



RESOLUTION No. 96-95

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

WHEREAS Section 16.16.040 (Improvement Agreement) of the Major Land Division Ordinance provides that a subdivider must enter a Subdivision Improvement Agreement at the time the final map is considered for approval; and,

WHEREAS the Board desires to establish a formal policy to govern the time periods for Subdivision Improvement Agreements and the procedure for extending such agreements.

THE BOARD OF SUPERVISORS DOES HEREBY RESOLVE to establish the following policy to govern time limits of Subdivision Improvement Agreements.

A. Initial Time Period. The initial time period established within the Subdivision Improvement Agreement for the completion of improvements shall be twenty-four (24) months from the date of recording the final map.

B. Initial Extensions. The Director of the Department of Transportation may extend the improvement agreement for a period of twelve (12) months, upon written request by the subdivider and the submittal of adequate evidence to justify the extension. The request shall be made not less than thirty days prior to expiration of the subdivision improvement agreement.

1. If the request for initial extension is denied by the Director, the subdivider has the right to appeal this decision to the Board of Supervisors. The determination of the Board of Supervisors shall be final.

2. Upon approval by the County of an extension request, the subdivider shall enter into a subdivision improvement agreement extension with the County. The agreement and surety shall be approved as to form by County Counsel, executed by the subdivider and transmitted to the Director of Transportation for consideration.

3. In consideration of a subdivision improvement agreement extension, the County may require the following:

- (a) Revision of improvement plans to provide for current design and construction standards when deemed necessary by the County Engineer;
- (b) Revised improvement construction estimates to reflect current improvement costs as approved by the County Engineer;
- (c) Increase of improvement securities in accordance with revised construction estimates;
- (d) Inspection fees may be increased to reflect current construction costs but shall not be subject to any decrease or refund.
- (e) Any additional requirements as recommended by the County Engineer or as it may be deemed necessary for the public health, safety, and welfare, as a condition to approving any time extension for the completion of improvements.

C. Subsequent Extensions. Any extensions beyond the initial twelve month extension granted by the Department of Transportation may only be granted by the Board of Supervisors upon the submittal by the subdivider of adequate evidence to justify the extension.

1. Upon receiving an extension request from the subdivider, the Board shall take one of the following actions:

- (a) Grant the extension request in twelve month increments, subject to the procedures outlined in C 2. and 3. below.
- (b) Should the subdivider fail to complete the improvements within the specified time, the County may, by resolution of the Board of Supervisors, and at its option, cause any or all uncompleted improvements to be completed and the parties executing the security or securities, as specified in sections 16.16.050 and 16.16.051, shall be firmly bound for the payment of all necessary costs.
- (c) Initiate proceedings for the Reversion to Acreage, as specified in Government Code sections 66499.11 et. seq.

2. Upon approval by the County of an extension request, the subdivider shall enter into a subdivision improvement agreement extension with the County. The agreement and surety shall be approved as to form by the

County counsel, executed by the subdivider and transmitted to the Board of Supervisors for its consideration.

3. In consideration of a subdivision improvement agreement extension, the County may require the following:

(a) Revision of improvement plans to provide for current design and construction standards when deemed necessary by the County Engineer;

(b) Revised improvement construction estimates to reflect current improvement costs as approved by the County Engineer;

(c) Increase of improvement securities in accordance with revised construction estimates;

(d) Inspection fees may be increased to reflect current construction costs but shall not be subject to any decrease or refund.

(e) Any additional requirements as recommended by the County Engineer or as it may deem necessary for the public health, safety, and welfare, as a condition to approving any time extension for the completion of improvements.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 18TH day of APRIL, 1995, by the following vote of said Board:

SUPERVISORS William S. Bradley, Raymond J. Nutting, Ayes: J. Mark Nielsen, John E. Upton

ATTEST

DIXIE L. FOOTE

Clerk of the Board of Supervisors

By Margaret E. Moody
Deputy Clerk

Noes: none
Absent: Supervisor Walter L. Shultz

J. Mark Nielsen
Chairman, Board of Supervisors
J. MARK NIELSEN

I CERTIFY THAT:

THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DATE _____

ATTEST: DIXIE L. FOOTE, Clerk of the Board of Supervisors of the County of El Dorado, State of California.

By _____
Deputy Clerk