

RESOLUTION NO. 2019-097

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK ACCEPTING THE OXFORD SUITES OFFSITE IMPROVEMENTS AND DIRECTING RELATED ACTIONS

WHEREAS, on July 22, 2014, the City Council of the City of Rohnert Park adopted Resolution 2014-093 Approving Parcel Map 183, Accepting Offers of Dedication for Public Right-of-Way, Public Utility Easement, Sidewalk Easement, and Emergency Access Easement and Approving a Subdivision Improvement Agreement, a Reimbursement Agreement and Landscape Maintenance Agreements; and

WHEREAS, the Subdivision Improvement Agreement assigned to COBT LLC/CBI LLC (“Developer”) the duty of installing public improvements, specifically the extension of Dowdell Avenue from Golf Course Drive West to 375 feet north of Golf Course Drive West and a right turn lane on Redwood Drive at Golf Course Drive West (“Oxford Suites Offsite Improvements”); and

WHEREAS, the Oxford Suites Offsite Improvements are included in the City’s Public Facilities Finance Plan and the Reimbursement Agreement describes the Developer’s eligibility for Public Facilities Fee Credits for the cost of the work up to a maximum amount of \$734,654; and

WHEREAS, the Developer has completed the construction of the Oxford Suites Offsite Improvements in accordance with the plans and specifications, provided documentation of its eligible costs consistent with the Reimbursement Agreement, and requested the City to accept the work; and

WHEREAS, filing the Notice of Completion is the final step in the City’s process to accept ownership of the improvements; and

WHEREAS, the Oxford Suites Offsite Improvements were included within the scope of the Final Environmental Impact Report for the Wilfred Dowdell Specific Plan Area, which was certified by the City Council on September 23, 2008 by Resolution 2008-155.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rohnert Park that the City Council hereby accepts the Oxford Suites Offsite Improvements.

BE IT FURTHER RESOLVED that the City Engineer is authorized and directed to execute and file the Notice of Completion and related documents for the Oxford Suites Offsite Improvements, on behalf of the City of Rohnert Park, in substantially similar form to Exhibit A which is attached to this Resolution and incorporated by this reference.

BE IT FURTHER RESOLVED that upon the expiration of the statutory lien period associated with the recording of the Notice of Completion, the City Manager is hereby authorized and directed to execute the Notice of Acceptance for the Oxford Suites Offsite Improvements in substantially similar form to Exhibit B, attached to this Resolution and incorporated by this reference.

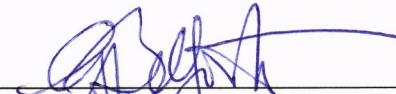
BE IT FURTHER RESOLVED THAT upon expiration of the warranty period, the City Manager is hereby authorized and directed to execute the Acknowledgement of Completion and Termination of the Subdivision Improvement Agreement for the Oxford Suites Offsite

Improvements, in substantially similar form to Exhibit C, attached to this Resolution and incorporated by this reference.

BE IT FUTHER RESOLVED that upon certification of the City Manager, the Finance Manager is authorized and directed to take the actions necessary to accept the Oxford Suites Offsite Improvements, defined in the Agreement, as a capital asset of the City with a current book value of \$734,654.00.


DULY AND REGULARLY ADOPTED this 13th day of August 2019.

CITY OF ROHNERT PARK



Gina Belforte, Mayor

ATTEST:



Sylvia Lopez-Cuevas, Assistant City Clerk

Attachments: Exhibit A, Exhibit B and Exhibit C

ADAMS: Aye MACKENZIE: Aye STAFFORD: Aye CALLINAN: Aye BELFORTE: Aye
AYES: (5) NOES: (0) ABSENT: (0) ABSTAIN: (0)

EXHIBIT A TO RESOLUTION

**CERTIFICATE OF COMPLETION
OXFORD SUITES OFFSITE IMPROVEMENTS**

I, Mary Grace Pawson, City Engineer of the City of Rohnert Park, California, do hereby certify that the work and improvements hereinafter described, the contract for doing which was entered into by and between the City of Rohnert Park and the COBT LLC/CBI LLC dated June 24, 2014, was completed to my satisfaction on August 1, 2019.

That said work and improvements generally consisted of the construction of a portion of Dowdell Avenue from Golf Course Drive West to 375-feet north of Golf Course Drive West and a right turn lane on Redwood Drive at its intersection with Golf Course Drive West, as more particularly described in the plans and specifications approved by the City of Rohnert Park on June 4, 2014.

DATED: _____, 2019

City Engineer

EXHIBIT A TO RESOLUTION

Return to:
City Engineer
City of Rohnert Park
130 Avram Avenue
Rohnert Park, CA 94928

**NOTICE OF COMPLETION
OXFORD SUITES OFFSITE IMPROVEMENTS**

NOTICE IS HEREBY GIVEN by the City of Rohnert Park, owner, a municipal corporation located in Sonoma County, State of California, with its principal offices at City Hall, 130 Avram Avenue, Rohnert Park, California 94928 of the following:

That I, Mary Grace Pawson, City Engineer of the City of Rohnert Park, California on the 14 day of August, 2019, did file with the City Clerk of the City of Rohnert Park, my Certificate of Completion of the following described work, which was completed under a Subdivision Improvement Agreement between the City of Rohnert Park and COBT LLC/CBI LLC dated June 24, 2014 and in accordance with the plans and specifications for said work filed with the City Clerk and approved by the Rohnert Park City Council.

That said work and improvements were completed on August 1, 2019 and that the name of the surety on the contractor's irrevocable standby letter of credit is US Bank (Irrevocable Standby Letter of Credit No. SLCPDX06539).

That said work and improvements generally consisted of the construction of offsite improvements including Dowdell Avenue from Golf Course Drive West to 375-feet north of Golf Course Drive West and a right turn lane on Redwood Drive at Golf Course Drive West as more particularly described in the plans and specifications approved by the City of Rohnert Park on June 4, 2019.

Dated: August 14, 2019.

CITY OF ROHNERT PARK

Mary Grace Pawson, P.E.
City Engineer

The undersigned certifies that she is authorized to and does make this verification on behalf of the City of Rohnert Park; that she has read the foregoing notice and knows the contents thereof; and that the undersigned declares under penalty of perjury that the foregoing is true and correct to the best of her knowledge.

Executed on this 14 day of August, 2019, at Rohnert Park, California.

CITY OF ROHNERT PARK

Mary Grace Pawson, P.E.
City Engineer

EXHIBIT B to Resolution

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

City of Rohnert Park
130 Avram Avenue
Rohnert Park, California 94928

(Space Above This Line for Recorder's Use Only)
Exempt from recording fee per Gov. Code § 27383.

**CERTIFICATE OF ACCEPTANCE
OXFORD SUITES OFFSITE IMPROVEMENTS**

This is to certify that the interest in certain infrastructure described as:
Construction of Dowdell Avenue from Golf Course Drive West to 375-feet north of Golf Course Drive West
and a right turn lane on Redwood Drive at Golf Course Drive West is hereby accepted by the City Manager
on behalf of the grantee pursuant to authority conferred by Resolution No. 2019-__ of the City Council of the
City of Rohnert Park adopted on August 13, 2019.

Dated: _____

CITY OF ROHNERT PARK

Darrin Jenkins
City Manager

Authorized by Rohnert Park City Council Resolution No.
_____ adopted August 13, 2019.

ATTEST:

By: _____
JoAnne Buerger, City Clerk

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of _____)

On _____ before me, _____
(insert name and title of the officer) personally appeared _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

EXHIBIT C TO RESOLUTION

<p>RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:</p> <p>City of Rohnert Park 130 Avram Avenue Rohnert Park, CA 94928-2486 Attn: City Clerk</p>	<p>THE AREA ABOVE IS RESERVED FOR RECORDER'S USE</p>
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ACKNOWLEDGEMENT OF COMPLETION AND TERMINATION OF PUBLIC IMPROVEMENT AGREEMENT FOR THE OXFORD SUITES OFFSITE IMPROVEMENTS

This Acknowledgement of Completion and Termination of Public Improvements Agreement (the "Acknowledgement") is entered into as of _____, 2020, by the City of Rohnert Park, a California municipal corporation ("City"), in favor of COBT LLC/CBI LLC, Oregon Limited Liability Corporations ("Developer").

RECITALS

A. City and Developer, entered into that certain Improvement Agreement, dated June 24, 2014 and recorded on December 22, 2014 as Instrument No. 2014091288 in the Official Records of Sonoma County, California (the "Original Improvement Agreement ") with respect to Oxford Suites Property (the "Property"), more particularly described in Exhibit A of the Original Improvement Agreement. The Original Improvement Agreement has been amended once on June 16, 2016, and this First Amendment was recorded on June 27, 2016 as Instrument No. 2016055437 in the Official Records of Sonoma County, California. The Original Improvement Agreement as amended by the First Amendment is hereinafter referred to as the "Improvement Agreement." Initially capitalized terms not otherwise defined herein shall have the meaning given in the Improvement Agreement.

B. City certified in that certain Notice of Completion, dated August 14, 2019 and recorded on _____, 2019 as Instrument No. 2019 _____ in the Official Records of Sonoma County, California that Developer completed all things required of Developer under the Improvement Agreement on August 1, 2019.

C. City has no outstanding claims related to the Improvement Agreement, the improvements, defective labor, or defective materials.

D. As the Developer has completed performance under the Improvement Agreement, City desires to record a written statement acknowledging such completion and termination.

NOW, THEREFORE, City hereby acknowledges and certifies as follows:

1. Termination of the Improvement Agreement. Developer has completed performance of the Improvement Agreement and the Improvement Agreement is hereby deemed terminated.

2. Survival. Section 21, Indemnification, of the Improvement Agreement shall survive termination as set forth therein.

3. Authority. The undersigned represents and warrants that it has the full capacity, right, power and authority to execute, and deliver this Acknowledgement, and all required actions, consents and approvals therefor have been duly taken and obtained.

EXHIBIT C TO RESOLUTION

IN WITNESS WHEREOF, the undersigned duly executed this Acknowledgement as of the date set forth above.

CITY:

City of Rohnert Park,
a municipal corporation

By: _____
Name: Darrin Jenkins
Title: City Manager
Authorized by City Council Resolution 2019-____
adopted on August 14, 2019

APPROVED AS TO FORM:

By: _____
Name: _____
Title: City Attorney

Attest

By: _____
Name: JoAnne Buergler
Title: City Clerk

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

On _____, before me, _____ a
Notary Public, personally appeared _____ who
proved to me on the basis of satisfactory evidence to be the person(s) whose
name(s) is/are subscribed to the within instrument and acknowledged to me that
he/she/they executed the same in his/her/their authorized capacity(ies), and that by
his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of
which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

(Affix seal here)