

DRAFT

**RESOLUTION NO. 2019-XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREMONT APPROVING THE FINAL MAP AND IMPROVEMENT PLANS FOR TRACT NO. 8403, ACCEPTING THE OFFERS OF DEDICATION IDENTIFIED ON THE FINAL MAP, AND AUTHORIZING THE CITY MANAGER TO SIGN IMPROVEMENT AGREEMENTS FOR PUBLIC AND PRIVATE IMPROVEMENTS FOR TRACT 8403**

WHEREAS, a final subdivision map of Tract No.8403 ("Final Map") in the City of Fremont, has been presented to the City Council of the City of Fremont for approval, and the Final Map is on file with the City Engineer, and is available for review upon request; and

WHEREAS, the Developer of the project described by the Final Map is Toll CA XX, L.P.; and

WHEREAS, the Final Map is geographically located within the boundaries of the Tentative Map entitled "Vesting Tentative Map for Tract 8265 – Warm Springs TOD Village, City of Fremont," and the Tentative Map is on file with the City Engineer, and is available for review upon request; and

WHEREAS, the City's approval of the Tentative Map was conditioned upon the satisfaction of certain conditions of approval ("Conditions"), a copy of which are on file with the City Engineer, and are available for review upon request; and

WHEREAS, the Final Map includes offers for the dedication of interests in real property to the City, including easements as shown on Tract Map 8403; and

WHEREAS, as required by the Conditions, the Developer submitted improvement plans and specifications ("Improvement Plans") to the City entitled, "Improvement Plans – Tract 8403, Metro Crossing – Phase 3, City of Fremont," containing 64 sheets, which describe the construction of the private improvements required by the Conditions, including but not limited to complete construction of Radiance Common, Reflection Common, Silhouette Common, Prism Terrace, and Lumen Terrace; and

WHEREAS, the Developer has submitted to the City a signed agreement entitled "Private Improvement Agreement, Tract 8403" ("Private Street Improvement Agreement"), by which the Developer has agreed to construct all private improvements required by the Conditions, including but not limited to those described by the Improvement Plans; and

WHEREAS, concurrently with the submittal of the Private Street Improvement Agreement, the Developer has posted improvement security to guarantee completion of the private improvements and payment of laborers and suppliers in accordance with the Private

Improvement Agreement, including a faithful performance bond in the amount of \$2,416,000 and a labor and material bond in the amount of \$2,416,000; and

WHEREAS, the Developer has paid all fees required by the Conditions for processing of the Final Map; and

WHEREAS, upon the City's review of the Final Map, the Improvement Plans, and the Agreements, the Final Map has been found to conform to the requirements of the Subdivision Map Act (California Government Code Sections 66410, *et seq.*), and the City's Subdivision Ordinance (Fremont Municipal Code, Title 17), and the Conditions.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FREMONT  
RESOLVES AS FOLLOWS:

1. The Final Map is approved, and the City Clerk is authorized and directed to certify this fact on the face of the Final Map.
2. The Improvement Plans are approved.
3. All offers for the dedication of interests in real property to the City identified on the Final Map (whether by fee, easement, right-of-way, or otherwise) are accepted by the City; provided, however, to the extent offers of dedication are for interests in real property on which the Developer is required to construct public improvements, the City's acceptance shall be conditioned upon the City Engineer's acceptance of the public improvements as complete.

//

//

//

4. The City Manager is authorized, on behalf of the City to sign the agreement entitled "Private Improvement Agreement, Tract 8403".

ADOPTED, \_\_\_\_\_, 2019, by the City Council of the City of Fremont by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Assistant City Attorney