

RESOLUTION NO. 2005-19

A RESOLUTION OF THE LODI CITY COUNCIL AMENDING
RESOLUTION 2003-213 TO ALLOW ACCEPTANCE OF PUBLIC
IMPROVEMENTS FOR LEGACY ESTATES UNIT 1, TRACT
NO. 3260, PRIOR TO COMPLETION OF THE HARNEY LANE
IMPROVEMENTS; AND APPROVING IMPROVEMENT
AGREEMENT FOR HARNEY LANE EXECUTED BY DSS
COMPANY COVERING COMPLETION OF HARNEY LANE
IMPROVEMENTS

WHEREAS, on November 19, 2003, the City Council adopted Resolution 2003-213 approving the Final Map and Improvement Agreement for Legacy Estates Unit 1, Tract No. 3260, between the City of Lodi and FCB Building Partners II, L. P.; and

WHEREAS, the subdivision is located north of Harney Lane and west of Mills Avenue and consists of 77 single-family residential lots, with subdivision improvements that include public street improvements on Harney Lane from the west subdivision boundary to Mills Avenue, as delineated on Exhibit A attached; and

WHEREAS, the developer's contractor, DSS Engineering Contractors, installed street pavement improvements in Harney Lane as part of the subdivision improvements, which are not in compliance with the approved improvement plans and do not currently meet City standards; and

WHEREAS, in an effort to relieve the developer, FCB Building Partners II, L. P., of responsibility for completing the Harney Lane improvements and allow acceptance by the City of the balance of the subdivision improvements, DSS Company, parent company of DSS Engineering Contractors, and the developer have requested that an improvement agreement be prepared by City staff that would allow DSS Company to assume responsibility for the completion of the Harney Lane improvements; and

WHEREAS, the improvement agreement requires that DSS Company install the street improvements in Harney Lane in conformance with the approved improvement plans for the Legacy Estates Unit No. 1 subdivision plus the following: provide engineered plans and cross-sections showing the corrective measures to be performed to correct pavement, base, and subgrade deficiencies in the improvements previously installed by DSS Engineering Contractors; provide geotechnical services to the approval of the Public Works Director to verify the pavement structural section in those areas subject to corrective work; provide Repair or Replacement Security prior to acceptance of the Harney Lane improvements covered by the agreement to cover the repair or replacement or reconstruction of defective work for a period of one (1) year after final acceptance of the improvements by the City; and

WHEREAS, DSS Company has executed the improvement agreement, furnished the City with the necessary improvement security and insurance certificate, and paid the fees for engineering plan check, inspection, and document preparation services.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby adopts Resolution No. 2005-19 amending Resolution 2003-213 to authorize the following actions for the Legacy Estates Unit 1, Tract No. 3260, subdivision:

1. Allow acceptance of the public improvements for the subdivision prior to completion of the street pavement and appurtenant public improvements in Harney Lane required under the terms of the Improvement Agreement for the Public Improvements for Legacy Estates Unit No. 1 executed by FCB Building Partners II, L. P., and approved by Council on November 19, 2003.
2. Relieve FCB Building Partners II, L. P., from responsibility for completion of the street pavement and appurtenant public improvements in Harney Lane and deem its responsibilities for the installation of public improvements under the terms of the above referenced improvement agreement complete.
3. Approve the Improvement Agreement for the Public Improvements of Harney Lane executed by DSS Company covering the completion of the street pavement and appurtenant public improvements in Harney Lane.

Dated: February 2, 2005

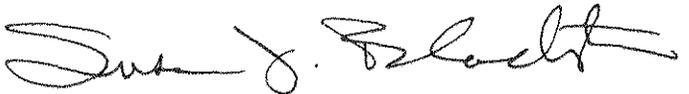
I hereby certify that Resolution No. 2005-19 was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 2, 2005, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson, Mounce, and Mayor Beckman

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

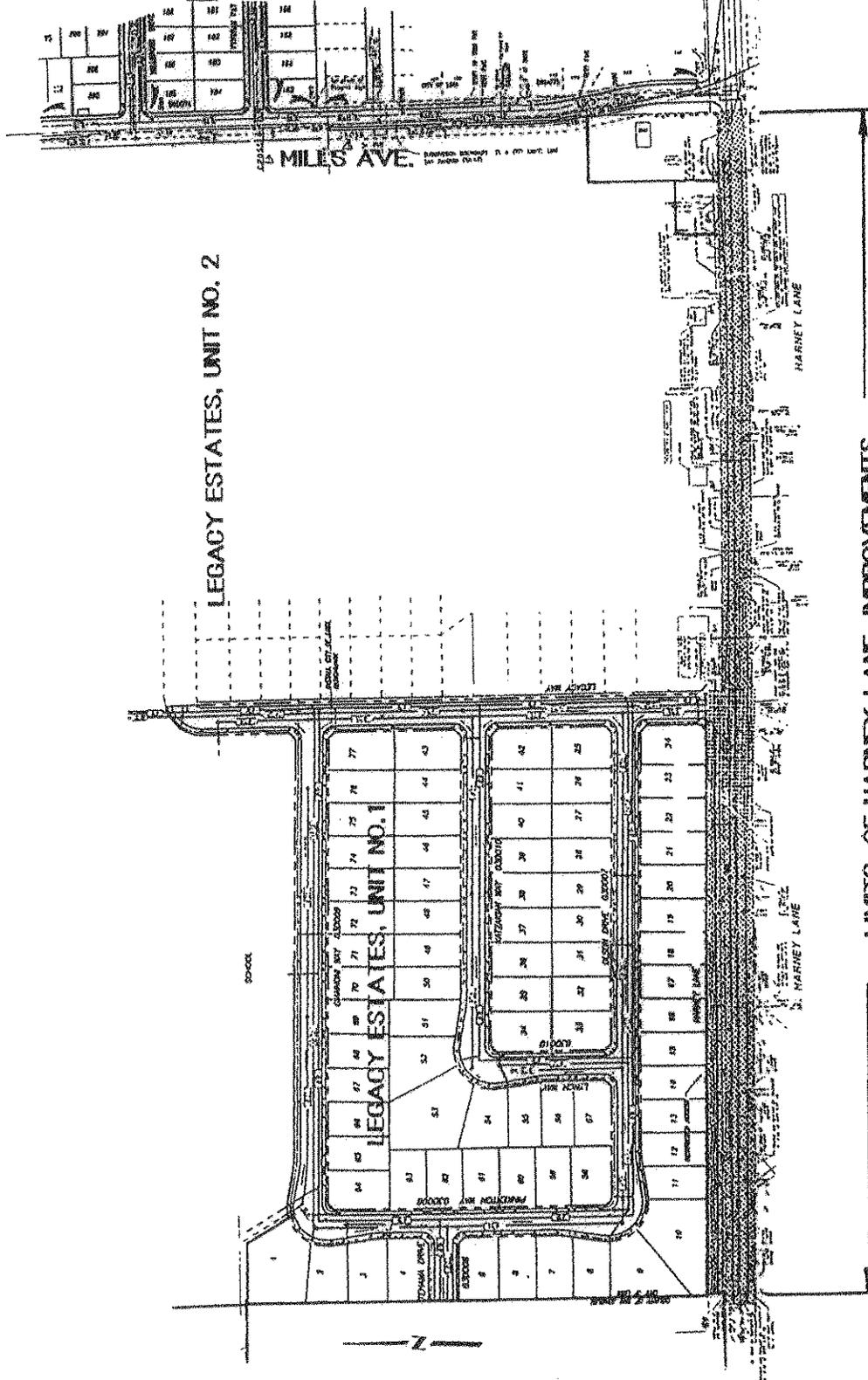

SUSAN J. BLACKSTON
City Clerk



CITY OF LODI
PUBLIC WORKS DEPARTMENT

EXHIBIT A

CENTURY MEADOWS THREE



LIMITS OF HARNEY LANE IMPROVEMENTS