



## Legislation Details (With Text)

**File #:** 10-0902      **Version:** 3

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

**File created:** 8/9/2010      **In control:** Board of Supervisors

**On agenda:** 9/1/2015      **Final action:** 9/1/2015

**Title:** Community Development Agency, Transportation Division, recommending the Board approve and authorize the Chair to sign Amendment 5 to Subdivision Improvement Agreement AGMT 06-1047 with Toll Land XXIII Limited Partnership for Promontory Village No. 5 - Unit 3, extending the performance period to August 22, 2016.

FUNDING: N/A

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 3A - Approved CRS AGMT 14-53912 9-1-15, 2. 3B - AGMT 15-54236 PE Fifth Amend to 06-1047 9-1-15, 3. Executed Fifth Amendment (9-1-15), 4. A - CRS AGMT 10-53049 5-20-14, 5. B - AGMT 10-53049 Amend III to AGMT 06-1047 PE 5-20-14, 6. C - AGMT 09-52761 Amendment II to AGMT 06-1047 5-20-14, 7. D - AGMT 08-1756 Amendment I to 06-1047 5-20-14, 8. E - AGMT 06-1047 SIA 5-20-14, 9. Executed Orig. Third Amend. item 28 6-10-14.pdf, 10. Executed Fourth Amendment 6-20-14 item 28.pdf

Date	Ver.	Action By	Action	Result
9/1/2015	3	Board of Supervisors	Approved	Pass
6/10/2014	2	Board of Supervisors	Approved	Pass
5/20/2014	1	Board of Supervisors	Continued	Pass

Community Development Agency, Transportation Division, recommending the Board approve and authorize the Chair to sign Amendment 5 to Subdivision Improvement Agreement AGMT 06-1047 with Toll Land XXIII Limited Partnership for Promontory Village No. 5 - Unit 3, extending the performance period to August 22, 2016.

**FUNDING:** N/A

**DEPARTMENT RECOMMENDATION**

While the Developer continues to market and sell homes, the volume is less than the historical average level. The Developer continues to assure the Transportation Division (Transportation) that they are making every effort to complete the project and are requesting the additional extension to do so. This project has 16 homes completed with approximately 24 lots still to build with roads completed and paved.

Transportation recommends allowing the additional performance period extension in order for the Developer to complete this project.

**DISCUSSION / BACKGROUND**

On August 22, 2006, Item #11, the Board of Supervisors approved the Subdivision Improvement Agreement (SIA) and the Final Map for the development known as 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 #27, the Board approved Amendments 3 and 4 extending the performance date to August 22, 2015.

The Developer submitted a request to Transportation to extend the completion time to August 22, 2016.

## **ALTERNATIVES**

N/A

## **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel

## **CAO RECOMMENDATION**

CAO recommending the Board move staff's recommendation.

## **FINANCIAL IMPACT**

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

## **CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) The Clerk will obtain the Chair's signature on the two originals of Amendment 5.
- 2) The Clerk will return one fully executed original of Amendment 5 to Transportation.

## **STRATEGIC PLAN COMPONENT**

Infrastructure

## **CONTACT**

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