



## Legislation Details (With Text)

**File #:** 09-0171 **Version:** 3

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

**File created:** 2/2/2009 **In control:** Board Of Supervisors

**On agenda:** 5/5/2009 **Final action:** 5/5/2009

**Title:** Transportation Department recommending the following pertaining to Lesarra Attached Homes:  
(1) Accept the subdivision improvements as substantially complete;  
(2) Reduce Performance Bond No. BDS30526 to \$561,733, which is 10% of the total cost of improvements to guarantee against any defective work, labor done, or defective materials furnished, and release the remainder after one year if no claims are made; and  
(3) Hold the Laborers and Materialsmen Bond No. BDS30526 in the amount of \$1,478,245 to guarantee payment to persons furnishing labor, materials or equipment, and release the bond in six months if no claims are made.

**FUNDING:** Developer funds.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Site map - Lesarra Agmt and Bonds.pdf, 2. B - Cert of Partial Completion and Conditions of Apprvl.pdf

Date	Ver.	Action By	Action	Result
5/5/2009	3	Board Of Supervisors	Approved	Pass

Transportation Department recommending the following pertaining to Lesarra Attached Homes:  
(1) Accept the subdivision improvements as substantially complete;  
(2) Reduce Performance Bond No. BDS30526 to \$561,733, which is 10% of the total cost of improvements to guarantee against any defective work, labor done, or defective materials furnished, and release the remainder after one year if no claims are made; and  
(3) Hold the Laborers and Materialsmen Bond No. BDS30526 in the amount of \$1,478,245 to guarantee payment to persons furnishing labor, materials or equipment, and release the bond in six months if no claims are made.

**FUNDING:** Developer funds.

**Fiscal Impact/Change to Net County Cost:**

There is no fiscal impact associated with this action.

**Background:**

The developer has completed the subdivision on-site and off-site improvements required, with the exception of Condition 23.d. Under the Conditions of Approval adopted by the Board of Supervisors on April 27, 2006, and revised by the Planning Commission on June 14, 2007, Condition 23.d requires:

The developer shall install the following improvements prior to the first occupancy clearance:

(d) Restripe the eastbound shared through and right lane on Town Center Boulevard to a separate right turn lane, at the Latrobe Road and Town Center Boulevard intersection.

Town Center Boulevard is a privately owned/maintained roadway. The owner of the roadway was concerned with having another party enter his property and changing the striping. Access was denied by the owner to complete the restriping as conditioned. DOT reviewed the situation and made the determination that the developer had made a good faith effort to perform the work as conditioned and that the modifications to the roadway and striping on Latrobe Road as a result of a County CIP project would render the completion of the striping as conditioned unnecessary.

**Reason for Recommendation:**

The subdivision improvements within the Lesarra Attached Homes project have been substantially completed according to the plans and specifications for this development, and per the conditions of the Agreement to Make Subdivision Improvements for Class I Subdivisions between the County and Lesarra Attached Homes, L.P., dated July 3, 2007.

The Department recommendation is to reduce Performance Bond No. BDS30526 to \$561,733.00, which is 10% of the total cost of improvements. This amount guarantees against any defective work, labor done, or defective materials furnished. This remainder is to be released after one year if no claims are made. The Department further recommends that Laborer and Materialsmen Bond No. BDS30526 in the amount of \$1,478,245.00 be held for six months to guarantee payment to persons furnishing labor, materials or equipment, and then released if no claims have been filed.

**Action to be taken following Board approval:**

- 1) The Board Clerk will advise the Owner that Performance Bond (No. BDS30526) has been reduced to \$561,733.00.
- 2) In six months the Department will submit a request to the Board Clerk to release Laborer and Materialsmen Bond (No. BDS30526) for \$1,478,245.00 if no claims have been filed.
- 3) The Department will submit a request to the Board Clerk to release Performance Bond (No. BDS30526) after one year, if no claims are made.

**Contact:**

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Director of Transportation

**Concurrences:**

N/A