

**STAFF REPORT**  
**City of Lancaster**

CC 13
04/14/09
MVB

Date: April 14, 2009

To: Mayor Parris and City Council Members

From: James R. Williams, Director of Public Works

Subject: **Extension of the Subdivision Undertaking Agreement and Improvement Securities and Acceptance of Maintenance Agreement and Security for Tract Map No. 53102-01 – Located on the Southwest Corner of Avenue J-8 and 45<sup>th</sup> Street West**

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**Recommendation:**

Approve the Extension of the Subdivision Undertaking Agreement and Improvement Securities to April 14, 2010, and accept and approve the Maintenance Security submitted by Magnolia L.P. (“Subdivider”) for Tract Map No. 53102-01.

**Background:**

In the undertaking agreement, the Subdivider agrees to complete the improvements under which the subdivision was conditioned. These improvements usually consist of curbs, gutters, sidewalks, asphalt pavement, drainage basins, storm drains, water and sewer systems, landscaping, and street lighting systems. The improvement securities posted with the undertaking agreement secure that completion of the conditioned improvements. If the developer fails to complete these improvements, the City may use the posted securities to pay for the completion of the improvements.

On August 24, 2004, the City and Subdivider entered into that certain undertaking agreement and the Subdivider posted securities to complete the required improvements for Tract Map No. 53102-01. The agreement expired on August 26, 2006, and was extended to August 8, 2008. Because of the current housing market conditions, the Subdivider was unable to complete the required improvements and requested to extend the completion date. The Subdivider agrees to maintain the subdivision in a clean and safe manner and also agrees to execute a maintenance agreement and post maintenance security.

Staff recommends that the City Council approve the Extension of the Subdivision Undertaking Agreement and Improvement Securities to April 14, 2010, and accept the Maintenance Agreement and Maintenance Security submitted by Magnolia L.P. for Tract Map No. 53102-01.

MT:lcs

**Attachments:**

Map  
Extension to Undertaking Agreement  
Maintenance Agreement