



# *CITY COUNCIL AGENDA REPORT*

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MEETING DATE: NOVEMBER 15, 2004

ITEM NUMBER: \_\_\_\_\_

**SUBJECT:** RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS03-00444 FOR STREET IMPROVEMENTS LOCATED AT 655 ANTON BOULEVARD, COSTA MESA, CALIFORNIA

**DATE:** NOVEMBER 4, 2004

**FROM:** PUBLIC SERVICES DEPARTMENT/ENGINEERING DIVISION

**PRESENTATION BY:** WILLIAM J. MORRIS, DIRECTOR OF PUBLIC SERVICES

**FOR FURTHER INFORMATION CONTACT:** ERNESTO MUNOZ, CITY ENGINEER, 714-754-5343

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## **RECOMMENDATION:**

Release the Performance and Labor and Material Bonds (Certificate No. 400TB3767) in the amount of \$73,101 each to Hathaway Dinwiddie Construction Co. (Developer), 1145 Wilshire Boulevard, Unit 200, L.A., California 90017.

## **BACKGROUND:**

On May 8, 2003, the Planning Commission approved a development application to allow construction of a commercial building. The Encroachment Permit allowed construction of street improvements; including a deceleration lane consisting of a driveway approach, curbs, sidewalk, and street resurfacing. The Performance and Labor and Material Bonds in the amount of \$73,101 each were received and accepted by the Public Services Department as a guarantee for the construction of the improvements.

## **ANALYSIS:**

All Engineering Division's conditions of development for the project have been met and the work has been completed and accepted by the Public Services Department.

## **ALTERNATIVES CONSIDERED:**

The alternative to this Council action would be to retain the Performance and Labor and Material Bonds. Costa Mesa Municipal Code Section 15-32 states, "The condition of said bond shall be that the applicant will perform the work authorized by any permit issued pursuant to this chapter in a good and workmanlike manner and to the satisfaction of the City Engineer." These conditions have been met; therefore, retention of the bonds would be in violation of the Municipal Code.

## **FISCAL REVIEW:**

There is no fiscal impact to the City relative to this item.

**LEGAL REVIEW:**

There is no legal review required relative to this item.

**CONCLUSION:**

All of the required improvements have been completed by the Developer. Therefore, staff recommends that the Performance and Labor and Material Bonds in the amount of \$73,101 be released to Hathaway Dinwiddie Construction Co.

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ERNESTO MUNOZ  
City Engineer

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WILLIAM J. MORRIS  
Director of Public Services

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ReleaseBonds655AntonReport

10/29/04

2:00 p.m.