

RESOLUTION NO. 4570

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD
ACCEPTING CERTAIN LANDSCAPING IMPROVEMENTS AT THE CORNER OF
GABILAN DRIVE AND ORCHARD LANE FOR THE ORCHARD LANE ESTATES
SUBDIVISION (PART OF THE MIRAVALLE II SUBDIVISION) AND AUTHORIZING
RELEASE OF THE PRO-RATA SHARE OF THE LABOR AND PERFORMANCE
BONDS**

WHEREAS, in February of 2006, the City Council adopted Resolution No. 3739, approving the "Miravale II Unit 1-Increment 1B and a Portion of 1A Final Vesting Subdivision Map" for a portion of the Miravale II Subdivision of approximately 163 units; and

WHEREAS, on May 3, 2006, the City approved an amendment to the "Development Agreement between the City of Soledad and C.H. Builders, Inc., a California Corporation- Miravale II Subdivision," whereby Award Homes was added as a party thereto; and

WHEREAS, the approval of the Final Map was conditioned on execution of an agreement (a "Subdivision Improvement Agreement" or "SIA") covering the installation and construction of all public improvements to be located within the subdivision; and

WHEREAS, on June 18, 2008, the City accepted certain public improvements at the following streets:

1. Santa Clara Street.
2. Binsacca Street.
3. San Rafael Street.
4. Westcott Street.
5. A portion of San Gabriel Street.
6. A portion of San Antonio Street.
7. A portion of Gabilan Drive; and

WHEREAS, the Public Works Department has verified that all landscaping improvements have now been completed at the corner of Gabilan Drive and Orchard Lane; and

WHEREAS, Award Homes has requested that the City accept the landscaping improvements at the corner of Gabilan Drive and Orchard Lane; and

WHEREAS, all required inspections of the work have been completed, inspected and approved by the City Public Works Department; and

WHEREAS, the City's acceptance of the identified subdivision improvements will release Award Homes from all further maintenance responsibilities and liability under the terms of the Conditions of Approval and approved improvements plans, excluding liability for repair or reconstruction of defective work for the term of (1) year for the completed landscaping improvements at the corner of Gabilan Drive and Orchard Lane.

NOW THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Soledad that the City hereby confirms the Public Works Director's determination that the landscaping improvements at the corner of Gabilan Drive and Orchard Lane have been completed and are ready for acceptance, and by this resolution, the Council hereby accepts all aforementioned landscaping improvements.

BE IT FURTHER RESOLVED by the City Council of the City of Soledad that Staff is directed to release a pro-rata share of the Performance and Labor and Materials bonds associated with the accepted landscaping improvements upon receipt of any maintenance and/or warranty agreements and security therefore for all of the aforesaid improvements.

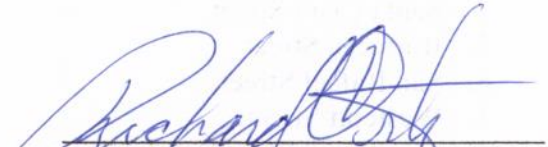
PASSED AND ADOPTED by the City Council of the City of Soledad at a regular meeting duly held on the 6th day of October 2010, by the following vote:

AYES, and in favor thereof, Councilmembers: Richard J. Perez, Juan Saavedra, Patricia Stephens, Mayor Pro Tem Martha Camacho and Mayor Richard V. Ortiz

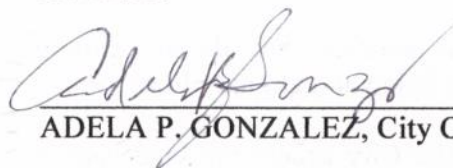
NOES, Councilmembers:

ABSENT, Councilmembers:

ABSTAIN, Councilmembers:


RICHARD V. ORTIZ, Mayor

ATTEST:


ADELA P. GONZALEZ, City Clerk