

RESOLUTION NO. 2016-116

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK ACCEPTING THE ROHNERT PARK EXPRESSWAY PHASE 1 AND PHASE 2 UTILITY IMPROVEMENTS AND DIRECTING RELATED ACTIONS

WHEREAS, on October 14, 2014, the City Council of the City of Rohnert Park adopted Resolution 2014-124, Authorizing and Approving Off-Site Public Improvement Agreements for the Rohnert Park Expressway Phase 1 Utility and Intersection Improvements and the Rohnert Park Expressway Phase 2 Utility and Intersection Improvements by and between the City of Rohnert Park and the University District LLC and the Vast Oak Property L.P. (the "Agreements"); and

WHEREAS, the Agreements assigned to the University District LLC and the Vast Oak Property L.P. the duty of installing public improvements, specifically the construction of public utilities (water, recycled water, sanitary sewer and storm drain) in Rohnert Park Expressway between Snyder Lane and Petaluma Hill Road; and

WHEREAS, the Rohnert Park Expressway Phase 1 and Phase 2 Utility and Intersection Improvements were included within the scope of the Updated Final Environmental Impact Report for the University District Specific Plan, which was certified by the City Council on April 8, 2014 by Resolution 2014-032; and

WHEREAS, the University District LLC and the Vast Oak Property L.P. have completed the construction of the utility improvements in accordance with the Agreements and the plans and specifications for the work and have requested the City to accept the work; and

WHEREAS, construction of the interim intersection improvements on Rohnert Park Expressway described in the Agreements were subsequently included in the plans for surface improvements to Rohnert Park Expressway and have been guaranteed under a separate improvement agreement; and

WHEREAS, on November 8, 2016, the City Council of the City of Rohnert Park adopted Resolution 2016-108 approving a Funding and Acquisition Agreement between the City, the California Statewide Community Development Authority (CSCDA) and UDLLC, which allows UCLLC to be reimbursed from bond proceeds for the construction of certain public improvements including the Rohnert Park Expressway Phase 1 and Phase 2 Utility Improvements; and

WHEREAS, filing the Notice of Completion is the final step in the City's process to accept ownership of the improvements and authorize reimbursement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rohnert Park that it hereby accepts the Rohnert Park Expressway Phase 1 and Phase 2 Utility Improvements, as described in the Agreements, and approves the Certificate of Completion, in substantially similar form to Exhibit A, which is attached to this Resolution and incorporated by this reference.

BE IT FURTHER RESOLVED that the City Engineer is hereby authorized and directed to file the Notice of Completion and to execute documents pertaining to the same for and on behalf of the City of Rohnert Park.

BE IT FUTHER RESOLVED that upon certification of the City Engineer, the Finance Director is authorized and directed to take the actions necessary to accept the Rohnert Park Expressway Phase 1 and Phase 2 Utility and Intersection Improvements, as defined in the Agreement, as a capital asset of the City.

DULY AND REGULARLY ADOPTED this 13th day of December 2016.

CITY OF ROHNERT PARK


Gina Belforte, Mayor

ATTEST:



Caitlin Saldanha, Deputy City Clerk

Attachment: Exhibits A and B

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

RESOLUTION EXHIBIT A

CERTIFICATE OF COMPLETION
THE ROHNERT PARK EXPRESSWAY PHASE 1 AND PHASE 2 UTILITY
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 Properties L.P. dated October 14, 2014, was completed to my satisfaction on December 20, 2016.

That said work and improvements generally consisted of the construction of two water mains, a recycled water main, a sanitary sewer main and a storm drain line in Rohnert Park Expressway from Snyder Lane to Petaluma Hill Road, as more particularly described in the plans and specifications approved by the City Engineer of Rohnert Park on December 15, 2014.

DATED: December 21, 2016

City Engineer

RESOLUTION EXHIBIT A

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

NOTICE OF COMPLETION

THE ROHNERT PARK EXPRESSWAY PHASE 1 AND PHASE 2 UTILITY AND INTERSECTION 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 21st day of December, 2016, 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 an Offsite Public Improvement Agreement between the City of Rohnert Park and the University District LLC and Vast Oak Properties L.P. dated October 14, 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 December 20, 2016, and that the names of the surety on the contractor's bond for labor and materials on said project are Continental Casualty Company (Bond No. 929605646), Liberty Mutual Insurance Company (Bond No. TM5152259/ 015045596) and Liberty Mutual Insurance Company (Bond No. TM5152261/ 015045598).

That said work and improvements generally consisted of the construction of construction of two water mains, a recycled water main, a sanitary sewer main and a storm drain line in Rohnert Park Expressway from Snyder Lane to Petaluma Hill Road, as more particularly described in the plans and specifications approved by the City Engineer of Rohnert Park on December 15, 2014.

Dated: December 21, 2016

CITY OF ROHNERT PARK

Mary Grace Pawson, P.E.
City Engineer

RESOLUTION EXHIBIT A

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 21st day of December, 2016, at Rohnert Park, California.

CITY OF ROHNERT PARK

Mary Grace Pawson, P.E.

City Engineer

RESOLUTION EXHIBIT B

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in that certain infrastructure described in the Off-Site Public Improvement Agreements by and between the City of Rohnert Park and University District LLC and the Vast Oak Properties L.P., is hereby accepted by the City Manager on behalf of the grantee pursuant to authority conferred by Resolution No. 2016-_____ of the City Council of the City of Rohnert Park adopted on December 20, 2016.

Dated: _____, 2016

By: _____

Darrin Jenkins, City Manager

ATTEST:

By: _____

JoAnne Buergler, City Clerk

ACKNOWLEDGMENT

Signature _____