



Legislation Details (With Text)

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File created: 2/20/2013 **In control:** Board of Supervisors

On agenda: 6/27/2017 **Final action:** 6/27/2017

Title: Community Development Services, Transportation Department, recommending the Board consider the following:
 1) Accept the subdivision improvements for West Valley Village, Unit 5A (TM99-1359-5A), as complete;
 2) Retain Performance Bond Rider 2 (Bond 948902) in the amount of \$594,758.02, which is ten percent (10%) of the revised total cost of the subdivision improvements. This amount guarantees against any defective work, labor done, or defective materials furnished, which is to be released after one (1) year if no claims are made;
 3) Hold Laborers & Materialmens Bond Rider 1 (Bond 94-89-02) in the amount of \$2,973,790.11 for six (6) 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.

FUNDING: Developer Funded.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 3A - Certificate of Completion 6-27-17, 2. 2A - Approved CRS to Amend III to AGMT 07-1466 2-24-15, 3. 2B - PE Amend III to AGMT 07-1466 Unit 5A 2-24-15, 4. 2C - Assign & Assumption Agreement 2-24-15, 5. 2D - Grant Deed WVV Unit 5A 2-24-15, 6. Executed Original Third Amendment 2-24-15 item 22.pdf, 7. A - Approved CRS to Amend II to AGMT 07-1466 5-13-14, 8. B - PE Amend II to AGMT 07-1466 5-13-14, 9. C - FE AGMT 07-1466 - Unit 5A - Amend 1 5-13-14.PDF, 10. D - FE AGMT 07-1466 - Unit 5A - Orig Agmt 5-13-14.pdf, 11. E - LandSource LLC Request for Extension 5-13-14.pdf, 12. F - County Counsel Letter dated 12-27-11 5-13-14.pdf, 13. G - Jan 29 2013 Board Meeting Minutes 5-13-14.pdf, 14. H - Replacement Bond Rider 5-13-14.pdf, 15. Executed agreement item 15.pdf

Date	Ver.	Action By	Action	Result
6/27/2017	3	Board of Supervisors	Approved	Pass
2/24/2015	2	Board of Supervisors	Approved	Pass
5/13/2014	1	Board of Supervisors	Approved	Pass

Community Development Services, Transportation Department, recommending the Board consider the following:

- 1) Accept the subdivision improvements for West Valley Village, Unit 5A (TM99-1359-5A), as complete;
- 2) Retain Performance Bond Rider 2 (Bond 948902) in the amount of \$594,758.02, which is ten percent (10%) of the revised total cost of the subdivision improvements. This amount guarantees against any defective work, labor done, or defective materials furnished, which is to be released after one (1) year if no claims are made;
- 3) Hold Laborers & Materialmens Bond Rider 1 (Bond 94-89-02) in the amount of \$2,973,790.11 for six (6) 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.

FUNDING: Developer Funded.

DEPARTMENT RECOMMENDATION

Department of Transportation (Transportation), is recommending the Board accept the subdivision improvements for West Valley Village, Unit 5A (TM99-1359-5A), as complete, and hold Performance Bond Rider #2 (Bond 948902) in the amount of \$594,758.02, representing 10% of the revised total project cost estimate, for a warranty period of one (1) year, and hold Laborers & Materialmens Bond Rider #1 (Bond 94-89-02) in the amount of \$2,973,790.11 for six (6) months. Transportation Construction Inspection staff has inspected the work and confirms the subdivision improvements are complete.

This recommendation begins the process of releasing the Bonds covering this subdivision improvements project.

DISCUSSION / BACKGROUND

The Board approved the Final Map and Subdivision Improvements Agreement (SIA) between the County and Landsource Holding Company, LLC and Lennar Communities, Inc., a California Corporation Company (Lennar Homes, Owner), for West Valley Village, Unit 5A, on August 28, 2007 (Item 20).

The subdivision improvements within West Valley Village, Unit 5A, have been completed according to the plans and specifications for this development, and per the conditions of the SIA.

LandSource Holding Company, LLC entered into an Assignment and Assumption Agreement with Successor Owner, Lennar Homes of California, Inc. and transferred ownership of West Valley Village, Unit 5A on December 2, 2014.

On January 12, 2016, pursuant to Resolution 012-2016, the Board signed Amendment #4 to the SIA. At that time, the developer had made significant progress on the project and the performance bond amount was reduced to \$594,758.02 which represented ten percent (10%) of the revised total cost of the subdivision improvements. Therefore, Transportation is not requesting any further reduction in the bond amounts pertaining to this project.

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.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

N/A

CAO RECOMMENDATION

It is recommended that the Board approve this item.

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 of the Board will hold Performance Bond Rider #2 (Bond 948902) in the amount of

\$594,758.02 for a warranty period of one (1) year.

2) The Clerk of the Board will hold Laborers & Materialmens Bond Rider #1 (Bond 94-89-02) in the amount of \$2,973,790.11 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

Infrastructure

CONTACT

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Department of Transportation
Community Development Services