



Legislation Text

File #: 18-2117, Version: 1

**AGENDA REPORT
REQUEST FOR CITY COUNCIL ACTION**

DATE: 9/19/2018

TO: Honorable Mayor and City Council Members

FROM: Public Works Department

SUBJECT:

City Council consideration to accept the public improvements associated with Tract Maps 36451-1 and 36451; and release the appropriate Improvement and Survey Monumentation Securities - Corona North Main Development LP, a California Limited Partnership.

RECOMMENDED ACTION:

That the City Council accept the public improvements associated with Tract Maps 36451-1 and 36451, and take the following actions:

1. Retain twenty-five percent of the Faithful Performance Security for one (1) year beyond the acceptance of the improvements as security for repair or replacement of any improvements that fail to meet City Standards at the end of the one-year period (DEP14-0071, DEP14-0105, DEP14-0109, DEP14-0141, DEP14-0150, DEP14-0157, DEP15-0009, DEP14-0198, DEP15-0012, DEP15-0015, DEP15-0016, DEP15-0050).
2. Retain the Labor and Material Security for six (6) months beyond the acceptance of the improvements, and automatically release the security unless any claims are filed (DEP14-0072, DEP14-0106, DEP14-0110, DEP14-0142, DEP14-0151, DEP14-0156, DEP15-0010, DEP14-0199, DEP15-0013, DEP15-0014, DEP15-0017, DEP15-0051).
3. Release the Survey Monumentation Securities associated with Tract Maps 36451-1 and 36451 (DEP15-0049, DEP15-0215).

ANALYSIS:

On May 21, 2014, Corona North Main Development, LP ("Developer"), under its general partnership company Watermarke Properties Inc., entered into an Improvement Agreement with the City to secure sewer improvements for the realignment and upsizing of an existing 18-inch sewer trunk line that crosses the south portion of the property (DEP 14-0071,0072). On August 6, 2014, the

Developer entered into an Improvement Agreement with the City to secure on-site public storm drain improvements (DEP 14-0105,0106 and DEP 14-0109, 0110). On September 17, 2014, the Developer entered into Improvement Agreements with the City to secure street and utility improvements for the project (DEP 14-0141,0142 and DEP 14-0150,0151). On October 15, 2014, the Developer entered into an Improvement Agreement with the City to secure traffic signal improvements for the project (DEP14-0156,0157). On February 4, 2015, the Developer entered into Improvement Agreements with the City to secure street, utility, public landscape, an off-site Metrolink access walk, and storm drain improvements for the project (DEP 15-009,0010, DEP 14-0198,0199 DEP 15-0012,0013, DEP 15-0014, 0015, 0016, 0017). On April 1, 2015, the Developer entered into an Improvement Agreement with the City to secure street improvements for the project (DEP 15-0050, 0051).

Twenty-five percent of the Faithful Performance Security for the public improvements will be retained for a period of one (1) year to guarantee repair or replacement of any improvements that fail prior to the end of the one-year period. Any written claims against the performance security must be made prior to the one-year guarantee period, which is set to expire September 19, 2019. City staff must release the Faithful Performance Security one (1) year after acceptance of the improvements by the City Council, pursuant to California Government Code Section 66499.9 (c).

It is necessary to retain the Labor and Material Security for a period of six (6) months, in accordance with the State Subdivision Map Act.

On April 1, 2015, the Developer also entered into a Survey Monumentation Agreement with the City to guarantee the survey monumentation associated with Tract Map 36451-1 (DEP 15-0049). On November 18, 2015, the Developer entered into another Survey Monumentation Agreement with the City to guarantee the survey monumentation associated with Tract Map 36451 (DEP 15-0215). The survey monuments have been set in accordance with the Subdivision Map Act and all City Standards, and the City has been provided with evidence that the surveyor has been paid. Therefore, it is appropriate to release the Survey Monumentation Securities at this time.

Securities have been posted as detailed below:

	Faithful Performance		Labor and Materials	
	Security No.	Amount	Security No.	Amount
Sewer Improvements	DEP 14-0071	\$210,000.00	DEP 14-0072	\$105,000.00
On-site Public Storm Drain Improvements	DEP 14-0105 DEP 14-0109	\$209,000.00 \$12,600.00	DEP 14-0106 DEP 14-0110	\$104,500.00 \$6,300.00
Street and Utility Improvements	DEP 14-0141 DEP 14-0150	\$1,135,600.00 \$468,200.00	DEP 14-0142 DEP 14-0151	\$567,800.00 \$234,100.00
Traffic Signal Improvements	DEP 14-0157	\$847,200.00	DEP 14-0156	\$423,600.00

Street, Utility, Public Landscape, Off-site Metrolink Access Walk, and Storm Drain Improvements	DEP 15-0012 DEP 15-0009 DEP 14-0198 DEP 15-0015 DEP 15-0016	\$449,400.00 \$108,000.00 \$889,325.05 \$33,400.00 \$48,400.00	DEP 15-0013 DEP 15-0010 DEP 14-0199 DEP 15-0014 DEP 15-0017	\$224,700.00 \$54,000.00 \$449,662.53 \$16,700.00 \$24,200.00
Street Improvements (DEP 15-0050, 0051)	DEP 15-0050	\$13,600.00	DEP 15-0051	\$6,800.00
Survey Monumentation (Tract Map 36451-1)	DEP 15-0049	\$10,000.00	N/A	N/A
Survey Monumentation (Tract Map 36451)	DEP 15-0215	\$9,530.00	N/A	N/A

COMMITTEE ACTION:

Not applicable.

STRATEGIC PLAN:

Not applicable.

FISCAL IMPACT:

All City fees have been paid by the developer. It is the City's responsibility to begin the maintenance of the public improvements one (1) year after the date of acceptance.

ENVIRONMENTAL ANALYSIS:

This action is exempt pursuant to Section 15061(b)(3) of the Guidelines for the California Environmental Quality Act (CEQA), which states that a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This action merely releases the current securities associated with the property. Since there is no possibility that adopting this action will have a significant effect on the environment, no environmental analysis is required.

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