

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: David A. Bobardt, Planning Director 
Prepared by Joseph Fiss, Principal Planner

DATE: November 30, 2009 (CC Meeting of 12/16/2009)

SUBJECT: Consider Release of Surety (Cash Deposit Performance Bond) for Toll Brothers Inc., (Moorpark Country Club Golf Course - CUP 1994-01)

BACKGROUND

On April 17, 1996, the City Council adopted Resolution No. 96-1197, approving Conditional Use Permit No. 94-1 for approval of a thirty-six (36) hole golf course in the OS (Open Space) Zone. There were several subsequent Modifications and Permit Adjustments to this permit. On July 23, 2001, Minor Modification No. 3 was approved, allowing a reduction of the number of golf holes, from thirty-six (36) to twenty-seven (27). On October 1, 2004 Toll Brothers sold the golf course and related facilities to J. Won Corporation, under the legal entity of Moorpark Country Club LLC. Under their agreement, Toll Brothers was required to complete the slope repairs and construction of the three restrooms. Toll Brothers maintains certain maintenance rights as they relate to home sales.

DISCUSSION

The slope repair and restrooms were completed in July 2009. Toll Brothers has requested release of the \$200,000.00 cash deposit performance bond that was accepted to guarantee completion this work. The following is the applicable bond:

<u>SURETY TYPE</u>	<u>BOND NUMBER</u>	<u>ORIGINAL BOND AMT.</u>	<u>PRIOR AUTHORIZED ACTION</u>	<u>AUTHORIZED ACTION OF 12/16/2009</u>
Cash Deposit	None	\$200,000.00	NONE	Release Bond

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FISCAL IMPACT

None.

STAFF RECOMMENDATION

Authorize the City Clerk to release the cash deposit performance bond referenced in the agenda report for Toll Brothers, Inc.