



## Legislation Details (With Text)

**File #:** 20-0918

**On agenda:** 9/1/2020

**Final action:** 9/1/2020

**Enactment date:**

**Enactment #:**

**Title:** Consider and take the following actions for Tract No. 4870, Bella Vista, which is located on the south side of Millerton Road, approximately eight miles north of the City of Fresno: 1. consider and approve reduction of Performance and Maintenance Security Bond to the amount of \$600,000.00 for Phase I On-site Improvements and \$390,000.00 for Phase II Off-Site Improvements to guarantee performance and maintenance of improvements; and 2. consider and approve reduction of the Labor and Materials Security to \$300,000.00; and 3. release the Monumentation Security; and 4. authorize Director of Public Works and Planning or designee to release the remaining balance of the Performance and Maintenance Security Bond when the Subdivider has faithfully performed all contractual obligations necessary for the release as determined by the Director or designee

**Attachments:** 1. Agenda Item, 2. Location Map, 3. Zone Map

Date	Ver.	Action By	Action	Result
9/1/2020	1	Board of Supervisors	Deleted	

**DATE:** September 1, 2020

**TO:** Board of Supervisors

**SUBMITTED BY:** Steven E. White, Director  
Department of Public Works and Planning

**SUBJECT:** Tract No. 4870, Bella Vista (Developer: JPJ, Inc.)

### RECOMMENDED ACTION:

**Consider and take the following actions for Tract No. 4870, Bella Vista, which is located on the south side of Millerton Road, approximately eight miles north of the City of Fresno:**

- 1. Consider and approve reduction of the Performance and Maintenance Security Bond to the amount of \$600,000.00 for Phase I On-site Improvements and \$390,000.00 for Phase II Off-Site Improvements to guarantee performance and maintenance of improvements;**
- 2. Consider and approve reduction of the Labor and Materials Security to \$300,000.00; and**
- 3. Release the Monumentation Security.**
- 4. Authorize Director of Public Works and Planning or designee to release the remaining balance of the Performance and Maintenance Security Bond when the Subdivider has faithfully performed all contractual obligations necessary for the release as determined by the Director or designee.**

Approval of the recommended actions will release or reduce certain security obligations of the Subdivider, JPJ, Inc., while continuing to secure the Subdivider's obligation to maintain improvements for a period of one year, as required by Subdivision Agreement No. 10-182 (Subdivision Agreement), entered into by the County and the Subdivider at the time your Board approved the Final Map for Tract No. 4870. The Subdivider has

completed a majority of the on-site infrastructure improvements, which are secured by the bonds as required by the Subdivision Agreement and Improvement Plans. The reduced amount of the Performance and Maintenance Security Bond provides adequate funds, as identified in the Subdivision Agreement, to complete the construction of and maintain the tract improvements in the event the Subdivider fails to maintain the work. This item pertains to a location in District 5.

#### ALTERNATIVE ACTION(S):

If your Board determines that the in-tract infrastructure improvements have not been properly maintained for the prescribed amount of time, as required by the Subdivision Agreement, your Board may deny reduction of the security posted to \$600,000.00 for Phase I On-site Improvements and \$390,000.00 for Phase II Off-Site Improvements for Tract 4870. This action will require the Subdivider to correct any defects in workmanship and/or materials that your Board has determined necessary prior to considering the release of the security.

#### FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. The Subdivider has paid an agreement administration fee to cover the cost of the preparation of this agenda item. Consistent with the County Ordinance Code, the Subdivider posted security to insure performance and maintenance, labor and materials, and monumentation of tract improvements for the maintenance of tract improvements.

#### DISCUSSION:

On April 27, 2010, the Board approved the Final map for Tract No. 4870, Bella Vista, a planned residential development consisting of 161-lots with a minimum parcel size of 9,000 square feet, served by private roads and a gated entry. Under the Subdivision Improvement Plan, the Subdivider was responsible for constructing 1.55 miles of public roads within the tract and 0.26 miles of public roads outside the tract for its connection to Millerton Road, a public road maintained by the County of Fresno.

Under the terms of the Subdivision Agreement and the Subdivision Improvement Plans, the Subdivider was required to construct infrastructure improvements, including a road and survey monumentation. The Subdivider was further required to provide maintenance of those improvements for a period of two-years for road improvements and one-year for electrical and mechanical equipment after completion and acceptance of the work. The Subdivision Agreement also required that the Subdivider post the following securities to ensure completion of the Subdivider's obligations: (1) a performance and maintenance security, (2) a labor and materials security, and (3) a monumentation security

Following the completion of some of the tract improvements, on September 27, 2011, your Board approved the reduction of the performance and maintenance security and the labor and materials security. Subsequent to that, the Department authorized an additional reduction in the securities as provided for in the Subdivision Agreement.

At this time, the Subdivider has completed all of the necessary tract improvements with the exception of those listed below. The Performance and Maintenance Security is being retained at the reduced amounts to allow for the completion of those improvements in the timeline also identified.

#### REMAINING TRACT IMPROVEMENTS:

1. Permanent spray field for effluent disposal - June 2021
2. Recycled water line from the CSA 34 WWTP to point of connection in Tract 4870 - June 2021
3. Recycled water system commissioning - June 2021

The Department has inspected the improvements that have been constructed and has determined them to be in substantial conformance with the approved Improvement Plans. The Subdivider has requested the County accept the construction of the improvements and place them into a warranty period. Approving the recommended action of reducing the securities will allow the Department to commence the required warranty periods.

REFERENCE MATERIAL:

BAI#20, September 27, 2011

BAI#38, April 27, 2010

ATTACHMENTS INCLUDED AND/OR ON FILE:

Zoning Map

Location Map

CAO ANALYST:

Debbie Paolinelli