

Olivehurst Public Utility District



Agenda Item Staff Report

Meeting Date: 12/21

Item description/summary:

Consider Accepting Dry Creek Park, also known as Cobblestone Mini Park, via KB Home Sacramento INC.

Olivehurst Public Utility District (OPUD) is in the final stages of Dry Creek Park (adjacent to Cobblestone subdivisions) via KB HOME SACRAMENTO INC (developer). This is a fully developed 1.432 acre lot with a playground for under 5 and 5-12 year olds, shade structure, and grass lawns. The developer is transferring ownership to OPUD after completion of park amenities.

Fiscal Analysis:

n/a

Employee Feedback

n/a

Sample Motion:

Accept Dry Creek Park – Transfer of ownership from KB HOME SACRAMENTO INC. to OPUD.

Prepared by: Swarnjit Boyal, Public Work Engineer

ATTACHMENT A – GRANT DEED

RECORDING REQUESTED BY:

Olivehurst Public Utility District

WHEN RECORDED MAIL TO:

Olivehurst Public Utility District

**P.O. BOX 670
Olivehurst, CA 95691**

***Exempt per Government Code
§27383 and §27388.1(2)(D)**

Yuba County APN: 016-723-001

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

KB HOME SACRAMENTO INC., a California corporation, successor by merger as evidenced by that Agreement of Merger of record as 2006R-016182, and who acquired title as, KB Home North Bay Inc., a California corporation.

hereinafter called GRANTOR, hereby grants to the **OLIVEHURST PUBLIC UTILITY DISTRICT**, a special District duly organized and existing under and by virtue of the laws of the State of California here in after called DISTRICT, all that real property, situated in the unincorporated area of the County of Yuba, State of California, described in Exhibit "A" and shown on Exhibit "B", attached hereto and made a part hereof.

Date: _____

KB Home Sacramento Inc., a California corporation,
formerly known as KB Home North Bay, Inc., a California
corporation.

BY: _____
(Grantor's Signature)

(Print Name & Title)

ACCEPTANCE

This is to certify that the interest in real property conveyed by this document to the Olivehurst Public Utility District, a governmental agency is hereby accepted by the undersigned on behalf of the Board of Directors of the Olivehurst Public Utility District.

Date: _____

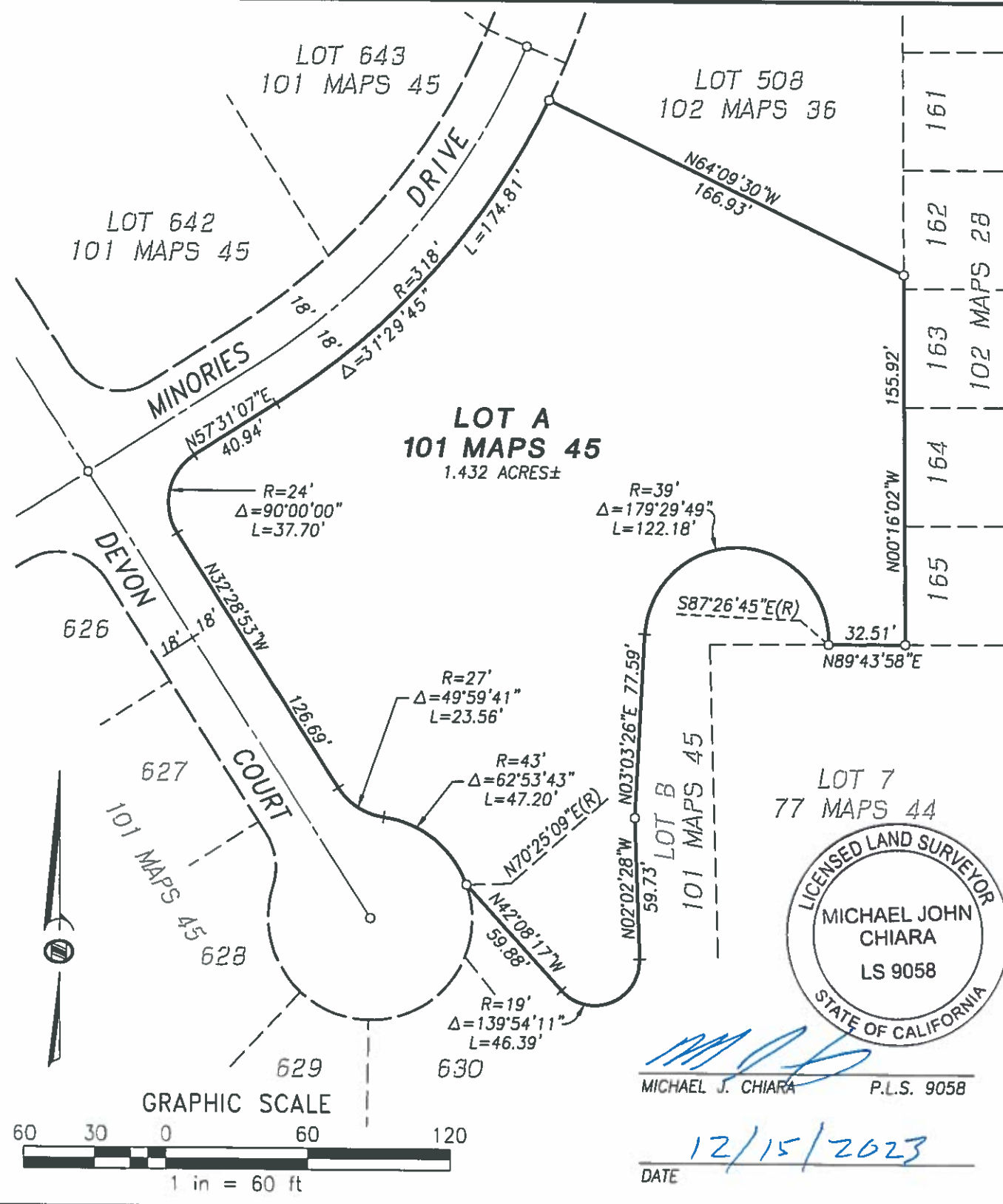
EXHIBIT "A"
LEGAL DESCRIPTION
PAGE 1 OF 1

Real property in the unincorporated area of the County of Yuba, State of California, described as follows:

LOT A, AS SHOWN ON THE FINAL MAP OF "TRACT MAP NO. 2015-0002, PLUMAS LAKE PHASE 4", FILED FOR RECORD ON DECEMBER 14, 2021, IN BOOK 101 OF MAPS AT PAGES 45 THROUGH 51, INCLUSIVE, IN THE OFFICIAL RECORDS OF THE COUNTY OF YUBA, STATE OF CALIFORNIA.

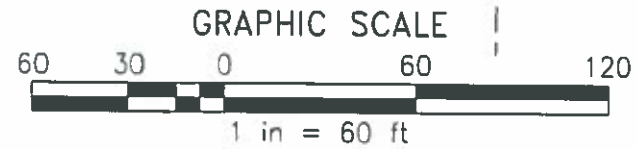
APN: 016-723-001-000

Dwg: X:\200101-0071.11 (PLUMAS PHASE 4)\JDWGSRVY\WORKING\EXHIBITS\LOT A OPUD CONVEYANCE\010071-S4-EX07.DWG | Saved: 11-08-23 01:41pm MCH/ARA



MJC
 MICHAEL J. CHIARA P.L.S. 9058

12/15/2023
 DATE



mp		MORTON & PITALO, INC.	
CIVIL ENGINEERING • LAND PLANNING • LAND SURVEYING		Folsom • Fresno	
600 Coolidge Drive, Suite #140		Folsom, CA 95630	
phone: (916) 984-7621		web: www.mpengr.com	
DRAWN:	MJC	JOB NO:	010071.11
CHECKED:	MJC	DATE:	DECEMBER 2023
SCALE:	1"=60'	SHEET:	1 of 1

EXHIBIT "B"

CONVEYANCE TO OPUD

LOT A

101 MAPS 45

COUNTY OF YUBA, STATE OF CALIFORNIA

RECORDING REQUESTED BY:

Olivehurst Public Utility District

WHEN RECORDED MAIL TO:

Olivehurst Public Utility District

P.O. BOX 670
Olivehurst, CA 95691

*Exempt per Government Code
§27383 and §27388.1(2)(D)

Yuba County APN: 016-723-001

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

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KB HOME SACRAMENTO INC., a California corporation, successor by merger as evidenced by that Agreement of Merger of record as 2006R-016182, and who acquired title as, KB Home North Bay Inc., a California corporation.

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Date: 12/18/2023

Date 12/18/2023

KB Home Sacramento Inc., a California corporation,
formerly known as KB Home North Bay, Inc., a California
corporation.

BY: [Signature]
(Grantor's Signature)

by [Signature]

Leo Partoja, VP Planning
(Print Name & Title)

Matt Hogan UP Land Development
name & title

ACCEPTANCE

This is to certify that the interest in real property conveyed by this document to the Olivehurst Public Utility District, a governmental agency is hereby accepted by the undersigned on behalf of the Board of Directors of the Olivehurst Public Utility District.

Date: _____

EXHIBIT "A"
LEGAL DESCRIPTION
PAGE 1 OF 1

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APN: 016-723-001-000

ACKNOWLEDGMENT

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

State of California
County of Placer)

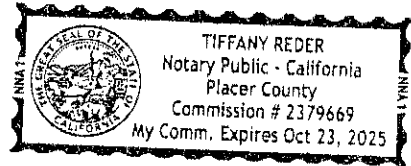
On December 19th, 2023 before me, Tiffany Reder, Notary Public
(insert name and title of the officer)

personally appeared Leo Partoja,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature Tiffany Reder (Seal)



ACKNOWLEDGMENT

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

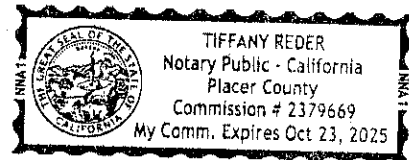
State of California
County of Placer)

On December 19th, 2023 before me, Tiffany Reder, Notary Public
(insert name and title of the officer)

personally appeared Matt Hogan,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.



Signature Tiffany Reder (Seal)

Bond No. 024273442

WARRANTY BOND

KNOW ALL BY THESE PRESENTS, That we, KB Home Sacramento Inc.
3005 Douglas Blvd., Suite 250 Roseville, CA 95661, as

Principal, and Liberty Mutual Insurance Company, as

Surety, are held and firmly bound unto the Olivehurst Public Utility District
1970 9th Avenue Olivehurst, CA 95961 as

Obligee, in the penal sum of _____
One Hundred Fifty Thousand Two Hundred Seventy-two & 92/100 Dollars

(\$150,272.92) to which payment well and truly to be made we do bind ourselves, our and each of our heirs, executors, administrators, successors and assigns jointly and severally, firmly by these presents.

WHEREAS, the said Principal entered into a Contract with Obligee for Maintenance at:


Plumas Lake Cobblestone, Phase 4

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, That if the Principal shall guarantee that the work will be free of any defective materials or workmanship which become apparent during the period of 12 months following completion of the Contract then this obligation shall be void, otherwise to remain in full force and effect.

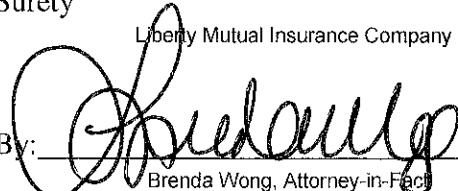
Signed, sealed and dated this 13th day of December, 2023.

Principal (seal)

KB Home Sacramento Inc.

By: 
Leo Pantaja
VP Planning

Surety Liberty Mutual Insurance Company

By: 
Brenda Wong, Attorney-in-Fact

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT CIVIL CODE §1189

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

State of California

County of Los Angeles

On 12/13/2023 before me, M. Gonzales, Notary Public, personally appeared Brenda Wong who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed the same in ~~his~~/her/~~their~~ authorized capacity(ies), and that by ~~his~~/her/~~their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

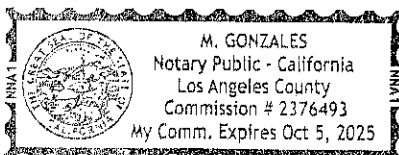
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

(seal)

Signature

M. Gonzales
M. Gonzales, Notary Public





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

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

Certificate No: 8204866

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Brenda Wong

all of the city of Los Angeles, state of California each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 15th day of February, 2021.

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company



By: [Signature of David M. Carey]

David M. Carey, Assistant Secretary

STATE OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 15th day of February, 2021, before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.



Commonwealth of Pennsylvania - Notary Seal
Teresa Pastella, Notary Public
Montgomery County
My commission expires March 26, 2025
Commission number 1126044
Member, Pennsylvania Association of Notaries

By: [Signature of Teresa Pastella]
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV - OFFICERS: Section 12. Power of Attorney.

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, of Liberty Mutual Insurance Company, The Ohio Casualty Insurance Company, and West American Insurance Company do hereby certify that this power of attorney executed by said Companies is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 13th day of December, 2023.



By: [Signature of Renee C. Llewellyn]

Renee C. Llewellyn, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

For bond and/or Power of Attorney (POA) verification inquiries, please call 610-832-8240 or email HOSUR@libertymutual.com.

ACKNOWLEDGMENT

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

State of California
County of Placer)

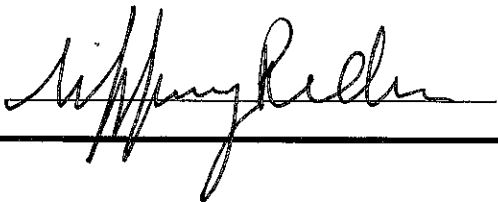
On December 13th, 2023 before me, Tiffany Reder, Notary Public
(insert name and title of the officer)

personally appeared Leo Pantoja,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
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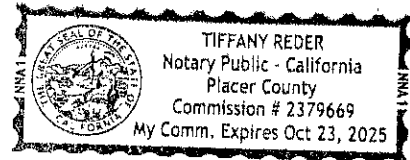
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)



OLIVEHURST PUBLIC UTILITY DISTRICT

CERTIFICATE OF ACCEPTANCE

This is to certify that the Grant Deed from KB Home Sacramento, Inc., a California corporation, successor by merger as evidenced by that Agreement of Merger of record as 2006R-016182, and who acquired title as, KB Home North Bay Inc., a California corporation, is granting and conveying a parcel of real property as described and being a portion of Yuba Assessor's Parcel Number 016-723-001 to Olivehurst Public Utility District dated _____, a political subdivision of the State of California, is hereby accepted by order of the Board of Directors of said District on December 21, 2023, and the grantee consents to the recordation thereof by its duly authorized officer.

Dated: _____

OLIVEHURST PUBLIC UTILITY
DISTRICT

By: _____
District Clerk & ex-officio Secretary















Dry Creek
Park
Olivehurst Public Utility District - 743-4657





