



## Legislation Text

---

**File #:** 10-0901, **Version:** 3

---

Community Development Agency, Transportation Division, recommending the Board approve and authorize the Chair to sign Amendment 5 to Subdivision Improvement Agreement AGMT 05-999 with Toll Land XXIII Limited Partnership for Promontory Village No. 5 - Unit 2 extending the performance period to April 25, 2016.

**FUNDING:** Developer Funds. (No Federal Funds)

### **DEPARTMENT RECOMMENDATION**

The Community Development Agency, Transportation Division (Transportation) recommends the Board approve this Amendment 5 to Agreement 05-999 as the Developer has made progress on completing this subdivision which is approximately 75% complete. The Developer assures Transportation that they are making every effort to complete the project and is requesting the additional extension to do so. In April 2014, the Developer provided a Verification Certificate from their surety, Fidelity and Deposit Company of Maryland, stating that the bonds are in good standing, the premiums have been paid, and that the term will end only with the cancellation of said bond or other legal termination.

### **DISCUSSION / BACKGROUND**

On April 25, 2006, the Board of Supervisors approved the Subdivision Improvement Agreement (SIA) and the Final Map for the development known as Promontory Village No. 5 - Unit 2 (Item No. 14). The SIA required completion of all the subdivision improvements no later than April 25, 2008. After completion of some of the required work, a reduction of the Performance Bond was requested and authorized by the Board of Supervisors on June 12, 2007 (Item No. 11). On January 13, 2009, the Board approved Amendment 1 to the SIA extending the required completion time to April 25, 2009 (Item No. 19) and on June 30, 2009 the Board approved Amendment 2 to the SIA extending the required completion time to April 25, 2010 (Item No. 31). On June 10, 2014, the Board approved Amendment 3 to the SIA extending the required completion time to April 25, 2014 (Item No. 27) with direction to staff to prepare Amendment 4 to extend the performance period to April 25, 2015 which the Board Chair signed on August 12, 2014.

### **ALTERNATIVES**

N/A

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

County Counsel approved documents.

### **CAO RECOMMENDATION**

CAO recommending the Board approve and authorize the Chair to sign the Amendment 5 to extend the performance period to complete the subdivision improvements.

## **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 will obtain the Chair's signature on the two originals of Amendment 5.
- 2) The Clerk will return one fully executed original of Amendment 5 to Transportation.

## **STRATEGIC PLAN COMPONENT**

Infrastructure

## **CONTACT**

Andrew S. Gaber, Deputy Director  
Development/ROW/Environmental  
Community Development Agency