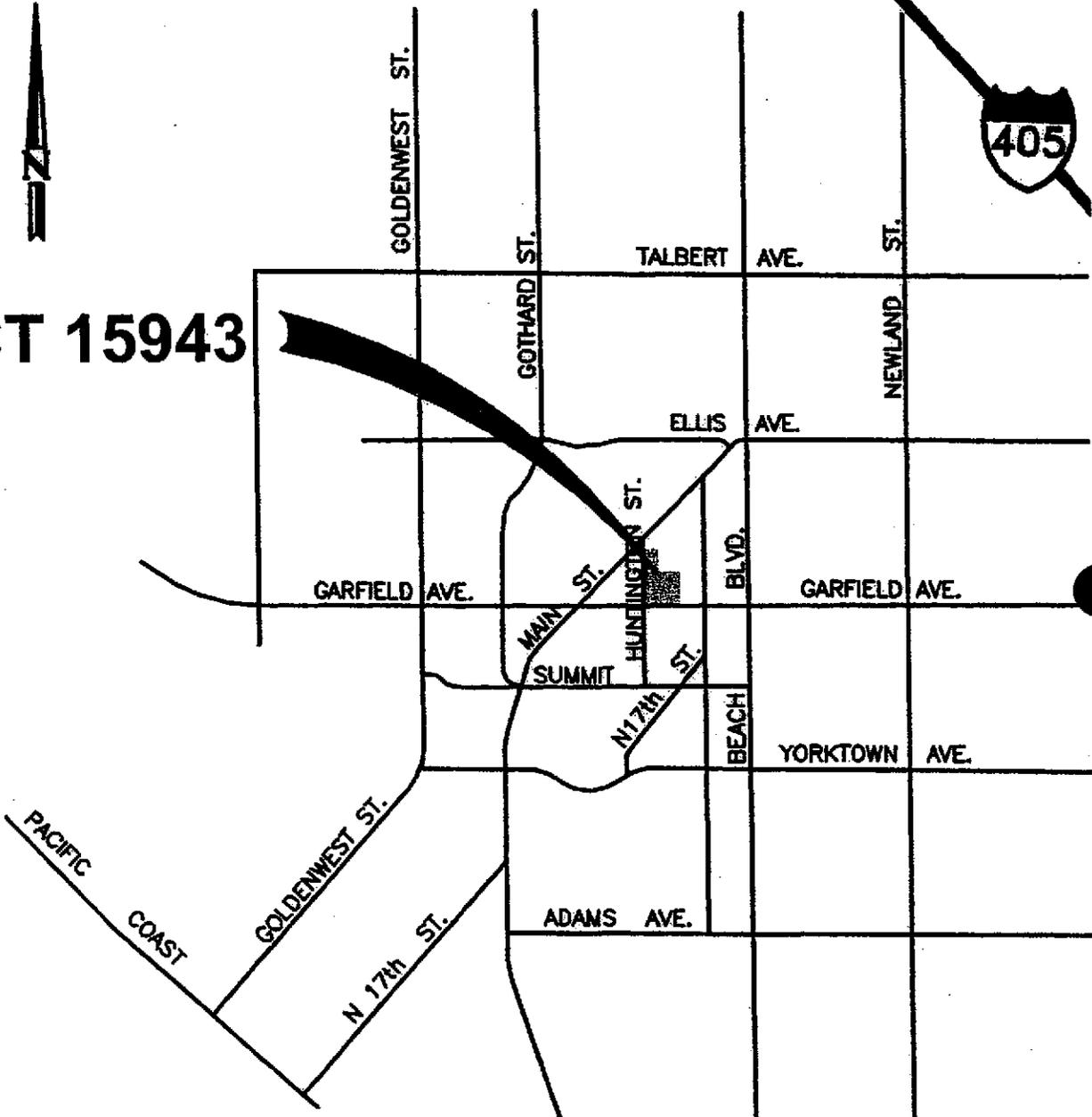
E-12.12

ATTACHMENT #3

E-12.13



TRACT 15943



Location Map

E-1214