

RESOLUTION NO. 2024-_____

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
APPROVING THE FINAL SUBDIVISION MAP
FOR THE CAPELLA TERRACE SUBDIVISION
(#5405)**

WHEREAS, a Tentative Subdivision Map for the Capella Terrace Subdivision was approved on December 7, 2022, by the Planning Commission; and,

WHEREAS, a Final Map conforming to the approved Tentative Map has been filed with the City of Merced; and,

WHEREAS, the City Engineer has reviewed the Final Map and certified that the Final Map substantially conforms to the conditionally approved Vesting Tentative Subdivision Map; and,

WHEREAS, all required certificates on said Final Map have been signed and, where necessary, acknowledged; and,

WHEREAS, the City has determined that the Final Map is statutorily exempt from the California Environmental Quality Act (CEQA) Statutory Exemptions, Title 14 of the California Code of Regulations Section 15268(b)(3) Ministerial Projects, Approval of Final Subdivision Maps and a Notice of Exemption is attached hereto.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCED DOES RESOLVE AS FOLLOWS:

SECTION 1. FINDINGS. The City Council finds and declares that:

1. The Final Map is statutorily exempt from the California Environmental Quality Act (CEQA), Statutory Exemptions, Title 14 of the California Code of Regulations Section 15268(b)(3) Ministerial Projects, Approval of Final Subdivision Maps.

2. The Final Map is in substantial compliance with the Tentative Map.
3. The discharge of waste from the proposed subdivision into the sewer system will not result in violation of existing requirements of the Water Quality Control Board.
4. The Final Map is consistent with applicable general and specific plans.
5. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.
6. The site is physically suitable for the proposed type of development.
7. The site is physically suitable for the proposed density of development.
8. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife of their habitat.
9. The design of the subdivision or the type of improvements are not likely to cause serious public health problems.
10. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.
11. An agreement has been entered into with the developer satisfactory to guarantee completion of public improvements within the subdivision.

SECTION 2. APPROVAL OF MAP. The City Council hereby approves the Final Map for the Capella Terrace Subdivision and hereby accepts on behalf of the public all Streets, Courts, and Avenues (subject to Subdivision improvements),

and all easements and dedications as shown on the map as shown on the map at Exhibit "A" attached hereto and incorporated herein by this reference.

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the ____ day of _____ 2024 by the following called vote:

AYES: Council Members:

NOES: Council Members:

ABSTAIN: Council Members:

ABSENT: Council Members:

APPROVED:

Matthew Serratto, Mayor

ATTEST:
D. SCOTT MCBRIDE, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:
CRAIG J. CORNWELL, CITY ATTORNEY

BY: Craig Cornwell 2/26/2024
City Attorney Date

TITLE REPORT

PRELIMINARY TITLE REPORT
Prepared by: **WTC National Title Insurance Company**
Date: **June 19, 2023**
Affect: **Used in preparation of this plat and considered a part hereto by reference**

SOILS REPORT
A soils report covering the land within the boundaries of the subdivision was made by **CVE Cal, Inc.** 4230 Kierman Avenue, Suite 200, San Francisco, CA 94109, bearing the date of **May 26, 2023**, a copy of which is on file with the City of Merced.

Project No. **25-1372C**

SUBDIVISION AGREEMENT

Subdivision Agreement between the City of Merced and Fortis General Construction, Inc. for Capella Terrace, recorded as Document Number **25-1372C**, M.C.R.

RECORDER'S STATEMENT No. **20** at **M** In Volume **of Maps at Page(s)** at the request of Golden Valley Engineering & Surveying, Inc.
Per: **Matt H. May**
County Recorder

By: _____, Deputy

CITY CLERK'S CERTIFICATE

I, **Stephanie R. Dietz**, City Clerk of the City of Merced, State of California, do hereby certify that the foregoing map was approved at a regular meeting of the City Council of the City of Merced, State of California, on **June 19, 2023**, and that Council did accept on behalf of the public, Capella Drive, the 37' foot wide dedication along Coffee Street, the 2.78 foot wide dedication for the future extension of Mira Court and Lot A (storm drain basin) as shown on this map, in fee (subject to future improvements being accepted by the City of Merced), all easements and other dedications indicated on this map.

IN WITNESS WHEREOF, I have set my hand this _____ day of _____, 20____.

Signature: **Stephanie R. Dietz**, City Clerk

SURVEYOR'S STATEMENT

This map was prepared by me or under my direction and is based upon a field survey in conformance with the requirements of the Subdivision Map Act and local ordinance at the request of Sam Shaha on April 13, 2022. I hereby state that this final map substantially conforms to the approved or existing plat, if any, and that all monuments shown hereon will be set by August 31, 2023, and that the character and occupy the positions indicated and sufficient to enable the survey to be retraced.

Zachary T. Janz, L.S. 8664

Dated: _____

CITY ENGINEER'S STATEMENT

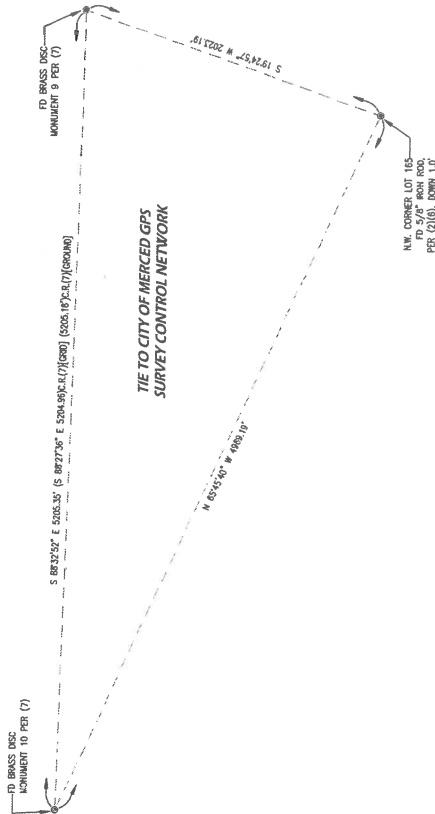
I hereby state that I have examined this map and that the subdivision as shown thereon substantially the same as it appeared on the tentative map and any amendments thereto; that all the provisions of the California Subdivision Map Act and local ordinance applicable at the time of approval of tentative map have been complied with.

Signature: **Michael A. Wegley, R.C.E. 45009**
Interim City Engineer

Date: _____

CITY SURVEYOR'S STATEMENT
I hereby state that I have examined this Final Map and it complies with all provisions of Chapter 2 of the Subdivision Map Act and that I am satisfied that this Parcel Map is technically correct.

Signature: **Joe M. Cardoso, F.L.S. 8851**
Date: _____



GOLDEN VALLEY
ENGINEERING & SURVEYING
405 W. 19th Street • P.O. Box 349 • Merced, CA 95340
Phone (209) 722-3200 • Fax (209) 722-3254

Job No. **22037** F.B. **266** Pg. **1-24**

TENTATIVE MAP No. 1323
SUBDIVISION MAP No. 5405
CAPELLA TERRACE

BEING A SUBDIVISION OF A PORTION OF LOTS 163 AND 165, AS SHOWN ON MAP OF MERCED COUNTY, RECORDED IN VOLUME 4 OF OFFICIAL PLATS, PAGE 24, MERCED COUNTY RECORDS, LIVING WITHIN SECTION 33, T.7S., R.14.E., M.D.E.&M. IN THE CITY OF MERCED, COUNTY OF MERCED, STATE OF CALIFORNIA.

OWNER'S STATEMENT
We hereby state that we are the owner of or have record title interest in the subdivided real property, and that we are the only persons whose consent is required for the dedication of this subdivision map as shown within the exterior boundary lines.

We also hereby irrevocably offer for dedication to the City of Merced for public purposes the all of the Public Utility Easements as shown on this map.

We also hereby irrevocably offer for dedication in fee the real property described below for public purposes to the City of Merced:

Capella Drive, the 27 foot wide dedication along Coffee Street, the 276 foot wide dedication for the future extension of Mira Court, and Lot 'A' (storm drain basin) as shown on this map.

We further state that we know of no easement or structure existing within the land herein offered for dedication to the public, other than public utilities.

Pandi Samrath Shola

Sarika Shola

Signature
For Book of Stockton as beneficiary under deed of trust recorded September 29, 2022 as Document No. 2022034897, in Official Records of Merced County.

This

ACKNOWLEDGEMENT

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 _____

On _____, 20____, before me,

a Notary Public personally appeared _____

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.

Signature _____

Commission No. _____

Commission Expires _____

(DO NOT STAMP)

ACKNOWLEDGEMENT

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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.

Signature _____

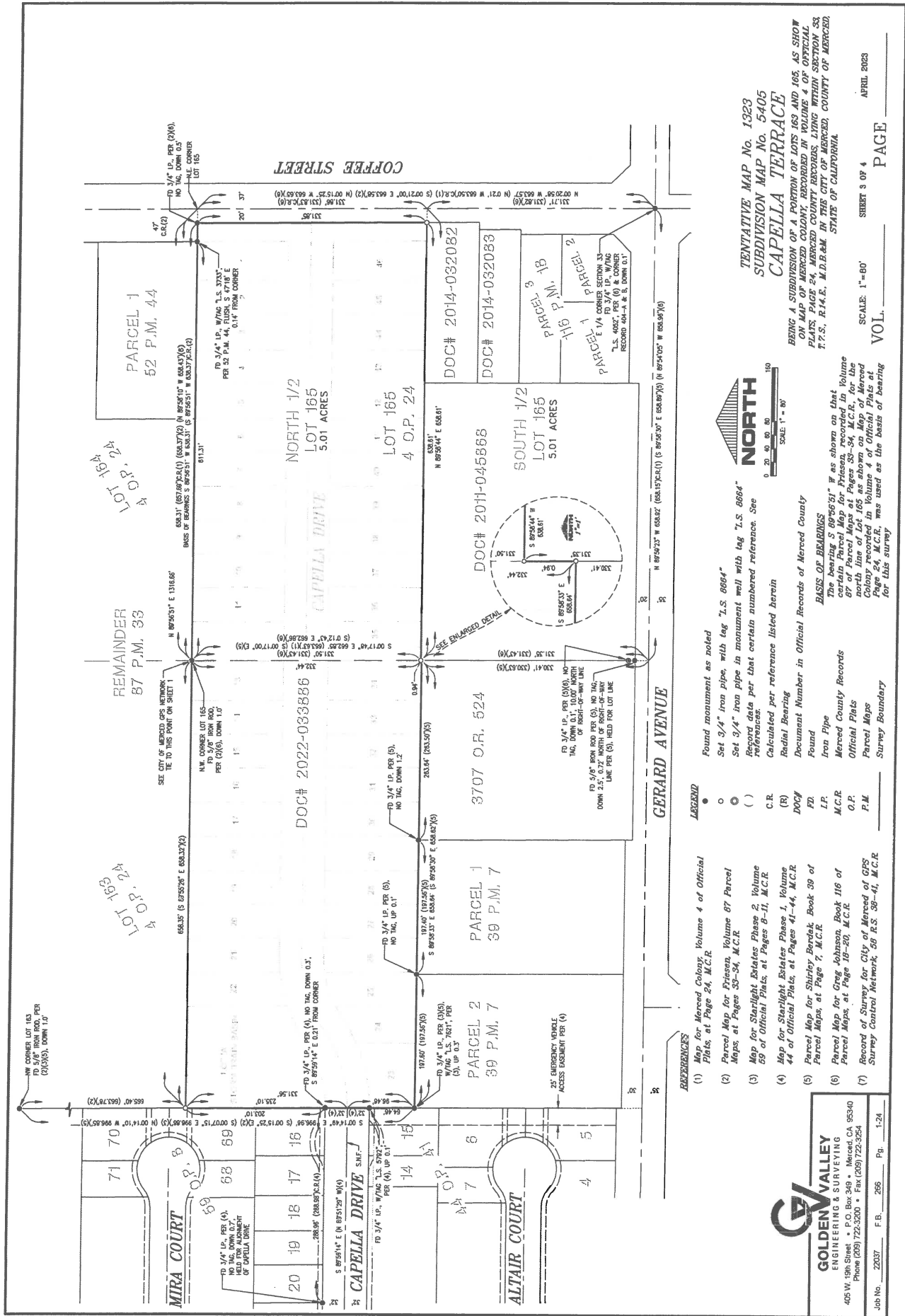
Commission No. _____

Commission Expires _____

(DO NOT STAMP)

TENTATIVE MAP No. 1323
SUBDIVISION MAP No. 5405
CAPELLA TERRACE

BEING A SUBDIVISION OF A PORTION OF LOTS 163 AND 165, AS SHOWN ON MAP OF MERCED COUNTY, RECORDED IN VOLUME 4 OF OFFICIAL PLATS, PAGE 24, MERCED COUNTY RECORDS, LYING WITHIN SECTION 33, T7S., R14E., M.D.B.&M. IN THE CITY OF MERCED, COUNTY OF MERCED, STATE OF CALIFORNIA



TENTATIVE MAP No. 1323
SUBDIVISION MAP No. 5405
CAPELLA TERRACE

BEING A SUBDIVISION OF A PORTION OF LOTS 165 AND 166, AS SHOWN ON MAP OF MERCED COUNTY, RECORDED IN VOLUME 4 OF OFFICIAL PLATS, PAGE 24, MERCED COUNTY RECORDS, LIVING WITHIN SECTION 33, T.7.S., R.14.E., M.D.B.M. IN THE CITY OF MERCED, COUNTY OF MERCED, STATE OF CALIFORNIA

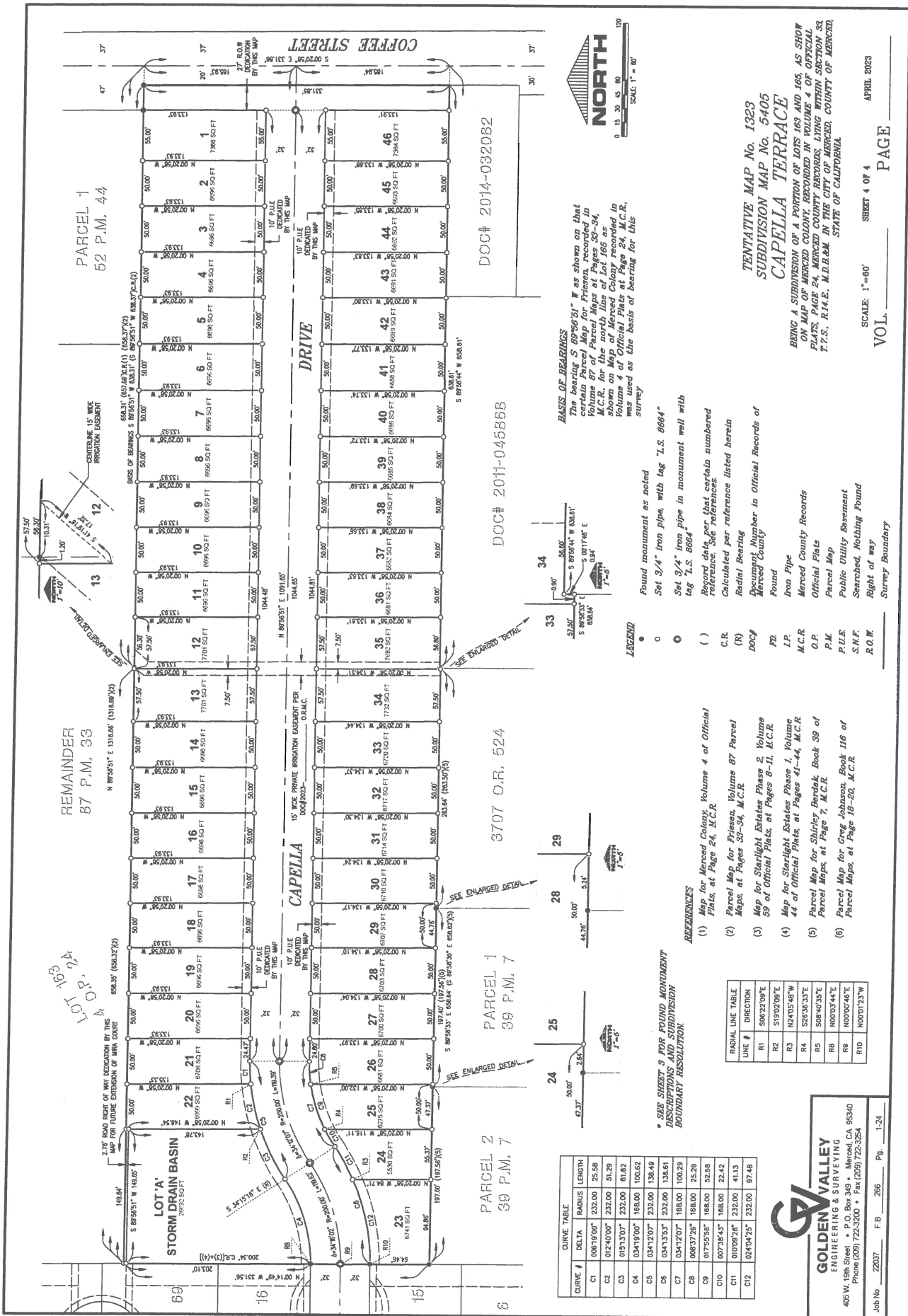
SHEET 3 OF 4
SCALE: 1"=80'
VOL. _____
PAGE _____
APRIL 2023



Found monument as noted
Set 3/4" iron pipe in monument wall with tag "L.S. 8664"
Record data per that certain numbered reference. See references.
Calculated per reference listed herein
Radial Bearing
Document Number in Official Records of Merced County
Found
Iron Pipe
Merced County Records
Official Plats
Parcel Maps
Survey Boundary

LEGEND
(1) Map for Merced Colony, Volume 4 of Official Plats, at Page 24, M.C.R.
(2) Parcel Map for Friesen, Volume 87 Parcel Maps, at Pages 33-34, M.C.R.
(3) Map for Starlight Estates Phase 2, Volume 89 of Official Plats, at Pages 8-11, M.C.R.
(4) Map for Starlight Estates Phase 1, Volume 44 of Official Plats, at Pages 41-44, M.C.R.
(5) Parcel Map for Shirley Berdick Book 39 of Parcel Maps, at Page 7, M.C.R.
(6) Parcel Map for Greg Johnson, Book 116 of Parcel Maps, at Page 18-20, M.C.R.
(7) Record of Survey for City of Merced of GPS Survey Control Network, 65 R.S. 38-41, M.C.R.

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CURVE TABLE

CURVE #	DELTA	RADIUS	LENGTH
C1	08°19'00"	232.00	25.58
C2	01°24'00"	232.00	51.28
C3	05°13'07"	232.00	61.82
C4	04°19'00"	168.00	100.62
C5	04°12'07"	232.00	138.49
C6	04°13'53"	232.00	138.61
C7	04°12'07"	168.00	100.29
C8	06°37'26"	168.00	25.29
C9	07°55'55"	168.00	52.58
C10	00°18'43"	168.00	22.42
C11	00°09'26"	232.00	41.13
C12	02°44'25"	232.00	97.48

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* SEE SHEET 3 FOR FOUND MONUMENT DESCRIPTIONS AND SUBDIVISION BOUNDARY RESOLUTION.

- REFERENCES**
- (1) Map for Merced County, Volume 4 of Official Plats, at Page 24, M.C.R.
 - (2) Parcel Map for Friesen, Volume 87 of Parcel Maps, at Pages 39-44, M.C.R.
 - (3) Map for Starlight Estates Phase 2, Volume 69 of Official Plats, at Pages 8-11, M.C.R.
 - (4) Map for Starlight Estates Phase 1, Volume 44 of Official Plats, at Pages 41-44, M.C.R.
 - (5) Parcel Map for Shiloh Ranch, Book 39 of Parcel Maps, at Page 7, M.C.R.
 - (6) Parcel Map for Greg Johnson, Book 116 of Parcel Maps, at Page 18-20, M.C.R.

- LEGEND**
- Found monument as noted
 - Set 3/4" iron pipe with tag "L.S. 8664"
 - Record data per that certain numbered reference. See references.
 - Calculated per reference listed herein
 - Radial Bearing
 - Decumult. Number in Official Records of Merced County
 - Found
 - Iron Pipe
 - Merced County Records
 - Official Plats
 - Parcel Map
 - Public Utility Rasterment
 - S.N.F.
 - Right of way
 - Survey Boundary

FOUND MONUMENT AS NOTED

- Set 3/4" iron pipe with tag "L.S. 8664"
- Record data per that certain numbered reference. See references.
- Calculated per reference listed herein
- Radial Bearing
- Decumult. Number in Official Records of Merced County
- Found
- Iron Pipe
- Merced County Records
- Official Plats
- Parcel Map
- Public Utility Rasterment
- S.N.F.
- Right of way
- Survey Boundary

BASIS OF BEARINGS
The bearing S 89°45'51" W as shown on the certain Parcel Map for Friesen, recorded in Volume 87 of Parcel Maps at Pages 39-44, M.C.R., for the north line of Lot 165 as shown on the Merced County Records, Volume 69 of Official Plats at Page 8, M.C.R., was used as the basis of bearing for this survey.

DOC# 201H-045558

DOC# 2014-032082