



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Adopt Resolution Amending Resolution **2003-213** to Allow Acceptance of Public Improvements for Legacy Estates Unit **1**, Tract No. **3260**, Prior to Completion of the Harney Lane Improvements and Approving Improvement Agreement for Harney Lane Executed by DSS Company Covering Completion of Harney Lane Improvements

MEETING DATE: February **2,2005**

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution to amend Resolution 2003-213 to authorize the following actions for the Legacy Estates Unit 1, Tract No. 3260, subdivision:

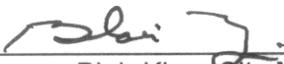
1. Allow acceptance of the public improvements for the subdivision prior to completion of the street pavement and appurtenant public improvements in Harney Lane required under the terms of the Improvement Agreement for the Public Improvements for Legacy Estates Unit No. 1 executed by FCB Building Partners II, L. P., and approved by Council on November 19, 2003.
2. Relieve FCB Building Partners II, L. P., from responsibility for completion of the street pavement and appurtenant public improvements in Harney Lane and deem their responsibilities for the installation of public improvements under the terms of the above referenced improvement agreement complete; and
3. Approve the Improvement Agreement for the Public Improvements of Harney Lane executed by DSS Company covering the completion of the street pavement and appurtenant public improvements in Harney Lane.

BACKGROUND INFORMATION: On November 19, 2003, the City Council adopted Resolution 2003-213 approving the Final Map and Improvement Agreement for Legacy Estates Unit 1, Tract No. 3260, between the City of Lodi and FCB Building Partners II, L. P.

The subdivision is located north of Harney Lane and west of Mills Avenue, as shown on Exhibit A. The development consists of 77 single-family residential lots. The subdivision improvements included public street improvements on Harney Lane from the west subdivision boundary to Mills Avenue, as delineated on Exhibit A.

The developer's contractor, DSS Engineering Contractors, installed street pavement improvements in Harney Lane as part of the subdivision improvements. The street pavement improvements are not in compliance with the approved improvement plans and do not currently meet City standards. In an effort to relieve the developer, FCB Building Partners II, L. P., of responsibility for completing the Harney Lane improvements and allow acceptance by the City of the balance of the subdivision improvements, **DSS Company**, parent company of DSS Engineering Contractors, and the developer have requested that an improvement agreement be prepared by City staff that would allow DSS Company to assume

APPROVED:

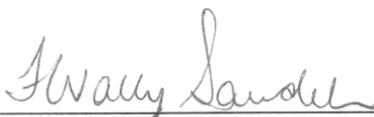

Blair King, City Manager

Adopt Resolution Amending Resolution 2003-213 to Allow Acceptance of Public Improvements for Legacy Estates Unit 1, Tract No. 3260, Prior to Completion of the Harney Lane Improvements and Approving Improvement Agreement for Harney Lane Executed by DSS Company Covering Completion of Harney Lane Improvements
February 2, 2005
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responsibility for the completion of the Harney Lane improvements. The improvement agreement requires that DSS Company install the street improvements in Harney Lane in conformance with the approved improvement plans for the Legacy Estates Unit No. 1 subdivision plus provide engineered plans and cross-sections showing the corrective measures to be performed to correct pavement, base and subgrade deficiencies in the improvements previously installed by DSS Engineering Contractors. Geotechnical services shall be provided to the approval of the Public Works Director to verify the pavement structural section in those areas subject to corrective work. In addition, DSS Company is required to provide Repair or Replacement Security prior to acceptance of the Harney Lane improvements covered by the agreement to cover the repair or replacement or reconstruction of defective work for a period of one (1) year after final acceptance of the improvements by the City.

DSS Company has executed the improvement agreement, furnished the City with the necessary improvement security and insurance certificate, and paid the fees for engineering plan check, inspection and document preparation services. A copy of the improvement agreement is on file in the office of the Public Works Director.

FUNDING: Not applicable.



for Richard C. Prima, Jr.
Public Works Director

Prepared by Sharon A. Welch, Senior Civil Engineer
RCP/SAW/pmf
Attachment

cc: Senior Civil Engineer Fujitani
Senior Civil Engineer Welch
Streets Superintendent
DSS company
FCB Building Partners II, L. P

RESOLUTION NO. 2005-19

A RESOLUTION OF THE LODI CITY COUNCIL AMENDING
RESOLUTION 2003-213 TO ALLOW ACCEPTANCE OF PUBLIC
IMPROVEMENTS FOR LEGACY ESTATES UNIT 1, TRACT
NO. 3260, PRIOR TO COMPLETION OF THE HARNEY LANE
IMPROVEMENTS; AND APPROVING IMPROVEMENT
AGREEMENT FOR HARNEY LANE EXECUTED BY DSS
COMPANY COVERING COMPLETION OF HARNEY LANE
IMPROVEMENTS

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WHEREAS, on November 19, 2003, the City Council adopted Resolution 2003-213 approving the Final Map and Improvement Agreement for Legacy Estates Unit 1, Tract No. 3260, between the City of Lodi and FCB Building Partners II, L. P.; and

WHEREAS, the subdivision is located north of Harney Lane and west of Mills Avenue and consists of 77 single-family residential lots, with subdivision improvements that include public street improvements on Harney Lane from the west subdivision boundary to Mills Avenue, as delineated on Exhibit A attached; and

WHEREAS, the developer's contractor, DSS Engineering Contractors, installed street pavement improvements in Harney Lane as part of the subdivision improvements, which are not in compliance with the approved improvement plans and do not currently meet City standards; and

WHEREAS, in an effort to relieve the developer, FCB Building Partners II, L. P., of responsibility for completing the Harney Lane improvements and allow acceptance by the City of the balance of the subdivision improvements, DSS Company, parent company of DSS Engineering Contractors, and the developer have requested that an improvement agreement be prepared by City staff that would allow DSS Company to assume responsibility for the completion of the Harney Lane improvements; and

WHEREAS, the improvement agreement requires that DSS Company install the street improvements in Harney Lane in conformance with the approved improvement plans for the Legacy Estates Unit No. 1 subdivision plus the following: provide engineered plans and cross-sections showing the corrective measures to be performed to correct pavement, base, and subgrade deficiencies in the improvements previously installed by DSS Engineering Contractors; provide geotechnical services to the approval of the Public Works Director to verify the pavement structural section in those areas subject to corrective work; provide Repair or Replacement Security prior to acceptance of the Harney Lane improvements covered by the agreement to cover the repair or replacement or reconstruction of defective work for a period of one (1) year after final acceptance of the improvements by the City; and

WHEREAS, DSS Company has executed the improvement agreement, furnished the City with the necessary improvement security and insurance certificate, and paid the fees for engineering plan check, inspection, and document preparation services.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby adopts Resolution No. 2005-19 amending Resolution 2003-213 to authorize the following actions for the Legacy Estates Unit 1, Tract No. 3260, subdivision:

1. Allow acceptance of the public improvements for the subdivision prior to completion of the street pavement and appurtenant public improvements in Harney Lane required under the terms of the Improvement Agreement for the Public Improvements for Legacy Estates Unit No. 1 executed by FCB Building Partners II, L. P., and approved by Council on November 19, 2003.
2. Relieve FCB Building Partners II, L. P., from responsibility for completion of the street pavement and appurtenant public improvements in Harney Lane and deem its responsibilities for the installation of public improvements under the terms of the above referenced improvement agreement complete.
3. Approve the Improvement Agreement for the Public Improvements of Harney Lane executed by DSS Company covering the completion of the street pavement and appurtenant public improvements in Harney Lane.

Dated: February 2, 2005

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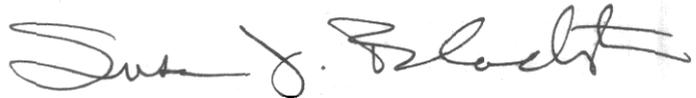
I hereby certify that Resolution No. 2005-19 was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 2, 2005, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson, Mounce, and Mayor Beckman

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON
City Clerk

CITY COUNCIL

JOHN BECKMAN, Mayor
SUSAN HITCHCOCK
Mayor Pro Tempore
LARRY D. HANSEN
BOB JOHNSON
JOANNE L. MOUNCE

CITY OF LODI

PUBLIC WORKS DEPARTMENT

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BLAIR KING
City Manager
SUSAN J. BLACKSTON
City Clerk
O. STEVEN SCHWABAUER
City Attorney
RICHARD C. PRIMA, JR.
Public Works Director

January 27, 2005

FCB Building Partners I, LP
c/o Frontiers
3247 W. March Lane, Ste. 220
Stockton, CA 95219

DSS Company
P.O. Box 6099
Stockton, CA 95206

SUBJECT: Adopt Resolution Amending Resolution 2003-213 to Allow Acceptance of Public Improvements for Legacy Estates Unit 1, Tract No. 3260, Prior to Completion of the Harney Lane Improvements and Approving Improvement Agreement for Harney Lane Executed by DSS Company Covering Completion of Harney Lane Improvements

Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, February 2, 2005. The meeting will be held at 7 p.m. in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

This item is on the consent calendar and is usually not discussed unless a Council Member requests discussion. The public is given an opportunity to address items on the consent calendar at the appropriate time.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council Meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Susan Blackston, City Clerk, at (209) 333-6702.

If you have any questions about the item itself, please call Sharon Welch, Senior Civil Engineer, at (209) 333-6800, extension 2659.



for: Richard C. Prima, Jr.
Public Works Director

RCP/pmf

Enclosure

cc: City Clerk