



# San Bernardino County

## Legislation Text

**File #: 2361, Agenda Item #: 50**

### REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BERNARDINO AND RECORD OF ACTION

**June 23, 2020**

#### **FROM**

**TERRI RAHHAL, Director, Land Use Services Department**

#### **SUBJECT**

Amendment No. 4 to Tolling Agreement for Tract No. 10608-2, in the Community of Lake Arrowhead; Subdivider: Oakridge Estates Grand Finale, LLC

#### **RECOMMENDATION(S)**

Approve Amendment No. 4 to the Tolling Agreement with the project subdivider, Oakridge Estates Grand Finale, LLC, and the surety, Travelers Casualty and Surety Company, for Tract No. 10608-2, that extends the terms of the Tolling Agreement by one year, from July 2, 2020 to July 2, 2021.

(Presenter: Terri Rahhal, Land Use Services Director, 387-4431)

#### **COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

**Operate in a Fiscally-Responsible and Business-Like Manner.**

**Ensure Development of a Well-Planned, Balanced, and Sustainable County.**

#### **FINANCIAL IMPACT**

Approval of this item will not impact Discretionary General Funding (Net County Cost). The existing securities for this development, as listed in the table below, are adequate for the construction of the required improvements. These securities will remain in effect until released by the Board of Supervisors (Board) or the Chief Executive Officer.

Improvement	Performance	Labor and Materials
Road and Drainage	\$1,275,000 (Surety)	\$637,500 (Surety)
Sewer	\$2,354,000 (Surety)	\$1,177,000 (Surety)
Water	\$2,265,000 (Surety)	\$1,132,500 (Surety)

#### **BACKGROUND INFORMATION**

The current Tolling Agreement with the project subdivider, Oakridge Estates Grand Finale, LLC, and the surety company, Travelers Casualty and Surety Company, expires on July 2, 2020. The Tolling Agreement extends any applicable statute of limitations period associated with the current improvement agreements and securities. Amendment No. 4 to the Tolling Agreement will extend the applicable statute of limitations period to July 2, 2021.

On June 14, 2016 (Item No. 72), the original Tolling Agreement was approved by the Board. On June 13,

2017 (Item No. 55), June 12, 2018 (Item No. 53), and June 11, 2019 (Item No. 36), the Board approved Amendment Nos. 1 through 3 to the Tolling Agreement that extended the term of the agreement by one year each through July 2, 2020.

The current owner of the subdivision, Rancho Mirage Tourism, LP (Rancho Mirage Tourism), was working with Lake Arrowhead Community Services District (LACSD) to finalize its improvement plans for water and sewer infrastructure and post new securities with the County. However, the County was informed that Rancho Mirage Tourism may be transferring some or all of the property identified in Tract Map 10608-2 to another party and needs additional time for the new party to finalize the improvement plans and post the new improvement agreements and replacement securities acceptable to the County or, alternatively, process an application to revert the lots identified in Tract Map 10608-2 to acreage. Reversion to acreage is a procedure authorized by statute that allows a property owner or the local agency to erase an earlier subdivision and revert the property to unsubdivided acreage.

Extending the Tolling Agreement to July 2, 2021, will provide the new party that is acquiring the property sufficient time to complete and obtain approval on the water and sewer improvement plans from LACSD, enter into new improvement agreements and post new securities with the County or, alternatively, process an application to revert the lots to acreage.

#### **PROCUREMENT**

Not applicable.

#### **REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Bart Brizzee, Principal County Counsel, and Jason Searles, Deputy County Counsel, 387-5455) on May 5, 2020; Finance (Kathleen Gonzalez, Administrative Analyst III, 387-5412) on June 1, 2020; County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on June 2, 2020.