



## Legislation Details (With Text)

**File #:** 20-1127      **Version:** 1

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

**File created:** 8/18/2020      **In control:** Board of Supervisors

**On agenda:** 10/13/2020      **Final action:** 10/13/2020

**Title:** Department of Transportation recommending the Board approve and authorize the Chair to sign Second Amendment to Agreement to Make Subdivision Improvements for Class 1 Subdivision between County and Owner, AKT Promontory LLC, for Promontory Village 2C, TM 98-1356-R-3, extending the performance period to November 12, 2021.

**FUNDING:** Developer Funded.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Approved CRS, 2. B - Amend 2 to AGMT 17-54758, 3. C - AGMT 17-54758 FE, 4. D - Amend 1 to AGMT 17-54758 FE, 5. Executed Agreement 17-54758 Second Amendment

Date	Ver.	Action By	Action	Result
10/13/2020	1	Board of Supervisors	Approved	Pass

Department of Transportation recommending the Board approve and authorize the Chair to sign Second Amendment to Agreement to Make Subdivision Improvements for Class 1 Subdivision between County and Owner, AKT Promontory LLC, for Promontory Village 2C, TM 98-1356-R-3, extending the performance period to November 12, 2021.

**FUNDING:** Developer Funded.

### DISCUSSION / BACKGROUND

On November 14, 2017 (Item 15), the Board of Supervisors approved the Final Map and Agreement to Make Subdivision Improvements for Class 1 Subdivision between County and Owner, AKT Promontory, LLC, (AGMT 17-54758) for Promontory Village 2C subdivision.

Resolution 96-95 authorizes the Department of Transportation (Transportation) Director to sign a one-time, twelve (12) month extension of improvement agreement performance periods. On November 26, 2019, the Transportation Director signed Amendment 1 to the Promontory Village 2C Subdivision Improvement Agreement under this authority, extending the performance period one year to November 14, 2020.

Resolution 96-95 requires the Board to approve subsequent extensions. Therefore, staff is requesting Board approval for a one year performance period extension to extend the performance period to November 12, 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**

Outlined in the 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 AKT Promontory, LLC.
- 2) The Clerk of the Board will forward one (1) signed original Amendment to the Chief Administrative Office, Procurement and Contracts Division, attention Matthew Potter, for further processing.

**STRATEGIC PLAN COMPONENT**

Infrastructure

**CONTACT**

Rafael Martinez, Director  
Department of Transportation