

RESOLUTION NO. 2017- ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CATHEDRAL CITY ACCEPTING THE PUBLIC IMPROVEMENTS AND
APPROVING THE PRIVATE IMPROVEMENTS WITHIN TRACT MAP
36832-1 AND RELEASING SECURITIES**

WHEREAS, Tract Map 36832-1 is a 4-lot single family development on the south side of Elizabeth Road, developed by Stanton Place 2014, LLC, as the first increment of a 17-lot residential subdivision, approved by the Planning Commission in December, 2014; and

WHEREAS, said development required certain curb, gutter, driveway, sidewalk and parkway improvements on Elizabeth Road, and also required the construction of boundary walls, sewer and water services, utilities, and other on-site improvements; and

WHEREAS, on August 26, 2015, the City Council approved a Subdivision Improvement Agreement with the Subdivider for Tract No. 36832-1, which detailed the Subdivider's obligations to complete certain improvements, and which secured the performance of said obligations with corporate surety bonds in the amount of \$120,767 to guarantee faithful performance and \$60,384 to guarantee payment for labor and materials. The Subdivision Improvement Agreement also detailed the Subdivider's obligations to install and place final monuments for said Tract Map, and which secured the placement of said monuments with a cash security for \$5,000; and

WHEREAS, subsequent to the execution and approval of said Agreement the final map for Tract Map 36832-1 was approved by the City Council and was recorded on October 14, 2015, in Book 447, at Pages 27 and 28, of Maps, in the Office of the County Recorder of Riverside County; and

WHEREAS, the Engineer of Record for the parcel map certified to the City Engineer that final monuments were set and that he had been compensated for such work, and therefore in accordance with the Subdivision Improvement Agreement the \$5000 cash security has been released; and

WHEREAS, the City Engineer has determined that the Subdivider has satisfactorily completed all the public improvements to Elizabeth Road, a public street, and the private on-site improvements as imposed as a condition of Final Map approval in accordance with the terms of the Subdivision Improvement Agreement; and

WHEREAS, the City Engineer has determined that Developer has posted a good and sufficient security in the amount of \$12,077 as a warranty bond to guarantee the public and private improvements against any defects in materials or workmanship for a period of one-year, and has also determined that the remaining securities may be released in accordance with the terms of the Subdivision Improvement Agreement.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY, AS FOLLOWS:

Section 1. Approval of Improvements

That pursuant to the terms of the Subdivision Improvement Agreement, the City of Cathedral City finds that all said improvements have been constructed in accordance with the improvement plans to an acceptable design standard, and the public improvements on Elizabeth Road are accepted into the City maintained street system as of the date of adoption of this Resolution.

Section 2. Notice of Completion

That the City Manager and City Engineer are hereby authorized to prepare and sign a Notice of Completion, in accordance with the Civil Code, and to record said Notice of Completion with the Riverside County Recorder within ten (10) days of the adoption of this Resolution.

Section 3. Warranty Security

That Developer has provided a Warranty security in the amount of \$12,077 covering the approved work as required by Sections 2(a)(iii) and 11 of the Subdivision Improvement Agreement, and that said security shall be retained for a period of one year from the date of adoption of this Resolution in accordance with Section 11 of the Subdivision Improvement Agreement. The City Engineer is hereby authorized to release said Warranty Security Bond following the expiration of the one-year warranty period, so long as there are no claims filed and any necessary warranty repairs have been completed to his satisfaction.

Section 4. Release of Securities

That all other securities posted by the Subdivider, in accordance with the Subdivision Improvement Agreement, as listed below, are hereby ordered released as follows:

Surety Bond No. 802827-P, from Indemnity Company of California, in the amount of \$120,767, guaranteeing Faithful Performance.

Surety Bond No. 802827-P, from Indemnity Company of California, in the amount of \$60,384, guaranteeing payment for Labor and Materials, to be released by the City Engineer 90 days after the date of recordation of the above described Notice of Completion so long as there have been no claims filed.

Section 5. Effective Date

That this Resolution shall take effect upon its adoption.

Section 6. Certification

That the City Clerk is hereby directed to cause a certified copy of this Resolution, attested by her under seal, to be recorded in the Office of the County Recorder of Riverside County.

PASSED, APPROVED, and ADOPTED at a regular meeting of the City Council for the City of Cathedral City held on this _____ day of _____, 2017 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Stanley E. Henry, Mayor
City of Cathedral City, California

ATTEST:

City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

City Attorney

John A. Corella, City Engineer

REVIEWED:

Charles P. McClendon, City Manager