



CITY COUNCIL AGENDA REPORT

MEETING DATE: JANUARY 4, 2011

ITEM NUMBER:

SUBJECT: RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS08-00071 FOR STREET IMPROVEMENTS AND CORNER MONUMENTATION FOR TRACT 16945 LOCATED AT 2453 ORANGE AVENUE, COSTA MESA, CALIFORNIA.

DATE: DECEMBER 23, 2010

FROM: PUBLIC SERVICES DEPARTMENT/ENGINEERING DIVISION

PRESENTATION BY: PETER NAGHAVI, DIRECTOR, PUBLIC SERVICES DEPARTMENT

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

RECOMMENDED ACTION

Release the Performance and Labor and Material Bonds (Certificate No. 661121244) in the amounts of \$46,808 each for street improvements, and (Certificate No. 661121243) for setting corner monuments in the amount of \$8,000 to 2453 Orange Ave, LLC, (Developer), 190 Newport Center Drive, Suite 220, Newport Beach, California 92660.

BACKGROUND

On October 16, 2007, the City Council approved the Final Map Tract No. 16945 for the subdivision of nine (9) residential lots and one (1) number lot for a common interest residential development. The Engineering Division required the setting of durable monuments at corners of exterior and interior lots. The Performance Bond in the amount of \$8,000 was received and accepted by the Public Services Department as a guarantee for the setting of the monuments. Also, the Engineering Division issued Encroachment Permit No. PS08-00071 to Mark Company (Contractor), for the construction of street improvements within Orange Avenue. The Encroachment Permit allowed the construction of sidewalk, curb and gutter, drive approach and the connection to the storm drain line. The Performance and Labor and Materials Bonds in the amounts of \$46,808 each were received and accepted by the Public Services Department as a guarantee for the construction of the improvements.

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 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 conditions of the Encroachment Permit have been completed by the contractor, and all of the monuments have been set by the Engineer. Therefore, staff recommends that the Performance and Labor and Material Bonds in the amounts of \$46,808 each, and the bond for setting corner monuments in the amount of \$8,000 be released to 2453 Orange Avenue, LLC.

ERNESTO MUÑOZ

City Engineer

PETER NAGHAVI, DIRECTOR

Public Services Department

DISTRIBUTION: City Manager
City Clerk
City Attorney
Staff