

(6c)

**SUMMARY REPORT TO CITY MANAGER
for City Council Meeting of 6-26-06**

SUBJECT: Extension of time for completion of sidewalk in Sterling Park Estates
Subdivision No. 10.

PROPRIETOR: Earl D. Bennett Construction, Inc.

SUMMARY: THIS RESOLUTION APPROVES A ONE-YEAR EXTENSION OF
TIME FOR COMPLETION OF SIDEWALK IN STERLING PARK ESTATES
SUBDIVISION NO. 10.

ITEMS ATTACHED:

1. Letter to City Council including a recommendation of denial.
2. Resolution for City Council action.
3. Map of subdivision indicating where sidewalk has not been installed.
4. Letter from proprietor, requesting extension.

CITY COUNCIL ACTION:

1. Public hearing is not required.
2. 3/5 vote required to approve the time extension.


John Lynch, AICP
Assistant City Manager

JL/djm

6-22-06



City Hall • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • 989.837.3300 • 989.835.2717 Fax • www.midland-mi.org

June 22, 2006

Honorable Mayor and City Council
City Hall - 333 West Ellsworth Street
Midland, Michigan

Dear Councilmen:

In our periodic review of subdivisions to determine the installation status of required improvements, we have identified that not all the sidewalk in Sterling Park Estates Subdivision No. 10 has been installed. The initial approval period for the subdivision improvements expired on August 9, 2001. Two extensions have been granted, one in 2003 and one in 2005, which expired August 9, 2005.

Todd Bennett, Vice President of Earl D. Bennett Construction, Inc. the proprietor of Sterling Park Estates Subdivision No. 10, is requesting a one-year time extension to complete the sidewalk installation in the subdivision. This is the third extension request for this subdivision. In keeping with our policy of recommending two extensions totaling four years beyond the initial two-year contract period, the extension is not recommended.

If an extension is granted, it is recommended the extension be for one year, and conditioned upon the receipt of a new financial guarantee to cover cost of the sidewalk yet to be installed. The new financial guarantee shall be valid one year beyond the approved extension date. If a new financial guarantee is not provided by July 10, 2006, it is recommended that staff be authorized to use the existing letter of credit to install all remaining sidewalk this construction season.

A resolution for City Council consideration is attached.

Respectfully,

Jen Lynch, AICP
Assistant City Manager

LETTER OF TRANSMITTAL – Sterling Park No. 10 ext



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BY COUNCILMAN

WHEREAS, a written request has been received from Todd Bennett, a proprietor of Sterling Park Estates Subdivision No. 10 to extend the period of time to complete the sidewalk within said subdivision; now therefore

RESOLVED, that in accord with Sections 23-80(1) and 23-80(3) of the Code of Ordinances of the City of Midland, the City Council hereby extends the period of time to complete the sidewalks within Sterling Park Estates Subdivision No. 10 until August 9, 2006, conditioned upon receipt of financial guarantee in an amount determined by the City Engineer, valid for a period of one year beyond the date of required completion of the sidewalk; and

RESOLVED FURTHER, that if a new financial guarantee is not provided by July 10, 2006 Council authorizes staff to use the existing financial guarantee on file to install all remaining sidewalk.

YEAS:

NAYS:

ABSENT:

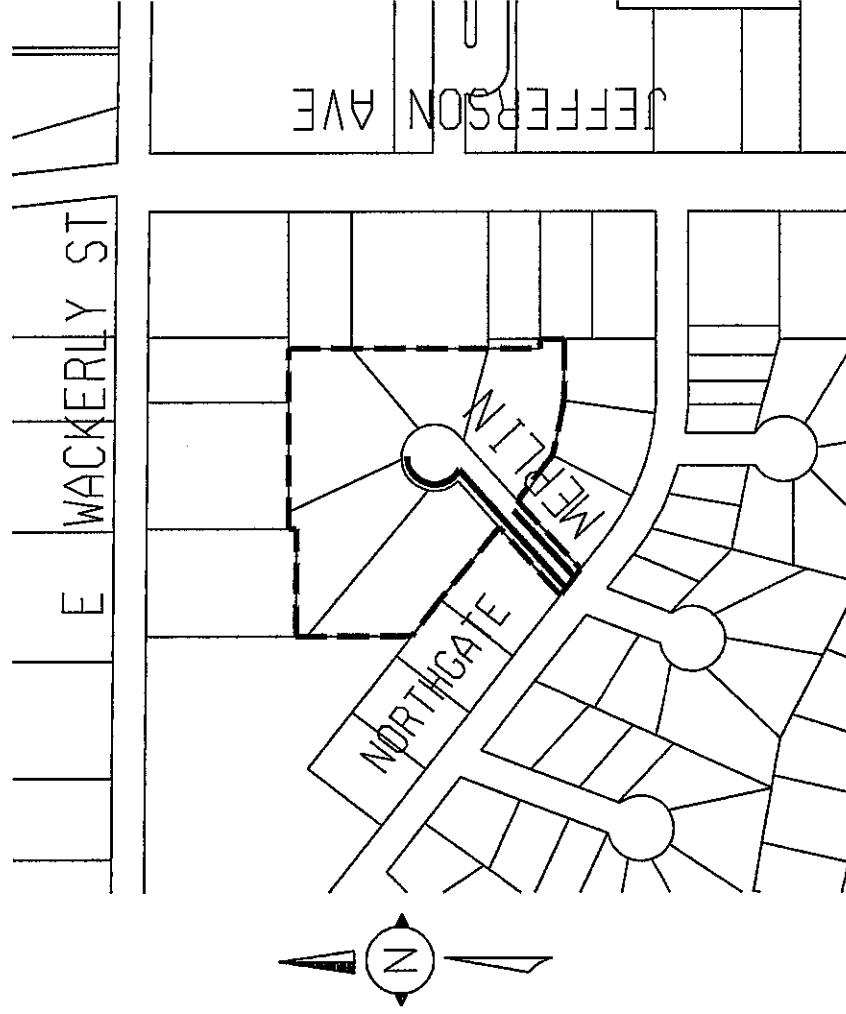
I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday, June 26, 2006.

Selina Tisdale, City Clerk

STERLING PARK ESTATES NO. 10

----- SUBDIVISION OUTLINE

— SIDEWALK NOT INSTALLED





**Earl D. Bennett
Construction Inc.**

Residential / Commercial / Land Developer

Woodland Estates - El Rancho Estates - Whisper Subdivisions
Pine Hollow Estates - Winding Creek Estates

2981 E. MONROE RD.
MIDLAND, MI 48642

(989) 631-2841
(989) 636-7535 FAX

RECEIVED

JUN 13 2006

PLANNING DEPT.

June 12, 2006

Attn: Daryl Poprave
City of Midland
City Hall Building
333 W Ellsworth Street
Midland, MI 48640

Mr. Poprave

We are hereby requesting a one year extension on the sidewalk installation for Sterling Park #10. We feel that sidewalks are not necessary at this time as development opportunities are currently being investigated. It would be more economical to install the sidewalks at the time of development.

If you have any questions, please contact the office at (989) 631-2841.

Thank you,

Todd E. Bennett
Vice President