

RESOLUTION NO. 2008-201

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA APPROVING ONE  
(1) YEAR EXTENSION FOR PHASE 2 SUBDIVISION IMPROVEMENT AGREEMENT  
FOR MARINA HEIGHTS DEVELOPMENT PROJECT

WHEREAS, the City Council approved the Phase 2 Final Map and Subdivision Improvement Agreement for the Marina Heights project at the September 6, 2006 meeting, and;

WHEREAS, Marina Heights L.P. as required by the Phase 2 Subdivision Improvement Agreement has filed with the City Clerk of the City of Marina performance and labor material bonds to guarantee completion of the subdivision improvements, and;

WHEREAS, the Phase 2 Subdivision Improvement Agreement was approved for a two year period to September 25, 2008 with the provision for consideration by the City Council of a 12 month extension, and;

WHEREAS, Marina Heights L.P. submitted a letter on August 13, 2008 requesting a 12 month extension of the Subdivision Improvement Agreement for the Marina Heights project, and;

WHEREAS, Marina Heights L.P. has completed most of the Phase 2 subdivision improvements and has submitted a Continuation Certificate continuing the Phase 2 performance bond until September 21, 2009.

NOW, THEREFORE, BE IT RESOLVED that the City of Marina does hereby:

1. Approve one (1) year extension to the Phase 2 Subdivision Improvement Agreement to September 21, 2009.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting held on 7<sup>th</sup> day of October 2008, by the following vote:

AYES, COUNCIL MEMBERS: Amadeo, Ford, Gray, McCall, Wilmot

NOES, COUNCIL MEMBERS: None

ABSENT, COUNCIL MEMBERS: None

ABSTAIN, COUNCIL MEMBERS: None

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Gerald J. Wilmot, Mayor

ATTEST:

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Dimitra M. Hubbard, Deputy City Clerk

October 2, 2008

Item No. **8g(1)**

Honorable Mayor and Members  
of the Marina City Council

City Council Meeting  
of October 7, 2008

**RECOMMENDATION TO CONSIDER ADOPTING RESOLUTION NO. 2008-, APPROVING ONE (1) YEAR EXTENSION FOR PHASE 2 SUBDIVISION IMPROVEMENT AGREEMENT FOR MARINA HEIGHTS DEVELOPMENT PROJECT**

**RECOMMENDATION:**

It is recommended that the City Council:

1. Consider adopting Resolution No. 2008-, approving one (1) year extension for Phase 2 Subdivision Improvement Agreement for Marina Heights Development Project.

**BACKGROUND:**

At the regular meeting of September 6, 2006, the City Council adopted Resolution No. 2006-228, approving the Phase 2 Final Map and Subdivision Improvement Agreement for the Marina Heights Project.

The Subdivision Improvement Agreement between Marina Heights and the City of Marina was entered into on September 25, 2006. The agreement requires Marina Heights to complete all the Phase 2 subdivision improvements within two (2) years from the September 25, 2006, agreement execution date. The agreement provides for one (1) twelve (12) month extension if all the Phase 2 improvements are not completed within two (2) years.

The Phase 2 Subdivision Improvement Agreement requires Marina Heights L.P., to file performance bonds with the City Clerk of the City of Marina to guarantee completion of the subdivision improvements. The required bonds have been filed with the City Clerk.

The majority of the Phase 2 subdivision improvements were completed by September 25, 2008. On August 13, 2008, Marina Heights L.P., submitted a letter requesting the City Council consider a twelve (12) month extension for the completion of the Phase 2 improvements.

**ANALYSIS:**

Staff recommends the City Council consider approving the request for a one-year extension for Marina Heights to complete the Phase 2 improvements. The present weak housing market has delayed the construction of the first homes in Marina Heights. These first homes were to have provided funds for the completion of the Phase 2 subdivision improvements.

In recommending that the City Council consider the requested twelve (12) month extension, staff has confirmed that the performance bond to guarantee completion of the Phase 1 improvements is still in place.

Marina Heights has provided a Continuation Certificate that shows the performance bond extended to September 21, 2009. The extension date in the agreement needs to correspond with the September 21, 2009 date for the extension of the performance bonds.

Any failure to complete the Phase 2 improvements is covered by the performance bond until September 21, 2009.

**FISCAL IMPACT:**

None

**CONCLUSION:**

The request is submitted for City council consideration and possible action.

Respectfully submitted,

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Haywood Norton  
Marina Heights Project Manager  
City of Marina

**REVIEWED/CONCUR:**

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Douglas A. Yount  
Development Services Director  
City of Marina

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Anthony J. Altfeld  
City Manager  
City of Marina

**NOTED FOR FISCAL IMPACT:**

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Richard B. Standridge, CPA  
Interim Finance Director  
City of Marina