



Legislation Details (With Text)

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File created: 3/20/2018 **In control:** Board of Supervisors

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Title: Community Development Services, Department of Transportation, recommending the Board approve and authorize the Chair to sign Amendment 6 to Subdivision Improvement Agreement AGMT 06-1047 with Toll Land XXIII Limited Partnership for The Promontory Village 5 - Unit 3 extending the performance period to August 22, 2018.

FUNDING: Developer Funds. (No Federal Funds)

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Approved CRS, 2. B - Amendment VI to Agmt 06-1047, 3. Executed Agreement 06-1047

Date	Ver.	Action By	Action	Result
5/15/2018	1	Board of Supervisors	Approved	Pass

Community Development Services, Department of Transportation, recommending the Board approve and authorize the Chair to sign Amendment 6 to Subdivision Improvement Agreement AGMT 06-1047 with Toll Land XXIII Limited Partnership for The Promontory Village 5 - Unit 3 extending the performance period to August 22, 2018.

FUNDING: Developer Funds. (No Federal Funds)

DEPARTMENT RECOMMENDATION

Community Development Services, Department of Transportation (Transportation) recommends the Board approve this Amendment 6 to Agreement 06-1047 as the Developer has completed the public improvements and has made substantial progress on completing the build out of residential units. The Developer assures Transportation that they are making every effort to complete the project and is requesting the additional extension to do so.

DISCUSSION / BACKGROUND

On August 22, 2006 (Item 11), the Board approved the Subdivision Improvement Agreement (SIA) and the Final Map for the development known as The Promontory Village No. 5 - Unit 3. The SIA required completion of all the subdivision improvements no later than August 22, 2008. On January 13, 2009 (Item 18), the Board approved Amendment 1 to the SIA extending the required completion time to August 22, 2009, on March 16, 2010 (Item 12), the Board approved Amendment 2 to the SIA extending the required completion time to August 22, 2010, and on June 10, 2014 (Item 28), the Board approved Amendments 3 and 4 extending the performance date to August 22, 2015. On September 1, 2015 (Item 11), the Board approved Amendment 5 to the SIA extending the required completion time to August 22, 2016. Amendment 6 was inadvertently delayed which has resulted in a lapse of the performance period. In order to correct the lapse, Amendment 6 has a two year performance period and extends the performance period to August 22, 2018.

The public improvements of this subdivision are complete and the Developer has made substantial progress on completing the build out of residential units. This extension will allow the Developer time to complete any remaining items and finalize the project.

ALTERNATIVES

N/A

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel

CAO RECOMMENDATION / COMMENTS

It is recommended that the Board approve this item.

FINANCIAL IMPACT

The requested Board action has no associated fiscal impact or change to Net County Cost.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) The Clerk of the Board will obtain the Chair's signature on two originals of Amendment 6.
- 2) The Clerk of the Board will return one fully executed original of Amendment 6 to Transportation, Attn. Julie Millard.

STRATEGIC PLAN COMPONENT

Infrastructure

CONTACT

Rafael Martinez, Director
Community Development Services, Department of Transportation