

**The City of Garden Grove as Successor Agency to the
Garden Grove Agency for Community Development**

INTER-DEPARTMENT MEMORANDUM

To:	Matthew J. Fertal	From:	William E. Murray
Dept:	Director	Dept:	Public Works
Subject:	ACCEPTANCE OF PROJECT AS COMPLETE - ASBESTOS ABATEMENT & DEMOLITION OF SIX STRUCTURES LOCATED AT 12581-12721 HARBOR BOULEVARD, 12601 AND 12602 LEDA LANE, GARDEN GROVE		
		Date:	February 26, 2013

OBJECTIVE

It is requested that The City of Garden Grove as Successor Agency to the Garden Grove Agency for Community Development ("Successor Agency") accept the Asbestos Abatement and Demolition of Six Structures located at 12581-12721 Harbor Boulevard, and 12601 and 12602 Leda Lane, Garden Grove as complete.

BACKGROUND/DISCUSSION

On May 12, 2009, the Garden Grove Agency for Community Development ("Agency") and Garden Grove MXD, LLC, ("Developer") entered into a Disposition and Development Agreement ("DDA") for the sale and development of Agency owned property located at 12601 Leda Lane, 12602 Leda Lane, 12581 Harbor Boulevard, 12591 Harbor Boulevard, 12625 Harbor Boulevard, and 12721 Harbor Boulevard, Garden Grove. The properties are to be developed into a 600-room hotel and water park resort. Pursuant to the DDA, the Agency was to abate asbestos containing material, demolish and clear the site of all above grade structures, foundations, landscaping, and below grade structures.

On August 24, 2011, the Agency awarded a contract to J & G Industries, Inc. ("Contractor") for asbestos abatement and demolition of site improvements at the subject properties in the amount of \$315,973. The project consisted of three phases, with the Agency exercising and approving all three phases.

On November 27, 2012, the Successor Agency approved an amendment to the contract increasing the contract sum to \$410,150, approving additional work consisting of abatement of additional asbestos containing material, the removal of four septic tanks, removal of additional asphalt at the site, and the removal of a buried swimming pool. The abatement and removal are in accordance with the

DDA, which has been approved as a final and conclusive enforceable obligation by the State of California, Department of Finance.

The Contractor has completed the asbestos abatement and subsequent demolition of all site improvements in accordance with the plans and other contract documents.

FINANCIAL IMPACT

The retention will be paid from the Successor Agency's Trust Fund Account (022-2554). Monies pertaining to the project have been received from the County Auditor-Controller through the Department of Finance approval of the Recognized Obligation Payment schedule. There is no impact to the General Fund.

RECOMMENDATION

It is recommended that the Successor Agency:

- Accept the asbestos abatement demolition of six structures project as complete;
- Authorize the Director to execute the Notice of Completion of Public Works Improvement and Work on behalf of the Successor Agency; and
- Authorize the Finance Director to release the retention payment when appropriate to do so.


WILLIAM E. MURRAY
Public Works Director/City Engineer

By: Carlos Marquez
Senior Real Property Agent

Attachment : Notice of Completion

Recommended for Approval


Matthew Ferial
Director

RECORDING REQUESTED BY
See below

When Recorded Mail To:

City Clerk
City of Garden Grove
P. O. Box 3070
Garden Grove, CA 92842

NOTICE OF COMPLETION
OF PUBLIC IMPROVEMENT AND WORK

NOTICE IS HEREBY GIVEN that The City of Garden Grove as Successor Agency to the Garden Grove Agency for Community Development, a public body, located in Garden Grove, County of Orange, California, has caused a public improvement, to wit:

ASBESTOS ABATEMENT AND DEMOLITION OF SIX STRUCTURES LOCATED AT 12601 LEDA LANE, 12602 LEDA LANE, 12581 HARBOR BOULEVARD, 12591 HARBOR BOULEVARD, 12625 HARBOR BOULEVARD, AND 12721 HARBOR BOULEVARD

To be executed on the preceding real property, more particularly described in Exhibit A attached hereto and made a part of. The contract for furnishing of all labor, services, materials, and equipment, and all utilities and transportation, including power, fuel, and water, and performing all work necessary to abate all asbestos containing material and demolish existing structures, in a good and workmanlike manner in strict accordance with the specifications, plans, and drawings therefore on file in the office of the City Clerk of the City of Garden Grove, for above-described public project and work, was heretofore made and entered into with, J & G Industries, Inc., on the 23rd day of August 2011, and filed for record in the office of the City Clerk of the City of Garden Grove; that the work upon said real property has been completed, and that the Senior Real Property Agent has notified the Successor Agency Board that he has made and completed a final inspection of the abatement of asbestos materials and the demolition of said structures, and has certified in writing to the Successor Agency Board that all the provisions of the contract and contract documents for the furnishing of all labor, materials, and equipment, and the performing of all work necessary for said public project above described has been fully complied with to his satisfaction as required by the contract document; that final acceptance of the of said public project above described was made on the 26th day of February, 2013 that the nature of the title to said real property is as follows:

That is to say, The City of Garden Grove as Successor Agency to the Garden Grove Agency for Community Development, a public body, is the owner of said real property described in Exhibit A, in fee simple interest and awarded a contract to J & G Industries, Inc., for the purpose of furnishing of all labor, services, materials, and equipment, and all utilities and transportation, including power, fuel, and water, and performing all work necessary to abate all asbestos containing material and demolish of six existing structures.

NAME OF SURETY on Labor and Material Bond is:

Contractors Bonding & Insurance Company

111 Pacifica Suite 350

Irvine, CA 92618

Tel No. (949) 341-9110

DATED this _____ day of _____ 20 ____

THE CITY OF GARDEN GROVE AS
SUCCESSOR AGENCY TO THE
GARDEN GROVE AGENCY FOR
COMMUNITY DEVELOPMENT, a
public body

By _____
Director

ATTEST:

Secretary

STATE OF CALIFORNIA
COUNTY OF ORANGE

I am the Director of The City of Garden Grove as Successor Agency to the Garden Grove Agency for Community Development.

I have read the foregoing Notice of Completion of said public project, and know the contents thereof; and I certify that the same is true of my own knowledge, except as to those matters, which are therein stated upon my information or belief, and as to those matters I believe to be true.

I certify (or declare), under penalty of perjury, that the foregoing is true and correct.

Executed on _____ at Garden Grove, California
(Date) (Place)

Matthew J. Fertal
Director

Exhibit A

Legal Description

Real property in the City of Garden Grove, County of Orange, State of California, described as follows:

PARCEL A: (231-431-02)

THE EAST HALF OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 10 WEST, IN THE RANCHO LAS BOLSAS, IN THE CITY OF GARDEN GROVE, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SAID SECTION IS SHOWN ON A MAP RECORDED IN BOOK 51, PAGE 8 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL B: (231-431-03)

THE EAST ONE-HALF OF THE SOUTH ONE-HALF OF THE SOUTH ONE-HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 10 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF GARDEN GROVE, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN BOOK 51, PAGE 8 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM THE EASTERLY 35 FEET.

PARCEL C: (231-441-27)

PARCEL 1:

THE SOUTH 140 FEET OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION THIRTY-FOUR, TOWNSHIP FOUR SOUTH, RANGE TEN WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF GARDEN GROVE, COUNTY OF ORANGE, STATE OF CALIFORNIA.

PARCEL 2:

AN EASEMENT FOR ROAD PURPOSES TO BE USED IN COMMON WITH OTHERS OVER THE EAST 28 FEET OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION THIRTY-FOUR, TOWNSHIP FOUR SOUTH, RANGE TEN WEST, SAN BERNARDINO BASE AND MERIDIAN.

EXCEPTING THEREFROM THE SOUTH 140 FEET.

PARCEL 3:

AN EASEMENT FOR ROAD PURPOSES TO BE USED IN COMMON WITH OTHERS OVER THE WEST 25 FEET OF THE EAST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF

THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION THIRTY-FOUR, TOWNSHIP FOUR SOUTH, RANGE TEN WEST, SAN BERNARDINO BASE AND MERIDIAN.

PARCEL D: (231-441-29)

PARCEL 1:

THE SOUTH 140.00 FEET OF THE EAST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 10 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF GARDEN GROVE, COUNTY OF ORANGE, STATE OF CALIFORNIA.

EXCEPTING THEREFROM THE SOUTH 20.00 FEET OF THE WEST 20.00 FEET.

PARCEL 2:

AN EASEMENT FOR INGRESS AND EGRESS OVER THE WEST 25.00 FEET OF THE EAST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 10 WEST, SAN BERNARDINO BASE AND MERIDIAN.

EXCEPTING THEREFROM THE SOUTH 140.00 FEET.

PARCEL E: (231-441-39)

THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 10 WEST, IN THE RANCHO LAS BOLSAS, IN THE CITY OF GARDEN GROVE, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN BOOK 51, PAGE 10 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA.

EXCEPT THE SOUTH 100.00 FEET THEREOF.

ALSO EXCEPT THE NORTH 490.00 FEET THEREOF.

PARCEL F: (231-441-40)

THE SOUTH 100.00 FEET OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 10 WEST, IN THE RANCHO LAS BOLSAS, IN THE CITY OF GARDEN GROVE, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN BOOK 51, PAGE 10 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA.

PARCEL G: (231-441-28)

THE SOUTH 140.00 FEET OF THE EAST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 10 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF GARDEN GROVE, COUNTY OF ORANGE, STATE OF CALIFORNIA.

EXCEPTING THAT PORTION CONVEYED TO JACK T. MATSUDA AND RUTH A. MATSUDA,

HUSBAND AND WIFE, BY DEED RECORDED AUGUST 04, 1959, IN BOOK 4825, PAGE 239,
OFFICIAL RECORDS.

APN: 231-431-02; 231-431-03; 231-441-27; 231-441-28; 231-441-29; 231-441-39; and 231-
441-40

(End of Legal Description)