

TO: James L. App, City Manger
FROM: Robert A. Lata, Community Development Director
SUBJECT: Acceptance of Public Improvement – Tract 2369-3 (Fallingstar Homes Lots 107-168)
DATE: July 5, 2005

Needs: That the City Council authorize the acceptance of public improvements resulting from the development of Tract 2369-3 (Lots 107-168) into the City's maintenance system.

- Facts:**
1. On December 16, 2003, the City Council accepted Tract 2369-3 for recordation and executed a Subdivision Improvement Agreement with the Developer of this subdivision.
 2. This subdivision is located along Montebello Oaks Drive and Kleck Road (see Vicinity Map).
 3. The public improvements have been constructed to the satisfaction of City staff.
 4. The Subdivider has constructed the following streets in accordance with the Subdivision Improvement Agreement and in compliance with the improvement plans and all applicable City standards:

<u>STREET NAME</u>	<u>FROM</u>	<u>TO</u>	<u>MILES</u>
Kleck Road	Montebello Oaks Drive	100 feet w/o Skyview Drive	0.44
Skyview Drive	Montebello Oaks Drive	Kleck Road	0.10
Mary Anne Court	Kleck Road	250 feet e/o Kleck Road	0.05
Dyana Court	Kleck Road	450 feet w/o Kleck Road	0.09

**Analysis
And**

Conclusion: The public improvements, which the developer was required to install for this subdivision, have been completed with the exception of the seal coat of the street paving. The City will retain a Maintenance Bond for a period of one year as warranty for the improvements installed. The developer has requested that the placement of the seal coat be deferred and completed during the one-year maintenance period.

Acceptance of public improvements will allow for issuance of certificates of occupancy for homes in the subdivision. Homes will continue to be under construction during the one-year maintenance period, therefore streets in the subdivision will be subject to construction traffic. It will be beneficial to the City to have the paving seal coat deferred until more of the construction traffic has been reduced as homes are completed. Placement of the seal coat during the one-year maintenance period will leave the subdivision with a new and clean appearance at the end of the one-year maintenance period.

Policy

Reference: Paso Robles Municipal Code, Section 22, Subdivision Map Act

Fiscal

Impact: The Contractor is obligated to maintain all public improvements for a one-year period following acceptance by the City Council. Once the one-year period has been completed, and the Contractor has completed all correction items, the City will assume additional street, sewer and drainage maintenance costs.

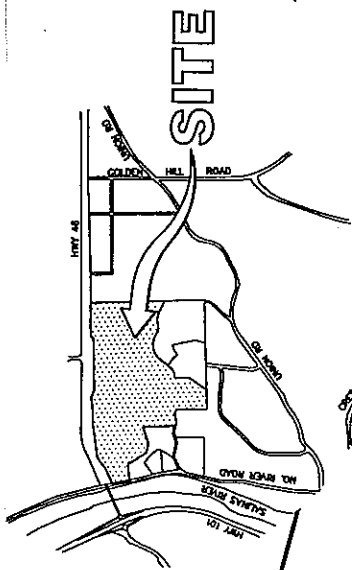
Parkway landscaping and street lighting costs will be financed by the benefiting property owners through the Landscape and Lighting District.

Options: Based upon completion of construction of all required public improvements to the satisfaction of the City:

- a.** Adopt Resolution No. 05-xxx accepting the public improvements of Tract 2369-3 (Lots 107– 168) into the City’s maintenance system, and authorizing the release of Performance and Payment Bonds upon the posting of a Maintenance Bond in the amount of \$239,478.
- b.** Amend, modify or reject the above option.

Attachments: (2)

1. Vicinity Map
2. Resolution



SITE

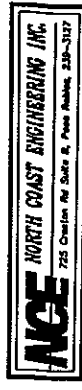
VICINITY MAP
NO SCALE

PARK SITE

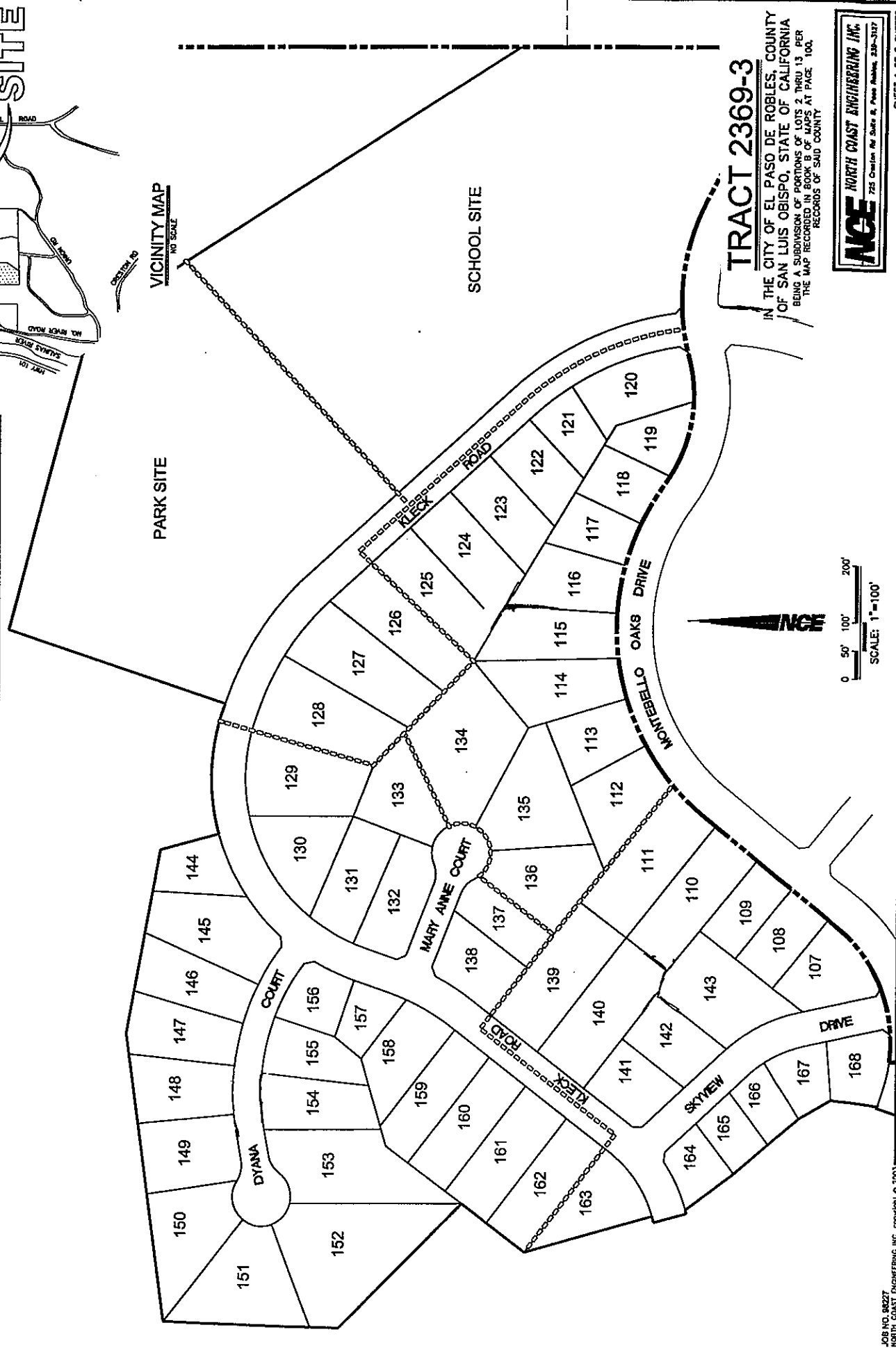
SCHOOL SITE

TRACT 2369-3

IN THE CITY OF EL PASO DE ROBLES, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA BEING A SUBDIVISION OF PORTIONS OF LOTS 2 THRU 13 PER THE MAP RECORDED IN BOOK B OF MAPS AT PAGE 100. RECORDS OF SAID COUNTY



SHEET 1 OF 8 SHEETS
QUESTA TITLE 806166



RESOLUTION NO. 05-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ACCEPTING PUBLIC IMPROVEMENTS FOR TRACT 2369-3 (FALLINGSTAR HOMES, INC. -
LOTS 107-168) CONSTRUCTED PURSUANT TO THE SUBDIVISION IMPROVEMENT
AGREEMENT, AUTHORIZING RELEASE OF THE PERFORMANCE AND PAYMENT
BONDS AND RELEASE OF MAINTENANCE SECURITIES ONE YEAR FROM
DATE OF ACCEPTANCE OF THE PUBLIC IMPROVEMENTS

WHEREAS, Tract 2369-3 was accepted December 16, 2003, for recordation, and a Subdivision Improvement Agreement was entered into; and

WHEREAS, all public improvements required as Conditions of Approval for this subdivision have been constructed in compliance with the improvement plans and all applicable City Standards, and the City Engineer has certified to the Council the completion of such public improvements; and

WHEREAS, the Subdivider has constructed, installed or completed the following streets or roads in accordance with the Subdivision Improvement Agreement, the improvement plans and all applicable City Standards:

<u>STREET NAME</u>	<u>FROM</u>	<u>TO</u>	<u>MILES</u>
Kleck Road	Montebello Oaks Drive	100 feet w/o Skyview Drive	0.44
Skyview Drive	Montebello Oaks Drive	Kleck Road	0.10
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WHEREAS, Subdivider has requested that the City accept said public improvements and authorize the release of improvement securities furnished by Subdivider pursuant to the terms and conditions of the Subdivision Improvement Agreement.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. Upon completion of all public improvements to the satisfaction of the City Engineer, that the public improvements constructed as required for Tract 2369-3 be accepted into the City's maintenance system, approximately 0.68 miles in length, upon the release of maintenance securities, and the City shall then assume responsibility for their future maintenance and repair. The Subdivider shall be obligated for maintenance of all public improvements for a period of at least one year from date of acceptance by the City Council. After one year, maintenance securities may be released by the City Engineer upon completion of all correction items to the satisfaction of City staff.

SECTION 2. That upon receipt of a maintenance bond in the amount of \$239,478 the performance bond \$2,394,775 and the payment bond \$1,587,316 guaranteeing construction of these public improvements may be released.

ADOPTED by the City Council of the City of El Paso de Robles at a regular meeting of said Council held on the 5th day of July 2005 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk