



Legislation Text

File #: 19-0302, **Version:** 1

Department of Transportation recommending the Board approve and authorize the Chair to sign Fifth Amendment to Agreement 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, 2020.

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, AGMT 07-1496.

On January 29, 2013 (Item 13), the Board authorized Amendment 1 to the West Valley Village Subdivision Improvement Agreement Unit 7B, AGMT 07-1496 extending the performance period to February 7, 2013.

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

On February 24, 2015 (Item 23), the Board approved Amendment 3 extending performance period 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 approved Amendment 4 between the County and Lennar Homes of California, Inc., extending performance period to February 7, 2017.

Resolution 96-95 authorizes the Director of the Department of Transportation (Transportation) to sign a one-time, twelve (12) month extension of improvement agreement performance periods. Subsequent extensions must be approved by the Board.

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 to AGMT 07-1496 was executed under this resolution.

The Fifth Amendment to Agreement to Make Subdivision Improvements for Class 1 Subdivision between County and Owner, AGMT 07-1496 (Amendment) was delayed, which resulted in a lapse of the performance period. In order to correct the lapse, staff is requesting a three year performance

period extension to extend the performance period to February 7, 2020. Since the performance period extension exceeds the authority of the Transportation director under Resolution 96-95, Transportation is bringing the Amendment to the Board for approval.

The cost estimates and bond amounts remain unchanged from that shown in Amendment 4, and have been found by Transportation to be sufficient to protect the County's interests.

The construction of this subdivision is substantially complete and this extension will allow the Owner time to complete any remaining items and finalize the project.

ALTERNATIVES

N/A

PRIOR BOARD ACTION

See Discussion / Background section above.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel and Risk Management

CAO RECOMMENDATION / COMMENTS

It is recommended that the Board approve this item.

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's, Procurement and Contracts Division, for further processing.

STRATEGIC PLAN COMPONENT

Infrastructure

CONTACT

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Department of Transportation