



Legislation Details (With Text)

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On agenda: 10/20/2009 **Final action:** 10/20/2009

Title: Transportation Department recommending the Board approve the substitution of Performance and Labor and Materialsmen Bonds for Subdivision Improvement Agreements for West Valley Village Unit 3A, AGMT No. 07-1459, West Valley Village Unit 4, AGMT No. 07-1458, and West Valley Village Unit 6C, AGMT No. 07-1495; and authorize the Board Clerk to release the existing bonds for these Agreements.

FUNDING: Developer funds; Lennar Communities, Inc.

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Apprvd Blue.PDF, 2. B - Unit 3A Agmt w-original bonds.PDF, 3. C - Unit 3A Substitute Bonds.PDF, 4. D - Unit 4 Agmt w-original bonds.PDF, 5. E - Unit 4 Substitute Bonds.PDF, 6. F - Unit 6C Agmt w-original bonds.PDF, 7. G - Unit 6C Substitute Bonds.PDF

Date	Ver.	Action By	Action	Result
10/20/2009	1	Board Of Supervisors	Approved	Pass

Transportation Department recommending the Board approve the substitution of Performance and Labor and Materialsmen Bonds for Subdivision Improvement Agreements for West Valley Village Unit 3A, AGMT No. 07-1459, West Valley Village Unit 4, AGMT No. 07-1458, and West Valley Village Unit 6C, AGMT No. 07-1495; and authorize the Board Clerk to release the existing bonds for these Agreements.

FUNDING: Developer funds; Lennar Communities, Inc.

Fiscal Impact/Change to Net County Cost:

There is no fiscal impact and no change to Net County Cost associated with this item.

Background:

On July 10, 2007, the Board approved Subdivision Improvement Agreement (SIA) AGMT # 07-1459 for West Valley Village Unit 3A and SIA AGMT # 07-1458 for West Valley Village Unit 4. On December 11, 2007, the Board approved Subdivision Improvement Agreement (SIA) AGMT # 07-1495 for West Valley Village Unit 6C. The surety for the Performance Bonds and Labor and Materialsmen (L&M) Bonds on all three Agreements was Federal Insurance Company.

On September 23, 2008, the Board approved a reduction to the Performance Bond for each of the subject SIAs based upon improvements completed at that time.

Reason for Recommendation:

The developer, Lennar Communities, Inc., is requesting approval to substitute the Performance and L&M Bonds insured by Federal Insurance Company with bonds of equal value from Safeco Insurance Company of America. County Counsel has reviewed the substitution request and advised

that bonds should not be substituted unless the new bonds contain specific provisions to assume past liability that may have arisen under the old bonds, as well as to waive any defenses against the County as a result of the substitution. Safeco has included those items within the new replacement bonds and County Counsel has reviewed and approved that language.

Action to be taken following Board approval:

The Board Clerk will release the existing bonds and will hold the new Performance and Laborers and Materialsmen Bonds for Subdivision Improvement Agreements for West Valley Village Unit 3A, AGMT # 07-1459, West Valley Village Unit 4, AGMT # 07-1458, and West Valley Village Unit 6C, AGMT # 07-1495.

Contact:

James W. Ware, P.E.
Director of Transportation

Concurrences: County Counsel