



AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: December 17, 2019

Agenda Item 6E

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

Department: Public Works / Engineering [Signature]
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 LOT V (FORMERLY RR) PRIVATE PARK IMPROVEMENTS FOR TRACT 8817.*

Fiscal Impact: No. This Resolution involves the bond release of private improvements which the Marblehead Coastal property owners will be responsible for, therefore there is no City fiscal impact related to these improvements.

Summary: Marblehead Development Partners, LLC has completed the Lot V (Formerly Lot RR) Private Park improvements 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 Lot V (Formerly Lot RR) Private Park improvements. The improvements involve grading and construction of private developments which are to be owned and maintained by the Marblehead Coastal property owners. While this park is privately-maintained, it is open and accessible for use by the public.

Staff has inspected the improvements and found them to be complete and in conformance with the approved plans and specifications. Staff received the Home Owner Association (HOA) resolutions for acceptance of the improvements which are to be maintained by the HOA. Staff received the recorded Notices of Completion. The required Warranty Bonds in the amount of 25% of the original construction approved value have been received and are on file with the City.

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 Lot V (FORMERLY LOT RR) PRIVATE PARK IMPROVEMENTS IN TRACT 8817."

Attachment: Resolution.

Notification: None.

i:\cd\engineering\secure\admin\2019\12-17-19\12-17-19-4r.docx

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 LOT V (FORMERLY LOT RR) PRIVATE PARK IMPROVEMENTS 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 remaining improvements; and

WHEREAS, Marblehead Development Partners, LLC has completed the Lot V (Formerly Lot RR) Private Park Improvements; 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 has received the Home Owners Association (HOA) Resolutions for acceptance of the improvements which will be maintained by the HOA; 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 the required Warranty Bonds in the amount of 25% of the original bond amounts; 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
Lot V (Formerly Lot RR) Private Park	24056171	\$ 727,261

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

Section 1. The Lot V (Formerly Lot RR) Private Park Improvements are private improvements for Tract 8817, completed by Marblehead Development Partners LLC, and are hereby accepted for bond release.

Section 2. The City is in receipt of the required Warranty Bonds in the amount of 25% of the original bond amounts.

Section 3. This Resolution directs the City Clerk to release the Bonds.

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 December, 2019.

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 December, 2019, 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 December, 2019.

 CITY CLERK of the City of
 San Clemente, California

Approved as to form:

 City Attorney