

RESOLUTION NO. 02-2018

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA
ACCEPTING THE SUBDIVISION IMPROVEMENTS CONSTRUCTED FOR THE
CONDOMINIUM SUBDIVISION AT 15 MONTECITO AVENUE (APN: 016-182-170) AND 29
MONTECITO AVENUE (APN: 016-182-350) IN THE CITY OF PACIFICA AND REDUCING
THE DEVELOPER'S SECURITY, AND DIRECTING THAT A NOTICE OF ACCEPTANCE BE
FILED WITH THE COUNTY RECORDER'S OFFICE**

WHEREAS, on July 11, 2016, the City Council of the City of Pacifica adopted a resolution approving Parcel Maps and a Subdivision Improvement Agreement, including certain requirements for on-site and off-site improvements ("the Improvements") in conjunction with the construction of new condominium buildings on the parcels at 15 Montecito Avenue and 29 Montecito Avenue; and,

WHEREAS, the owners of those parcels (Maisam Kahalili, Reza Fakurnejad, Tiffany Zammit and Ciyavash Moazzami, collectively referred to herein as "the Developer") entered into said Subdivision Improvement Agreement with the City; and,

WHEREAS, the Developer submitted plans, specifications and drawings for the improvements entitled "Improvement Plans for 15 & 29 Montecito Avenue" prepared by Wood Rodgers dated 1/11/2016, describing the Improvements, which were reviewed and approved by the City and were incorporated into said Subdivision Improvement Agreement; and,

WHEREAS, certain securities were required in the Subdivision Improvement Agreement to be provided by the Developer to the City, and in satisfaction of those requirements the Developer deposited with the City cash in the amount of ninety eight thousand eight hundred dollars (\$98,800.00); and,

WHEREAS, the Improvements have been constructed by the Developer, and they have been inspected by the City during and after construction and have been found to have been completed in accordance with the approved plans, specifications and drawings; and,

WHEREAS, a Notice of Completion for the project was filed with the County Recorder's Office on October 6, 2017, and no unsatisfied claims against the Developer are known to the City to have been filed within the 30 days prescribed by law; and,

WHEREAS, the City has incurred costs for inspection and administration, amounting to \$5,227.50 which are to be deducted from the Developer's deposit in accordance with the terms of the Subdivision Improvement Agreement; and,

WHEREAS, the Developer has submitted a letter instructing the City to withhold from his cash deposit the amount specified in the Subdivision Improvement Agreement for a Warranty Bond, to be held by the City for a period of one year after acceptance of the Improvements;

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council hereby accepts the Improvements that have been constructed by the Developer as required in the Subdivision Improvement Agreement.

2. The City Council directs staff to refund to the Developer:
 - a. ninety percent (90%) of the Performance Security (10% to be retained as a Warranty Bond), amounting to \$54,180.00; and,
 - b. the full amount of the \$30,100.00 Labor and Materials Payment Security; and,
 - c. the full amount of the \$3,000 Cash Bond amount; and,
 - d. the \$272.50 remaining balance from the City Costs deposit.

3. The City Council directs the City Clerk to file a Notice of Acceptance of Improvements with the County Recorder's Office.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pacifica, California, held on January 8, 2018, by the following vote:

AYES,	Council Members:	Martin, O'Neill, Digre, Vaterlaus, Keener
NOES,	Council Members:	None
ABSENT,	Council Members:	None
ABSTAIN,	Council Members:	None

John Keener, Mayor

ATTEST:

Kathy O'Connell, City Clerk

APPROVED AS TO FORM:

Michelle Marchetta Kenyon, City Attorney