

TO: JAMES L. APP, CITY MANAGER
FROM: JOHN R. McCARTHY, DIRECTOR OF PUBLIC WORKS
SUBJECT: PROSPECT AVENUE IMPROVEMENTS – ARCIERO DEVELOPMENT (TRACT 2223-1)
DATE: AUGUST 3, 1999

Needs: For the City Council to receive an update on Prospect Avenue Improvements to be completed by Arciero Development Company.

- Facts:**
1. In accordance with a six month time extension granted by the City Council, Prospect Avenue was to be completed by June 30, 1999.
 2. The City Council considered a request by the developer for a thirty (30) day extension (to July 31st) to complete the improvements to Prospect Avenue.
 3. The Council took action to advise Arciero Development Company that as of July 20, 1999, Prospect Avenue is to be improved with grading, placement and compaction of aggregate base material, and installation of concrete curb & gutter. Arciero complied with this deadline.
 4. The Council took further action at the July 20, 1999 meeting setting a deadline of August 3, 1999 for completion of paving on Prospect Avenue and a deadline of August 17, 1999 as a deadline for completion of all improvements for Tract 2223-1, including driveway transitions on Prospect Avenue, landscaping, and all other improvements.

Analysis and Conclusion:

Arciero Development Company has an obligation to pave Prospect Avenue with the development of Tract 2223-1. The project Conditions of Approval required the completion of Prospect Avenue prior to grant any Certificates of Occupancy for any houses. In August of 1998, the developer requested that the Council permit Certificates of Occupancy to be released with a promise to complete Prospect Avenue by January 1999. Arciero Development Company then requested a time extension of six months to complete the improvements. The City Council granted additional time (to June 30, 1999) to complete Prospect Avenue improvements. A number of residents fronting Prospect Avenue wanted the street to be completed at an earlier date.

During their July 20, 1999, meeting the Council took two separate actions on a request from the developer for yet another time extension. By August 3, 1999, Prospect Avenue is to be improved with asphalt paving and by August 17, 1999, all improvements to Prospect Avenue including driveway transitions acceptable to the property owners and all landscaping and other improvements required for Tract 2223-1.

Additionally, Council determined that if the August 3rd or August 17th deadline are not met by the developer, appropriate action will be considered to ensure the completion of the work. This action may include delaying the issuing further Certificates of Occupancy for this development project.

The City Attorney will be providing additional legal guidance to the Council at the meeting.

Policy Reference: City/Developer Subdivision Agreement and Conditions of Approval.

Fiscal Impact: None.

Options:

For the City Council to receive an update on the status of improvements to Prospect Avenue and to take possible action if the developer's requirements have not been met.

- B. Amend, modify, or reject the above options.