



# CITY OF LODI

## COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution to Approve the Final Map and Improvement Agreement for Century Meadows Two, Unit No. 4, Tract No. 3272, Authorize the City Manager to Execute an Agreement for Acquisition of the Future Century Meadows Park Site (Parcel A) and Appropriate Funds for Applicable Reimbursements

MEETING DATE: December 18, 2002

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution authorizing the following actions for the Century Meadows Two, Unit No. 4 development:

1. Approve the final map and improvement agreement for Century Meadows Two, Unit No. 4, Tract No. 3272, and direct the City Manager and City Clerk to execute the improvement agreement and map on behalf of the City.
2. Authorize the City Manager to execute an agreement for the acquisition of the future Century Meadows Park site (Parcel A).
3. Appropriate funds for applicable reimbursements.

BACKGROUND INFORMATION: The subdivision is located east of Mills Avenue, north of Harney Lane and south of the Century Meadows Two, Unit No. 3 development, as shown on Exhibit A. The development consists of 60 single-family residential lots and a 2.66 (net) acre parcel (Parcel A) intended as a future park site.

The developer of the subdivision, FCB Building Partners I, L.P., has furnished the City with the improvement plans, necessary agreements, guarantees, insurance certificates, and fees for the proposed subdivision.

### Park Site Reservation

The Park, Recreation and Open Space Master Plan adopted on January 19, 1994, identifies a future neighborhood park site within the Century Meadows developments (Century Meadows Park, N-15). The park site is included in the Century Meadows Two, Unit No. 4 subdivision and is referenced on the final map as Parcel A (Exhibit A). To date, the City has not entered into negotiations with the developer for the purchase of the park site.

Under the terms of Subdivision Map Act Section 66480 (Exhibit B), if the parcel is to be reserved as a park site, the City must, at the time of approval of the final map, enter into a binding agreement to acquire the reserved area within two years after the completion and acceptance of all improvements. The Subdivision Map Act also sets forth the criteria for determining the purchase price. Since the Parks and Recreation Commission and the City Council have previously expressed a desire to retain the park site in the Century Meadows Two development, staff has prepared and the developer has executed the

APPROVED:

M. Dixon Flynn -- City Manager

necessary agreement to reserve Parcel "A" as a future park site. A copy of the agreement is attached as Exhibit C. If the Council wishes to retain the park site, staff requests that Council authorize the City Manager to execute the agreement on behalf of the City.

Approval of the agreement obligates the City to purchase the park site. Staff will work with the developer to establish the price and return to Council for purchase authorization within the specified time frame. Funds for the park site acquisition will come from the Development Impact Mitigation Fees for Park and Recreation Facilities.

Reimbursements

The developer is entitled to reimbursement by the City for oversize master plan water mains and excess width street pavement improvements in Harney Lane being constructed with this project. The reimbursements will be applied as a credit against development impact mitigation fees for water facilities and local street facilities, respectively, in conformance with LMC §16.40 Reimbursements for Construction.

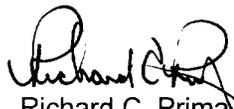
The subdivision improvements also include the installation of street improvements along the future park site frontages on Lexington Drive and Millbrook Drive. Since the City is entering into a binding agreement to purchase this property, the developer will be reimbursed for the park site frontage improvements in conformance with LMC §15.44 and §16.40. The reimbursement will be applied as a credit against Development Impact Mitigation Fees for Park and Recreation Facilities when the improvements are complete and accepted by the City.

Staff requests that funds be appropriated to cover the required reimbursements.

FUNDING:	IMF – Local Street Facilities (MTSI014)	\$17,000
	IMF – Water Facilities (MWSI023)	\$ 6,000
	IMF – Park and Recreation Facilities (MPR059)	\$65,000

Funding Available:

\_\_\_\_\_  
Finance Director

  
Richard C. Prima, Jr.  
Public Works Director

  
Roger Baltz  
Parks and Recreation Director

Prepared by Sharon A. Welch, Senior Civil Engineer  
RCP/SAW/pmf  
Attachments  
cc: Senior Civil Engineer Welch  
FCB Building Partners I, LP  
Baumbach & Piazza



**GOVERNMENT CODE  
SECTION 66479-66482**

66479. There may be imposed by local ordinance a requirement that areas of real property within the subdivision be reserved for parks, recreational facilities, fire stations, libraries, or other public uses, subject to the following conditions:

(a) The requirement is based upon an adopted specific plan or an adopted general plan containing policies and standards for those uses, and the required reservations are in accordance with those policies and standards.

(b) The ordinance has been in effect for a period of at least 30 days prior to the filing of the tentative map.

(c) The reserved area is of such size and shape as to permit the balance of the property within which the reservation is located to develop in an orderly and efficient manner.

(d) The amount of land reserved will not make development of the remaining land held by the subdivider economically unfeasible.

The reserved area shall conform to the adopted specific or general plan and shall be in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period; in such event, the subdivider shall make those changes as are necessary to permit the reserved area to be developed for the intended purpose consistent with good subdividing practices.

66480. The public agency for whose benefit an area has been reserved shall at the time of approval of the final map or parcel map enter into a binding agreement to acquire such reserved area within two years after the completion and acceptance of all improvements, unless such period of time is extended by mutual agreement. The purchase price shall be the market value thereof at the time of the filing of the tentative map plus the taxes against such reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of such reserved area, including interest costs incurred on any loan covering such reserved area.

66481. If the public agency for whose benefit an area has been reserved does not enter into such a binding agreement, the reservation of such area shall automatically terminate.

66482. The authority granted by this article is additional to all other authority granted by law to local agencies relating to subdivisions and shall in no way be construed as a limitation on or diminution of any such authority.

WHEN RECORDED, RETURN TO:

City Clerk  
City of Lodi  
221 West Pine Street  
Lodi, CA 95240

AGREEMENT

THIS AGREEMENT entered into by and between the CITY OF LODI, hereinafter referred to as "City", and FCB BUILDING PARTNERS I, LP, hereinafter referred to as "Developer".

WITNESSETH:

WHEREAS, the parties have entered into an Improvement Agreement approved by the City Council on December 18, 2002, which Agreement covers the responsibilities of City and of Developer for the Century Meadows Two, Unit No. 4, Tract No. 3272 subdivision; and

WHEREAS, a planned neighborhood park site, as shown in the City's Parks, Recreation and Open Space Master Plan, is located within said subdivision; and

WHEREAS, the proposed park site is shown on the final map for the subdivision as Parcel "A" in conformance with the conditions of the tentative map for the subdivision; and

WHEREAS, City and Developer have not entered into negotiations for the acquisition of the park site by City; and,

WHEREAS, City is desirous of reserving Parcel "A" as a future park site in conformance with the City's Parks, Recreation and Open Space Master Plan;

NOW THEREFORE, IT IS AGREED BETWEEN THE PARTIES HERETO AS FOLLOWS:

1. That the Developer shall reserve for acquisition by the City in conformance with Section 66480 of the Subdivision Map Act that certain parcel of land more particularly described as follows:  
  
Parcel "A" as shown on the final map for Century Meadows Two, Unit No. 4, Tract No. 3272, filed for record \_\_\_\_\_ in Book \_\_\_\_\_ of Maps and Plats at Page \_\_\_\_\_, San Joaquin County Records.
2. That the City shall acquire said Parcel "A" within two (2) years after the completion and acceptance of all public improvements constructed with the Century Meadows Two, Unit No. 4, Tract No. 3272 subdivision, unless said period of time is amended by written mutual agreement.
3. That the purchase price shall be based on the market value of said Parcel "A" on August 22, 2001, the date of approval of the vesting tentative map for the Century Meadows Two, Unit No. 4, Tract No. 3272 subdivision, plus the taxes against Parcel "A" from the date of this agreement and any other costs incurred by the developer in the maintenance of Parcel "A", including interest costs incurred on any loan covering Parcel "A".
4. Developer shall be responsible for Parcel "A", including, but not limited to, maintenance and dust control until acquisition by the City.

5. At the time of acquisition by the City, title to Parcel "A" shall pass free of any liens or encumbrances except current taxes, if any. Developer shall obtain and provide to the City at the time of acquisition, a release of any and all liens, mortgages, or encumbrances on Parcel "A".
6. This agreement shall be recorded and shall inure to the benefit of the heirs, successors, or assigns of Developer. In connection therewith, notice may be mailed to Developer at:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

7. Herein is set forth the entire agreement between the parties. The performance of these conditions constitutes full performance and shall relieve City of all further obligations or claims.
8. In the event either party hereto breaches the terms, conditions and covenants of this Agreement, then, the prevailing party in any suit to enforce this Agreement or restrain the breach thereof, shall in addition to any other relief or damages awarded, be entitled to a reasonable attorney" fee and all costs of suit to be set and determined by any court of competent jurisdiction and added to any judgment obtained.

IN WITNESS WHEREOF, Developer and City have caused their names to be hereunto affixed and the City of Lodi has caused its corporate name and seal to be hereunto affixed by its proper officers thereunto duly authorized.

FCB BUILDING PARTNERS I, LP

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 \_\_\_\_\_

CITY OF LODI, A MUNICIPAL CORPORATION

By: \_\_\_\_\_  
 H. Dixon Flynn, City Manager

\_\_\_\_\_  
 Date

ATTEST:

\_\_\_\_\_  
 Susan J. Blackston, City Clerk

\_\_\_\_\_  
 Date

APPROVED AS TO FORM:

\_\_\_\_\_  
 Randall A. Hays, City Attorney

RESOLUTION NO. 2002-252

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING THE FINAL MAP AND IMPROVEMENT AGREEMENT FOR CENTURY MEADOWS TWO, UNIT NO. 4, TRACT NO. 3272, FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR ACQUISITION OF THE FUTURE CENTURY MEADOWS PARK SITE (PARCEL A), AND FURTHER APPROPRIATING FUNDS FOR THE APPLICABLE REIMBURSEMENTS

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NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the Final Map and Improvement Agreement for Century Meadows Two, Unit No. 4, Tract No. 3272 between the City of Lodi and FCB Building Partners I, L.P., and further authorizes and directs the City Manager and City Clerk to execute the Improvement Agreement and Final Map on behalf of the City of Lodi; and

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized and directed to execute an Agreement for the acquisition of the future Century Meadows Park site (Parcel A); and

BE IT FURTHER RESOLVED, that funds in the amount of \$88,000.00 be appropriated as follows for the applicable reimbursements:

IMF – Local Street Facilities (MTSI014)	\$17,000
IMF – Water Facilities (MWSI023)	\$ 6,000
IMF – Park and Recreation Facilities (MPR059)	\$65,000

Dated: December 18, 2002

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I hereby certify that Resolution No. 2002-252 was passed and adopted by the City Council of the City of Lodi in a regular meeting held December 18, 2002 by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hansen, Howard, Land, and Mayor Hitchcock

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON  
City Clerk

CITY COUNCIL  
SUSAN HITCHCOCK, Mayor  
EMILY HOWARD  
Mayor Pro Tempore  
JOHN BECKMAN  
LARRY D. HANSEN  
KEITH LAND

# CITY OF LODI

## PUBLIC WORKS DEPARTMENT

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 333-6706  
FAX (209) 333-6710  
EMAIL [pwdept@lodi.gov](mailto:pwdept@lodi.gov)  
<http://www.lodi.gov>

H. DIXON FLYNN  
City Manager  
SUSAN J. BLACKSTON  
City Clerk  
RANDALL A. HAYS  
City Attorney  
RICHARD C. PRIMA, JR.  
Public Works Director

December 12, 2002

FCB Building Partners I, L.P.  
c/o Frontiers Development  
3247 W. March Lane, Ste. 220  
Stockton, CA 95207

Baumbach & Piazza  
323 W. Elm Street  
Lodi, CA 95240

**SUBJECT:** Adopt Resolution to Approve the Final Map and Improvement Agreement for Century Meadows Two, Unit No. 4, Tract No. 3272, Authorize the City Manager to Execute an Agreement for Acquisition of the Future Century Meadows Park Site (Parcel A) and Appropriate Funds for Applicable Reimbursements

Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, December 18, 2002. The meeting will be held at 7 p.m. in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

This item is on the consent calendar and is usually not discussed unless a Council Member requests discussion. The public is given an opportunity to address items on the consent calendar at the appropriate time.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council Meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Susan Blackston, City Clerk, at (209) 333-6702.

If you have any questions about the item itself, please call Sharon Welch, Senior Civil Engineer, at (209) 333-6800, extension 2659.



for: Richard C. Prima, Jr.  
Public Works Director

RCP/pmf  
Enclosure  
cc: City Clerk

NCCAGREEMENTFINALMAP\_CM2\_4