



Agenda Date: 11/21/2006
Agenda Placement: 6I

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Michael Stoltz for Robert Peterson - Director
Public Works
REPORT BY: Larry Bogner, Civil Engineer, 253-4351
SUBJECT: Extension of the completion date of improvements required by subdivision agreement No. 3289, between TMT Properties, Inc. and Napa County.

RECOMMENDATION

Director of Public Works requests authorization to extend the completion date for road and drainage improvements on Devlin Road as required by Subdivision Agreement No. 3289 between TMT Properties, Inc. and Napa County to August 8, 2007.

EXECUTIVE SUMMARY

Completion of the road and drainage improvements of the Napa Airport Centre subdivision's frontage on Devlin Road was originally deferred by Agreement No. 3289 between the County and TMI on November 25, 1992. Subsequently, the completion date of the agreement has been extended six times. The last extension expired on August 8, 2006.

None of the connecting road segments of Devlin Road have been completed to date. Accordingly there is no public necessity for this road to be completed. The adjoining portion of Devlin Road immediately to the north and the subject section of road are currently being built at the same time and by the same contractor. The renewal of the extension of the completion date of Agreement No. 3289 will permit and provide for the construction to be coordinated with the construction of the adjoining road segment.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: General Rule. It can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)]. The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

TMI Corporation created Unit One of the Napa Airport Centre subdivision by the recordation of a Final Map in November of 1992. Airpark Road was built and accepted into the County-maintained road system in 1992 as a part of the subdivision. Lot 6 of the subdivision, now developed with a warehouse, gains access from Airpark Road. The lot also has frontage on Devlin Road. Completion of the road and drainage improvements of Lot 6's frontage on Devlin Road was deferred by Agreement No. 3289 between the County and TMI on November 25, 1992. Subsequently, the completion date of the agreement was extended three times until May 24, 1997. The construction of the road segment was guaranteed by a set of subdivision bonds during the entire period.

Panattoni Company purchased Lot 6 in 2000 and supplied a set of bonds to replace TMI's bonds. Panattoni subsequently sold it to TMT Properties Inc. (TMT). On October 1, 2002 an extension to August 7, 2003 for completion of the improvements required by Subdivision Agreement No. 3289 was approved. A set of bonds was also accepted from TMT to replace Panattoni's bonds guaranteeing the construction of the improvements.

Subsequently TMT has requested extensions of the agreement until August 8, 2005 and August 8, 2006. TMT is now requesting approval a further extension of the completion date to August 8, 2007.

TMT's contractor has been working on these improvements along with an adjoining portion of Devlin Road to the north, both of which will serve a warehouse and trucking yard planned on an adjacent property. The contractor was making significant progress on the improvements during the past summer. The progress led the County's field inspection staff to believe the work would be complete in August or September, 2006, with the anticipation that the County's action would be a Notice of Completion rather than another extension.

TMT also had expected to have completed the subject improvements this past summer. However, work has been temporarily delayed while TMT and the neighboring warehouse and truck yard developer discuss the cost-sharing of the improvements. TMT is confident the two parties will come to an agreement but does not have an expected completion date of their discussions or the construction.

The contractor has completed the road grading, aggregate base rock installation and the paving on the subject section of road. The contractor still has to connect the streetlights into the electrical system, repair a drainage inlet, and complete some slope stabilization around the street light bases. TMT's bonds are still in force and effect. Their face value is \$137,000. Staff is confident the amount of the bonds is sufficient to guarantee the construction of the remaining improvements.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Andrew Carey