



Memorandum

Date: April 12, 2019

To: City Council

From: Randolph Hom, Assistant City Attorney *RH*

Subject: Agenda Item: 2.H. – CONSENT CALENDAR
TRACT 8385- Approval of Final Map, Agreements for Construction of Public and Private Street Improvements, and Dedication of Land and Public Easements for Tract 8385, located at 34240 & 34254 Fremont Boulevard

Attached is the resolution for Agenda Item 2.H.

*2.H
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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. 8385, LOCATED AT 34240 AND 34254 FREMONT BOULEVARD, 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 8385

WHEREAS, a final subdivision map of Tract No. 8385 ("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 34240 and 34254 Fremont Boulevard described by the Final Map is NFBTHs Ventures, LLC; and

WHEREAS, the Final Map is geographically located within the boundaries of the Tentative Map entitled "Vesting Tentative Map Tract No. 8385 – North Fremont Boulevard Townhomes, 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 Fremont Boulevard and easements as shown on Tract Map 8385; and

WHEREAS, as required by the Conditions, the Developer has submitted improvement plans and specifications ("Improvement Plans") entitled, "Improvement Plans – Tract No. 8385, North Fremont Boulevard Townhomes, Fremont," containing 49 sheets, which describe the construction of the public improvements (on Fremont Boulevard) and private improvements required by the Conditions, including but not limited to complete construction of Cara Cara Common; and

WHEREAS, the Developer has signed the required Public Improvement Agreement for Tract 8385" ("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 \$241,000 and a labor and material bond in the amount of \$241,000; and

WHEREAS, the Developer has signed “Private Improvement Agreement, Tract 8385” 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 \$986,000 and a labor and material bond in the amount of \$986,000; 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 8385” and “Private Improvement Agreement, Tract 8385”.

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