

City of Calistoga

Staff Report

TO: Honorable Mayor and City Council
FROM: Dan Takasugi, Public Works Director/City Engineer
DATE: November 3, 2009
SUBJECT: Consideration of a Resolution Approving the Final Parcel Map of the Lands of Colin MacPhail and Cathleen A. Tulloch Located at 1716 Foothill Blvd.

APPROVAL FOR FORWARDING:


James C. McCann, City Manager

1 **ISSUE:** Consideration of a Resolution approving the Final Parcel Map of the Lands of Colin
2 MacPhail and Cathleen A. Tulloch located at 1716 Foothill Blvd.
3

4 **RECOMMENDATION:** Adopt the Resolution.
5

6 **BACKGROUND/DISCUSSION:** On April 26, 2006, the City Council approved a Tentative
7 Parcel Map for a three lot land division of an existing 0.72 acre parcel located at 1716 Foothill
8 Boulevard.
9

10 The developer has prepared the Final Map and it has been reviewed for conformance with the
11 conditions of approval, the Calistoga Municipal Code and the State Subdivision Map Act. Once
12 a Final Map has been submitted that conforms to all of those requirements, its approval
13 becomes a quasi-ministerial act with little room for discretionary action. Both the Calistoga
14 Municipal Code (CMC 16.10.080) and the State Subdivision Map Act (66458) stipulate that the
15 Council approve a Final Map if it conforms to the conditions of approval and the requirements of
16 the State and local codes.
17

18 The parcels are subject to a Reimbursement Agreement with Kathy Cooper for repayment of
19 costs related to street, water, sewer and drainage utility improvements. Colin MacPhail and
20 Cathleen Tulloch have made a separate agreement with Kathy Cooper to satisfy this
21 requirement. The City has received a letter on October 19, 2009 from Kathy Cooper releasing
22 the City from the requirement of collecting the reimbursement costs.
23

24 The attached resolution would approve the Final Parcel Map and direct the City Clerk to certify
25 the Council's action on the map.
26

27 **FISCAL IMPACT:** Costs related to approval of the Final Parcel Map have been covered by the
28 Developer through a Developer Deposit Account.
29

30 **ATTACHMENTS**

- 31 1. Resolution
- 32 2. Copy of Cooper letter releasing MacPhail/Tulloch from Reimbursement
- 33 3. Parcel Map

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RESOLUTION 2009 -

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA,
COUNTY OF NAPA, STATE OF CALIFORNIA,
APPROVING THE FINAL PARCEL MAP FOR THE LANDS OF
COLIN MACPHAIL AND CATHLEEN A. TULLOCH
LOCATED AT 1716 FOOTHILL BOULEVARD**

WHEREAS, the Final Parcel Map for the division of the lands of Colin MacPhail and Cathleen A. Tulloch has been presented to the City of Calistoga for approval; and

WHEREAS, said Final Parcel Map subdivides a 0.72-acre parcel into three lots located 1716 Foothill Blvd.; and

WHEREAS, on April 26, 2006, the Planning Commission adopted Planning Commission Resolution 2006-18 approving the Tentative Parcel Map and conditions of approval for this subdivision; and

WHEREAS, said Final Parcel Map is substantially the same as the approved Tentative Parcel Map and is consistent with said conditions of approval; and

WHEREAS, said Final Map conforms to the requirements of the State Subdivision Map Act and the Calistoga Municipal Code; and

NOW, THEREFORE BE IT RESOLVED that the Final Parcel Map for the division of the lands of Colin MacPhail and Cathleen A. Tulloch is hereby approved and the City Engineer is authorized to sign said map; and

BE IT FURTHER RESOLVED that the City Clerk is directed to take the necessary steps to assure that said map are recorded with the County Recorder.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Calistoga at a regular meeting held this 3rd day of November 2009, by the following vote:

AYES:

NOES:

ABSTAIN/ABSENT:

JACK GINGLES, Mayor

ATTEST:

SUSAN SNEDDON, City Clerk

REC'D OCT 19 2009

cc DT
LH

FILE COPY

October 5, 2009

City of Calistoga
414 Washington St.
Calistoga, CA 94515

Attention: Dan Takasugi:

Regarding: Pay back Agreement Myrtle Street Subdivision
Colin MacPhail and Cathleen A. Tulloch

Dear Sirs:

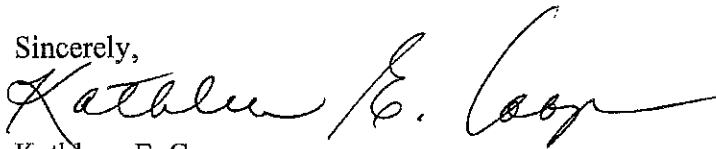
Colin MacPhail and Cathleen Tulloch have initiated an agreement with me personally to satisfy the \$66,350 balance due for the Pay Back Agreement with the City of Calistoga dated May 24, 2009.

I consider the Agreement for the Payment of \$66,350.00 between Colin MacPhail and Cathleen A. Tulloch and myself to be payment in full for their share of the Payback Agreement.

Therefore, the City of Calistoga is released from any responsibility to collect the \$66,350 from MacPhail/Tulloch as stated in the Pay Back Agreement..

Per my Personal Agreement with Colin MacPhail and Cathleen A. Tulloch, I hereby release Colin MacPhail and Cathleen A. Tulloch of APN 011-192-016 from the Reimbursement Agreement of May 19, 2009, between the City of Calistoga and myself.

Sincerely,



Kathleen E. Cooper
P.O. Box 1099
Calistoga, Ca 94515

PARCEL MAP
OF THE LANDS OF
COLIN MACPHAIL
AND
CATHLEEN A. TULLOCH

DOCUMENT NUMBER 2003-0060355, N.C.R.

LYING IN BLOCK D OF THE WESTERN ADDITION
OF "MAP OF CALISTOGA, SHOWING ITS EXTENSIONS,
SURROUNDINGS, AND THE HOT SULPHUR SPRINGS"
FILED MARCH 1, 1871
CITY OF CALISTOGA, NAPA COUNTY, CALIFORNIA

PREPARED BY:

MICHAEL W. BROOKS & ASSOCIATES, INC
Professional Land Surveyors

Suite D3 Vintage 1870 Yountville, CA 94589 (707) 944-8743

APN 011-192-016

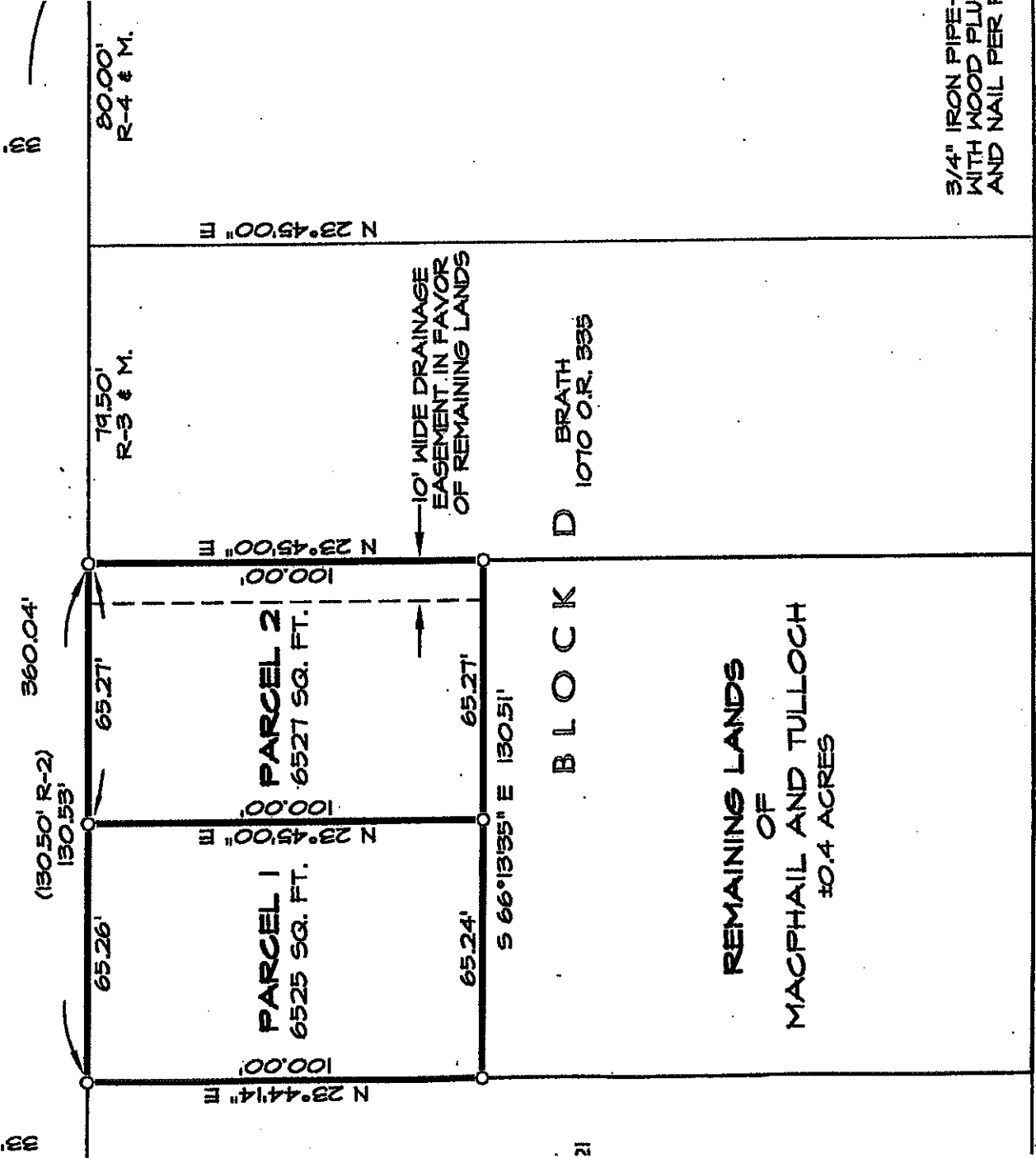
SHEET 2 OF



MYRTLE STREET

R-1 & M.

S 66°13'35" E 420.05'



ABANDONED

N 23°45'00" E
BASIS OF BEARINGS

30'