



# County of El Dorado

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## Legislation Details (With Text)

**File #:** 22-2001      **Version:** 1

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

**File created:** 10/24/2022      **In control:** Board of Supervisors

**On agenda:** 12/6/2022      **Final action:** 12/6/2022

**Title:** Department of Transportation recommending the Board consider the following:  
1) Accept the subdivision improvements for Carson Creek Unit 2A, Phase 1, TM 06-1428R, as complete;  
2) Reduce Performance Bond 931149 from \$13,779,368.79 to \$1,424,365.67, which is ten percent of the total cost of the subdivision improvements, an amount which guarantees against any defective work, labor done, or defective materials furnished, which is to be released after one year if no claims are made;  
3) Hold Laborers & Materialmens Bond 931149 in the amount of \$7,121,828.37 for six 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 upon written request by Transportation.

**FUNDING:** Developer Funded.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Certificate of Completion, 2. B - Agmt 17-54724 & Amendments

Date	Ver.	Action By	Action	Result
12/6/2022	1	Board of Supervisors	Approved	Pass

Department of Transportation recommending the Board consider the following:  
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**FUNDING:** Developer Funded.

### DISCUSSION / BACKGROUND

On October 24, 2017 (Item 21, Legistar 15-0761), the Board approved the Final Map and the Agreement to Make Subdivision Improvements for Class 1 Subdivision for Carson Creek Unit 2A, Phase 1, TM 06-1428R, Agmt #17-54724 (SIA) between the County and Lennar Homes of California, Inc. (Owner).

On May 24, 2022 (Item 15, Legistar 22-0680), the Board approved Assignment, Assumption &

Consent Agreement #22-55017, thus converting the Owner from Lennar Homes of California, Inc. to Lennar Homes of California, LLC, and assigning all duties and obligations of the SIA to Lennar Homes of California, LLC.

The amount of \$13,779,368.79 does not represent the total cost of the improvements for the project as some of the work was completed under a previous Subdivision Grading Agreement, and developers are required to bond only for improvements that have not yet been completed. The total amount for all improvements is \$14,243,656.74. Exhibit C to the SIA, "Certificate of Partial Completion of Subdivision Improvements," reflects the total project cost estimate, as well as notations of work already completed and thus a reduction in the bonded amount. The Performance Bond is held at 10% of the total cost of improvements for the warranty period, thus the reduction to \$1,424,365.67.

The subdivision improvements for the Carson Creek Unit 2A, Phase 1 project have been completed according to the plans and specifications for this development and per the conditions of the SIA. Department of Transportation (Transportation) construction inspection staff has inspected the work and confirms the subdivision improvements are complete.

### **ALTERNATIVES**

None; when the Owner/Developer completes all improvements and the County inspects and approves those improvements, the County is then obligated to approve a reduction of the Bonds, if necessary, and initiate the warranty period.

### **PRIOR BOARD ACTION**

Outlined in the Discussion / Background section above.

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

N/A

### **CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

### **FINANCIAL IMPACT**

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

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

- 1) The Clerk of the Board will reduce Performance Bond 931149 from \$13,779,368.79 to \$1,424,365.67 and advise Transportation (Lindsay Tallman) and the Bonded Owner, Lennar Homes of California, LLC, 1025 Creekside Ridge Drive, Suite 240, Roseville, CA, 95678, it has been reduced.
- 2) The Clerk of the Board will hold Laborers & Materialmens Bond 931149 in the amount of \$7,121,828.37 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 improvements are a vital component in the County's ability to accommodate economic growth and provide safe roads for the residents of El Dorado County and the traveling public.

### **CONTACT**

Rafael Martinez, Director  
Department of Transportation