

**CITY MANAGER'S REPORT
DECEMBER 9, 2019, CITY COUNCIL REGULAR MEETING**

ITEM: ACCEPT PUBLIC IMPROVEMENTS FOR CLSP STORM DRAINAGE RIVER OUTFALL STRUCTURE FROM SAYBROOK CLSP, LLC AND RESCIND INITIAL REJECTION OF ROADWAYS AND EASEMENTS IN FINAL MAP FOR TRACT 3533 AND ACCEPT ROADWAYS AND EASEMENTS UPON ACCEPTANCE OF IMPROVEMENTS AT A LATER DATE

RECOMMENDATION: Adopt Resolution Accepting Public Improvements for CLSP Storm Drainage River Outfall Structure from Saybrook CLSP, LLC, Rescinding Initial Rejection of Roadways and Easements in Final Map for Tract 3533 and Accepting Roadways and Easements Upon Acceptance of Improvements at a Later Date

SUMMARY:

Saybrook CLSP, LLC (Saybrook), the developer for the Central Lathrop Specific Plan (CLSP) has completed construction of the CLSP storm drainage river outfall structure in accordance with approved improvement plans. The river outfall structure improvements have been inspected by City staff and have been deemed complete and ready for acceptance. The cost to maintain these facilities will be covered through user fees collected and CLSP CFD 2019-2. Staff recommends that City Council accept the river outfall structure from Saybrook CLSP, LLC.

Also, the City Council approved the Final Map for Tract 3533 in 2006 for portions of CLSP. At the time the Final Map was processed, roadways and easements offered for dedication to the City were rejected until improvements were completed in accordance with Chapter 16, Title 16.16 of the Lathrop Municipal Code of Ordinances. So that the irrevocable offer of dedication of roadways and easements of the Final Map for Tract 3533 remains in place, staff recommends City Council rescind the initial rejection of roadways and easements in Final Map for Tract 3533 and accept the roadways and easements offered for dedication upon acceptance of the improvements at a later date.

BACKGROUND:

In 2006, construction of the CLSP sanitary sewer and storm drain pump station was initiated by Richland Planned Communities for the CLSP Tract 3533 development project, but not completed nor accepted by the City. In 2013, Saybrook acquired land within the CLSP area and completed improvements for the CLSP low flow sewer and storm drain improvements that were accepted by the City Council on July 20, 2015.

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AND ACCEPT ROADWAYS AND EASEMENTS UPON ACCEPTANCE OF
IMPROVEMENTS AT A LATER DATE**

In May 2018, the City agreed to a design standard change which allowed the pump station to be modified slightly so that the pump configuration could be altered to the satisfaction of the City Engineer. The City accepted the CLSP sanitary sewer and storm drain pump station on May 13, 2019.

The storm drainage river outfall structure recommended for acceptance is a component of the CLSP sanitary sewer and storm drain pump station and will be used to discharge storm water from the CLSP area to the San Joaquin River. A project location map is included as Attachment "B". Saybrook has now completed construction of the river outfall structure in accordance with the approved Storm Drain Outfall Design plans dated December 6, 2017. Staff has inspected and confirmed that the storm drainage river outfall structure is constructed to City specifications. An offer of dedication is not required for the river outfall structure as the land was conveyed to the City by the Final Map for Tract 3533 as Parcel 18.

On March 22, 2019, Saybrook and the City entered into an agreement titled, "Central Lathrop Specific Plan (CLSP) Storm Drain Permit Agreement Amending Permit Agreement Recorded as Document #2010-135787 San Joaquin County Records". The agreement was recorded as Document # 2019-028797, San Joaquin County Records. The agreement grants permission for Saybrook to construct and for the City to maintain the storm drain outfall structure that crosses the Reclamation District (RD) 17 levee. RD 17 provided their approval in writing that Saybrook has satisfied all requirements of said agreement.

The approximate value of the improvements is \$1,029,000 as shown in Attachment "C" for this project, GASB 34 Report for CLSP Storm Drainage River Outfall Structure. Saybrook has provided a Maintenance and Warranty Bond No.107015788 in the amount of \$217,168.14 to guarantee replacement and/or repair of the improvements as a result of defective materials, equipment or defective workmanship for a period of one year from the date of acceptance.

Also, the City Council approved the Final Map for Tract 3533 in 2006 for portions of CLSP. At the time the Final Map was processed, roadways and easements offered for dedication to the City were rejected until improvements were completed in accordance with Chapter 16, Title 16.16 of the Lathrop Municipal Code of Ordinances. So that the irrevocable offer of dedication of roadways and easements of the Final Map for Tract 3533 remains in place, staff recommends City Council rescind the initial rejection of roadways and easements in Final Map for Tract 3533 and accept the roadways and easements offered for dedication upon acceptance of the improvements at a later date.

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REJECTION OF ROADWAYS AND EASEMENTS IN FINAL MAP FOR TRACT 3533
AND ACCEPT ROADWAYS AND EASEMENTS UPON ACCEPTANCE OF
IMPROVEMENTS AT A LATER DATE****REASON FOR RECOMMENDATION:**

The CLSP storm drainage river outfall structure improvements have been inspected by City staff and have been deemed complete and ready for acceptance. Staff has received the record drawings, which reflect how the project was built, and lien releases (Attachment "D") for the improvements constructed by Saybrook. Staff recommends accepting the CLSP storm drainage river outfall structure improvements from Saybrook.

So that the irrevocable offer of dedication of roadways and easements of the Final Map for Tract 3533 remains in place, staff recommends City Council rescind the initial rejection of roadways and easements in Final Map for Tract 3533 and accept the roadways and easements offered for dedication upon acceptance of the improvements at a later date.

FISCAL IMPACT:

The City's maintenance costs will increase due to the additional improvements that will have to be maintained. The cost to maintain these facilities will be paid through user fees collected and CLSP CFD 2019-2.


ATTACHMENTS:

- A. Adopt Resolution Accepting Public Improvements for CLSP Storm Drainage River Outfall Structure from Saybrook CLSP, LLC and Rescinding Initial Rejection of Roadways and Easement in Final Map for Tract 3533 and Accepting Roadways and Easements Upon Acceptance of Improvements at a Later Date
- B. Location Map of CLSP Storm Drainage River Outfall Structure
- C. Project GASB 34 Report Reflecting Approximate Value of Improvements
- D. Unconditional Lien Release from Saybrook CLSP, LLC

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APPROVALS:



Brad Taylor
Associate Engineer

11/26/19

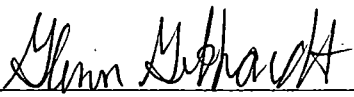
Date



Michael King
Director of Public Works

11-25-19

Date



Glenn Gebhardt
City Engineer

11-22-19

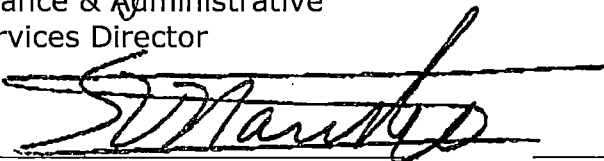
Date



Cari James
Finance & Administrative
Services Director

11/26/19


Date



Salvador Navarrete
City Attorney

11/26/2019

Date



Stephen J. Salvatore
City Manager

11-26-19

Date

RESOLUTION NO. 19-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP ACCEPTING PUBLIC IMPROVEMENTS FOR CLSP STORM DRAINAGE RIVER OUTFALL STRUCTURE FROM SAYBROOK CLSP, LLC AND RESCINDING STATEMENT IN FINAL MAP FOR TRACT 3533 TO ACCEPT ROADWAYS AND EASEMENTS UPON ACCEPTANCE OF IMPROVEMENTS AT A LATER DATE

WHEREAS, in 2006, construction of the CLSP sanitary sewer and storm drain pump station was initiated by Richland Planned Communities for the CLSP Tract 3533 development project, but not completed nor accepted by the City; and

WHEREAS, in 2013, Saybrook CLSP, LLC (Saybrook) acquired land within the CLSP area and completed improvements for the CLSP low flow sewer and storm drain improvements that were accepted by the City Council on July 20, 2015; and

WHEREAS, in May 2018, the City agreed to a design standard change which allowed the pump station to be modified slightly so that the pump configuration could be altered to the satisfaction of the City Engineer; and

WHEREAS, the City accepted the CLSP sanitary sewer and storm drain pump station on May 13, 2019. The storm drainage river outfall structure recommended for acceptance are components of the CLSP sanitary sewer and storm drain pump station; and

WHEREAS, Saybrook has completed construction of the river outfall structure in accordance with the approved Storm Drain Outfall Design plans dated December 6, 2017; and

WHEREAS, on March 22, 2019, Saybrook and the City entered into an agreement titled, Central Lathrop Specific Plan (CLSP) Storm Drain Permit Agreement Amending Permit Agreement Recorded as Document #2010-135787 San Joaquin County Records. The agreement was recorded as Document # 2019-028797, San Joaquin County Records and Saybrook has satisfied all requirements of the agreement; and

WHEREAS, the approximate value of the improvements is \$1,029,000 as shown in the GASB 34 Report for the project; and

WHEREAS, Saybrook has provided a Maintenance and Warranty Bond No. 107015788 in the amount of \$217,168.14 to guarantee replacement and/or repair of the improvements as a result of defective materials, equipment or defective workmanship for a period of one year from the date of acceptance; and

WHEREAS, Staff has received the record drawings, which reflect how the project was built, and lien releases for the improvements constructed by Saybrook; and

WHEREAS, an offer of dedication is not required for the river outfall structure as the land was conveyed to the City by the Final Map for Tract 3533 as Parcel 18; and

WHEREAS, staff recommends accepting the CLSP storm drainage river outfall structure improvements from Saybrook; and

WHEREAS, the Final Map for Tract 3533 within the CLSP was approved by City Council in 2006 and rejected roadways and easements offered for dedication until the improvements were completed; and

WHEREAS, so that the irrevocable offer of dedication of roadways and easements of the Final Map for Tract 3533 remains in place, staff recommends City Council rescind the previous rejection and accept the roadways and easements offered for dedication with the Final Map for Tract 3533 upon acceptance of the improvements at a later date.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Lathrop that the completed CLSP storm drainage river outfall structure improvements are hereby accepted from Saybrook CLSP, LLC; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the City Council of the City of Lathrop rescinds the initial rejection of roadways and easements in Final Map for Tract 3533 and accept the roadways and easements offered for dedication upon acceptance of the improvements at a later date.

The foregoing resolution was passed and adopted this 9th day of December 2019, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Sonny Dhaliwal, Mayor

ATTEST:

Teresa Vargas, City Clerk

APPROVED AS TO FORM:



Salvador Navarrete, City Attorney



Location Map of CLSP
Storm Drainage River Outfall Structure

**CITY OF LATHROP
PROJECT ACCEPTANCE
(GASB 34 REPORT)**

Date: 11/15/2019

Submitted by: Mackay & SomsTract No.: 3533 (Storm Drain Outfall)

<u>Item</u>	<u>Unit</u>	<u>Qty</u>	<u>Unit Cost</u>	<u>Cost</u>
Concrete Pad and Thrust Blocks	CY	20	\$ 40.00	\$ 800.00
Storm Outfall Structure	CY	75	\$ 1,186.67	\$ 89,000.00
36" Butterfly Valve in Valve Box	each	6	\$ 10,833.33	\$ 65,000.00
8" Vent Pipe Galv Steel	each	6	\$ 2,500.00	\$ 15,000.00
36" Tideflex Check Valves	each	6	\$ 9,200.00	\$ 55,200.00
36" Sch 30 Steel Pipe plus Fittings	LF	800	\$ 662.50	\$ 530,000.00
Steel Pipe Manifold	each	1	\$ 50,000.00	\$ 50,000.00
18"-24" Rip Rap Material and Installatic	CY	650	\$ 184.62	\$ 120,000.00
10"minus Rip Rap Material and Installa	CY	50	\$ 1,200.00	\$ 60,000.00
Armoredflex Matt L-70	SF	900	\$ 32.78	\$ 29,500.00
Railing, Fence and Bollards	LS	1	\$ 14,500.00	\$ 14,500.00

GRAND TOTAL:**\$ 1,029,000.00**

City of Lathrop

NOTICE OF WAIVER AND RELEASE

Saybrook CLSP, LLC provides the following Notice of Waiver and Release for construction of the following improvement(s):

Tract 3533 Storm Drain Outfall Improvements

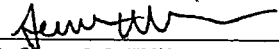
CLSP certifies:

- 1) To the best of its knowledge, any and all persons entitled to record mechanics lien, stop payment notices or payment bond claims for labor, service, equipment, or material provided to works of improvement identified above have been paid in full; and
- 2) That it has not received any notice or claim from any persons entitled to record mechanics lien, stop payment notices or payment bond claims for labor, service, equipment, or material provided to the works of improvement identified above.

CLSP shall indemnify and hold the City of Lathrop, its elective and appointive boards, commissions, officers and employees harmless from mechanics liens, stop payment notices or payment bond claims any persons are entitled to for labor, service, equipment, or material provided to the works of improvement identified above.

SAYBROOK CLSP, LLC

By: Saybrook Fund Investors, LLC
Its: Managing Member

By: 
Jeffrey M. Wilson