



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** August 28, 2012
From: Lori Lamson
Community Development Director **Item No:** 12
Subject: HAPPY TRAILS VILLAS CERTIFICATE OF COMPLETION
T.M. Approval: _____ **Budgeted Item:** Yes No N/A

RECOMMENDED ACTION:

1. Approve the Certificate of Completion.
2. Direct the Town Clerk to file the Certificate of Completion with the County Recorder's office.

SUMMARY:

On June 22, 2010, the Town Council approved the Owner Participation Agreement (OPA) between the Town and Apple Valley Happy Trails Villas, LP. In accordance with Section 4.16 of the OPA for Happy Trails Villas condominium project, the owner is requesting from the Town, a Certificate of Completion for the project. Upon Town approval and recordation of the Certificate of Compliance, the owner will be able to commence the sale of the residential units. The project has received all required sign-off and final inspections.

FISCAL IMPACT:

Not Applicable

Attachments:

Certificate of Completion

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

Town of Apple Valley
14955 Dale Evans Parkway
Apple Valley, CA 92307

Attention: Town Manager

EXEMPT FROM RECORDING FEE PER
GOVERNMENT CODE SECTION 27383

(Space above for Recorder's Use)

CERTIFICATE OF COMPLETION
(Happy Trails Villas)

I, Frank Robinson, Town Manager of the Town of Apple Valley ("Town", certify as follows:

By its approval on June, 22, 2010, the Town resolved as follows:

Section 1. The thirty-four (34) for sale unit development, of which all thirty-four (34) units are required to be restricted for sale to Qualified Households at an Affordable Housing Costs ("Project"), was required to be acquired and complete construction in accordance with that certain Owner

Participation Agreement (Happy Trails Villas) ("Agreement") dated as of June 22, 2010, between the Town and by AVHTV, LP, a California limited partnership ("Owner") on that certain real property consisting of the Project and the Property ("Property"), described on the attached Exhibit A, has been completed in accordance with the provisions of the Agreement. The Agreement was recorded with the County Recorder as document number 2010-0267364.

Section 2. Pursuant to Section 4.16 of the Agreement, this Certificate of Completion is a conclusive determination of the satisfactory completion of the Owner's obligations under the Agreement with respect to the completion of the Project, including all buildings, parking improvements, landscaping and related improvements necessary to support the Project and its use and occupancy upon the Property; provided, however, that the Town may enforce any covenants and obligation surviving this Certificate of Completion in accordance with the terms and conditions of the Agreement. The Agreement is an official record of the Town and a copy of the Agreement may be inspected in the office of the Town Clerk, located at 14955 Dale Evans Parkway, Apple Valley, CA 92307 during regular business hours.

[Signatures on following page.]

SIGNATURE PAGE TO
CERTIFICATE OF COMPLETION
(Happy Trails Villas)

DATED AND ISSUED this 28th day of August, 2012.

TOWN:

TOWN OF APPLE VALLEY, a California municipal
corporation

By: _____
Frank Robinson, Town Manager

ATTEST:

By: _____
Town Clerk

EXHIBIT A TO
CERTIFICATE OF COMPLETION

Legal Description of Property

The Property referred to in the Agreement is in the State of California, County of San Bernardino, and is described as follows:

Real property in the unincorporated area of the County of San Bernardino, State of California, described as follows

LOT 61, TRACT NO. 2915, APPLE VALLEY RANCHOS UNIT NO. 2 IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 39 OF MAPS, PAGES 69, 70 AND 71, RECORDS OF SAID COUNTY.

EXCEPTING THEREFROM ALL OIL, GAS AND OTHER HYDROCARBONS AND MINERAL RIGHTS AS RESERVED IN VARIOUS DEEDS OF RECORDS COVERING LOTS 126 TO 502 OF TRACT 2915, BOOK 39 PAGES 69 TO 71, INCLUSIVE, RECORDS OF SAID COUNTY, AS RESERVED IN DEED RECORDED JUNE 27, 2005 AS INSTRUMENT NO. 454763 OFFICIAL RECORDS.

APN; 3112-463