

**TO:** James L. App, City Manger

**FROM:** Robert A. Lata, Community Development Director

**SUBJECT:** Acceptance of Public Improvement – Tract 2254-1 (Lots 1-15)  
(Bermant Development Company)

**DATE:** November 4, 2003

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**Needs:** That the City Council authorize the acceptance of public improvements resulting from the development of Tract 2254-1 into the City's maintenance system.

**Facts:**

1. On July 2, 2002, the City Council accepted Tract 2254-1 and Tract 2254-2 for recordation and executed a Subdivision Improvement Agreement with the Developer of these subdivisions.
2. This subdivision is located along Silver Oak Drive off of Beechwood Drive (south of Meadowlark Lane and east of Creston Road, see Vicinity Map, Exhibit A).
3. The public improvements in Tract 2254-1 have been constructed to the satisfaction of City staff (The improvements in Tract 2254-2 are still under construction).
4. The Subdivider has constructed the following streets in Tract 2254-1 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>
Silver Oak Drive	Beechwood Drive	600 feet w/o Beechwood Drive	0.11
Silverwood Way	Silver Oak Drive	100 feet s/o Silver Oak Drive	0.02

5. The Subdivider, Bermant Development Company, has posted bonds that guarantee improvements in both Tract 2254-1 and Tract 2254-2. At this time, the Subdivider is requesting acceptance of improvements in Tract 2254-1 only. The performance bonds will, therefore, be released only with the eventual acceptance of Tract 2254-2.

**Analysis  
And**

**Conclusion:** The public improvements, which the developer was required to install for this subdivision, have been completed. Further, the City will, at a minimum, retain a Maintenance Bond for a period of one year as warranty for the improvements installed.

**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. 03-xx accepting the public improvements of Tract 2254-1 into the City's maintenance system.
- b.** Amend, modify or reject the above option.

Attachments: (2)

- 1. Vicinity Map - Exhibit A
- 2. Resolution

RESOLUTION NO. 03-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
ACCEPTING PUBLIC IMPROVEMENTS FOR TRACT 2254-1 (BERMANT DEVELOPMENT  
COMPANY -LOTS 1-15) CONSTRUCTED PURSUANT TO THE SUBDIVISION  
IMPROVEMENT AGREEMENT

WHEREAS, Tract 2254-1 and Tract 2254-2 were accepted July 2, 2002, for recordation, and a Subdivision Improvement Agreement was entered into; and

WHEREAS, all public improvements required as Conditions of Approval for Tract 2254-1 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>
Silver Oak Drive	Beechwood Drive	600 feet w/o Beechwood Drive	0.11
Silverwood Way	Silver Oak Drive	100 feet s/o Silver Oak Drive	0.02

WHEREAS, Subdivider has requested that the City accept said public improvements. The Subdivider has posted improvement securities for Tract 2254-1 in conjunction with Tract 2254-2. Therefore, in accordance with the Subdivision Agreement in place for Tracts 2254-1 and 2254-2, improvement securities can not be released until Council acceptance of Tract 2254-2.

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 2254-1 be accepted into the City's maintenance system, approximately 0.13 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 acceptance of subdivision improvements in Tract 2254-2 and upon receipt of a maintenance bond in the amount of \$92,911; the payment bond \$464,553 and the performance bond \$929,105 guaranteeing construction of these public improvements may be released in accordance with the terms of the Subdivision Improvement Agreement for Tracts 2254-1 and 2254-2.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 4th day of November 2003 by the following vote:

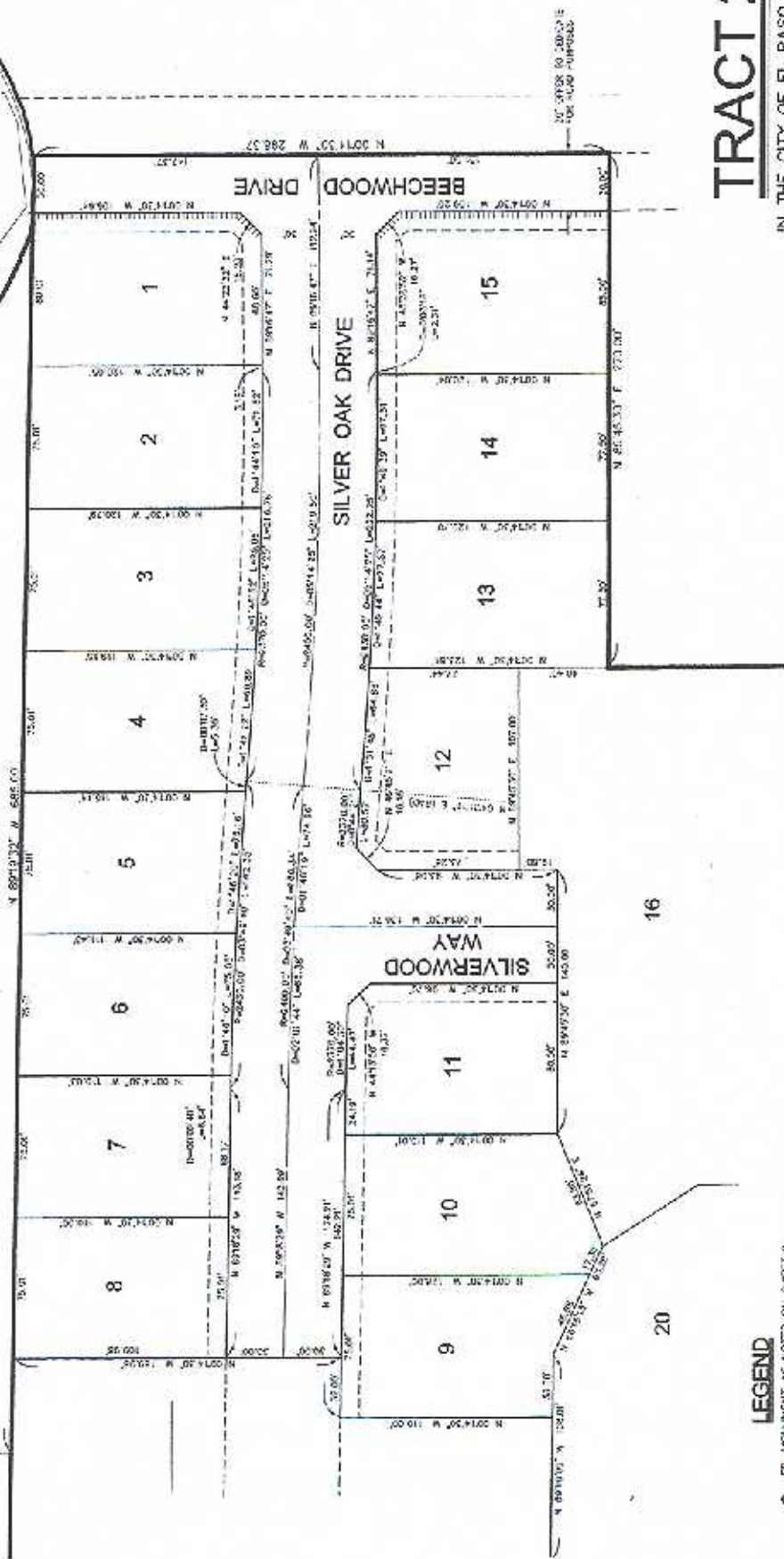
AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
Frank R. Mecham, Mayor

ATTEST:

\_\_\_\_\_  
Sharilyn M. Ryan, Deputy City Clerk

# VICINITY MAP EXHIBIT A



## TRACT 2254-1

- LEGEND**
- P.M. MONUMENT AS NOTED ON SHEET 2
  - SET 5/4" REBAR WITH PLACED CAP (NCE 25743)
  - △ SET STANDARD CITY WELL MONUMENT
  - MEASURED
  - D CENTRAL ANGLE (CE.10)
  - ACCESS ROUTE REINFORCEMENT

IN THE CITY OF EL PASO DE ROBLES, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA BEING A SUBDIVISION OF THE REMAINDER PARCEL OF PARCEL MAP #R 86-182 AS RECORDED IN BOOK 41 OF PARCEL MAPS AT PAGE 20, RECORDS OF SAID COUNTY