

RESOLUTION NO. _____ (CM)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE APPROVING A SECOND AMENDMENT TO PUBLIC AND ON-SITE IMPROVEMENT AGREEMENT AND A SECOND AMENDMENT TO SET ASIDE AGREEMENT TO SECURE PERFORMANCE OF CONTRACT WITH DEVELOPER BETWEEN THE CITY OF WATSONVILLE AND PACIFIC SUNSHINE DEVELOPMENT, LLC., A LIMITED LIABILITY COMPANY, TO ALLOW COMPLETION OF THE SUNSHINE GARDEN SUBDIVISION, TRACT NO. 1587; AND AUTHORIZING AND DIRECTING THE INTERIM CITY MANAGER TO EXECUTE SAME

WHEREAS, on September 26, 2017, Council adopted Resolution No. 151-17 (CM) approving Public and On-Site Improvement Agreement and Set Aside Agreement to Secure Performance of Contract with Developer between the City of Watsonville and Pacific Sunshine Development, LLC., for the Sunshine Garden Subdivision, Tract 1587; and

WHEREAS, the Public and On-Site Improvement Agreement provides for completion of the streets, utilities and other shared infrastructure and the Set-Aside Agreement guarantees that funds will be available to complete and pay for the work if the owner does not satisfactorily complete the work; and

WHEREAS, construction on the project began in late 2017, and the two agreements expired before the work was done, so to revise the agreements and allow the project to continue, Council approved the First Amendment to the Public and On-Site Improvement Agreement and the First Amendment to the Set Aside Agreement through Resolution No. 245-21 (CM) which called for the subdivision to be built in three phases and updated the proposed fees and costs; and

WHEREAS, three years have passed and the project is not complete; and

WHEREAS, this Second Amendment to the Public and On-Site Improvement Agreement and the Set Aside Agreement to Secure Performance of Contract with

Developer include a number of updates and modifications.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATSONVILLE, CALIFORNIA, AS FOLLOWS:

1. An Environmental Impact Report was prepared (SCH 2008122060) for the development project approved in 2017. The proposed Second Amendments only make administrative changes and do not make any changes to the project nor is there any new information identified in CEQA Guidelines section 15162 that would warrant a subsequent EIR or a supplemental EIR pursuant to CEQA Guidelines section 15163.

2. That this Second Amendment to Public and On-Site Improvement Agreement with Developer between the City of Watsonville and Pacific Sunshine Development, LLC., a limited liability company, to allow for the completion of the Sunshine Garden Subdivision, Tract 1587, a copy of which is attached hereto and incorporated herein by this reference, is fair and equitable and is hereby ratified and approved.

3. That this Second Amendment to Set Aside Agreement to Secure Performance Of Contract with Developer between the City of Watsonville and Pacific Sunshine Development, LLC., a limited liability company, to assure payment for the public and on-site improvements for the completion of the Sunshine Garden Subdivision, Tract 1587, a copy of which Second Amendment is attached hereto and incorporated herein by this reference, is fair and equitable and is hereby ratified and approved.

4. That the Interim City Manager be and is hereby authorized and directed to execute said Second Amendments for and on behalf of the City of Watsonville.
