

RESOLUTION NO. 2018-044

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK ACCEPTING THE TWIN CREEKS PARK IMPROVEMENTS AND DIRECTING RELATED ACTIONS

WHEREAS, on December 22, 2015, the City Council of the City of Rohnert Park adopted Resolution 2015-182, Authorizing and Approving the Public Improvement Agreement for the Twin Creeks Park Improvements by and between the City of Rohnert Park and the University District LLC and Vast Oak Properties L.P. (Agreement); and

WHEREAS, the Agreement, with an effective date of May 26, 2016, was recorded on August 25, 2016 as Instrument No. 2016074260 in the Official Records of the County of Sonoma.

WHEREAS, University District LLC and Vast Oak Properties L.P (Developer) have completed the construction of the Twin Creeks Park Improvements in accordance with the plans and specifications for the work and have requested the City to accept the work; and

WHEREAS, the Developer has submitted cost documentation for Twin Creeks Park which substantiates and asset value of \$3,209,000.00; and

WHEREAS, accepting the completed improvements is the final action anticipated by the Public Improvement Agreement.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Rohnert Park the City Engineer is authorized and directed to execute and file the Notice of Completion and related documents for the Twin Creeks Park 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 Twin Creeks Park 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 Public Improvement Agreement for Twin Creeks Park, 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 Director is authorized and directed to take the actions necessary to accept the Twin Creeks Park Improvements, defined in the Agreement, as a capital asset of the City with a current book value of \$3,209,000.00

DULY AND REGULARLY ADOPTED this 10th day of April 2018.

CITY OF ROHNERT PARK

Pam Stafford

Pam Stafford, Mayor

ATTEST:

Caitlin Saldanha

Caitlin Saldanha, Deputy City Clerk

Attachments: Exhibits A, B and C

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

EXHIBIT A TO RESOLUTION

**CERTIFICATE OF COMPLETION
TWIN CREEKS PARK 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 University District LLC and Vast Oak Property L.P. dated May 26, 2016, was completed to my satisfaction on February 13, 2018.

That said work and improvements generally consisted of the construction of neighborhood park improvements within the boundaries of Vast Oak Properties Phase 1 (Final Maps Vast Oak Phases 1-A, 1-B, 1-C, and 1-D), as more particularly described in the plans and specifications approved by the City Engineer of Rohnert Park on May 5, 2016.

DATED: _____, 2018

City Engineer

EXHIBIT A TO RESOLUTION

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

**NOTICE OF COMPLETION
TWIN CREEKS PARK 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 ___ day of February, 2018, 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 Public Improvement Agreement between the City of Rohnert Park and University District LLC and Vast Oak Property L.P. dated May 26, 2016 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 February 13, 2018, and that the name of the surety on the contractor's bond for labor and materials on said project is Continental Casualty Company (Bond No. 929620754).

That said work and improvements generally consisted of the construction of neighborhood park improvements within the boundaries of Vast Oak Properties Phase 1 (Final Maps Vast Oak Phases 1-A, 1-B, 1-C, and 1-D), as more particularly described in the plans and specifications approved by the City Engineer of Rohnert Park on May 5, 2016.

Dated: April __, 2018.

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 ___ day of April, 2018, at Rohnert Park, California.

CITY OF ROHNERT PARK

Mary Grace Pawson, P.E.

City Engineer

CERTIFICATE OF ACCEPTANCE TWIN CREEKS PARK

Signature _____

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 TWIN CREEKS PARK IMPROVEMENTS

This Acknowledgement of Completion and Termination of Public Improvements Agreement (the "Acknowledgement") is entered into as of _____, 2018, by the City of Rohnert Park, a California municipal corporation ("City"), in favor of the University District LLC, a Delaware Limited Liability Corporation and Vast Oaks L.P. a California Limited Partnership ("Developer").

RECITALS

A. City and Developer, entered into that certain Public Improvement Agreement, dated May 26, 2016 and recorded on August 25, 2016 as Instrument No. 2016074260 in the Official Records of Sonoma County, California (the "Improvement Agreement ") with respect to Developer's Vast Oak West Phase 1 Property (the "Property"), more particularly described in Exhibit A of the Improvement Agreement. Initially capitalized terms not otherwise defined herein shall have the meaning given in the Improvements Agreement.

B. City certified in that certain Notice of Completion, dated _____, 2018 and recorded on _____, 2018 as Instrument No. 2018 _____ in the Official Records of Sonoma County, California that Developer completed all things required of Developer under the Improvement Agreement on February 13, 2018.

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

D. As the Developer has completed performance under the Improvements 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 6.1, Indemnity, 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.

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

EXHIBIT C TO RESOLUTION

CITY:

City of Rohnert Park,
a municipal corporation

By: _____
Name: Darrin Jenkins
Title: City Manager
*Authorized by City Council Resolution 2018-____
adopted on April 10, 2018*

APPROVED AS TO FORM:

By: _____
Name: _____
Title: City Attorney

Attest

By: _____
Name: JoAnne Buergler
Title: City Clerk

EXHIBIT C TO RESOLUTION

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, _____ 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.

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 of Notary

(Affix seal here)