



Legislation Details (With Text)

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File created: 8/11/2020 **In control:** Board of Supervisors

On agenda: 9/29/2020 **Final action:** 9/29/2020

Title: Department of Transportation recommending the Board approve and authorize the Chair to sign Sixth Amendment to Agreement 07-1496 to Make Subdivision Improvements for Class 1 Subdivision between County and Owner, Lennar Homes of California, Inc. for West Valley Village Unit 7B, TM 99-1359-7B, extending the performance period to February 7, 2021.

FUNDING: Developer Funded.

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Approved CRS, 2. B - Amendment 6 to AGMT 07-1496, 3. C - AGMT 07-1496 and Amendments 1-5, 4. Executed Agreement 07-1496

Date	Ver.	Action By	Action	Result
9/29/2020	1	Board of Supervisors	Approved	Pass

Department of Transportation recommending the Board approve and authorize the Chair to sign Sixth Amendment to Agreement 07-1496 to Make Subdivision Improvements for Class 1 Subdivision between County and Owner, Lennar Homes of California, Inc. for West Valley Village Unit 7B, TM 99-1359-7B, extending the performance period to February 7, 2021.

FUNDING: Developer Funded.

DISCUSSION / BACKGROUND

On August 28, 2007 (Item 22), the Board of Supervisors (Board) approved the Final Map and Agreement to Make Subdivision Improvements for Class 1 Subdivision between County and Owners, Landsource Holding Company, LLC and Lennar Communities, Inc. for West Valley Village Unit 7B, Agreement 07-1496 (Agreement).

On January 29, 2013 (Item 13), the Board authorized Amendment 1 to the West Valley Village Subdivision Improvement Agreement Unit 7B, extending the performance period of the Agreement to February 7, 2013.

On May 13, 2014 (Item 17), the Board approved Amendment 2 extending the performance period of the Agreement to February 7, 2015.

On February 24, 2015 (Item 23), the Board approved Amendment 3 extending the performance period of the Agreement to February 7, 2016.

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 7B.

On January 12, 2016 (Item 25), the Board adopted Resolution 012-2016 approving the one year performance period extension of the specific agreements listed on the resolution whose performance periods required completion within the 2016 calendar year. Amendment 4 of the Agreement was executed under this resolution, extending the performance period to February 7, 2017.

On March 19, 2019 (Item 13), the Board approved Amendment 5 extending the performance period of the Agreement to February 7, 2020.

The cost estimates and bond amounts remain unchanged from that shown in Amendment 5, and have been found by Transportation to be sufficient to protect the County's interests.

Due to an issue with the reporting function of the tracking system and staffing turnovers/shortages, processing of this amendment was delayed which resulted in a lapse of the performance period. In order to correct this, staff is requesting a one (1) year performance period extension to extend the performance period to February 7, 2021. The construction of this subdivision is substantially complete however, the Developer needs to be within the performance period of the agreement in order to complete any remaining items and finalize the project. Transportation requires a valid performance period at project completion.

ALTERNATIVES

N/A

PRIOR BOARD ACTION

See Discussion / Background section above.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel

CAO RECOMMENDATION / COMMENTS

Approve as recommended.

FINANCIAL IMPACT

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

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) The Clerk of the Board will obtain the Chair's signature on two (2) originals of the Amendment with Lennar Homes of California, Inc.
- 2) The Clerk of the Board will forward one (1) signed original Amendment to the Chief Administrative Office, Procurement and Contracts Division, attention Tara Baird, for further processing.

STRATEGIC PLAN COMPONENT

Infrastructure

CONTACT

Rafael Martinez, Director
Department of Transportation