



AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: October 1, 2019

Agenda Item CeD
Approvals:
City Manager [Signature]
Dept. Head [Signature]
Attorney [Signature]
Finance [Signature]

Department: Public Works / Engineering
Prepared By: Zak Ponsen, Senior Civil Engineer

Subject: *ADOPT RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE AND LABOR & MATERIAL BONDS RELATED TO THE MARBLEHEAD COASTAL DEVELOPMENT VIA SOCORRO STREET IMPROVEMENTS, CALTRANS GRADING, AND JRWSS WATERLINE GRADING IMPROVEMENTS FOR TRACT 8817.*

Fiscal Impact: Yes. The value of the Via Socorro street improvements added to the City's assets is as follows:

Improvements	Asset Value
Via Socorro Street Improvements	\$24,480

Upon acceptance the City will become responsible for ongoing maintenance of these Via Socorro facilities, the cost for which will be included in future proposed budgets. The Caltrans Grading and Joint Regional Water Supply System (JRWSS) Waterline Grading involve private land therefore, there is no City fiscal impact related to these improvements.

Summary: Marblehead Development Partners, LLC has completed the Via Socorro Street Improvements, Caltrans Grading, and JRWSS Waterline Grading in Tract 8817. Inspections by City staff found the project to be complete and in conformance with approved plans and specifications. Staff recommends City Council approval of a resolution to release the performance and labor & material bonds.

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 is currently the developer responsible for completing the public improvements.

Marblehead Development Partners, LLC has completed and requested release of the Performance and Labor & Material bonds for the Via Socorro Street Improvements, Caltrans Grading, and JRWSS Waterline Grading. The Via Socorro Street Improvements are public improvements to be owned and maintained by the City. The Caltrans Grading and JRWSS Waterline Grading involves grading of private land which is to be owned and maintained by the Marblehead Coastal Commercial property owner.

Staff has inspected the improvements and found them to be complete and in conformance with the approved plans and specifications. Staff received Notices of Completion recorded in the County of Orange. Due to the extended period of time since the completion of the work for these bonds and the recent verification of satisfactory conditions of these improvements, staff is recommending waiving the standard Warranty Bond in the amount of 25% of the original construction approved value.

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 RELEASE OF PERFORMANCE AND LABOR & MATERIAL BONDS RELATED TO THE MARBLEHEAD COASTAL DEVELOPMENT VIA SOCORRO STREET IMPROVEMENTS, CALTRANS GRADING, AND JRWSS WATERLINE GRADING IN TRACT 8817."

Attachment: Resolution.

Notification: None.

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE RELEASE OF PERFORMANCE AND LABOR & MATERIAL BONDS RELATED TO THE MARBLEHEAD COASTAL DEVELOPMENT VIA SOCORRO STREET IMPROVEMENTS, CALTRANS GRADING, AND JRWSS WATERLINE GRADING 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 both the North El Camino Real Street and Storm Drain Improvements and the Backbone Storm Drain Improvements; and

WHEREAS, Marblehead Development Partners, LLC has completed the Via Socorro Street Improvements, the Caltrans Grading, and the Joint Regional Water Supply System (JRWSS) Waterline Grading; 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, due to the extended period of time since the construction of these improvements and the recent confirmation of satisfactory conditions, the City is waiving the Warranty Bonds for 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
Marblehead Coastal Development Via Socorro Street Improvements	24056161	\$ 24,480
Marblehead Coastal Development Caltrans Grading	24056176	\$ 371,484
Marblehead Coastal Development JRWSS Waterline Grading	24056167	\$ 45,000

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

Section 1. The Via Socorro Street Improvements designated as public facilities for Tract 8817, completed by Marblehead Development Partners LLC, are hereby accepted.

Section 2. The Caltrans Grading and JRWSS Waterline Grading are private improvements for Tract 8817, completed by Marblehead Development Partners LLC, are hereby accepted for bond release.

Section 3. The warranty bonds may be waived due to the extended period of time since the completion of the improvements and the current acceptable conditions of the improvements.

Section 4. This Resolution directs the City Clerk to release the Bonds.

Section 5. 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 October, 2019.

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor Pro Tem 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 _____, _____, 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 _____, _____.

 CITY CLERK of the City of
 San Clemente, California

Approved as to form:

 City Attorney