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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Authorizing City Manager to Execute Addendum to the Improvement Agreement for Public Improvements at 495 North Guild Avenue to Provide One-Year Time Extension

MEETING DATE: July 18, 2007

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt a resolution authorizing the City Manager to execute the Addendum to the Improvement Agreement to provide a one-year extension for the Public Improvements at 495 North Guild Avenue and authorizing the City Manager to execute the agreement on behalf of the City.

BACKGROUND INFORMATION: The developers, Delmar and Doris Batch, have applied for a building permit to construct a mini-storage building at 495 North Guild Avenue. Public improvements, including curb, gutter, sidewalk and public water pipe improvements are part of the off-site improvement requirements, as specified in LMC Chapter 15.44. The developer executed an improvement agreement for the required public improvements in July 2006. Under the terms of the improvement agreement, the developer had 365 days from the date of the agreement execution to complete the public improvements. As a condition of the building permit, all public improvements must be completed prior to occupancy.

The public improvements have not been completed as of this date, due to scheduling difficulties. The developer desires to comply with the requirements of the agreement and is requesting a time extension for the completion of the public improvements. Staff feels this is a reasonable request and is recommending a one-year extension for the public improvements as specified under the terms of the original improvement agreement. The addendum also specified that the developer pay all the additional costs of the document preparation (\$548) and provide the necessary contract security and insurance under the terms of the original agreement.

The developer has executed the agreement and paid the additional fee. Staff is recommending that Council approve the Addendum to the Improvement Agreement for the Public Improvements at 495 North Guild Avenue and authorize the City Manager to execute the agreement on behalf of the City.

FISCAL IMPACT: There will be no financial impact to the City.

FUNDING AVAILABLE: Not applicable

Richard C. Prima, Jr.
Public Works Director

Prepared by Lyman Chang, Senior Civil Engineer
RCP/LC/drr
cc: Delmar Batch
City Attorney
Senior Civil Engineer, Chang

APPROVED: _____
Blair King, City Manager

RESOLUTION NO. 2007-_____

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING THE IMPROVEMENT AGREEMENT
ADDENDUM FOR PUBLIC IMPROVEMENTS AT 495
NORTH GUILD AVENUE

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WHEREAS, the developers, Delmar and Doris Batch, have applied for a building permit to construct an office/retail building at 495 North Guild Avenue. Public improvements, including curb, gutter, sidewalk, and public water pipe improvements are a part of the off-site improvement requirement, as specified in Lodi Municipal Code Chapter 15.44; and

WHEREAS, the developer executed an improvement agreement for the required public improvements in July 2007 and, pursuant to the terms thereof, the developer had 365 days from the date of the agreement execution to complete the public improvements. As a condition of the building permit, all public improvements must be completed prior to occupancy; and

WHEREAS, the public improvements have not been completed as of this date, and the developer desires to comply with the requirements of the agreement and is requesting a time extension for completion of the public improvements; and

WHEREAS, staff therefore recommends a one-year extension for the public improvements as specified under the terms of the original improvement agreement; and

WHEREAS, the addendum also specifies that the developer pay all the additional costs of the document preparation (\$548) and provide the necessary contract security and insurance for the terms of the original agreement; and

WHEREAS, the developer has executed the agreement and paid the additional fees, and staff recommends that the City Council approve the Addendum to the Improvement Agreement for the Public Improvements at 495 North Guild Avenue and authorize the City Manager to execute the agreement on behalf of the City of Lodi.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council finds as follows:

1. That the Addendum to the Improvement Agreement for the Public Improvements at 495 North Guild Avenue is hereby approved, and further that the City Manager is hereby authorized to execute said Addendum on behalf of the City of Lodi.

Dated: July 18, 2007

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I hereby certify that Resolution No. 2007-____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held July 18, 2007, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2007-____