

MARLENE NELSON
4790 Via de la Roca
Yorba Linda, CA 92886
714-777-4815 • nelson76@sbcglobal.net

December 31, 2015

Dear Mayor pro Tem Huang:

On behalf of Protect Our Homes and Hills and Hills For Everyone, I appealed on November 12, 2015 to the City Council the Planning Commission's October 28, 2015 decision that a conceptual road on certain City property would be consistent with the City General Plan.

Though I appealed the decision, I was never notified of the public hearing that is scheduled for January 5, 2016. This is extremely poor form. In an inclusive and transparent process—the appellant would be notified. You may want to revisit your process. I am providing this letter and associated attachments to you because I will be out of town at the time you consider my appeal. That said, I believe it is critically important that you understand our position that using the land in San Antonio Canyon for a road to Esperanza Hills violates the City of Yorba Linda's own policies, codes, and correspondence. With the holidays I'm sending this to your home address, so you have time to go through it and ask questions of me before I leave or of the City staff prior to the Council's meeting on Tuesday night. And, since there still appears to be confusion about our position, this letter should clarify our position unequivocally.

For your benefit I've attached with this letter the relevant documents that prove the intent and history of the City and the Tract 9813 developer for this subject land. The fact that Lots A & H are parkland and open space, respectively, has been unwavering—spanning the last 35 years—until the City has changed the interpretation now. All of the documents enclosed with this letter have been submitted, in whole, to the City Clerk for inclusion into the record. For brevity, I have only provided the relevant pages of the multi-page documents with highlights or boxes specifying the exact language or sentences most pertinent to our arguments. Should you require a copy of any document below, I would be happy to provide that to you upon your request prior to my departure Monday morning.

The Previously Missing Planned Development Document

On November 17, 2015 the City Council was being asked to find consistency with a document that was missing from the staff report. We had specifically asked for it in May 2015, but never received it. The missing document (the Dominguez Ranch Planned Community Development Guidelines) has been provided to our team and not surprisingly, it also actually furthers our position. That document's relevant pages are included in the list below for your review (See **Attachment 8** below).

Locational Information

Attachment 1 is a map outlining the Vesting Map for Tract 9813. The Tract 9183 development included five lettered lots: A, B, C, D and H. These lettered lots total more than 35 acres of open space for this development. Furthermore, all of these lettered lots on the Vesting Tract Map are shown as a "Not a Building Site." (See **Attachment 2**)

Our Main Arguments

We have consistently made multiple arguments supporting our case that approving a road down San Antonio Canyon violates city and state laws. Here are three that specifically relate to the City's codes, laws and correspondence. Here's why:

- **The Park Abandonment process applies to the subject land.** Our attorneys have outlined in numerous letters why this process applies to the subject land. The Park Abandonment process has already been applied to the same land in 2008. It should apply in 2015/2016.
- **The City's Municipal Code does not allow roads over lands in the Open Space Zone.** The City's Municipal Code prohibits uses that aren't included in the "Open Space Land Use Matrix." (See **Attachment 3**) Roads are specifically NOT included as an allowable use. The Code states: ... "Any use not included shall be considered prohibited." Therefore roads are prohibited. (See **Attachment 4** – Lot H, the open space lot has the arrow pointing to it. A road here is prohibited.)

As you likely know the General Plan is the blueprint of how a city grows. Specific Plans and the Municipal Code must be internally consistent with the General Plan. If the Municipal Code says no roads in open space zones, then the proposal for a road down San Antonio Canyon is not consistent with the General Plan. Hence, my appeal of the consistency finding by the Planning Commission.

- **Measure B applies to the use of City-owned Lots A & H as a private road to a private development.** The City Municipal Code states that any Major Amendment to the General Plan or Zoning Map would invoke a public vote. (See **Attachment 5**) Major Amendments are defined as follows: "Provides for the private development of land owned by a government entity within five years of the date of the approval to develop the land."

Let's restate this sentence with the Esperanza Hills as the example: "Provides for the private development (Esperanza Hills is a private development building homes and a road) of land owned by a government entity (the City of Yorba Linda owns Lots A & H within Tract 9813) within five years of the date of the approval to develop the land (June 2, 2015)."

We maintain Measure B applies. Your own letters (See **Attachment 16**) state a zone change is needed for any use other than unaltered open space. We expect a Measure B vote.

Supporting Documents

Now that the location is specified and the arguments are articulated, below are the documents that chronologically show the City's intent and Tract 9813 developer/builder's intent for the use of Lots A & H specifically.

1. Broadmoor Homes' Resubmittal of the Application for Tract 9813 (Attachment 6)

November 10, 1980 – This application, submitted to the City of Yorba Linda, outlines not only the 134 dwelling units for Tract 9813, but also the inclusion of 38 acres of open space. *The acreage is made up from the five lettered lots: A, B, C, D and H.*

- 2. Planning Director Memorandum to Yorba Linda Planning Commission (Attachment 7)**
September 1, 1981 – This memorandum from then Planning Director Phillip Paxton to the Yorba Linda Planning Commission outlines that when Broadmoor Homes, the builder, attempted to remove the public equestrian site (Lot A/135) from the Tract 9813 development plans, he saw no reason to eliminate this community asset. If it was not to be an equestrian-oriented site it was to be turfed and planted like other parks. *Lot A was always intended to be a City park site.*
- 3. Dominguez Ranch Planned Community District Regulations (Attachment 8)**
September 4, 1981 – This is the “missing” document from the November 17, 2015 staff report. The Tract 9813 development is governed by the Dominguez Ranch Planned Community District Regulations. It clearly states at the bottom of page 15 that all open space is designated as such in perpetuity—forever. *Lot H, at a minimum, is open space in perpetuity.*
- 4. Resolution 1015 of the Yorba Linda Planning Commission (Attachment 9)**
November 10, 1982 – The Yorba Linda Planning Commission adopted Resolution 1015 relating to an 18 month extension for the development of Tract 9813. Exhibit “A” describes the Conditions of Approval for Tract 9813. Condition #99 specifically states “The public park (Lot 135) shall be improved with an equestrian arena.” *Lot A is a park site because it was a condition of approval for the development of Tract 9813.*
- 5. Resolution 2048 of the Yorba Linda Planning Commission (Attachment 10)**
March 28, 1984 – The Yorba Linda Planning Commission adopted Resolution 2048 relating to another 18 month extension for the development of Tract 9813. Exhibit “A” again describes the Conditions of Approval for Tract 9813. Again, Condition #99 specifically states “The public park (Lot 135) shall be improved with an equestrian arena.” *Again, Lot A is a park site because it was a condition of approval for the development of Tract 9813.*
- 6. Warmington Homes Letter Regarding Disposition of Tract 9813 Lettered Lots (Attachment 11)**
August 16, 1985 – This letter sent to the City of Yorba Linda outlines that Warmington Homes is willing to grant on the final tract map for both Lots A and B together to the City of Yorba Linda. In their final disposition they are to be either park site or open space lots. *Again, Lot A was to either be a park site or open space.*
- 7. City of Yorba Linda correspondence to Warmington Homes (Attachment 12)**
September 26, 1986 – This letter from then City of Yorba Linda Community Development Director Phillip Paxton outlines the fact that Warmington Homes (Tract 9813) intended to retain ownership of lettered lots (Lots A & H) within the development. These lettered lots are open space lots and their development rights were transferred to other areas within this planned community. *Lettered Lots within Tract 9813 are to be open space lots.*
- 8. Tract 9813 from October 1986 (Attachment 13)**
October 23, 1986 – This is the document that describes the irrevocable offer of dedication of the land (Lots A & H) known in the Tract 9813 (Warmington Homes) in the City of Yorba Linda. The City at the time did not accept the irrevocable offer of dedication of Lot A. *Lot H was designated an open space site (See Attachment 2) and this designation was accepted by the City.*
- 9. Warmington Homes General Disclosure Statement to Tract 9813 Homebuyers (Attachment 14)**
December 17, 1986 – These disclosures provided by Warmington Homes to potential purchasers of homes in Tract 9813 outline that Letter Lots A, C, and H are to be developed within the allowable designated uses of the open space zone. Homebuyers have understood that this land was never to be developed with a road based on these disclosures. *This document states the future uses of Lots A & H will be within the allowable uses of open space.*

10. Warmington Homes Payment for Equestrian Arena (Attachment 15)

April 25, 1985 – Warmington Homes provided a check (in the amount of \$20,010) to the City of Yorba Linda for the construction of an equestrian arena on Lot A. *Further proof, that the City and developer intended this site to be a public park site with an equestrian arena.*

11. City of Yorba Linda Correspondence Regarding Tract 9813 (Attachment 16)

May 19, 1989 – This letter from then City of Yorba Linda Senior Planner Bruce Cook outlines that the project’s “Open Space” is to be natural open space and is stipulated to be guaranteed in perpetuity. *The open space within Tract 9813 should be natural. This letter also confirms a Measure B vote is required because any use other than Open Space requires a zone change.*

12. City Manager Letter to City Council Regarding Public Park (Attachment 17)

March 18, 2008 – Then City Manager Tamara LeTourneau provided a memo to the City Council about options for an equestrian facility to be built at the City’s expense. Described in the memo is the San Antonio Site which lists Lot A (of Tract 9813) as parkland totaling 6.5 acres. *This also reaffirms our position that the City believes Lot A is parkland, not low density residential as the City’s Land Use Map states (See Attachment 4 – the yellow area below Lot H). We continue to argue this designation is a typographical error as no documentation or zone change has occurred since the acceptance of the land. The City Manager also concluded that there are 16 acres of open space (as Lot H).*

13. City of Yorba Linda Resolution #2008-3933 (Attachment 18)

June 3, 2008 – This resolution indicates a unanimous vote by the City Council in June 2008 to approve a lot line adjustment of roughly 1000 square feet of the Yorba Lind land. This resolution clarifies that Lot H is consider Park Property within the Warmington Homes (Tract 9813) development. *If the City found Lot H to require Park Abandonment procedures in 2008, why are those same procedures for the same land not required now?*

As you can see from the 18 documents submitted, we’ve clearly substantiated that the land in question, both Lots A and H, are parkland and open space. To approve a private road across these lands would be in violation of numerous city codes and laws as well as state law and require a Measure B vote for a change in zoning. We are simply asking you to follow the rules—your rules. I urge you oppose allowing the road down San Antonio Canyon.

What else but our own laws, regulations and codes do the residents, City, and developers have to rely on? If these rules are so easily forgotten for a pre-annexation agreement with a \$6 million price tag, then why do we have the rules in the first place?

Please let me know if you have any questions. I leave for my trip the morning of Monday, January 4, but am available by email and/or phone should you have other questions.

Sincerely,



Marlene Nelson

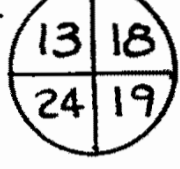
SHEET 3 OF 13 SHEETS
 SCALE: 1" = 200'
 ACREAGE: 129.131 ACRES
 NO. OF LOTS: 134 AND
 LOTS A THROUGH H
 CALL OF TENTATIVE
 TRACT NO. 9813
 DATE OF SURVEY: NOVEMBER, 1985

TRACT NO. 9813

IN THE CITY OF YORBA LINDA, COUNTY
 OF ORANGE, STATE OF CALIFORNIA

- ① N1°06'24"E, 208.97'
- ② FD. 5" I.P. WITH CONC. PLUG & NAIL MARKED AS SHOWN PER R.S. 97/11-12. TOP 14" ABOVE GROUND.
- ③ FD. 1" I.P. NO REF. SET N. & TAG (RCE 23956) IN EXIST. PIPE
- ④ N0°55'41"W, 15.61'

TOM R. MCGANNON R.C.E. 23956 NOVEMBER, 1985



TRACT NO. 11455
 M.M. 516/1-6

B.S. 80-1167
 BK. 103/37-42

SEE SHEET 4 FOR BASIS OF
 BEARINGS, MONUMENT NOTES
 AND EASEMENT NOTES.

FD. NAIL & TAG R.C.E. 23956
 PER TRACT NO. 11455
 M.M. 516/1-6

FD. 2" I.P. TAGGED RCE 23956
 PER TR. NO. 11455, M.M. 516/1-6.

FD. NAIL IN FENCE COR. PER R.S. 97/11-12
 ACCEPTED AS NE. COR. PARCEL 1
 P.M. 106/5-B, REPLACED WITH NAIL
 & TAG (RCE 23956)

Lettered Lots
 A, B, C, D and H

TRACT NO. 10011
 M.M. 460/5-14

TRACT NO. 10741
 M.M. 480/30-34

FD. 2" I.P. TAGGED RCE
 23956, PER TRACT NO.
 10011, M.M. 460/5-14.

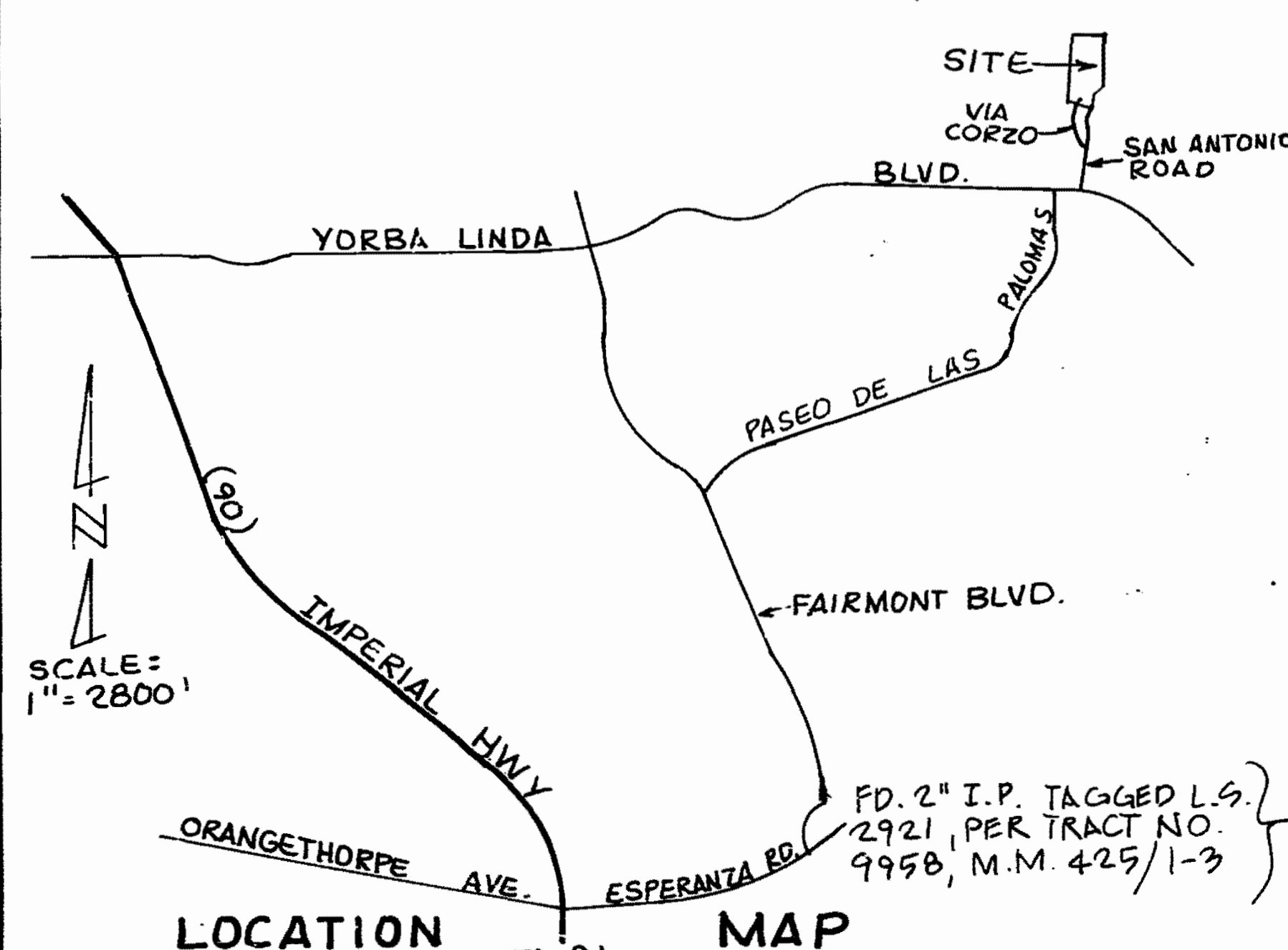
TRACT NO. 10285
 M.M. 438/13-17

FD. 2" I.P. TAGGED RCE 23956
 PER CERT. OF CORR. RECORDED
 2/19/80 IN 13507/291
 O.R. ACC. AS N.E. COR. TR.
 NO. 10285, M.M. 438/13-17.

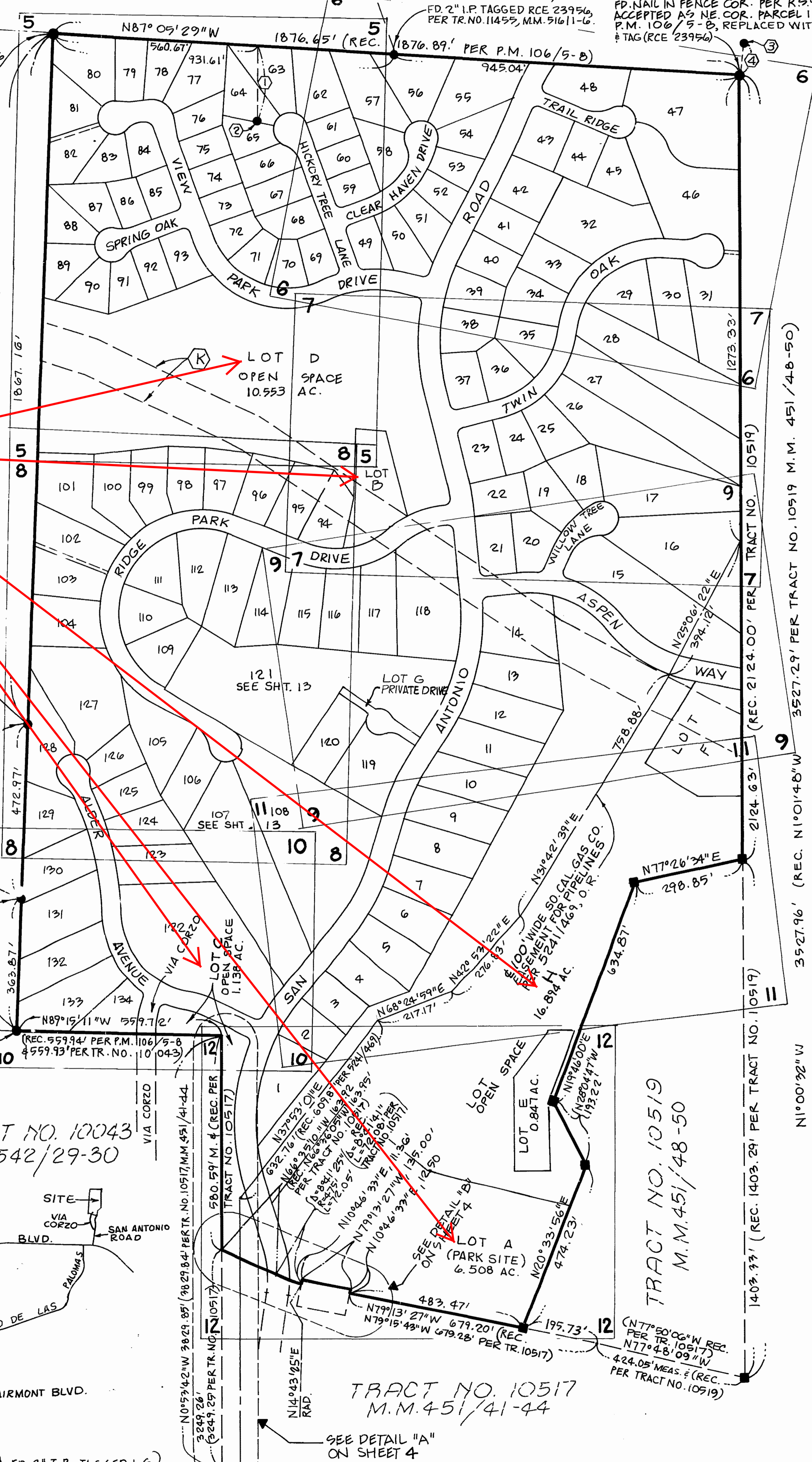
TRACT NO. 10043
 M.M. 542/29-30

TRACT NO. 10519
 M.M. 451/48-50

TRACT NO. 10517
 M.M. 451/41-44



BOUNDARY AND INDEX MAP



SCALE: 1" = 200'

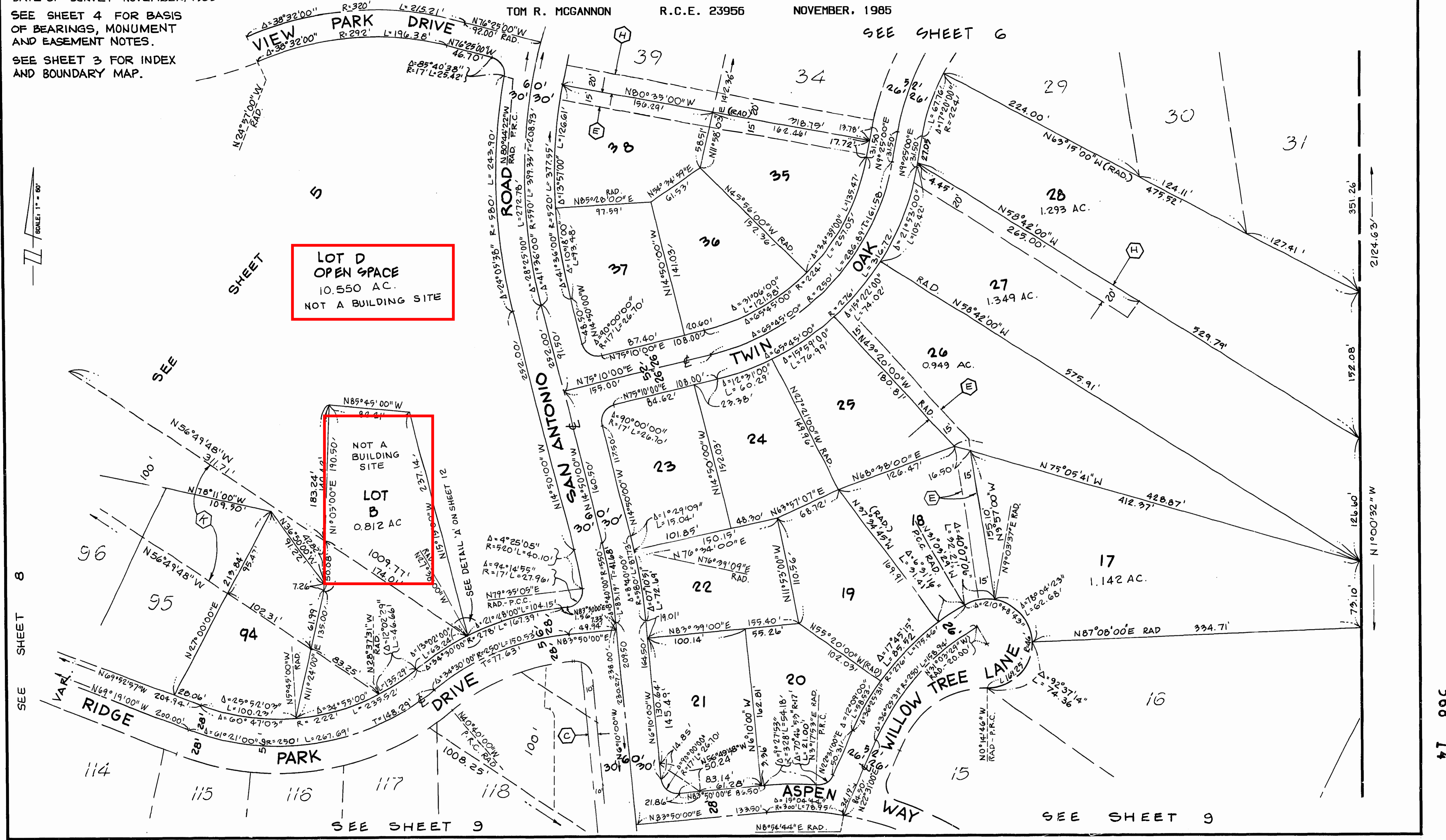
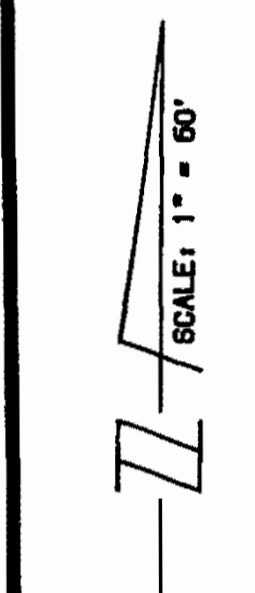
SHEET 7 OF 13 SHEETS
 SCALE: 1" = 60'
 ACREAGE: 129.131 ACRES
 NO. OF LOTS: 134 AND
 LOTS A THROUGH H
 (ALL OF TENTATIVE
 TRACT NO. 9813)
 DATE OF SURVEY: NOVEMBER, 1985

TRACT NO. 9813

IN THE CITY OF YORBA LINDA, COUNTY
 OF ORANGE, STATE OF CALIFORNIA

TOM R. MCGANNON R.C.E. 23956 NOVEMBER, 1985

SEE SHEET 4 FOR BASIS
 OF BEARINGS, MONUMENT
 AND EASEMENT NOTES.
 SEE SHEET 3 FOR INDEX
 AND BOUNDARY MAP.



LOT D
 OPEN SPACE
 10.550 AC.
 NOT A BUILDING SITE

LOT B
 0.812 AC
 NOT A BUILDING SITE

SEE SHEET 8

SEE SHEET 6

SEE SHEET 9

SEE SHEET 9

TRACT NO. 9813

IN THE CITY OF YORBA LINDA, COUNTY OF ORANGE, STATE OF CALIFORNIA

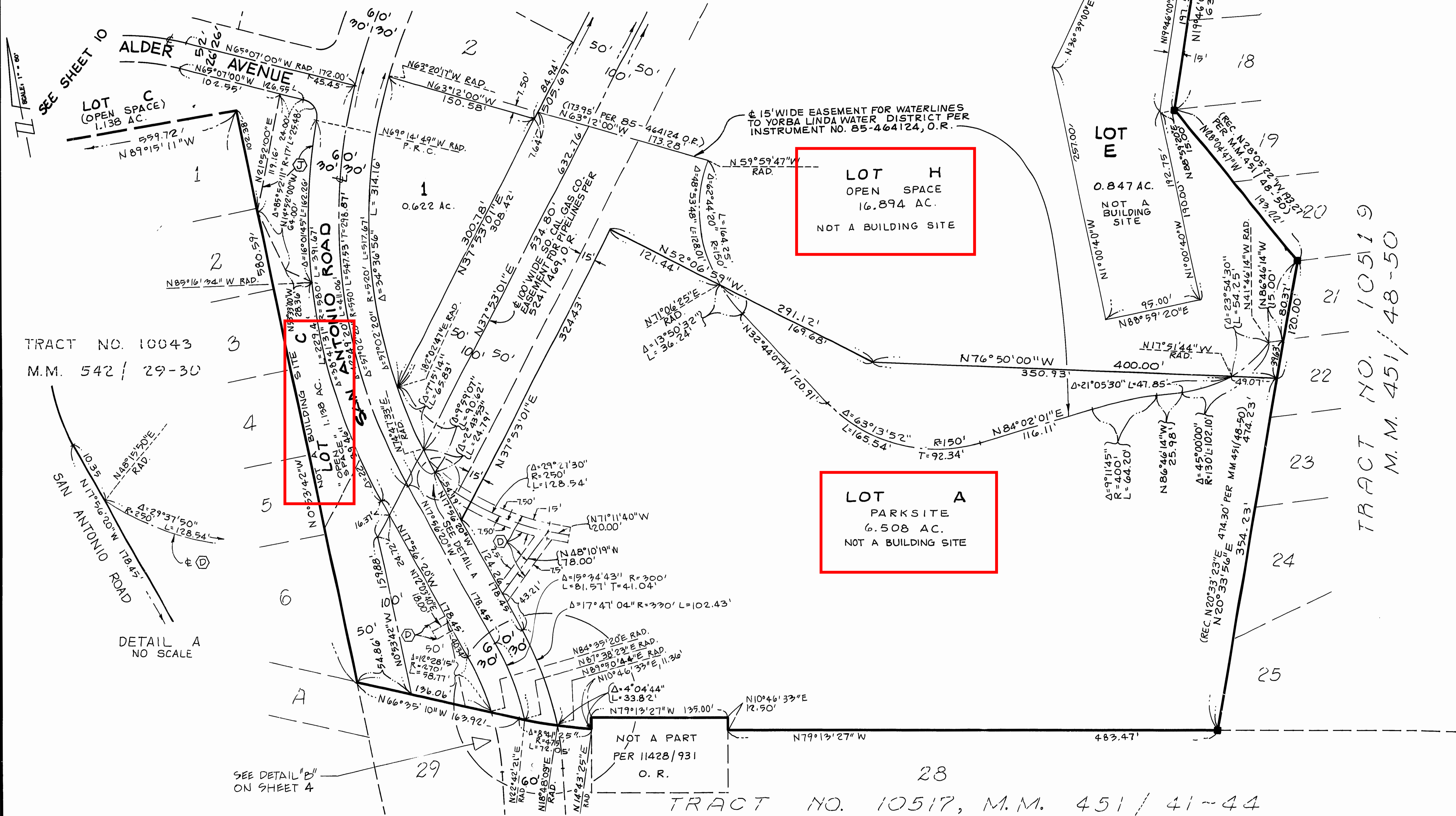
TOM R. MCGANNON R.C.E. 23956 NOVEMBER, 1985

SHEET 12 OF 13 SHEETS
SCALE: 1" = 60'
ACREAGE: 129.131 ACRES
NO. OF LOTS: 134 AND
LOTS A THROUGH H
(ALL OF TENTATIVE
TRACT NO. 9813)
DATE OF SURVEY: NOVEMBER, 1986

SEE SHEET 3 FOR INDEX MAP
AND BOUNDARY MAP.

SEE SHEET 11

SEE SHEET 4 FOR BASIS OF
BEARINGS AND MONUMENT NOTES,
AND EASEMENT NOTES.



18.16.400 - Purpose.

In addition to the objectives outlined in Section 18.02.020, the open space zones are included in the zoning regulations to achieve the following purposes:

- A. To preserve open space for the conservation of natural resources.
- B. To maintain the natural character of the land.
- C. To provide for public and quasi-public uses.
- D. To conserve areas of historic and community significance for the enjoyment of future generations.
- E. To provide for private use of land under limited development.
- F. To promote public health and safety.

(Ord. 2004-884, 2004)

18.16.410 - Open Space (OS) zone.

This zone is intended for general agriculture, open space and public uses. Only those additional uses are permitted that are complimentary to, and can exist in harmony with open space. There is no size limitation and it is the intent that this zone may be applied to a portion of a lot provided that the remainder of the lot meets the requirements for which it is zoned.

(Ord. 2004-884, 2004)

18.16.420 - Open Space Ranchettes (OSR) zone.

This zone is intended as an area for limited residential development with minimum lot sizes of five (5) acres and maximum densities of 0.2 units per acre.

(Ord. 2004-884, 2004)

18.16.430 - Permitted and conditional uses.

Table 18.16-6 identifies the permitted uses, and accessory uses within the open space zones. Uses in the table are permitted subject to the permit criteria referenced. Any use not included shall be considered prohibited.

TABLE 18.16-6
OPEN SPACE LAND USE MATRIX

Use	OS	OSR	Comments
Agriculture, horticulture, grazing	P	P	Sale of produce raised on-site permitted
Agriculture experimental facility	C	•	
Amphitheater	C	•	
Animal hospital, large animal	C	C	See Chapter 18.20 — Article VII
Animal hospital, small animal	C	•	See Chapter 18.20 — Article VII
Animal shelter	C	•	See Chapter 18.20 — Article VII
Beehives (1-3)	P	P	
Beehives (4 or more)	C	C	
Caretakers quarters	A	A	
Cemetery/mausoleum	C	C	
Co-generation plant	C	C	
Commercial recreation	C	C	
Communication facility	C	C	See Chapter 18.20 — Article XI
Community care facility, large	•	C	See Chapter 18.20 — Article VIII
Community care facility, small	•	P	See Chapter 18.20 — Article VIII
Community center	C	C	

Construction office/trailer	T	T	
Corporation yard	C	•	
Dwelling, single family	•	P	
Equestrian center	C	C	
Family day care home, large	•	C	See Chapter 18.20 — Article VIII
Family day care home, small	•	P	See Chapter 18.20 — Article VIII
Farm/ranch, commercial	P	P	
Fruit/vegetable stand	T	T	
Funeral home/mortuary/crematory	C	C	
Golf course, tennis/swim club	C	C	
Greenhouse, commercial	C	C	
Guest House	•	A	See Chapter 18.20 — Article IX
Home occupation	•	A	See Chapter 18.20 — Article II
Kennel, commercial	C	C	See Chapter 18.20 — Article VII
Kennel, noncommercial	P	P	See Chapter 18.20 — Article VII
Library/museum, public	C	C	
Manufactured home	•	D	See subsection 18.10.100D
Nursery, wholesale	P	P	
Outdoor event	T	•	
Park/recreation facility, public	C	C	

Performing arts center	C	•	
Public buildings/grounds	C	C	
Public utility facility	C	C	
Recreational facility, private	C	C	
Recreational vehicle parking	•	A	
Second residential unit	•	P	See Chapter 18.20 — Article IX
Sports court	C	C	See Chapter 18.20 — Article III
Stable, commercial	C	C	
Wildlife preserve/sanctuary	P	P	
Zoo	C	C	

(A = Accessory Use; C = Conditional Use; D = Design Review; T = Temporary Use;
P = Permitted Use; • = Prohibited Use)

LAND USE DIAGRAM

Residential

- R-Low
- R-Medium Low
- R-Medium
- R-Medium High
- R-High
- R-High 20
- R-High 30

Open Space

- OS-General
- Water/Lake

Commercial

- C-Neighborhood
- C-General
- C-Office

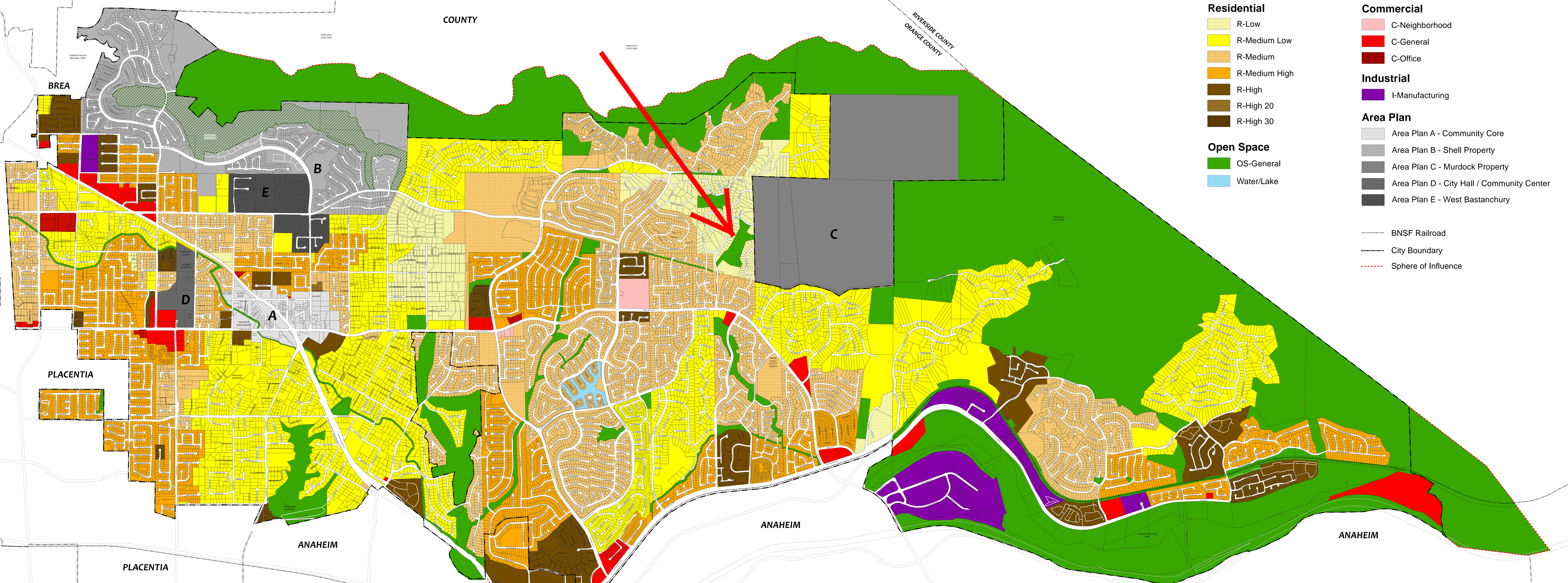
Industrial

- I-Manufacturing

Area Plan

- Area Plan A - Community Core
- Area Plan B - Shell Property
- Area Plan C - Murdock Property
- Area Plan D - City Hall / Community Center
- Area Plan E - West Bastanchury

— BNSF Railroad
 - - - City Boundary
 - · - · - Sphere of Influence



Revisions		
REV.	DATE	DESCRIPTION OF CHANGE
A	3/18/10	Local Use Map Update Section...
B	NOV 2012	Housing Element Update (2008-2014)

(Ord. 95-764 (part), 1995)

Title 18 - ZONING

Chapters:

FOOTNOTE(S):

--- (1) ---

Editor's note—Ord. 2004-884, § 2, deleted the former Title 18 and enacted a new Title 18 as set out herein. The former Title 18 pertained to similar subject matter and derived from Prior Code, 1972; Ord. 185, 1972; Ord. 86-534, 1986; Ord. 88-600, 1988; Ord. 88-603, 1988; Ord. 89-636, 1989; Ord. 90-662, 1990; Ord. 90-663, 1990; Ord. 90-674, 1990; Ord. 91-680, 1991; Ord. 92-703, 1992; Ord. 92-717, 1992; Ord. 92-718, 1992; Ord. 92-720, 1992; Ord. 93-722, 1993; Ord. 93-724, 1993; Ord. 93-728, 1992; Ord. 732, 1994; Ord. 94-746, 1994; Ord. 95-71, 1995; Ord. 95-749, 1995; Ord. 95-756, 1995; Ord. 95-749, 1995; Ord. 96-783, 1996; Ord. 97-788, 1997; Ord. 2000-820, 2000; Ord. 2002-832, 2002; Ord. 2002-839, 2002; Ord. 2002-850, 2002; Ord. 2003-861, 2003; Ord. 2004-873, 2004.

Chapter 18.01 - YORBA LINDA RIGHT-TO-VOTE AMENDMENT

Sections:

18.01.010 - Title.

This chapter shall be known as the Yorba Linda Right-to-Vote Amendment.

(Ord. 2006-891, § 1, 2006)

18.01.020 - Planning policy documents covered.

- A. After this chapter becomes effective, no repeal, amendment or adoption of all or part of the following land use planning policy documents of the City of Yorba Linda may become effective unless and until there is compliance with provisions of this chapter:
- 1) The text of the Yorba Linda General Plan's Land Use Element,
 - 2) The Land Use Policy Map of the Yorba Linda General Plan (Exhibit LU-4, also called "Land Use Diagram"),
 - 3) The text of the Yorba Linda Zoning Code (Title 18 of the Yorba Linda Municipal Code),
 - 4) The Zoning Map of the City of Yorba Linda,
 - 5) Any Specific Plan for a geographic area within the City, or
 - 6) Any Development Agreement granting rights to develop private or public land.
- B. In this chapter the above six items are referred to as the "Planning Policy Documents."

(Ord. 2006-891, § 1, 2006)

18.01.030 - ypes of amendments covered.

- A. A "Major Amendment" of any of the Planning Policy Documents means any amendment which results in any of the following changes to the development standards for any parcel of land affected by the proposed amendment:
- 1) Increases the number of residential units which may be constructed on a parcel designated for residential uses.
 - 2) Increases the number of separate parcels which may be created from an existing parcel.
 - 3) Changes any residential land use to allow any other land use.
 - 4) Changes any non-residential land use to allow any residential land use greater than ten (10) net dwelling units per acre or allow a mix of commercial and residential uses.
 - 5) Increases the allowed maximum height of development.
 - 6) Provides for the private development of land owned by a government entity within five years of the date of the approval to develop the land.
 - 7) Repeals any of the Planning Policy Documents.
- B. A "Regular Amendment" of any of the Planning Policy Documents includes any amendment which is not a Major Amendment.

(Ord. 2006-891, § 1, 2006)

18.01.040 - Amendments to Yorba Linda General Plan Land Use Map.

- A. No Major Amendment of any of the Planning Policy Documents shall be effective unless and until it is approved by a majority vote of the electorate of the City of Yorba Linda voting "YES" on a ballot measure proposing the Major Amendment at a regular or special election. The entire text of a Major Amendment and an easily readable map of the geographic area affected shall be included in the sample ballot materials which is mailed to registered voters prior to the election.
- B. No Major Amendment and no Regular Amendment of any of the Planning Policy Documents shall be effective unless and until it is approved by an ordinance adopted by the City Council, but no such amendment shall be considered until a public hearing is conducted on the proposed amendment at both the Planning Commission and at the City Council in the manner provided by state law and advance notice is given as required by section "C" below.
- C. No public hearing to consider an amendment of any of the Planning Policy Documents shall be conducted less than 20 days after the date a notice accurately describing the proposed amendment is sent by first class mail to the owners of each parcel of land, and a notice is sent by first class mail addressed to the occupant of each lawful unit on each parcel of land, located within a radius measured outward 300 feet from the boundaries of each parcel of land affected by the proposed amendment.
- D. The notice described in section "C" shall include at least all the following information in not less than 13 point type:
- 1) The name of the applicant proposing the amendment.
 - 2) The total acreage of the area proposed for amendment.
 - 3) A easily readable map of all parcels affected by the amendment, including all street names.
 - 4) The land uses and building density currently allowed for each parcel affected.
 - 5) The land uses and building density proposed to be allowed for each parcel affected.
 - 6) The date, time, and place of the upcoming public hearing.



CITY OF YORBA LINDA
4045 Main Street
Yorba Linda, Calif. 92686

PLANNING DEPARTMENT
(714) 524-5000

6

APPLICATION FOR RESUBMITTAL OF TENTATIVE TRACT MAP 9813

TRACT For approval of 132.14 acres into 128 sin. fam. resid. lots, a 11.74-acre park site, 38-acre area of open space and 1.74 acres of off well land.

Location North of Esperanza Road, Further north of future alignment of TL Blvd. east of Wier Canyon Rd, part of Dominguez Ranch II.	General Plan Low Density
Related Items	Zoning PC
Property Owner BROADMOOR HOMES	CEQA Status Previous EIR Certified
Address 17500 Red Hill Avenue Office Box 19529 Irvine, Calif. 92714	Authorized Agent VTN Consolidated, Inc. 2301 Campus Drive P.O. Box C19529 Irvine, Calif. 92713
City Irvine, Calif. 92714	City Irvine, Calif. 92713
Telephone 957-1100	Telephone 851-5200
Property Owner's Signature 	Authorized Agent's Signature 
Date Received 11/10/80	Filing Fee \$591.00
147915 WTC	
DECEMBER 10, 1980	

TO: HONORABLE CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION

FROM: PLANNING DEPARTMENT

BY: PHILLIP S. PAXTON, PLANNING DIRECTOR

SUBJECT: TENTATIVE TRACT MAP 9813 - RESUBMITTAL

APPLICANT: BROADMOOR HOMES
17500 Redhill Avenue
Irvine, California

CEQA STATUS: Draft EIR Previously Certified

RELATED ITEMS: Tentative Tract Map 9813

LOCATION: Dominguez Ranch Planned Community

REQUEST: To divide 132+ acres of land into 134 residential lots yielding a density of 1.02 units per acre

BACKGROUND

Tentative Tract Map 9813 was originally approved on May 11, 1977 and extended on May 10, 1978. At that time, the map included the entire Dominguez Ranch Planned Community consisting of 798 residential lots and various items such as a school, fire station, church, park and open space lots. Subsequently all but the final 128 lots were recorded. In September 26, 1979, a revised map was approved covering only the 128 Country Estate lots. That map expired without an extension on September 26, 1980. In the interim, Tentative Tract Map 10,731 (Baldwin) was approved north of the subject property and staff began negotiations to revise the grading and street alignment of San Antonio Road to be consistent with the Baldwin map.

ZONING AND GENERAL PLAN CONSISTENCY

The existing zoning would allow 798 residential lots. This revision would permit 804. The original Planned Community zoning approved on the Dominguez Ranch prior to the Dominguez Ranch being acquired by Broadmoor Homes permitted 1020 residential lots and was found to be consistent with the General Plan. Based on this previous finding by the Planning Commission and City Council, staff would suggest the revised application for six additional lots is also consistent with the General Plan. The map, however, is not consistent with the Planned Community maximum residential limit of 798 residential units unless the Commission and Council first approves Zone Change 81-04. Zone Change 81-04 should therefore be addressed prior to acting on this map.

EIR FINDINGS

The Planning Commission and City Council have previously certified EIR's permitting 1020 dwelling units and 798 dwelling units. These previous EIR's have been utilized to approve all of the tract maps for the development. Since no new issues have surfaced, staff is recommending that the latest EIR be found acceptable for this application.

DISCUSSION

The map under consideration varies from the previously-approved map in several respects. The fault zone has been narrowed from Lot 139 east which in turn allowed two of the six new lots (122, 116). The remainder of the new lots are not obvious in that they are sprinkled throughout the map. The applicant has prepared a geologic report supporting the narrowing of the fault zone. The fault zone at this location is wider than normal due to local soils conditions.

The following additional issues require discussion:

PARK SITE (LOT 135)

The original map indicated an equestrian oriented park with an equestrian arena and a public equestrian trail as the only improvements. The present map proposes only a trail. Staff can see no reason for deleting the arena since the area is isolated from use except for a small frontage on San Antonio and the equestrian trail linkages from the south, east and west. If the park is not going to be equestrian oriented, then it should be turfed and planted as any other park.

TRAILS

The map proposed the same public trails as the original map but proposes to delete a number of private or secondary trails. These deleted trails were planned to provide access to the rear of almost every lot. Unfortunately these trails were on natural ground and with the City's experience with other subsequent hillside developments in the eastern sector serving as a guide, they would not have been usable due to the steep terrain. Staff would suggest that in lieu of these private or secondary trails, an additional public trail be required along the west side of San Antonio from Lidio Road to the tracts north boundary, and from that point east along the north boundary to tie into a planned trail on the Baldwin tract. This would provide direct access to 60 of the 134 lots and relatively easy access to the remainder. Standard concrete rail fencing is recommended on all trails.

SIDEWALKS AND STREET SECTIONS

The map proposes the same sidewalk and street sections as previously approved. All streets except San Antonio would be private with a 28 foot paving section and a modified rolled curb on both sides. No sidewalks are proposed on the private streets. Grades on these private streets approach 15 percent at several locations. San Antonio is proposed to a standard local collector section with sidewalks on one side. Staff is recommending an equestrian trail on the other side. Grades on San Antonio are generally under 7 percent except on location near Via Valdez where it reaches 12 percent for a short distance.

STREET FRONTAGE

Lots 122-134 front on San Antonio as they did on the previous map. The Commission required a 50 foot front setback with circular or hammerhead drives on the previous map. Staff has included a similar condition here.

OIL WELLS

There are several lots that will not be buildable unless oil wells are abandoned. Lots 14, 15 and 16 are not proposed for final grading and are being left with a 3:1 slope across the front and natural across the rear. Lots 128, 129 and 134 are also not buildable at this time due to existing wells. All wells should be screened and landscaped as required by the original map.

MISCELLANEOUS

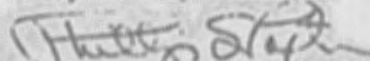
Lots 109, 110, 111, 14, 15 and 16 are all graded as custom lots. As noted above, Lots 14, 15 and 16 also have oil well problems. There are numerous split level lots proposed.

The large open space is proposed to be left natural. Staff would suggest they be included in the landscape assessment district for maintenance.

RECOMMENDATION

Staff would recommend approval subject to the attached conditions.

Respectfully Submitted,


Phillip S. Paxton

Sheet 9813

8

THE DOMINGUEZ RANCH
PLANNED COMMUNITY DISTRICT REGULATIONS

FILE COPY

1st REVISED

Prepared by Phillips Brandt Reddick

on

December 2, 1975

(Revised 5/10/77 by VTN)

(Revised 9/4/81 by VTN)

Approved by the City of Yorba Linda Planning Commission

on

Approved by the City of Yorba Linda City Council

on

FILE COPY

REVISED

*This page
Updated
9-11-81
BW*

1. Development Concept

a. Retention of Existing Elements

- (1) Where possible, all existing eucalyptus wind rows, including those adjacent to the Union Canal route, shall be retained. All dead or diseased trees shall be removed and replaced with young trees of the same variety. Care shall be taken during grading and construction operations to avoid root and trunk injury. Soil tests will be conducted to determine the presence of fungus or other detrimental conditions.
- (2) The Union Canal Route shall be incorporated into the proposed hiking and riding trail system.
- (3) Those portions of the major interior drainage canyon not modified for runoff control or park space shall be retained in their natural state.

b. Parks and Open Space

A minimum of 50% of the total DOMINGUEZ RANCH will be retained in a variety of open space uses including developed parks and recreational uses, common open areas and natural open space areas as illustrated on the accompanying path and open space plan.

Park Development in the flat southerly portion of the site will consist primarily of greenbelt links, and scattered high activity pockets. A 1.7 (net) acre community recreation center is also planned in the vicinity of the existing Anaheim Union Canal route.

The central area is characterized by rolling topography and a large natural drainage course. A series of velocity reducing elements and/or underground drains will compliment the development of passive and active park areas along this drainage course. Large areas of natural open space are located within and along the canyon's sides.

The hilly northerly portion of the site will contain the largest park and an abundance of natural open space. The proposed equestrian center, also in this area, will provide a point of origin for the community's extensive riding trail system.

Maintenance of the proposed private recreation facilities and trail system will be performed by the community association. Formulation of a city special maintenance district is proposed to service certain areas dedicated by the community to the City.

Open Space will be guaranteed in perpetuity by the dedication of development rights four feet above finish grade over the designated parks and open space areas. This action shall not include the areas for recreational building, structures, or related play equipment.

RESOLUTION NO. 1015

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YORBA LINDA APPROVING AN 18-MONTH EXTENSION OF TENTATIVE TRACT 9813, WITH MODIFIED AND EXPANDED CONDITIONS OF APPROVAL

WHEREAS, an application was made by Broadmoor Homes, 17500 Red Hill Avenue, Irvine, California 92714 to divide 132+ net acres of land into 136 lots, yielding a net density of 1.06 units per acre, located in Area "H" of the Dominguez Ranch Planned Community zone; and,

WHEREAS, Resolution No. 907 was adopted by the Yorba Linda Planning Commission on October 14, 1982 approving Tentative Tract 9813 with 81 conditions of approval; and,

WHEREAS, the applicant has now requested an extension be granted for said Tentative Tract 9813; and,

WHEREAS, the Planning Commission of the City of Yorba Linda does hereby find that the original Findings set forth in Resolution No. 907 are still valid and support the requested extension, subject to the conditions shown as Exhibit "A" hereto; and,

WHEREAS, the Planning Commission has subsequently adopted revised standard conditions of approval for use in evaluating and approving such Tentative Tracts; and,

WHEREAS, the Planning Commission does hereby find that certain conditions found in the newly adopted standard conditions of approval are necessary and appropriate for application to the development activity proposed for this Tentative Tract.

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Yorba Linda does hereby grant an 18-month extension for Tentative Tract Map No. 9813 subject to the conditions shown as Exhibit "A" hereto.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Yorba Linda on November 10, 1982.

MAXINE AVERILL, CHAIRMAN

TO WIT:

I HEREBY CERTIFY that the foregoing Resolution was duly adopted at a regular meeting of the Yorba Linda Planning Commission on November 10, 1982 and carried by the following roll call vote:

AYES: 3 COMMISSIONERS: Boznanski, Clemmer, Averill
NOES: 0 COMMISSIONERS: None
ABSENT: 2 COMMISSIONERS: Kittredge, Rosen

PHILLIP S. PAXTON,
SECRETARY TO THE PLANNING COMMISSION

PLANNING COMMISSION
11/10/82
CITY OF YORBA LINDA

SPECIAL ADDED CONDITIONS FROM PRIOR APPROVAL

95. A 50 foot front yard setback for buildings shall be required on Lots 122-134. In addition, either circular driveways or hammerheads shall be provided.

96. No dwelling shall be constructed within 100 feet of an oil well unless said oil well is permanently and legally abandoned in a manner satisfactory to the Building Official.

97. A public equestrian trail 10 feet in width shall be constructed along the west side of San Antonio Road from Lidio Road to the north tract boundary and along north tract boundary from San Antonio Road to the east tract boundary.

98. San Antonio Road shall have a minimum of two travel lanes constructed for its entire length concurrent with the issuance of the first building permit for Tract 9813 to the satisfaction of the City Engineer.

99. The public park (Lot 135) shall be improved with an equestrian arena.

100. Prior to the completion of an application for any building permits on Lots 8, 9, 99, 100 and 101, plans for a residential automatic fire extinguishing system shall be approved by the Fire Marshal. Such systems shall be operational prior to the issuance of a certificate of use and occupancy.

-the end-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YORBA LINDA APPROVING AN 18 MONTH TIME EXTENSION FOR TENTATIVE TRACT MAP 9813 - BROADMOOR HOMES, WITH CONDITIONS

WHEREAS, an application was made by Broadmoor Homes, Inc., 17500 Redhill Avenue, Tustin, California 92714, to divide 132+ net acres of land into 134 lots, yielding a net density of 1.06 units per acre, located in Area "H" of the Dominguez Ranch Planned Community Zone; and,

WHEREAS, Resolution No. 1015 was adopted by the Yorba Linda Planning Commission on November 10, 1982 approving an 18 month time extension for Tentative Tract Map 9813; and,

WHEREAS, the applicant has now requested an extension be granted for said Tentative Tract Map 9813; and,

WHEREAS, the Planning Commission of the City of Yorba Linda does hereby find that the original Findings set forth in Resolution No. 1015 are still valid and support the requested extension, subject to the conditions shown as Exhibit "A" hereto.

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Yorba Linda does hereby approve an 18 month extension for Tentative Tract Map No. 9813 subject to the conditions shown as Exhibit "A" hereto.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Yorba Linda on March 28, 1984.

ROBERT W. CLEMMER, CHAIRMAN

TO WIT:

I HEREBY CERTIFY that the foregoing Resolution was duly adopted at a regular meeting of the Yorba Linda Planning Commission on March 28, 1984, and carried by the following roll call vote:

AYES:	4	COMMISSIONERS:	Averill, Boznanski, Rosen, Clemmer
NOES:	0	COMMISSIONERS:	None
ABSENT:	1	COMMISSIONERS:	DiLuigi

PHILLIP S. PAXTON,
SECRETARY TO THE PLANNING COMMISSION

APPROVED
 PLANNING COMMISSION
 3-28-84
 CITY COUNCIL

84. Rock, composition and asphalt shingle roofing materials shall not be allowed. (Any artificial roofing materials shall be approved at the time of Design Review).

85. Mail boxes shall be plotted and shown in detail on the Design Review map and shall be designed, installed and located by the developer to the satisfaction of the Community Development Director.

86. The developer shall provide 20 percent of the lots with adequate side yard area for Recreation Vehicle storage pursuant to City standards. Said lots shall have a clear area of at least 10' x 20' located adjacent to the garage and shall be located, where applicable, on the up-slope side of the property so as to aid in screening the storage area from public view.

87. Precast fireplaces shall not be allowed on exterior walls.

88. Design Review approval shall be accomplished prior to recording of the final subdivision map.

89. Approval of Tentative Tract No. 9813 is granted subject to the approval of Zone Change 81-04.

9. Developer shall comply with the latest adopted Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code, National Electrical Code and all other applicable codes.

91. The cover sheet of the building construction plans shall be a blue line print of the City's conditions of approval and shall be attached to each set of plans submitted for City approval.

92. A copy of the Covenants, Conditions, and Restrictions (CC & R's) and Articles of Incorporation of the Homeowners' Association, subject to the approval of the City Attorney, shall be recorded with this map and placed on file with the Community Development Department.

93. Approval of this request shall not excuse compliance with all other applicable City ordinances in effect at this time.

94. The applicant shall agree and consent in writing within 60 days to the conditions of approval as adopted by the Planning Commission.

95. A 50-foot front yard setback for buildings shall be required on Lots 132-134. In addition, either circular driveways or hammerheads shall be provided.

96. No dwelling shall be constructed within 100 feet of an oil well unless said oil well is permanently and legally abandoned in a manner satisfactory to the Building Official.

97. A public equestrian trail 10 feet in width shall be constructed along the west side of San Antonio Road from Lidie Road to the north tract boundary and along north tract boundary from San Antonio Road to the east tract boundary.

98. San Antonio Road shall have a minimum of two travel lanes constructed for its entire length concurrent with the issuance of the first building permit for Tract 9813 to the satisfaction of the City Engineer.

99. The public park (Lot 135) shall be improved with an equestrian arena.



WARMINGTON HOMES

Tr 9813

11

August 16, 1985

Mr. Phillip S. Paxton
CITY OF YORBA LINDA
P.O. Box 487
4845 Casa Loma Avenue
Yorba Linda, California 92686

Re: Tentative Tract No. 9813

Dear Phil:

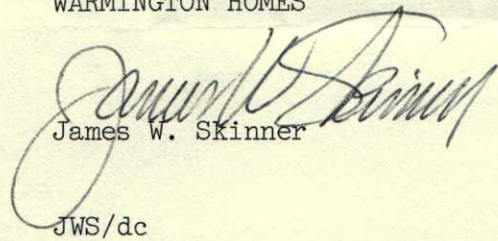
Pursuant to our conversation, Warmington Homes is willing to grant on the final tract map both Lot "A" and "B" together (not separately) to the City of Yorba Linda. The final disposition of both Lot "A" and "B", should they be either park sites or open space lots, will be at the discretion of the City of Yorba Linda.

We are investigating the possibility of placing the equestrian ring in the southerly portion of Lot "A".

Phil, if you require additional information please call.

Very truly yours,

WARMINGTON HOMES


James W. Skinner
JWS/dc



CITY OF YORBA LINDA

P. O. BOX 487

CALIFORNIA 92686

(714) 961-7130

COMMUNITY DEVELOPMENT

12

September 26, 1986

Warmington Homes
3090 Pullman Street
Costa Mesa, California 92626

Attention: Mr. Kenneth R. Meddock
Project Manager

Subject: Tract 9813

Dear Ken:

In response to your letter of September 23, 1986 regarding the disposition of the various lettered lots within Tract 9813, please be advised of the following.

Tract 9813 contains 134 residential lots in addition to the referenced lettered lots and is the final phase of development within the Dominguez Ranch Planned Community originally proposed by the Broadmoor Company, but subsequently acquired by your company.

Certain of the lettered lots which you propose to maintain under the Warmington Homes ownership are outlined on the Dominguez Ranch Planned Community Development Plan as OS (Open Space) lots and their development rights were transferred to other portions of the Planned Community.

The net result of this is, after the completion of Tract 9813, there are no more lots within the Planned Community that retain any development rights and therefore all remaining lots should be regarded as OS (Open Space) lots only.

I hope this clarifies the matter.

Sincerely,

Phillip S. Paxton
Community Development Director

cc: City Engineer

SHEET 1 OF 13 SHEETS
ACREAGE: 129.131 ACRES
NO. OF LOTS: 134 AND
LOTS A THROUGH H
CALL OF TENTATIVE
TRACT NO. 9813

TRACT NO. 9813

BLOCKS: 6353 6354
MODULES: 39.49 30.40

IN THE CITY OF YORBA LINDA, COUNTY
OF ORANGE, STATE OF CALIFORNIA

BEING A SUBDIVISION OF A PORTION OF PARCEL 1 AS SHOWN ON
THE PARCEL MAP FILED IN BOOK 106, PAGES 5-8, INCLUSIVE,
OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF
ORANGE COUNTY, CALIFORNIA.

TOM R. MCGANNON R.C.E. 23956 NOVEMBER, 1985

ACCEPTED AND FILED AT THE
REQUEST OF
First American Title Co.
DATE October 28, 1986
TIME 11:05 AM FEE \$ 30.00
INSTRUMENT # 86-510998
BOOK 568 PAGE 8 MM
LEE A. BRANCH
COUNTY RECORDER
BY [Signature]
DEPUTY

WE, THE UNDERSIGNED, BEING ALL PARTIES HAVING ANY RECORD TITLE INTEREST
IN THE LAND COVERED BY THIS MAP, DO HEREBY CONSENT TO THE PREPARATION
AND RECORDATION OF SAID MAP, AS SHOWN WITHIN THE DISTINCTIVE BORDER
LINE. WE HEREBY DEDICATE TO THE PUBLIC FOR STREET PURPOSES: ALDER
AVENUE, ASPEN WAY, CLEAR HAVEN DRIVE, HICKORY TREE LANE, RIDGE PARK
DRIVE, SAN ANTONIO ROAD, SPRING OAK, TRAIL RIDGE, TWIN OAK, VIA CORZO,
VIEW PARK DRIVE AND WILLOW TREE LANE.

I HEREBY CERTIFY THAT I AM A REGISTERED CIVIL ENGINEER OF THE STATE OF
CALIFORNIA; THAT THIS MAP CONSISTING OF 13 SHEETS AND THE TRUE AND
COMPLETE SURVEY MADE IN NOVEMBER, 1985, WHICH IT CORRECTLY REPRESENTS
WERE BOTH MADE BY ME OR UNDER MY DIRECTION; THAT THE MONUMENTS ARE OF
THE CHARACTER AND OCCUPY OR WILL OCCUPY THE POSITIONS INDICATED BY SAID
MAP AND THE MONUMENT NOTES NOTED THEREON AND THAT SAID MONUMENTS ARE
SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

WE ALSO HEREBY DEDICATE TO THE CITY OF YORBA LINDA:

1. THE EASEMENTS FOR SANITARY SEWER PURPOSES AS SHOWN ON SAID MAP.
2. THE EASEMENTS FOR STORM DRAIN PURPOSES AS SHOWN ON SAID MAP.
3. THE SANITARY SEWER SYSTEM AND APPURTENANCES AS SHOWN ON THE
IMPROVEMENT PLANS FOR SAID TRACT.
4. THE STORM DRAIN SYSTEM AND APPURTENANCES AS SHOWN ON THE
IMPROVEMENT PLANS FOR SAID TRACT.
5. THE EASEMENTS FOR LANDSCAPE MAINTENANCE PURPOSES AS SHOWN ON
SAID MAP.
6. AN EASEMENT FOR LANDSCAPE MAINTENANCE PURPOSES OVER ALL
OF LOTS C AND D AS SHOWN ON SAID MAP.

WE ALSO HEREBY IRREVOCABLY OFFER TO DEDICATE TO THE CITY
OF YORBA LINDA, LOT A AS SHOWN ON SAID MAP FOR PARK PURPOSES.

WE ALSO HEREBY DEDICATE TO THE YORBA LINDA WATER DISTRICT:

THE EASEMENTS FOR WATER LINE PURPOSES ALONG WITH THE RIGHT TO
CONSTRUCT, USE, MAINTAIN, REPAIR AND REPLACE OVER, UNDER, ACROSS
AND THROUGH SAID EASEMENTS AS SHOWN ON SAID MAP.

THE LYON WARMINGTON ASSOCIATES, A CALIFORNIA GENERAL PARTNERSHIP.

BY: WARMINGTON-MATHIS CORP., A CALIFORNIA CORPORATION, PARTNER.

BY: [Signature] BY: [Signature]
TIMOTHY P. HOGAN WILLIAM S. KREISLE
SR. VICE PRESIDENT SECRETARY

BY: L/F NO. 24 (WARMINGTON), A CALIFORNIA LIMITED PARTNERSHIP,
A GENERAL PARTNER
BY: THE WILLIAM LYON COMPANY, A CALIFORNIA CORPORATION, GENERAL
PARTNER.

BY: [Signature] BY: [Signature]
RICHARD E. FRANKEL RICHARD S. ROBINSON
VICE PRESIDENT ASS'T. SECRETARY

FIRST AMERICAN TITLE INSURANCE COMPANY, A CALIFORNIA CORPORATION,
TRUSTEE UNDER A DEED OF TRUST RECORDED AS INSTRUMENT NO. 86-236240
OF OFFICIAL RECORDS.

BY: [Signature] BY: [Signature]
ROYCE JOHNSON JEFFERY E. BERGLAND
VICE PRESIDENT ASSISTANT SECRETARY

NOTE:
SEE SHEET 2 FOR NOTARY ACKNOWLEDGEMENTS OF THE ABOVE SIGNATURES.

PURSUANT TO THE PROVISIONS OF SECTION 66436 (C) OF THE SUBDIVISION
MAP ACT, THE FOLLOWING SIGNATURES HAVE BEEN OMITTED:

1. SHELL OIL COMPANY, HOLDERS OF AN EASEMENT FOR ROADS, PIPE
LINES, POLE LINES AND INCIDENTAL PURPOSES PER DEED RECORDED
MARCH 18, 1960, IN BOOK 5153, PAGES 160 AND 168 AND AMENDED
PER DEED RECORDED JULY 14, 1960, IN BOOK 5329, PAGE 33 OF
OFFICIAL RECORDS OF ORANGE COUNTY.
2. SOUTHERN CALIFORNIA GAS COMPANY, HOLDERS OF AN EASEMENT FOR
PIPELINES, ROADS AND INCIDENTAL PURPOSES PER DEED RECORDED
MAY 12, 1960, IN BOOK 5241, PAGE 469 OF OFFICIAL RECORDS
OF ORANGE COUNTY.
3. THE CITY OF YORBA LINDA, HOLDERS OF AN EASEMENT FOR PUBLIC
STREET PURPOSES PER DEED RECORDED JUNE 18, 1980, IN BOOK
13639, PAGE 228 OF OFFICIAL RECORDS OF ORANGE COUNTY.
4. YORBA LINDA COUNTY WATER DISTRICT, HOLDERS OF AN EASEMENT AND
RIGHT OF WAY FOR PIPELINES AND INCIDENTAL PURPOSES PER DEED
RECORDED NOVEMBER 19, 1985, AS INSTRUMENT NO. 85-464124,
OFFICIAL RECORDS OF ORANGE COUNTY.
5. COLUMBINE ASSOCIATES, HOLDERS OF AN EASEMENT FOR VEHICULAR
INGRESS AND EGRESS, AND AN EASEMENT TO DRILL, CONSTRUCT AND
MAINTAIN FACILITIES FOR OIL, GAS, HYDROCARBONS AND ASSOCIATED
SUBSTANCES AND OTHER RIGHTS PER DEED RECORDED NOVEMBER 19, 1985,
AS INSTRUMENT NO. 85-469122, OFFICIAL RECORDS OF ORANGE COUNTY.

Tom R. McGannon
TOM R. MCGANNON, R.C.E. 23956
REGISTRATION EXPIRES 12-31-89

I HEREBY CERTIFY THAT I HAVE EXAMINED THIS MAP AND HAVE FOUND
THAT ALL MAPPING PROVISIONS OF THE SUBDIVISION MAP ACT HAVE BEEN
COMPLIED WITH AND I AM SATISFIED SAID MAP IS TECHNICALLY CORRECT
RELATIVE TO THE TRACT MAP BOUNDARY.

DATED THIS 23rd DAY OF October, 1986.

C.R. NELSON BY: Paula Cuomo
COUNTY SURVEYOR DEPUTY

I HEREBY CERTIFY THAT I HAVE EXAMINED THIS MAP AND HAVE FOUND IT TO BE
SUBSTANTIALLY IN CONFORMANCE WITH THE TENTATIVE MAP AS FILED WITH,
AMENDED AND APPROVED BY THE CITY PLANNING COMMISSION; THAT ALL PRO-
VISIONS OF THE SUBDIVISION MAP ACT AND CITY SUBDIVISION REGULATIONS
HAVE BEEN COMPLIED WITH AND THE MAP IS TECHNICALLY CORRECT IN ALL
RESPECTS NOT CERTIFIED TO BY THE COUNTY SURVEYOR.

DATED THIS 25th DAY OF SEPT., 1986.

[Signature]
ROY F. STEPHENSON, R.C.E. 20354
CITY ENGINEER OF YORBA LINDA
REGISTRATION EXPIRES 9/30/1989.

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF YORBA LINDA)

I HEREBY CERTIFY THAT THIS MAP WAS PRESENTED FOR APPROVAL TO
THE CITY COUNCIL OF THE CITY OF YORBA LINDA AT A REGULAR MEETING
THEREOF HELD ON THE 24th DAY OF September, 1986,
AND THAT THEREUPON SAID COUNCIL DID, BY AN ORDER DULY PASSED AND
ENTERED, APPROVE SAID MAP AND DID ACCEPT ON BEHALF OF THE PUBLIC
THE DEDICATION FOR STREET PURPOSES OF: ALDER AVENUE, ASPEN WAY,
CLEAR HAVEN DRIVE, HICKORY TREE LANE, RIDGE PARK DRIVE, SAN
ANTONIO ROAD, SPRING OAK, TRAIL RIDGE, TWIN OAK, VIA CORZO,
VIEW PARK DRIVE AND WILLOW TREE LANE.

AND DID ALSO ACCEPT ON BEHALF OF THE CITY OF YORBA LINDA:

1. THE EASEMENTS FOR SANITARY SEWER PURPOSES AS DEDICATED.
2. THE EASEMENTS FOR STORM DRAIN PURPOSES AS DEDICATED.
3. THE SANITARY SEWER SYSTEM AND APPURTENANCES AS DEDICATED.
4. THE STORM DRAIN SYSTEM AND APPURTENANCES AS DEDICATED.
5. THE EASEMENTS FOR LANDSCAPE MAINTENANCE PURPOSES AS DEDICATED.
6. THE EASEMENT FOR LANDSCAPE PURPOSES OVER ALL OF
LOTS C AND D AS DEDICATED.

BUT DID NOT ACCEPT THE IRREVOCABLE OFFER OF DEDICATION OF LOT A.

AND DID ALSO APPROVE SUBJECT MAP PURSUANT TO THE PROVISIONS
OF SECTION 66436 (C) (1) OF THE SUBDIVISION MAP ACT.

DATED THIS 26th DAY OF September, 1986.

DIANNA M. HIGDON BY: [Signature]
CITY CLERK OF YORBA LINDA DEPUTY

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS

I HEREBY CERTIFY THAT ACCORDING TO THE RECORDS OF MY OFFICE THERE ARE
NO LIENS AGAINST THE LAND COVERED BY THIS MAP OR ANY PART THEREOF FOR
UNPAID STATE, COUNTY, MUNICIPAL OR LOCAL TAXES OR SPECIAL ASSESSMENTS
COLLECTED AS TAXES, EXCEPT TAXES OR SPECIAL ASSESSMENTS COLLECTED
AS TAXES NOT YET PAYABLE.

DATED THIS 28 DAY OF August, 1986.

ROBERT L. CITRON BY: Cathy Patterson
COUNTY TREASURER-TAX COLLECTOR DEPUTY TREASURER-TAX COLLECTOR

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS

I HEREBY CERTIFY TO THE RECORDER OF THE COUNTY OF ORANGE THAT THE PRO-
VISIONS OF THE SUBDIVISION MAP ACT HAVE BEEN COMPLIED WITH REGARDING
DEPOSITS TO SECURE THE PAYMENT OF TAXES OR SPECIAL ASSESSMENTS COL-
LECTED AS TAXES ON THE LAND COVERED BY THIS MAP.

DATED THIS 14th DAY OF October, 1986.

[Signature]
LINDA D. ROBERTS
CLERK OF THE BOARD OF SUPERVISORS

I, RALPH C. SHOOK, THE DULY APPOINTED AND AUTHORIZED OFFICER OF THE
YORBA LINDA WATER DISTRICT BY ORDER OF THE BOARD OF DIRECTORS ON
SEPTEMBER 25, 1961, DO HEREBY CERTIFY THAT THE DEDICATION OF WATER
LINE EASEMENTS AS SHOWN ON THIS MAP TO YORBA LINDA WATER DISTRICT,
A PUBLIC AGENCY, ARE HEREBY ACCEPTED AND CONSENT TO THE RECORDATION
THEREOF.

DATED: 10-21-86 Ralph C. Shook
RALPH C. SHOOK, GENERAL MANAGER

SHEET 2 OF 13 SHEETS
ACREAGE: 129.131 ACRES
NO. OF LOTS: 134 AND
LOTS A THROUGH H
CALL OF TENTATIVE
TRACT NO. 9813J

TRACT NO. 9813

IN THE CITY OF YORBA LINDA, COUNTY
OF ORANGE, STATE OF CALIFORNIA.

TOM R. Mc GANNON R.C.E. 23956 NOVEMBER, 1985

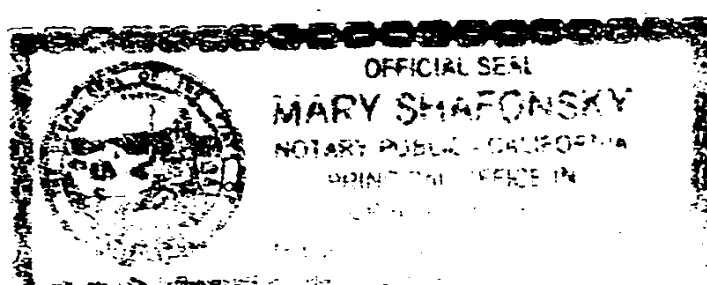
STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS

ON THIS 25th DAY OF July, 1986, BEFORE ME, MARY SHAFONSKY,
A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED
Timothy P. Hogan AND William S. Kreisler, PERSONALLY KNOWN TO ME (OR PROVED
TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE Sr. Vice President
AND Secretary, RESPECTIVELY, OF WARMINGTON-MATHIS CORP., A
CALIFORNIA CORPORATION, THE CORPORATION THAT EXECUTED THE WITHIN INSTRU-
MENT AND KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVI-
DENCE) TO BE THE PERSONS WHO EXECUTED THE WITHIN INSTRUMENT ON BEHALF
OF SAID CORPORATION, SAID CORPORATION BEING KNOWN TO ME (OR PROVED TO
ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE ONE OF THE PARTNERS OF
THE LYON WARMINGTON ASSOCIATES, A CALIFORNIA GENERAL PARTNERSHIP, THE
PARTNERSHIP THAT EXECUTED THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME
THAT SUCH CORPORATION EXECUTED THE SAME AS SUCH PARTNER AND THAT SUCH
PARTNERSHIP EXECUTED THE SAME.

MY COMMISSION EXPIRES: 2/4/87

WITNESS MY HAND AND OFFICIAL SEAL:

Mary Shafonsky
NOTARY PUBLIC IN AND FOR SAID STATE



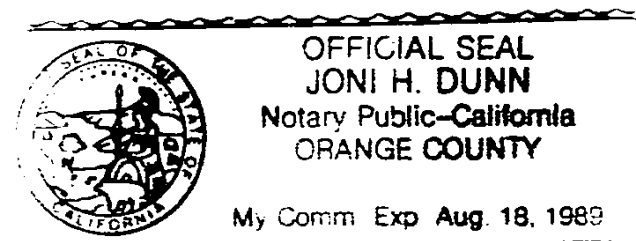
STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS

ON THIS 25th DAY OF JULY, 1986, BEFORE ME, JONI H. DUNN,
A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED RICHARD E.
FRANKEL AND RICHARD S. ROBINSON, PERSONALLY KNOWN TO ME (OR PROVED TO ME
ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE VICE PRESIDENT AND
ASSISTANT SECRETARY, RESPECTIVELY, OF THE WILLIAM LYON COMPANY, THE
CORPORATION THAT EXECUTED THE WITHIN INSTRUMENT AND KNOWN TO ME (OR
PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSONS
WHO EXECUTED THE WITHIN INSTRUMENT ON BEHALF OF SAID CORPORATION, SAID
CORPORATION BEING KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY
EVIDENCE) TO BE ONE OF THE PARTNERS OF L/F NO. 24 (WARMINGTON), SAID
PARTNERSHIP BEING KNOWN TO ME TO BE ONE OF PARTNERS OF THE LYON WARMING-
TON ASSOCIATES, THE PARTNERSHIP THAT EXECUTED THE WITHIN INSTRUMENT AND
ACKNOWLEDGED TO ME THAT SUCH CORPORATION EXECUTED THE SAME AS SUCH
PARTNER AND THAT SUCH PARTNERSHIP EXECUTED THE SAME.

MY COMMISSION EXPIRES: 8-18-89

WITNESS MY HAND AND OFFICIAL SEAL:

Joni H. Dunn
NOTARY PUBLIC IN AND FOR SAID STATE



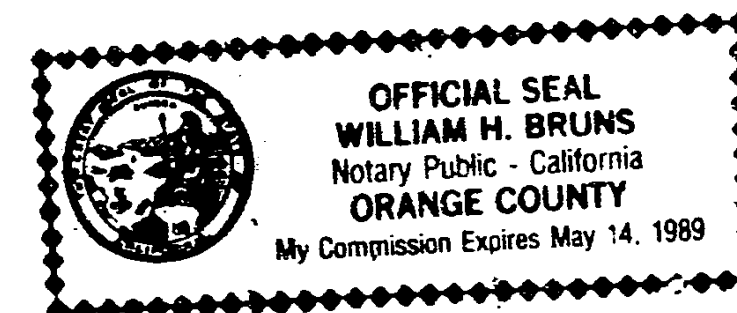
STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS

ON THIS 26th DAY OF AUGUST, 1986, BEFORE ME, WILLIAM H. BRUNS,
A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED ROYCE JOHNSON
AND JEFFREY E. BERGLAND, PERSONALLY KNOWN TO ME (OR PROVED
TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE VICE PRESIDENT
AND ASSISTANT SECRETARY, RESPECTIVELY, OF FIRST AMERICAN TITLE INSUR-
ANCE COMPANY, THE CORPORATION THAT EXECUTED THE WITHIN INSTRUMENT AND
KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO
BE THE PERSONS WHO EXECUTED THE WITHIN INSTRUMENT ON BEHALF OF SAID
CORPORATION AND ACKNOWLEDGED TO ME THAT SUCH CORPORATION EXECUTED THE
SAME AS TRUSTEE.

MY COMMISSION EXPIRES: May 14, 1989

WITNESS MY HAND AND OFFICIAL SEAL:

William H. Bruns
NOTARY PUBLIC IN AND FOR SAID STATE



AFFIDAVIT FOR NOTARY STAMP SHOWN HEREON
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: MARY SHAFONSKY
DATE COMMISSION EXPIRES: FEB. 4, 1987
COUNTY WHERE BOND IS FILED: ORANGE COUNTY

PLACE OF EXECUTION: SANTA ANA DATE: AUGUST 26, 1986

W. H. Bruns
FIRST AMERICAN TITLE INSURANCE CO.

AFFIDAVIT FOR NOTARY STAMP SHOWN HEREON
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: JONI H. DUNN
DATE COMMISSION EXPIRES: AUG. 18, 1989
COUNTY WHERE BOND IS FILED: ORANGE COUNTY

PLACE OF EXECUTION: SANTA ANA DATE: AUGUST 26, 1986

W. H. Bruns
FIRST AMERICAN TITLE INSURANCE CO.

I certify under the penalty of perjury that the Notary
Seal on this document reads as follows:

Name of Notary: William H. Bruns

Date Commission expires: May 14, 1989

County where bond is filed: Orange

Place of Execution: Santa Ana, CA.

Date: 9-5-86 By: John N. Faragall
FIRST AMERICAN TITLE INSURANCE CO.

GENERAL DISCLOSURE STATEMENT

COVENTRY HILLS

TRACT 9813

I/We acknowledge that I/We have been informed of the following facts concerning Tract 9813 and have investigated them to my/our satisfaction and have received a copy of this notification for my/our records.

1. CHATEAU INTERIORS & DESIGN: located freeway close in Santa Ana, this large, full service design studio was established several years ago for the exclusive use of buyers of Warmington Homes.

The friendly staff will assist you in many ways: first, the Designers will acquaint you with the standard flooring and appliances that are offered with your new home. Then, if you so desire, they will show you the many different colors and styles of flooring that are available as optional upgrades, as well as the optional upgrade appliances.

In addition, for your consideration there are many extras for your new home, such as custom draperies, shutters, and blinds for your windows, along with many beautiful wall-papers.

Other extras available through Chateau Interiors include mirrored wardrobe doors, tub enclosures, air conditioners, garage door openers, and much more.

Next, if you desire to add any of your upgrades to the loan on your new home, they will be happy to assist you with the paperwork. (You will be pleasantly surprised when you discover how much luxury can be built into your home with just a small increase in your monthly payments.)

Finally, when your home is released for installation, they will schedule the installation of the items you ordered, and will provide their own Customer Service Department in the event you need service after you move in. (Appliances are an exception, as they will be serviced by the manufacturer or supplier under their warranties.)

You are, of course, under no obligation to purchase anything through Chateau Interiors, and may prefer to provide your own flooring after escrow closes. If so, you will receive a credit after the close of escrow, the exact amount will depend upon the home you purchase. Chateau Interiors will assist you with this also, but you must provide Warmington Homes (copy to Chateau Interiors) with a letter from your lender that states the lender does not require flooring to be installed prior to close of escrow in order for your loan to be funded.

FHA/VA buyers may not take a carpet credit and may not supply their own carpet. Also, FHA/VA buyers may upgrade their carpet with FHA/VA approved carpet and pad only.

The professional Designers at Chateau Interiors & Design work only by appointment, which insures you receive the best service while you are visiting the showroom. A deposit will be required on any purchase you make, so please take your check book with you on your appointment.

RECEIVED
COMMUNITY DEVELOPMENT

DEC 17 1986

14. SUPPLEMENTAL TAX BILL: Buyer is hereby notified that their home is subject to being reassessed for a supplemental tax bill. This is a one time assessment to cover the period of time from transfer of ownership until such time as the assessor has an opportunity to reassess your home to current market value.

15. N/A

17. PRIVATE SLOPE LANDSCAPING AND MAINTENANCE: Many slopes in private yards will be landscaped and irrigated to the standards established by the City of Yorba Linda. The maintenance of these slopes located within the individual lots is the responsibility of the homeowner beginning at close of escrow, unless these slopes are within the maintenance assessment district. Please see your salesperson to determine which slopes are your responsibility.

18. N/A

20. PURCHASER'S IMPROVEMENTS: To the extent that any visible improvements are taken by or on behalf of the purchaser, including without limitation, fencing, patio covers, antennas, pools, spas, barns, etc., the approval of an Architectural Committee and the City of Yorba Linda is required as set forth in the CC & R's. All such improvements undertaken by or on behalf of purchasers must be upon his property only and shall be maintained by purchaser.

21. USE OF ADJACENT UNDEVELOPED PROPERTY: Within Tract 9813 are lettered Lots A, C and H. The buyer is advised that Lyon Warmington Associates is the Owner of these lots and as the Owner has the full intention of developing these lots or conveying title to others for development. Any such development and/or use of the property will be with the approval of the City of Yorba Linda and within the allowable designated uses of the open space zone. Such uses may be but are not limited to: day care center, pre-school, community center, senior citizen's center, equestrian facility, park, Boy Scout center, Girl Scout center or YMCA facility.

22. N/A

23. N/A

24. REAR AND SIDE ELEVATION: Special treatments on designated lots are at the discretion of Warmington Homes. Side and rear elevations normally do not have any "plant-ons" but are just stucco.

25. RECREATIONAL VEHICLE STORAGE: The Conditions, Covenants and Restrictions for Tract 9813 require the storage of recreation vehicles or other vehicles either in an enclosed garage or behind the side yard fence in such a way as not to be visible from any street or other lot. Please see the CC & R's for additional explanations and restrictions.



WARMINGTON HOMES

file

RECEIVED
APR 27 1989

BY _____

April 25, 1989

Fernando Saldívar
City of Yorba Linda
4645 Casa Loma Avenue
P.O. Box 487
Yorba Linda, CA 92686

Re: Tract #9813

Dear Fernando:

Enclosed per your request, please find check #20532 in the amount of \$20,010.00 to pay for the development costs of the Equestrian Arena at the above referenced tract, per the Conditions of Approval.

If you have any questions and/or problems, please advise.

Thank you.

Sincerely,

WARMINGTON HOMES

Denette Oliver
Denette Oliver
Project Coordinator

DO:kj

Enclosure

cc: Darcy Keith
Brian Merritt

LYON WARMINGTON ASSOCIATES, 3000 PULLMAN ST., SUITE A, COSTA MESA, CA 92626

DATE	INVOICE NO.	DESCRIPTION	AMOUNT	DISCOUNT	NET AMOUNT
	0286-9813-00	Equipt. to Rent	20,010.00	00	

LYON WARMINGTON ASSOCIATES
3000 PULLMAN ST., SUITE A
COSTA MESA, CA 92626

Office Cash/Regional Office
UNION BANK
500 S. Main St., Orange, CA 92668

020532

02/12/89

UNION BANK	DATE	CHECK NO.	AMOUNT
020532	4-3-89	20532	20,010.00

CITY OF TORBA LINDA

NET AMOUNT
20,010.00

VOID AFTER 90 DAYS

BY  AGENT

#020532# 4122000771# 45082# 1856#



CITY OF YORBA LINDA

P.O. BOX 487

CALIFORNIA 92686

May 19, 1989

Mr. Greg Jones
G & M Management Services, Inc.
P.O. Box 2128
La Habra, California 90632-2128

Subject: Dominguez Hills Planned Community, Tract 9813 ✓

Dear Mr. Jones:

This is in response to your letter, dated May 10, 1989, regarding your inquiry as to the potential uses for lots identified as Assessor Parcel Numbers: 351-742-15, 351-742-17, 351-743-01. The three lots you referenced represent approximately 24 acres of land within the Dominguez Hills Planned Community referenced as "Open Space" on Tract Map 9813.

Open Space within the Dominguez Hills Planned Community is regulated by Section 9-1.B of the "Dominguez Ranch Planned Community District Regulations" (see copy attached). Per the Planned Community Regulations, the Open Space is to be natural open space, and is stipulated to be guaranteed in perpetuity by dedication of development rights 4 feet above finished grade over the designated open space areas. The only exception to this prohibition of alteration of the natural terrain would be "recreation parks" subject to the granting of a Conditional Use Permit.

In direct response to your question, the only use approved for this site without a public hearing would be as natural, unaltered open space. The only other use permitted with current zoning would be as a recreation park which requires a Conditional Use Permit. A Conditional Use Permit is a process which does require a public hearing. No other uses are permitted with current zoning; any other uses would require a zone change amendment to the Planned Community which also requires a public hearing.

I hope this letter serves to clarify the situation for you. If you should have any further questions, please do not hesitate to contact me at our City Hall Office.

Sincerely,

Bruce Cook
Senior Planner

attachment

CITY OF YORBA LINDA**PARKS AND RECREATION DEPARTMENT REPORT**

DATE OF COUNCIL MEETING: MARCH 18, 2008

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: TAMARA S. LETOURNEAU, CITY MANAGER

BY: SUSAN LETO, DIRECTOR OF PARKS AND RECREATION

SUBJECT: EQUESTRIAN FACILITY UPDATE

RECOMMENDATION

It is recommended that the City Council review the site options and provide direction to staff on how it would like to proceed with developing an equestrian facility.

BACKGROUND

At the March 4, 2008 City Council Meeting, staff requested authorization to solicit Request for Proposals to conduct a feasibility study for the construction and management of an equestrian facility, and approve the expenditure budget adjustment of \$100,000 from the General Fund Reserve for this study. The report suggested nine components to be included in the study in order to identify the impact to:

- Land use relative engineering constraints, grading, traffic, noise, site access
- Biological resources especially to ornamental and native habitat
- Air and Water Quality

After a lengthy discussion, the City Council moved to continue the item until the March 18, 2008 City Council meeting so that:

- The questions posed at the March 4, 2008 meeting could be answered
- Staff could locate and utilize the information from the County's needs assessment for a 7-acre stable or 125 horse stable
- Staff could solicit feedback from professionals regarding the construction and operation of an equestrian facility
- Staff could suggest potential sites to construct an equestrian facility.

The following is a response to the inquiries made at the March 4, 2008 City Council Meeting.

approximately 6.8 acres. It is also located north of and adjacent to the proposed Friends Christian High School Site, and approximately 800 feet east of Lakeview Elementary School. This site is also adjacent to homes on the eastside in which the residents could oppose the project. This site has access to the trails in the Vista Del Verde Community, as well as the trail on Lakeview that leads users to the trail on Bastanchury. Vista Del Verde Park is predominantly reserved for soccer games/practices and is a lighted facility. This residential area is zoned as Residential Development.

San Antonio Site. This undeveloped land is approximately 3/10 of a mile north of Yorba Linda Boulevard and is on the east side of the street immediately north of the MWD easement and south of Aspen Way. Lot A is designated as parkland and is 6.5 acres. The open space size is 16 acres for a total of 22.5 acres. This area is close to trails that access an arena at San Antonio Park and Arroyo Park. The **2005 Trails Study** recommends a future connection to Chino Hills State Park from Aspen Way and Casino Ridge, which would be close to this site. The property is adjacent to residents who may object to this project as they had done in 1998. A natural wash is located on this property which could be a challenge in meeting the water quality standards. The Metropolitan Water District (MWD) water lines may present some challenges in the design and placement of any facilities. It appears that any improvements in this area would also require circulation improvements.

Hidden Hills Site. This site is north of Eastside Community Park in the undeveloped canyon. Lot 6 of Tract Map 12821 indicates there is 42 acres available; however, the current usable acreage is significantly less and is estimated at 2.2 acres south of the storm drainage outlet, and 2.6 acres north of the outlet. The property presents challenges because the storm drainage outlet bisects the property, the three MWD manhole lids/covers protrude above the surface and the MWD access road must be made accessible to MWD. A study would determine the accessibility to utilities, and the improvements needed so the manhole covers/lids so they don't protrude above the surface level. Major grading and excavation may be required in order to access the equestrian facility depending on where this facility is located. Access to this site is from Hidden Hills Road about 160 feet north of the stop sign at Mission Hills Lane. This site is close to city trails and the **2005 Trails Study** recommends access to the Chino Hills State Park. Vehicles towing horse trailers would travel approximately one mile uphill from the Esperanza/Eastside Circle intersection to access this facility. This area is zoned for Residential Estate.

Other Sites:

Locations or property not owned by the City include the Yorba Linda Reservoir/Lakebed Property. Staff has learned via the 1993 City of Yorba Linda General Plan and preliminary input from Orange County that the basin of the Yorba Linda Reservoir/Lakebed property would not be considered a dry lakebed in the near future.

RESOLUTION NO. 2008-3933

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA APPROVING A GRANT DEED FOR LOT LINE ADJUSTMENT NO. 08-05, TO CONVEY A PORTION OF CITY-OWNED PROPERTY CONSISTING OF APPROXIMATELY 1014.37 SQUARE FEET TO FACILITATE THE CORRECTION OF LEGAL DESCRIPTIONS; FINDING THAT THE DISCONTINUANCE AND ABANDONMENT OF SAID 1014.37 SQUARE FEET AS PARK PROPERTY IS IN THE PUBLIC INTEREST; AND APPROVING AND ACCEPTING A GRANT DEED FOR THE CONVEYANCE OF APPROXIMATELY 4308.05 SQUARE FEET TO THE CITY FOR PARK AND RELATED PURPOSES

WHEREAS, Sean B. Cummins and Tina M. Cummins, Trustees of The Cummins Family Trust, dated February 23, 2005 ("Cummins"), own fee title to that certain real property located at 4062 Live Oak Lane in the City of Yorba Linda, which real property is legally described as *Parcel 1 as described on and shown on that certain Lot Line Adjustment No. 87-02, in the City of Yorba Linda, County of Orange, State of California, recorded on October 5, 1987 as Instrument No. 87-560168, in the Official Records of Orange County, California* (the "Cummins Property"); and

WHEREAS, City is the fee owner of that certain real property that was dedicated or conveyed to City as a public park, legally described as *Lot "D" of Tract 9813 as shown by Map on file in Miscellaneous Maps, Book 568, Pages 8 through 20 inclusive, Records of Orange County, California* and commonly known as San Antonio Park ("City Property"); and

WHEREAS, the Cummins Property and City Property abut and adjoin each other; and

WHEREAS, the City and Cummins have mutually determined that certain actions required to have been taken in the past in conjunction with the recordation of tract maps were inadvertently not taken and result in needed corrections to the legal boundaries of the real property owned and used by Cummins and the real property owned and used by the City; and

WHEREAS, in conjunction with, and to facilitate, the correction of such legal descriptions as set forth above, City and Cummins mutually desire to effect a conveyance by City to Cummins of a portion of City-owned property within the walls of the Cummins' backyard consisting of approximately 1014.37 square feet, which is legally described on Exhibit "A" to, and shown on the plat map attached as Exhibit "B" to, the form of Grant Deed attached to this Resolution as **Attachment "1"** and by this reference incorporated herein (hereinafter, the "Lot Line Adjustment Property"); and

WHEREAS, the Lot Line Adjustment Property, although within the walls of the Cummins' backyard, is included within the legal description of the City Property that is adjacent to the Cummins Property, and which City Property is property that was dedicated to or conveyed to the City as park property; and

WHEREAS, pursuant to Government Code Section 38441, the City is authorized to convey a minor portion of public park land owned by City in fee in exchange for an equal or greater area of value of privately owned land contiguous to the park; and

WHEREAS, in exchange for the conveyance of the Lot Line Adjustment Property, Cummins will convey to City fee title to an approximately 4308.05 square feet portion of the Cummins Property located adjacent to the City Property ("4308 S.F. Property"); and