



CITY COUNCIL AGENDA REPORT

MEETING DATE: JUNE 16, 2009

ITEM NUMBER:

**SUBJECT: REFUND OF CASH DEPOSIT IN CONNECTION WITH PARCEL MAP 2004-255
LOCATED AT 330 EAST 15TH STREET, COSTA MESA, CALIFORNIA**

DATE: JUNE 4, 2009

FROM: PUBLIC SERVICES DEPARTMENT/ENGINEERING DIVISION

PRESENTATION BY: PETER NAGHAVI, DIRECTOR, DEPARTMENT OF PUBLIC SERVICES

FOR FURTHER INFORMATION CONTACT: ERNESTO MUÑOZ, CITY ENGINEER, (714) 754-5335

RECOMMENDED ACTION:

Refund cash deposit in connection with Encroachment Permit No. PS07-00270 and setting corner monuments for PM-2004-255 in the amount of \$11,234.12 to Stephen Samuelian, 11 South Vista De Catalina, Laguna Beach, CA 92651.

BACKGROUND:

On November 14, 2008, the Engineering Division issued Encroachment Permit No. PS07-00270 to Joaquin Garcia Construction, Inc., (Contractor) for the construction of street improvements at 330 East 15th Street. The Encroachment Permit allowed the construction of curb and gutter, residential sidewalk, curb drain, and residential drive approach. The Engineering Division required the setting of durable monuments at exterior and interior parcel corners as conditions of approving Parcel Map PM-2004-255. The cash deposit in the amount of \$10,234.12 as a guarantee for the construction of street improvements, and \$1,000 for setting corner monuments was received by the Public Services Department.

ANALYSIS:

All conditions of the Encroachment Permit 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 cash deposit. The Costa Mesa Municipal Code Section 15-32(b) states, "The condition of said bond (or cash deposit) 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 cash deposit 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 conditions of the Encroachment Permit have been completed and the monuments have been set by the engineer. Therefore, staff recommends that the cash deposit in the amount of \$11,234.12 be released and refunded to Stephen Samuelian.

ERNESTO MUÑOZ
City Engineer

PETER NAGHAVI, DIRECTOR
Public Services Department

MARC R. PUCKETT
Director of Finance

DISTRIBUTION: City Manager
 City Attorney
 City Clerk
 Staff