

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. 8390, LOCATED AT 39009 CINDY STREET, 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 8390

WHEREAS, a final subdivision map of Tract No. 8390 ("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 available for review upon request; and

WHEREAS, the Developer of the project at 39009 Cindy Street described by the Final Map is Golden Estate Development, LLC; and

WHEREAS, the Final Map is geographically located within the boundaries of the Tentative Map entitled "Vesting Tentative Map Tract No. 8390 – 39009 Cindy Street, Fremont," and the Tentative Map is on file with the City Engineer and 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"), and a copy of the Conditions are on file with the City Engineer and available for review upon request; and

WHEREAS, the Final Map includes the dedication of interests in real property to the City, including but not limited to certain dedications on Mowry Avenue, Cindy Street, and Serra Place and easements as shown on Tract Map 8390; and

WHEREAS, as required by the Conditions, the Developer has submitted improvement plans and specifications ("Improvement Plans") entitled, "Improvement Plans for Tract 8390, Cindy Street, Fremont," containing 73 sheets, which describe the construction of the public improvements (on Mowry Avenue, Cindy Street, and Serra Place) and private improvements required by the Conditions, including but not limited to complete construction of Bernadine Dutra Common; and

WHEREAS, the Developer has signed the required Public Improvement Agreement for Tract 8390" ("Public Improvement Agreement"), agreeing to construct all public improvements required by the Conditions, including but not limited to those described by the Improvement Plans; and

WHEREAS, concurrently with the submittal of the Public Improvement Agreement, the

Developer has posted the required security guaranteeing completion of the public improvements and payment of laborers and suppliers in accordance with the Public Improvement Agreement, including a faithful performance bond in the amount of \$803,000 and a labor and material bond in the amount of \$803,000; and

WHEREAS, the Developer has signed “Private Improvement Agreement, Tract 8390” agreeing to construct all private improvements required by the Conditions, including but not limited to those described by the Improvement Plans; and

WHEREAS, the Developer has posted security, guaranteeing 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 \$1,212,000 and a labor and material bond in the amount of \$1,212,000; 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 Improvement 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 hereby 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 hereby 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 final acceptance of the public improvements as complete.
4. The City Manager or his designee is authorized, on behalf of the City to sign the agreements entitled “Public Improvement Agreement, Tract 8390” and “Private Improvement Agreement, Tract 8390”.

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

Sr. Deputy City Attorney II