

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Dave Klotzle, City Engineer/Public Works Director 

DATE: December 15, 2011 (CC Meeting of 01/04/12)

SUBJECT: Consider Surety Bond Exoneration (Bond No. 104849883) for Burns-Pacific Construction, Inc., Tract 5147

BACKGROUND

Burns-Pacific Construction, Inc., Tract 5147 (also known as A-B Properties) is a 34.71-acre industrial subdivision development project located approximately 1,300 feet west of Gabbert Road, and north of the Union Pacific Railroad as shown on Attachment 1. Tract No. 5147 consists of seventeen industrial lots, one lot for a conservation easement, and one lot for landscaping purposes. The grading and improvement plans were previously approved by the City and a portion of the grading has been completed. The project has experienced delays due to litigation between A-B Properties and Southern California Edison (SCE) on access and utility service related issues which resulted in a settlement agreement. In the outcome of the A-B Properties vs. SCE litigation, A-B Properties entered into a settlement agreement with the City for amendments to their Development Agreement and Tract Map.

DISCUSSION

Prior to approval and permitting of the Tract 5147 grading and improvement plans, the developer posted a public improvements performance and payment bond in the amount of \$416,500.00 for the construction of a portion of North Hills Parkway along the western boundary of Tract 5147. This bond was not a requirement of the original Development Agreement or Conditions of Approval. The amended Development Agreement with A-B Properties will include bonding and possible assessment district contribution requirements for the construction of North Hills Parkway adjacent to Tract 5147, therefore the subject bond is not required.

Funding for the remaining portions of North Hills Parkway from 600 feet south of the railroad crossing to Gabbert Road, including the railroad under-crossing, will be in the form of an Assessment District with participation by A-B Properties and other benefiting properties, or other financing mechanisms as approved by the City. The City's consultant, KOA Corporation, is preparing plans and specifications for the construction of North Hills Parkway, including the railroad under-crossing.

Staff recommends that the surety bond described below be fully exonerated.

<u>SURETY TYPE</u>	<u>BOND NUMBER</u>	<u>ORIGINAL BOND AMT.</u>	<u>PRIOR AUTHORIZED ACTION</u>	<u>AUTHORIZED ACTION OF 01/04/2012</u>
Public Improvements Performance and Payment	104849883	\$416,500.00	None	Exoneration

FISCAL IMPACT

None

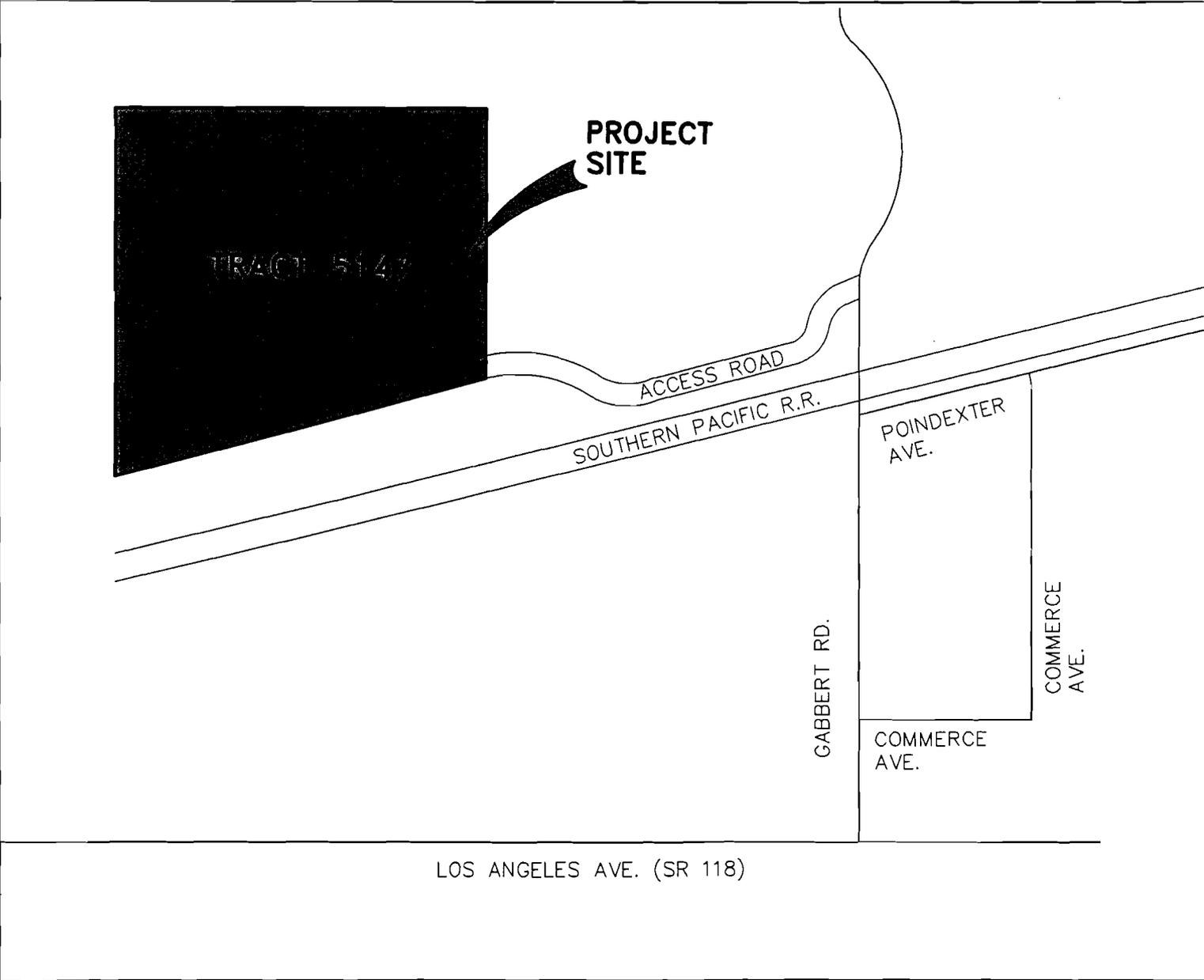
STAFF RECOMMENDATION

Authorize the City Clerk to fully exonerate the Public Improvements Performance and Payment Surety Bond No. 104849883 for Burns-Pacific Construction, Inc., Tract 5147.

ATTACHMENT

1 - Vicinity Map

ATTACHMENT 1



N.T.S.

VICINITY MAP

TRACT No. 5147