



## STAFF REPORT

DATE: January 7, 2020

### **CONSENT**

**AGENDA ITEM:** Approve Release of Warranty Security for Easton Village 1st Addition

**SUBMITTED BY:** Jack Griffin, City Engineer

**REVIEWED BY:** Kristina Handt, City Administrator  
Marty Powers, Public Works Director  
Ken Roberts, Planning Director  
Chad Isakson, Assistant City Engineer

---

**ISSUE BEFORE COUNCIL:** Should the City Council approve release of warranty security for public improvements including streets, storm sewer facilities, sidewalks, trails, materials and equipment for Easton Village 1st Addition and release the remaining landscaping security?

**PROPOSAL DETAILS/ANALYSIS:** Staff has received and processed a request to release the development security in accordance with the development agreement for the Easton Village 1st Addition. The public improvements including streets, storm sewer facilities, sidewalks, trails, materials and equipment were completed and accepted by the City on May 15, 2018 and the 1-year warranty period was initiated. Twenty-five percent (25%) of the original security was retained through the 1-year warranty period. A warranty walk-through has been completed by City staff and all warranty punch list items have since been addressed by the Developer. In addition, the landscaping improvements have been completed and the 2-year warranty has expired. With the release of the 1-year warranty security for public improvements and the landscaping security the overall development security may be reduced as follows:

	<u>Current Security Amount</u>	<u>Proposed Security Amount</u>
• Easton Village 1 <sup>st</sup> Addition:	\$585,131	\$0

Although the development improvements have been addressed in accordance with the development agreement there exist Special Provisions within the Development Agreement that have not been fully addressed. Staff is therefore recommending that the approval to reduce the security amount per this agenda report be contingent upon the following two conditions:

1. That the developer/applicant provide the City with a cash escrow sufficient to ensure the removal of the temporary road access to Manning Avenue. The Development Agreement currently requires a cash escrow in the amount of \$27,870, however, this amount is not deemed sufficient to cover the costs to complete this work. City staff is therefore recommending that a new cost estimate be prepared and is recommending the cash escrow be obtained in the updated amount.
2. That the developer provide the City with all property easements, permanent and temporary, required by the City to construct the Village Parkway UPRR Crossing Improvements. Section 30.C. of the Development Agreement requires the Developer to provide all property in fee and/or easements as required by the City necessary to establish the railroad crossing.

**FISCAL IMPACT:** Release of the warranty security brings the public improvements including streets, storm sewer facilities, sidewalks, trails, materials and equipment, and landscaping to a close. The operation and maintenance of these facilities becomes the responsibility of the City going forward. The developer remains obligated by the Development Agreement provisions to remove the temporary access to Manning

Avenue at developer's full cost and to provide easements as necessary for the City to establish the UPRR crossing for Village Parkway.

**RECOMMENDATION:** Staff is recommending that the City Council, *as part of the Consent Agenda*, approve the release of warranty security for public improvements including streets, storm sewer facilities, sidewalks, trails, materials and equipment in the Easton Village 1st Addition, and release of the remaining landscape security, resulting in a reduction in overall security as detailed in the respective worksheet; with said release to be contingent upon the two conditions outlined within this report. If removed from the consent agenda, the recommended motion for the action is as follows:

***“Move to approve the security reductions for Easton Village 1<sup>st</sup> Addition as detailed in the respective Security Reduction Worksheet, contingent upon the two conditions outlined within this report”.***

**ATTACHMENTS:**

1. Security Reduction Worksheet – Easton Village 1st Addition.

EASTON VILLAGE 1ST ADDITION

Time of Performance: June 30, 2016

DEVELOPMENT AGREEMENT AMOUNTS

CATEGORY	CONSTRUCTION	125% REMARKS	REDUCTIONS						
			#1	#2	#3	#4	#5	#6	
Grading	\$728,739	\$910,924 100%		\$910,924					
Sanitary Sewer	\$293,960	\$367,450 100%	\$275,588				\$91,863		
Watermain	\$303,289	\$379,111 100%	\$284,333				\$94,778		
Storm Sewer (w/pond structures)	\$585,943	\$732,429 100%		\$366,214	\$183,107			\$183,107	
Streets	\$526,489	\$658,111 100%		\$329,056	\$164,528			\$164,528	
Sidewalks/Trails	\$98,777	\$123,471 100%		\$61,736	\$30,868			\$30,868	
Surface Water Facilities	NA	NA							
Street Lighting	NA	NA							
Street Signs and Traffic Control Signs	\$5,600	\$7,000 100%		\$5,250				\$1,750	
Private Utilities (electricity, natural gas, telephone, and cable)		NA							
Landscaping	\$110,781	\$138,476 50%		\$69,238				\$69,238	
Tree Preservation and Restoration	\$164,435	\$205,544 50%		\$102,772				\$102,772	
Wetland Mitigation and Buffers	NA	NA							
Monuments	\$30,000	\$37,500 100%			\$28,125			\$9,375	
Erosion Control	\$68,678	\$85,848 100%			\$64,386			\$21,462	
Miscellaneous Facilities	NA	NA							
Record Drawings	\$6,500	\$8,125 100%			\$6,094			\$2,031	
<b>TOTALS</b>	<b>\$2,923,191</b>	<b>\$3,653,989</b>	RELEASED AMOUNTS:	\$559,921	\$1,845,189	\$477,107	\$186,640	\$585,131	
		\$685,766	CUMMULATIVE AMOUNTS:	\$559,921	\$2,405,110	\$2,882,218	\$3,068,858	\$3,653,989	
			SECURITY AMOUNT REMAINING:	\$3,094,068	\$1,248,878	\$771,771	\$585,131	<b>\$0</b>	
			DATE:	8/2/2016	12/20/2016	5/15/2018	1/2/2019	1/7/2020	