



Agenda Date: 05/24/2016
Agenda Item: 3.13

STAFF REPORT

Date: Tuesday, May 24, 2016

To: Bryan H. Montgomery, City Manager

From: Kevin Rohani, Public Works Director/City Engineer

Subject: Acceptance of Subdivision Improvements Associated with Subdivision 9104 (Cutino Property, Cedar Glenn Drive south of Laurel Road, approximately 450' east of Rose Avenue)

Approved and Forwarded to City Council:


Bryan H. Montgomery, City Manager

Background and Analysis

On November 13, 2006 the City Council adopted Resolution 141-06 conditionally approving the tentative map for Subdivision 9104, a 20-lot residential subdivision south of Laurel Road along the north side of Cedar Glenn Drive, approximately 450' east of Rose Avenue. On November 18, 2014, the City Council adopted Resolution 109-14 approving the final map for the subdivision. The associated subdivision improvement agreement required Kiper Development to construct public improvements and grading worth an estimated \$329,000.

Kiper Development has since completed the all of the required improvements for Subdivision 9104 and constructed the houses within the subdivision. At this time, Kiper Development has requested that the City accept the improvements for maintenance. The Public Works Inspector has completed a final inspection of all public improvements and has found them to be in substantial compliance with the approved plans. Acceptance of the improvements will begin a one-year warranty period, and at the end of that time, Kiper Development will be required to repair any defective construction. A warranty bond in the amount of 10% of the total cost of the improvements will be provided to the City prior to releasing the original bonds, to ensure that Kiper Development completes any required repairs.

Fiscal Impact

Upon acceptance of the improvements, the City will be obligated to maintain them. Preventative street maintenance for public roadway and storm drains are currently funded using Gas Tax, Measure C and Stormwater Utility Assessments.

Staff Recommendation

Staff recommends that the City Council adopt the Resolution accepting the subdivision improvements associated with Subdivision 9104 and beginning the one-year maintenance period for the Improvements.

Attachments

- 1) Resolution Accepting the Improvements

RESOLUTION NO. __-16

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY, CALIFORNIA,
ACCEPTING THE SUBDIVISION IMPROVEMENTS ASSOCIATED WITH
SUBDIVISION 9104 AND BEGINNING THE ONE-YEAR WARRANTY PERIOD FOR
THE SUBDIVISION IMPROVEMENTS**

WHEREAS, on November 18th, 2014 the City of Oakley adopted Resolution 107-14 authorizing the City Manager to enter into a subdivision improvement agreement with Kiper Development for public improvements associated with Subdivisions 9104. At the same time the City adopted Resolution 109-14 approving the final map for the project; and

WHEREAS, Kiper Development has completed the Subdivision Improvements associated with Subdivision 9104 as required in the above referenced agreement; and

WHEREAS, the City of Oakley Public Works and Engineering staff has inspected the Subdivision Improvements and have determined that said improvements have been constructed in substantial compliance with the approved improvements plans for Subdivision 9104; and

WHEREAS, the City Clerk's Statement on the Subdivision 9104 Final Map states that the City Council did accept, subject to improvement, any streets, roads, avenues, or easements shown on the map as dedicated to public use.

NOW THEREFORE, the City Council of the City of Oakley hereby resolves as follows:

- a) The Subdivision Improvements associated with Subdivision 9104 have been accepted for public maintenance including the following streets within the project boundaries: Rustic Court and Pastoral Court; and
- b) The one-year warranty period required by the agreement for Subdivision Improvements has begun as of the date of adoption of this resolution and that Kiper Development shall repair any defective subdivision improvements associated with Subdivision 9104, as identified by City personnel, so long as the defective improvements are identified within one-year of the date of adoption of this resolution; and
- c) In accordance with the City Clerk's Statement on the Subdivision 9104 Final Map, the roads, avenues, or easements shown on the map as dedicated to public use are accepted.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 24th of May, 2016 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

Kevin Romick, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date