

RESOLUTION NO. 2012-28

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
ACCEPTING SUBDIVISION IMPROVEMENT FOR WATERMAN PLAZA**

WHEREAS, the following subdivider entered into a Subdivision Improvement Agreement with the City as indicated below:

Project Name	Contract Number	Date of Agreement	Subdivider
Waterman Plaza	C-04-215	12/15/2004	Sycamore Ventures, LLC

WHEREAS, the Subdivision Improvement Agreement required the subdivider to design and construct subdivision improvements in accordance with Elk Grove Municipal Code Chapter 22 and the conditions of approval for the corresponding tentative map and to provide financial securities ensuring faithful performance, payment, monumentation, and warranty obligations of the agreement; and

WHEREAS, on or about October 11, 2010, after multiple requests to the subdivider to complete the project had failed, the City made a claim against the performance bond to the Surety Company to complete the outstanding punchlist items remaining on the project; and

WHEREAS, on September 8, 2011, the City entered into a Takeover Agreement for Completion with the Surety Company to ensure the project was completed in a timely manner and that all parties involved with project, including the contractor and engineer, were paid in full for their services up to completion; and


WHEREAS, the required subdivision improvements have been satisfactorily completed in accordance with City-approved improvement plans; and

WHEREAS, pursuant to the Takeover Agreement, the City will release and discharge the Surety Company from any and all obligations or liability related to the Project, Subdivision Improvement Agreement, Takeover Agreement, improvement plans and financial securities, including any warranty period.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the City Council of the City of Elk Grove, pursuant to Elk Grove Municipal Code Section 22.80.010, hereby accepts the subdivision improvements subject to the conditions of the Takeover Agreement for the project listed above, including waiving the warranty period.


BE IT FURTHER RESOLVED that the City Clerk is hereby directed to release all financial securities provided in conjunction with the project listed above.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 22nd day of February 2012.



JAMES COOPER, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN HOBBS,
INTERIM CITY ATTORNEY

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2012-28**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO)
CITY OF ELK GROVE) ss

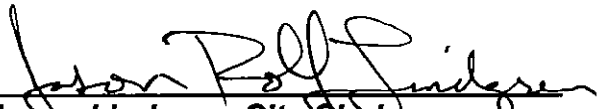
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on February 22, 2012 by the following vote:

AYES : **COUNCILMEMBERS:** **Cooper, Hume, Detrick, Scherman**

NOES: **COUNCILMEMBERS:** **None**

ABSTAIN : **COUNCILMEMBERS:** **None**

ABSENT: **COUNCILMEMBERS:** **Davis**



Jason Lindgren, City Clerk
City of Elk Grove, California