

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: 1/18/2005	Department ID Number: PW 05-005

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

2005 JAN -5 A 9 30
 CITY CLERK
 CITY OF
 HUNTINGTON BEACH, CA

SUBMITTED TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

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

PREPARED BY: ROBERT F. BEARDSLEY, PE, DIRECTOR OF PUBLIC WORKS

SUBJECT: **Approve the Release of Securities for Tract No. 14135 and Accept the Public Improvements**

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

Statement of Issue: Oceancrest Partners, L.P., the developer of Tract No. 14135 (located at the west side of Seapoint Street, north of Pacific Coast Highway), 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. 14135;
2. Accept Guarantee and Warranty Bond No. SU5012148, 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. 11119331723 and Monument Bond No. 11119331715 pursuant to California Government Code Section No. 66499.7(a);
4. Instruct the City Clerk to notify the developer, Oceancrest Partners, L.P., of this action and the City Treasurer to notify the surety, The American 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.

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REQUEST FOR ACTION

MEETING DATE: 1/18/2005

DEPARTMENT ID NUMBER: PW 05-005

Analysis: On July 21, 1997, the City Council approved Final Tract Map No. 14135 and accepted bonds from Oceancrest Partners, L.P., the securities furnished for faithful performance, labor and material and monuments. The developer, Oceancrest Partners, L.P., 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 builder, Ocean Colony, L.L.C., has provided Guarantee and Warranty Bond No. SU5012148 (Attachment 2) as security for the one-year warranty period.

Following is a list of project data:

Developer: Oceancrest Partners, L.P.
520 Broadway, Suite 100, Santa Monica, CA 90401
Engineer: Hunsaker & Associates, Three Hughes, Irvine, CA 92618
Location: West side of Seapoint Street, north of Pacific Coast Highway (Attachment 3)
Zone: RL-CZ (Low Density Residential-Coastal Zone)
No. of Acres: 9.923
No. of Lots: 53 numbered and 5 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):

City Clerk's Page Number	No.	Description
3 5 10	1.	Acceptance of Public Improvements Form
	2.	Guarantee and Warranty Bond No. SU5012148
	3.	Location Map

E-6.2

E-6.3

ATTACHMENT #1

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 December 27, 2004, 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. 14135.

Public improvements constructed consist of the domestic water system and appurtenances.

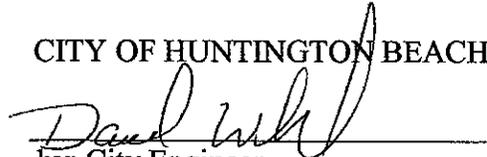
The Foregoing instrument is the City Clerk's Original Document Reflecting City Council Action Taken at December 20, 2004 City Council Meeting Submitted for Recordation by the Orange County Recorder.

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

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ATTACHMENT #2

BOND NO. SU5012148

PREMIUM \$332.00

GUARANTEE AND WARRANTY BOND.

WHEREAS, Ocean Colony LLC, as
a Principal, and Arch Insurance Company, a
corporation organized under the laws of the State of _____
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 Oblige, in the penal sum of Twenty Two Thousand One Hundred
Dollars and 00/100 (\$22,100.00), representing 10 percent of the contract price
entered into between the Principal and Oblige, 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 Oblige, dated June 20, 1997
_____ for work described as follows:
Ocean Colony Maintenance Bond, Tract 14135

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 Oblige, against all defects in workmanship and materials during said one year period.

WHEREAS, said work has been completed, and accepted by Oblige on May 5, 1999
_____.

NOW, THEREFORE, the Principal and Surety, jointly and severally shall indemnify the
Oblige for all loss that the Oblige 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 Oblige.

In witness whereof, this instrument has been duly executed by the principal and surety
above named, on December 9th, 2004.

Ocean Colony LLC, as Principal
By New Urban West, Inc. as agent
By _____

APPROVED AS TO FORM:
Jennifer McGrath
JENNIFER McGRATH, City Attorney
12/15/04

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POWER OF ATTORNEY

Know All Men By These Presents:

That the Arch Insurance Company, a corporation organized and existing under the laws of the State of Missouri, having its principal office in Kansas City, Missouri (hereinafter referred to as the "Company") does hereby appoint

Victoria M. Campbell, Thomas G. McCall and Janina Monroe of Irvine, CA (EACH)

its true and lawful Attorney(s)-in-Fact, to make, execute, seal, and deliver from the date of issuance of this power for and on its behalf as surety, and as its act and deed:

Any and all bonds and undertakings

EXCEPTION: NO AUTHORITY is granted to make, execute, seal and deliver bonds or undertakings that guarantee the payment or collection of any promissory note, check, draft or letter of credit.

This authority does not permit the same obligation to be split into two or more bonds in order to bring each such bond within the dollar limit of authority as set forth herein.

The Company may revoke this appointment at any time.

The execution of such bonds and undertakings in pursuance of these presents shall be as binding upon the said 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 in Kansas City, Missouri.

This Power of Attorney is executed by authority of resolutions adopted by unanimous consent of the Board of Directors of the Company on March 3, 2003, true and accurate copies of which are hereinafter set forth and are hereby certified to by the undersigned Secretary as being in full force and effect:

"VOTED, That the Chairman of the Board, the President, or any Vice President, or their appointees designated in writing and filed with the Secretary, or the Secretary shall have the power and authority to appoint agents and 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, recognizances, contracts of indemnity and other writings, obligatory in the nature thereof, and any such officers of the Company may appoint agents for acceptance of process."

This Power of Attorney is signed, sealed and certified by facsimile under and by authority of the following resolution adopted by the unanimous consent of the Board of Directors of the Company on March 3, 2003:

VOTED, That the signature of the Chairman of the Board, the President, or any Vice President, or their appointees designated in writing and filed with the Secretary, and the signature of the Secretary, the seal of the Company, and certifications by the Secretary, may be affixed by facsimile on any power of attorney or bond executed pursuant to the resolution adopted by the Board of Directors on March 3, 2003, and any such power so executed, sealed and certified with respect to any bond or undertaking to which it is attached, shall continue to be valid and binding upon the Company.

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authorized officers, this 21st day of March, 2003.

Attested and Certified

Arch Insurance Company

Joseph S. Labell
Joseph S. Labell, Corporate Secretary

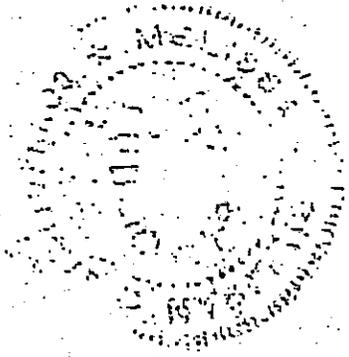


Thomas P. Luckstone
Thomas P. Luckstone, Vice President

STATE OF CONNECTICUT SS

COUNTY OF FAIRFIELD SS

I, Melissa B. Gilligan, a Notary Public, do hereby certify that Thomas P. Luckstone and Joseph S. Labell personally known to me to be the same persons whose names are respectively as Vice President and Corporate Secretary of the Arch Insurance Company, a Corporation organized and existing under the laws of the State of Missouri, subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that they being thereunto duly authorized signed, sealed with the corporate seal and delivered the said instrument as the free and voluntary act of said corporation and as their own free and voluntary acts for the uses and purposes therein set forth.



Melissa B. Gilligan
Melissa B. Gilligan, Notary Public
My commission expires 2-28-05

CERTIFICATION

I, Joseph S. Labell, Corporate Secretary of the Arch Insurance Company, do hereby certify that the attached Power of Attorney dated March 21, 2003 on behalf of the person(s) as listed above is a true and correct copy and that the same has been in full force and effect since the date thereof and is in full force and effect on the date of this certificate; and I do further certify that the said Thomas P. Luckstone, who executed the Power of Attorney as Vice President, was on the date of execution of the attached Power of Attorney the duly elected Vice President of the Arch Insurance Company.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the Arch Insurance Company on this DEC 09 2004 day of 20

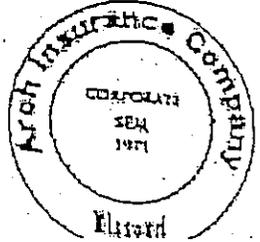
Joseph S. Labell
Joseph S. Labell, Corporate Secretary

This Power of Attorney limits the acts of those named therein to the bonds and undertakings specifically named therein and they have no authority to bind the Company except in the manner and to the extent herein stated.

Home Office: Kansas City, MO

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ARCH Insurance Company

ARCH Surety

NOTICE – DISCLOSURE OF TERRORISM PREMIUM

In accordance with the Terrorism Risk Insurance Act of 2002, we are providing this disclosure notice for bonds on which Arch Insurance Company is the surety.

DISCLOSURE OF PREMIUM

The portion of the premium attributable to coverage for terrorist acts certified under the Act is Zero Dollars (\$0.00).

DISCLOSURE OF FEDERAL PARTICIPATION IN PAYMENT OF TERRORISM LOSSES

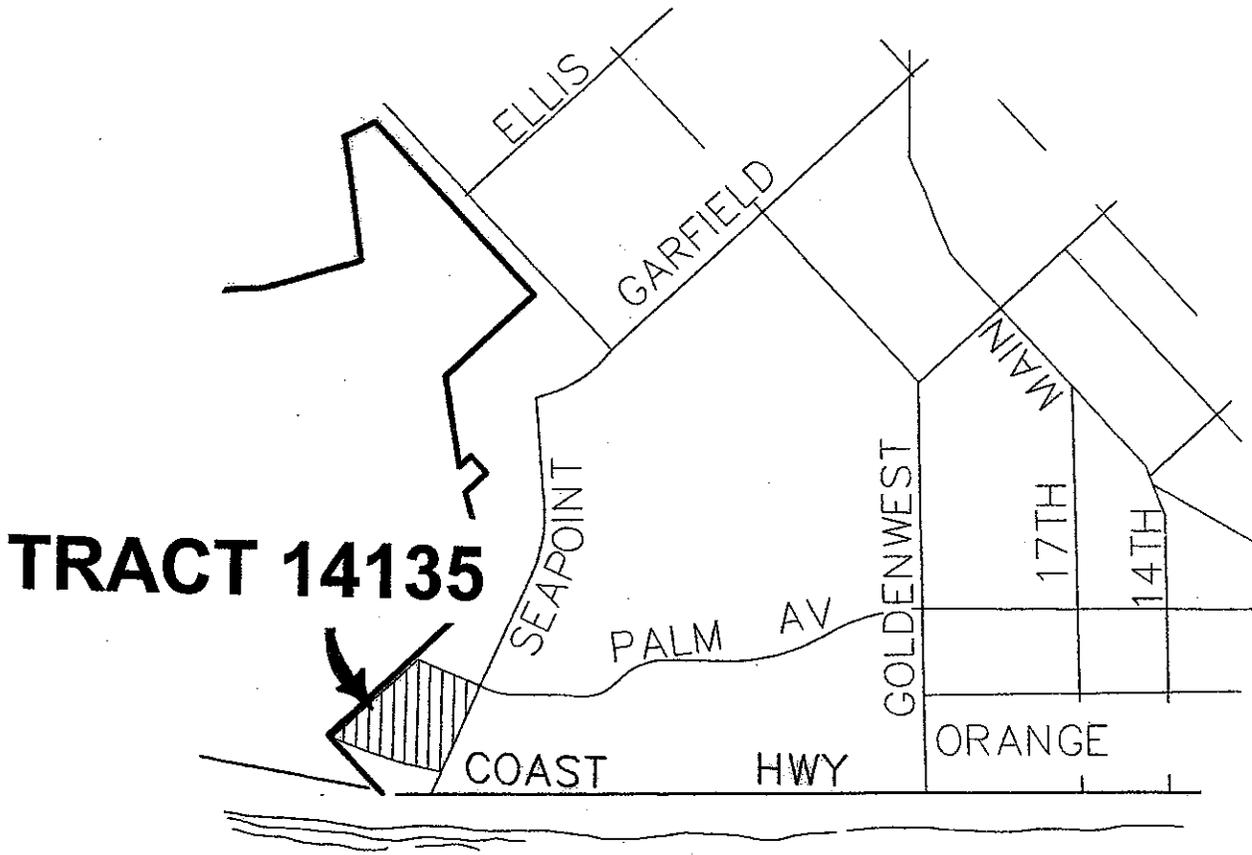
The United States will pay ninety percent (90%) of covered terrorism losses exceeding the applicable insurer deductible.

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ATTACHMENT #3



TRACT 14135

Location Map

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