



RESOLUTION No. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION APPROVING SUBDIVISION IMPROVEMENT AGREEMENT WITH KKP – LAKE OF THE PINES LLC, A CALIFORNIA LIMITED LIABILITY CORPORATION FOR PARCEL MAP 04-020 HIGGINS MARKETPLACE – DISTRICT 2

WHEREAS, in lieu of completing the required infrastructure improvements prior to approving and recording Parcel Map 04-020 Higgins Marketplace for KKP - Lake of the Pines LLC, a California Limited Liability Corporation (“Subdivider”), the Subdivider requests to enter into a Subdivision Improvement Agreement (“Agreement”), attached as Exhibit 1, in accordance with Section L-IV 3.9 of the Land Use and Development Code; and

WHEREAS, the Agreement execution date is set as July 15, 2019 in order for the date of the bonds or securities to match the date of the Agreement; and

WHEREAS, the Subdivider has provided an Engineer’s Estimate dated June 3, 2019 for \$1,691,052, attached as Exhibit 2; and

WHEREAS, the Subdivider will submit final bonds or security documents dated July 15, 2019 to match the execution date of the Agreement for County Counsel acceptance, draft attached as Exhibit 3; and

WHEREAS, Parcel Map 04-020 Higgins Marketplace is technically correct, attached as Exhibit 4; and

WHEREAS, Subdivider is required to make certain changes to the intersection of SR49/Woodbridge Road as part of the offsite improvements; and

WHEREAS, as a condition of allowing changes to the SR49/Woodbridge Road intersection, CALTrans requires the County to enter into a Cooperative Agreement which is proposed for adoption concurrently herewith; and

WHEREAS, Subdivider has agreed to assume all responsibility for, and hold County harmless for, the performance of all work required under said Cooperative Agreement, as more fully set forth in the attached Agreement; and

WHEREAS, County and Subdivider intend to enter into an Infrastructure Reimbursement Agreement (“IRA”) which is proposed for adoption concurrently herewith; and

WHEREAS, the IRA may be unilaterally terminated by Subdivider if the Subdivider elects not to proceed with its proposed building project; and

WHEREAS, County and Subdivider mutually agree that the Agreement shall not be executed by County and the Parcel Map shall not be recorded until the earlier of (a) the expiration of the termination period contained in the IRA or (b) the date on which Subdivider waives any and all right to terminate the IRA; and

WHEREAS, to effectuate the various agreements between the parties, Subdivider has waived any and all rights related to the timely processing and recordation of the final Parcel Map as set forth in the Subdivision Map Act and/or the Nevada County Land Use and Development Code, including but not limited to any right for the Parcel Map to be deemed approved if not timely recorded.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Nevada County Board of Supervisors:

1. Approves the Subdivision Improvement Agreement between the County of Nevada and KKP - Lake of the Pines LLC, a California Limited Liability Corporation in substantially the form attached hereto as Exhibit 1.
2. Authorizes the Chair of the Board of Supervisors to execute and deliver the Agreement on behalf of the County of Nevada upon
 - (a) submission of bonds or securities dated July 15, 2019 and acceptable to County Counsel, and
 - (b) upon the earlier of (i) expiration of the termination period contained in the Infrastructure Reimbursement Agreement between the parties, or (ii) the date on which Subdivider waives any and all right to terminate the Infrastructure Reimbursement Agreement.
3. Directs the Clerk of the Board to submit the Agreement for recordation with the Clerk-Recorder's Office within five (5) business days after being requested to do so by the Director of Public Works.

BE IT FURTHER RESOLVED that this Resolution, and any and all approvals contained herein, shall be automatically deemed null and void and of no further force and effect as of September 15, 2019, unless the Subdivision Improvement Agreement has been fully executed and delivered and the Parcel Map has been recorded in accordance with the terms of this Resolution.