

TO: JAMES L. APP, CITY MANAGER
FROM: JOHN R. McCARTHY, DIRECTOR OF PUBLIC WORKS
SUBJECT: PROSPECT AVENUE IMPROVEMENTS – ARCIERO DEVELOPMENT (TRACT 2223-1)
DATE: JULY 6, 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.
 4. The Council took further action to set a deadline of August 3, 1999, for all improvements to Prospect Avenue (including asphalt paving) to be completed as outlined in the Conditions of Approval for this project.

**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 6, 1999, meeting the Council took two separate actions on a request from the developer for yet another time extension. By July 20, 1999, Prospect Avenue is to be improved with grading, placing of aggregate base material, and installation of curb & gutter. By August 3, 1999, all improvements to Prospect Avenue as required by the Conditions of Approval for the project are to be completed.

Additionally, Council determined that if the July 20th deadline is 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 until all contractual work on Prospect Avenue is completed.

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:

- A. 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 July 20th deadline has not been met.
- B. Amend, modify, or reject the above options.