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**SUBJECT:** Accept the Orchard Trails, Subdivision No. 9523, in-tract public improvements for maintenance; accepting the Maintenance Bond; releasing the Improvement Securities; and requesting that the City Clerk file this Resolution with Contra Costa County

**DEPARTMENT:** Engineering

**STAFF:** Allen Baquilar, Director of Engineering/City Engineer  
Heather Silfies, Engineering Services Specialist

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### **TITLE/RECOMMENDATION**

Adopt a Resolution accepting the in-tract public improvements for Orchard Trails for maintenance; accepting the Maintenance Bond; releasing the Improvement Securities and requesting that the City Clerk file this Resolution with the Recorder of Contra Costa County for these improvements, constructed as a part of Orchard Trails, 9253, located west of Walnut Boulevard, north of the ECCID main canal, and south of Continente Avenue.

### **FISCAL IMPACT**

A number of funding sources will be used to pay for the upkeep of these improvements. Once they are accepted, the City will have an estimated \$21,307.94 in annual costs for necessary maintenance. That figure is already included in the 2024/25 Operating Budget.

Routine roadway and storm drain maintenance (\$3,678.82) will be funded by the General Fund, the special benefit portion of the street lighting maintenance costs (\$6,379.80) will be funded by the Landscaping and Lighting Assessment Districts ("LLADs") formed to cover the street lighting maintenance costs, and the general benefit portion of the LLAD cost (\$130.20) will be funded by the General Fund. Water (\$6,083.92) and wastewater (\$5,035.20) infrastructure maintenance costs will be funded by the Water and Wastewater Enterprise Funds.

### **BACKGROUND**

When developers construct a new project that includes the sale of single-family homes, the land usually has to first be divided into individual lots that can be sold to separate buyers. Depending on the number of lots needed, this division of land



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requires the approval of either a tentative parcel map (for four lots or less) or a tentative subdivision map (for five lots or more) by the City. The map shows how the land will be divided into lots, parks, streets, and other features.

When a Tentative Map is approved by the City, it will include a number of requirements or Conditions of Approval (COA's) that the developer must carry out in order to develop the project.. In compliance with State Subdivision Map Act Section 66458 (d) and Municipal Code Section 16.165.030, a Final Map and associated Subdivision Improvement Agreement (SIA) are presented to the City Manager for approval through an Informational Report to City Council. Per the SIA, improvement security must be provided to the City which covers the estimated cost of the improvements to be installed. For this project, a surety bond was submitted to guarantee faithful performance and satisfy this requirement.

Once the improvements are completed and ready for acceptance, the developer must post a Maintenance Bond in an amount not less than 10% of the estimated cost of improvements, guaranteeing materials and workmanship for a period of one year. Before ownership of the improvements can be transferred, City Council has to formally accept them, which means the City acknowledges that the improvements were built in conformance of the approved plans.

In the item before the Council, the City is being asked to (1) accept the improvements, (2) accept the Maintenance Bond from the developer, (3) release the Improvement Securities back to the developer, since the improvements were built, and (4) ask the City Clerk to send the Council's Resolution to the County so it can be recorded and be a record of the Council's action.

This project, which sits west of Walnut Boulevard, north of the ECCID main canal, and south of Contiente Avenue, has been developed by Shea Homes Limited Partnership ("Developer"). The tentative map was approved to subdivide 25.59 acres into 77 single family residential lots, a landscaped parcel for a public trail, and a parcel for bio-retention to treat stormwater. The portions of public improvements required by the project's Conditions of Approval have been constructed and inspected to ensure they follow the approved improvement plans including sewer, water, storm drain, sidewalks, masonry wall, street lighting, and paving.

The improvements, which consist of 5,590 Lineal Feet ("LF") of pavement, 2,090 LF sidewalk, 10,450 LF curb and gutter, 1,460 LF 6' masonry wall, 350 LF 8' masonry wall, 31 street lights, 4,196 LF 8" sewer line, 5,384 lf 8" water line, 13 hydrants, 3,673 LF storm drain line, is now complete and has been inspected for conformance



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with the approved improvement plans. The Developer has provided a Maintenance Bond to cover the twelve-month warranty period for the public improvements. With the improvements now installed, it is the appropriate time to accept the improvements and begin the warranty period.

**CITY COUNCIL STRATEGIC INITIATIVE**

Not Applicable.

**PREVIOUS ACTION**

Previous Action by the City Council is included on Attachment 1.

**DATE OF NOTICE**

Not Applicable.

**ENVIRONMENTAL DETERMINATION**

An addendum for a Mitigated Negative Declaration and Mitigation Monitoring Plan was approved by the Planning Commission July 16, 2019.

**ALTERNATIVE OPTION(S)**

Not Applicable.

**ATTACHMENT(S)**

1. Previous Action
2. Photos
3. Site Map
4. Resolution