



AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: May 2, 2017

Agenda Item CeD

Approvals:

City Manager [Signature]

Dept. Head [Signature]

Attorney [Signature]

Finance [Signature]

Department: Public Works / Engineering
Prepared By: Tom Bonigut, Deputy Public Works Director [Signature]

Subject: ***ADOPT RESOLUTION AUTHORIZING THE ACCEPTANCE OF JIM JOHNSON MEMORIAL SPORTS PARK IN THE MARBLEHEAD COASTAL DEVELOPMENT TRACT NO. 8817 AND RELEASE OF PERFORMANCE AND LABOR & MATERIAL BONDS.***

Fiscal Impact: Yes. The value of the Sports Park improvements added to the City's assets is \$5,170,639. Upon acceptance the City will become responsible for ongoing maintenance of the Jim Johnson Memorial Sports Park, which is included under maintenance contracts recently approved by the City Council.

Summary: Staff recommends City Council approval of a resolution to accept the Jim Johnson Memorial Sports Park in the Marblehead Coastal development as further discussed below.

Discussion: On June 21, 2005 the City approved a Subdivision Improvement Agreement with SunCal Marblehead, LLC (SunCal) for the improvements required to be constructed with development of the Marblehead Coastal property. The property ownership has changed twice since then, and Marblehead Development Partners, LLC (MDP) is currently the developer responsible for completing the improvements. Taylor Morrison Homes is the managing partner of MDP and the entity directly responsible for completing the required improvements.

Taylor Morrison has completed construction and requested release of the Performance and Labor & Material bonds for the Jim Johnson Memorial Sports Park. As noted above, this sports park will become a City facility with maintenance provided by the City. Staff has inspected all of the improvements and found them to be complete and in conformance with the approved plans and specifications, including the recent approval by the City Council to add netting at the eastern end of synthetic turf soccer field to catch stray balls. Staff has received a Notice of Completion recorded in the County of Orange, and also received a Warranty Bond, valid for one year, for this improvement.

Pursuant to a 2007 Implementation Agreement, the developer is required to provide \$600,000 related to construction of the Courtney's Sandcastle playground. In 2014 Taylor Morrison provided a \$70,000 advance payment, and recently provided the remaining \$530,000 to fulfill this required contribution.

The Beaches, Parks & Recreation Department is coordinating a grand opening celebration which is tentatively planned on the afternoon of Wednesday, May 10.

Recommended

Action: STAFF RECOMMENDS THAT the City Council adopt Resolution No. _____ titled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF JIM JOHNSON MEMORIAL SPORTS PARK AND RELEASE OF PERFORMANCE AND LABOR & MATERIAL BONDS RELATED TO THE MARBLEHEAD COASTAL DEVELOPMENT IN TRACT 8817."

Attachment: Resolution.

Notification: Taylor Morrison Homes.

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF JIM JOHNSON MEMORIAL SPORTS PARK AND RELEASE OF PERFORMANCE AND LABOR & MATERIAL BONDS RELATED TO THE MARBLEHEAD COASTAL DEVELOPMENT IN TRACT 8817.

WHEREAS, on June 21, 2005 the City Council approved the Final Map for Tract No. 8817 and also approved a Subdivision Improvement Agreement with SunCal Marblehead, LLC for the improvements required to be constructed with development of the Marblehead Coastal property in Tract No. 8817; and

WHEREAS, since 2005 the property ownership changed twice, and on April 1, 2014 the City Council approved an agreement to assign certain subdivision improvement obligations to Marblehead Development Partners LLC who is currently responsible for completing the improvements; and

WHEREAS, pursuant to the January 1, 2007 Implementation Agreement to the Development Agreement, Marblehead Development Partners LLC was required to and did provide to the City a total contribution of \$600,000 related to construction of the Courtney's Sandcastle playground; and

WHEREAS, Marblehead Development Partners LLC has completed the Jim Johnson Memorial Sports Park; and

WHEREAS, the improvements have been inspected by City staff and were found to be completed per the approved project plans and specifications; and

WHEREAS, the City is in receipt of Notices of Completion filed in the County of Orange for each of the improvements; and

WHEREAS, the City is in receipt of Warranty Bonds valid for one year for each of the improvements; and

WHEREAS, Marblehead Development Partners LLC has requested the release of the following performance and labor & material bonds, referred to as "the Bonds":

Improvement	Bond No.	Amount
Jim Johnson Memorial Sports Park (Lot "MM")	024056148	\$ 5,170,639

NOW, THEREFORE, The City Council of the City of San Clemente does hereby resolve as follows:

Section 1. The Irrevocable Offer to Dedicate in Fee Simple Lot "MM" for public park purposes is hereby accepted.

Section 2. Jim Johnson Memorial Sports Park (Lot "MM") designated on the Final Map and improvement plans for Tract 8817, as originally offered by SunCal Marblehead LLC has been completed by Marblehead Development Partners LLC in accordance with the approved project plans and specifications and is hereby accepted.

Section 3. The City Clerk is hereby directed to release the Bonds 35 calendar days from the recordation of the Notices of Completion and verification with the Engineering Division that no liens have been levied against Marblehead Development Partners LLC for the Jim Johnson Memorial Sports Park.

Section 4. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED this _____ day of May, 2017..

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor of the City of San
Clemente, California

STATE OF CALIFORNIA)
 COUNTY OF ORANGE) §
 CITY OF SAN CLEMENTE)

I, JOANNE BAADE, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. _____ was adopted at a regular meeting of the City Council of the City of San Clemente held on the _____ day of May, 2017, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this _____ day of May, 2017.

 CITY CLERK of the City of
 San Clemente, California

Approved as to form:

 City Attorney