



## Legislation Details (With Text)

**File #:** 24-0805      **Version:** 1

**Type:** Agenda Item      **Status:** Approved

**File created:** 4/19/2024      **In control:** Board of Supervisors

**On agenda:** 5/21/2024      **Final action:** 5/21/2024

**Title:** Department of Transportation recommending the Board consider the following:  
 1) Accept the offsite road improvements for the Malcolm Dixon Area of Benefit as complete;  
 2) Hold Performance Bond LICX1167096 in the amount of \$231,909.71, which is ten percent of the total cost of the road improvements. This amount guarantees against any defective work, labor done, or defective materials furnished, which is to be released after one year if no claims are made;  
 3) Hold Laborers & Materialmens Bond LICX1167096 in the amount of \$1,159,548.56 for six months to guarantee payments to persons furnishing labor, materials, or equipment; and  
 4) Authorize the Clerk of the Board to release the respective Bonds after the required time periods upon written request by Transportation. (District 4)

**FUNDING:** Developer Funded.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
5/21/2024	1	Board of Supervisors	Approved	Pass

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### DISCUSSION / BACKGROUND

Four previously approved residential subdivisions in the Malcolm Dixon Road area of El Dorado Hills (La Canada TM08-1463, Malcolm Dixon Estates TM05-1401E, Alto TM06-1408, and Diamante Estates/Vineyards TM06-1421E, collectively "Subdivisions") were all conditioned to make improvements to Malcolm Dixon Road. These improvements include realigning, widening, and modifying the profile of Malcolm Dixon Road, completing the Malcolm Dixon Cutoff connecting to Green Valley Road, and reconfiguring the intersection with Via Veritas. The common conditions of approval for the four Subdivisions also provided for a joint funding structure, which was fulfilled by the applicants by jointly funding the construction of the improvements through private agreement.

On September 24, 2019 (Item 19, Legistar 19-1130 v2), the Board approved Road Improvement

Agreement (RIA) #19-54910 between the County and the owners of the Subdivisions (Omni Financial, LLC, Alto, LLC, La Canada 143-25, LLC, Diamante Development, LLC and the Christopher A. LaBarbera Revocable Trust, 2019), which established the terms and conditions of construction for the Malcolm Dixon Road realignment. The RIA defined the obligations of the Developer for the performance of the work within the County Right of Way.

On July 18, 2023 (Item 36, Legistar 23-1244), the Board approved the First Amendment to the RIA, which included the reduction of Performance Bond #LICX1167096 from \$2,319,097.11 to \$231,909.71. As this amount already represents ten percent of the total cost of the road improvements, no further reductions are allowed or required.

The road improvements for the Project have been inspected by the Department of Transportation (Transportation) and were found to be complete in accordance with the approved plans, specifications and requirements of the RIA.

### **ALTERNATIVES**

None; when the Owner/Developer completes all improvements and the County inspects and approves those improvements, the County is then obligated to approve reduction of the Bonds, if necessary, and initiate the warranty period.

### **PRIOR BOARD ACTION**

Outlined in the Discussion / Background section above.

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

N/A

### **CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

### **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 hold Performance Bond LICX1167096 in the amount of \$231,909.71 for a one (1) year warranty period.
- 2) The Clerk of the Board will hold Laborers & Materialmens Bond LICX1167096 in the amount of \$1,159,548.56 for six (6) months. If no claims have been filed, Transportation will request in writing that the Clerk of the Board release said Bond.

### **STRATEGIC PLAN COMPONENT**

Priority: N/A

Action Item: N/A

### **CONTACT**

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Department of Transportation