

CITY OF CLOVIS
POLICY AND PROCEDURE FOR REQUESTS FOR PARTIAL ACCEPTANCE
AND/OR SECURITY REDUCTION FOR SUBDIVISION IMPROVEMENTS

Purpose - The purpose of this policy is to provide City staff, and those engaged in the subdivision and development of land, appropriate guidelines in the submittal and processing of partial acceptance and/or sureties reduction for subdivision improvements.

Funding – Any reimbursements which may become due as a result of this policy shall be subject to funds available in the City Developer Trust Fund. Fees charged for processing requests for partial acceptance and/or surety reduction are non-refundable.

All questions as to the administration of this policy and procedure shall rest with the City Engineer

1. All requests shall be in writing, and shall specifically identify the portion of the overall improvements for which the acceptance and/or securities reduction is requested. Any extension in the time required to complete all the remaining improvements shall be included in the request (see Item 7). No acceptance or reduction in security will be considered for improvements not deemed complete by the City Engineer. Only one partial acceptance and/or securities reduction per subdivision will be permitted.
2. A cost estimate of the remaining uncompleted improvements shall accompany the request. The amount shall not exceed 20% of the original Performance Bond amount in order for the request to be considered for either a partial acceptance or securities reduction.
3. The improvements for which a partial acceptance and/or securities reduction is being requested shall represent an entire, and easily identifiable, completed portion of the overall improvements. As used in this policy, “partial” shall mean whole systems of work, or whole blocks of work, and not piecemeal applications of the work. For example, a water main or sewer main by itself is not a complete system. The street and all the associated improvements above and below ground is a complete system. Incomplete systems or blocks of work shall be grounds for staff to reject the request. Refer to Item No.5.
4. The improvements for which a partial acceptance and/or reduction in security is being requested shall have been inspected by the appropriate inspectors (Engineering, Public Utilities, Fire Dept., etc.) and approved as complete and ready for acceptance, whether they are being submitted to the City Council for acceptance or a securities reduction only.
5. Before making a recommendation for partial acceptance to the City Council, which means maintenance and liability would now be the City’s responsibility, careful attention must be given to the impact that the absence of the incomplete improvements will have on the City’s or other agencies’ ability to provide services and maintenance to the accepted improvements, including street sweeping, refuse collection, maintenance of sewer, water, and storm drain facilities, as well as traffic circulation issues.

6. Any such request for partial acceptance and/or reduction in securities shall have the approval of all of the affected departments and/or agencies.
7. If an extension in the time required to complete the remaining improvements is requested, an evaluation shall be made on a case-by-case basis. No more than three additional years will be allowed. An amendment to the Subdivision Agreement will be required to be submitted with the agenda report to the City Council. Any time extension will be strictly enforced.

All other requirements contained in the conditions of approval of the subdivision map or subdivision agreement shall be complied with prior to submittal of a request to the City Council for partial acceptance and/or securities reduction.

A complete set of certified as-built drawings for the improvements to be accepted and a Warranty Bond in the amount of 10% of the estimated value of improvements to be accepted shall be submitted prior to submittal of the request to the City Council.

Where private improvements shown on the approved plans, which will be owned and maintained by a Homeowners Association, are not included in the partial acceptance, a deferment agreement and special cash or CD security may be required to provide security for timely completion of the private improvements.

8. A Council Agenda Report shall be prepared confirming the applicant's compliance with this Policy. The improvements for which a partial acceptance and/or bond reduction is requested shall be specifically identified in the report. Payment (Labor and Materials) Bonds cannot be reduced or released without Council acceptance of the improvements
9. Upon Council acceptance, the Engineering Division shall advise the Bonding Company that the Performance Bond is reduced to the approved amount, which shall be 125% of the estimated value of the remaining improvements. A Notice of Partial Acceptance and Partial Bond Reduction in Payment Bond will be recorded at the County Recorder's Office by staff, and the full amount of the original Payment Bond held until the expiration of the lien period. At which time, the bonding company shall be noticed to reduce the Payment Bond amount accordingly, provided no liens are filed within the lien period. The reduced Payment Bond shall be 75% of the estimated value of the remaining improvements. The subdivider may alternatively submit new performance and payment bonds in accordance with this section.
10. Reimbursement for qualified improvements:
Once improvements have been accepted by the City Council, the subdivider will be entitled to reimbursement for qualified improvements in accordance with the existing reimbursement policy and procedure.
11. Prior to commencement of construction of any remaining unaccepted improvements, a City encroachment permit and payment of fees therefore will be required to permit use of

the previously accepted public roadway, easements, or other public improvements to conduct such construction . Use of private roadways, easements, or other private property to construct remaining unaccepted improvements or private improvements will not require a City encroachment permit. When the remaining improvements are completed, a new City Council Agenda Report must be prepared to accept those improvements, a set of as-built drawings for improvements to be accepted must be submitted, and a new one-year guarantee bond to cover those improvements must be submitted. Following acceptance, the remaining Performance Bond can be released immediately, but the remaining Payment Bond shall not be released until the end of the lien period following recording of the Notice of Final Acceptance as above described, provided there are no liens filed.

12. Exceptions to this policy:

Sidewalks. If a subdivider has completed 100% of all other onsite and offsite improvements and a minimum of 50% of the interior sidewalks (all exterior sidewalk must be completed), this policy shall not apply. A request for Final Acceptance may be filed and will be treated as though all improvements have been completed, and no processing fee will be charged. A deferment agreement must be executed to provide that the requirement to install the remaining sidewalk and street or front yard trees will be tied to issuance of a building permit for the adjacent home. The deferment agreement shall be recorded and become a lien on all applicable lots. Construction of additional sidewalk may be required for any one lot to fill in minor gaps of sidewalk, but the associated trees will be tied to issuance of building permits. A City Encroachment Permit will be required to construct any sidewalk.

Where less than 50 % of the interior sidewalk has been completed, the request shall be treated as a partial acceptance and must comply with all the requirements of this policy.

In either case, at locations where sidewalk remains to be constructed, the subdivider shall maintain a compacted smooth pathway between existing sidewalks.

13. This policy will be reviewed at least annually by staff for any needed modifications.

14. Payment for Processing Security Reductions/Partial Acceptances:

- a. A non-refundable flat fee of \$2,500 will be required to process a request for bond reduction only.
- b. A non-refundable flat fee of \$5,000 will be required to process a bond reduction and partial acceptance.
- c. The applicable fee must be paid at the time the written request is submitted to the City for approval.