



Legislation Details (With Text)

**File #:** 17-491      **Version:** 1      **Name:**

**Type:** Consent Item      **Status:** Passed

**File created:** 9/26/2017      **In control:** City Council/Public Finance and Economic Development Authority/Parking Authority

**On agenda:** 10/16/2017      **Final action:** 10/16/2017

**Title:** SUBJECT: Fourth Amendment to Subdivision Agreement for the Summer Creek, Phase 2 Subdivision

**REPORT IN BRIEF**

Extends the subdivision agreement completion time to November 1, 2022.

**RECOMMENDATION**

City Council - Adopt a motion approving the fourth amendment to the Subdivision Agreement for the Summer Creek, Phase 2 Subdivision extending the time of completion to November 1, 2022, and authorizing the City Manager or Assistant City Manager to execute the necessary documents.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Location Map.pdf, 2. Summer Creek Ph 2.pdf, 3. Att 3 - Summer Creek Subdivision Extension Request.pdf, 4. 4th Amendment to Sub Agrmt Signed by Brighth 09282017 (002).pdf

Date	Ver.	Action By	Action	Result
10/16/2017	1	City Council/Public Finance and Economic Development Authority/Parking Authority	approved	Pass

*Report Prepared by: Julie Nelson, Associate Planner, Development Services Department*

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**REPORT IN BRIEF**

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**ALTERNATIVES**

1. Approve, as recommended by staff; or,
2. Approve, subject to modifications as conditioned by Council; or,
3. Deny the request; or,
4. Refer back to staff for reconsideration of specific items as requested by Council; or,
5. Continue to a future meeting (date and time to be specified in Council motion).

## **AUTHORITY**

Chapter 24 of Title 18, Subdivisions, of the Merced Municipal Code (MMC) deals with final maps. Section 18.24.120 gives Council authority to approve the final map agreements.

## **DISCUSSION**

The Summer Creek, Phase 2 subdivision was originally approved by the City Council on June 19, 2006. The subdivision is a 76-lot project located east of McKee Road, north of Black Rascal Creek (Attachments 1 and 2). The First Amendment to the Subdivision Agreement was approved August 6, 2007, granting a one-year extension for completing the required public improvements. In 2009, a Second Amendment was approved extending the time for the improvements until November 1, 2012. In 2012, a Third Amendment was approved extending the time to November 1, 2017. The required improvements include streets, sidewalks, curbs, and gutters needed to serve the subdivision. Because the housing market has not recovered to the point that the developer feels the construction of this subdivision is feasible, they are requesting an additional five year extension (see letter at Attachment 3).

The Third Amendment to the Subdivision Agreement required the developer to either install a portion of the bike path along the subdivision frontage within 2 years or have the developer pay the City \$69,000 to cover the costs of the bike path construction. The developer paid the \$69,000 to cover the cost of the bike path construction.

## **IMPACT ON CITY RESOURCES**

There would be no impacts on City resources with the approval of this amendment to the Subdivision Agreement.

## **ATTACHMENTS**

1. Location Map
2. Summer Creek Phase 2 Map
3. Letter from Bright Development
4. Draft Fourth Amendment to Subdivision Agreement