

**MONTEREY COUNTY BOARD OF SUPERVISORS**

<b>MEETING:</b> July 21, 2009	<b>AGENDA NO.:</b> 32.1
<b>SUBJECT:</b> Authorize the Public Works Director to execute an amendment to the Subdivision Improvement Agreement for the Valley View subdivision (CHISPA PLN040767) to substitute a deed of trust as improvement security until such time as the project is ready to proceed, and grant an extension of time to perform.	
<b>DEPARTMENT:</b> County Counsel	

**RECOMMENDATION:**

It is recommended that the Board of Supervisors authorize the Public Works Director to execute an amendment to the Subdivision Improvement Agreement for the Valley View Subdivision to substitute a deed of trust in favor of the County of Monterey as security for subdivision improvements, until such time as the development is ready to proceed, and grant an extension of time to perform.

**SUMMARY/DISCUSSION:**

In 2006, the Board of Supervisors approved a tentative subdivision map for the Valley View subdivision (CHISPA PLN040767), a standard subdivision of 33 residential lots, with 28 single family dwellings targeted toward low and very-low income families, and 5 single family dwellings targeted toward moderate-income families. The project is located in San Lucas, in the Central Salinas Valley area.

In May of 2007, and in conjunction with consideration of a final subdivision map for the project, CHISPA and the County entered into a Subdivision Improvement Agreement concerning certain improvements to be constructed as part of the project. The agreement required, in part, that CHISPA provide the County with payment and performance bonds regarding certain public improvements to be constructed as part of the project, and that substantial construction of the improvements be commenced within 180 days of the date of the agreement. Following approval of the agreement, a final map was approved by the Board of Supervisors. CHISPA provided, and has maintained, the necessary bonds.

Due to economic circumstances, CHISPA has determined to delay construction of the project until some time in the future, and has requested that the County amend the agreement to provide that: 1) the time for completion of the improvements be extended for a period of two (2) years; and 2) the County accept a deed of trust over the property in lieu of payment and performance bonds until such time as the project is ready to proceed, at which time CHISPA will post new and updated payment and performance bonds in compliance with the Monterey County Code. The amendment will also provide that CHISPA seek the consent of the County in the event any or all of the property is to be sold prior to the posting of new payment and performance bonds, such consent not to be unreasonably withheld.

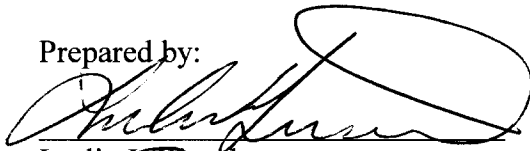
**OTHER AGENCY INVOLVEMENT:**

The Redevelopment and Housing Department, and Public Works Department concur in this action.

**FINANCING:**

There is no financial impact with this action.

Prepared by:



Leslie J. Girard  
Assistant County Counsel

Approved by:



Charles J. McKee  
County Counsel

Date: July 14, 2009

Attachments: Board Order; Amendment to Subdivision Improvement Agreement