

City of Visalia

**SUBDIVISION IMPROVEMENT AGREEMENT
TIME EXTENSION**

REQUEST PROCESS



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City Manager

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CITY OF VISALIA SUBDIVISION IMPROVEMENT AGREEMENT TIME EXTENSION REQUEST PROCESS

This policy establishes procedures for the developers of subdivisions (that have not yet completed their required public improvements within the one-year deadline set forth in the Subdivisions Improvement Agreement as entered into between the developer and the City under Visalia Municipal Code Section 16.24.050) to request a time extension for the completion of their required improvements. This document outlines the steps to be followed by the developer and the City during the processing of time extension requests.

TIME EXTENSION REQUEST

Developers must submit time extension requests in writing to the City of Visalia Engineering Department addressed to the attention of the City Engineer. The request must contain at least the following items:

- (1) A list of the subdivision improvements that have yet to be completed and a construction schedule for the completion of these improvements
- (2) An updated construction estimate for each of the remaining items. The estimate must be stamped by a licensed civil engineer.
- (3) The length of additional time requested by the developer and the reason for the requested extension.

Additional information may be requested by the City Engineer after an initial review of the extension request.

TIME EXTENSION REVIEW COMMITTEE

The requests will be reviewed by a committee (a subcommittee of the Subdivision Monitoring Committee) that includes the City Engineer, Planning Manager, Chief Building Official, Engineering Manager, and the Chair of the Subdivision Monitoring Committee or their designees.

The purpose of this committee is to review each time extension request and make a recommendation to the City Manager. The committee will consider a variety of factors when it reviews time extension requests, including but not limited to:

- Ongoing progress to date.
- Whether the developer has defaulted on their construction loan or has filed for bankruptcy.
- The percentage of public improvements remaining to be completed.
- The condition of any existing public improvements and the subdivision
- The percentage of homes occupied.
- Whether there are neighborhood complaints concerning the subdivision.
- Developer provided construction schedule.
- Developer provided engineer's estimate for remaining improvements.

The committee may request additional information from the developer; otherwise the only permitted input from the developer will be the submitted time extension request.

LENGTH OF RECOMMENDED TIME EXTENSION

The length of time extensions recommended by the committee will be determined on an individual basis. Only one time extension will be granted per project unless there is a change in ownership. The maximum time extension granted will be one year.

CONDITIONS

The committee may recommend conditions to a time extension request. Examples of such conditions include but are not limited to:

- The developer agreeing to a new reimbursement agreement reflecting current City language and policies
- Confirmation letters from the bonding company on the status of the bonds
- Updated performance and labor bonds based on current values of the remaining improvements

RECOMMENDATION TO THE CITY MANAGER

After reviewing the time extension request the committee will make a written recommendation to the City Manager.

FINAL DETERMINATION BY THE CITY MANAGER

The City Manager will make the final determination in writing to the developer with input from the committee of staff who reviewed the request for time extension. The City Manager's final determination can be appealed in accordance with state law.

The City Manager may adopt the committee's recommendation, order further review by the committee, or issue a modified decision concerning the time extension request.

If the time extension is granted, the City and the developer will each sign a written amendment to the subdivision improvement agreement containing the new due date and any additional changes to the agreement.