

RESOLUTION NO. 2021-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA APPROVING THE TERMS OF A LETTER OF AGREEMENT, AND ACCEPTING LAND DEDICATION FROM ROSA AND EDMUNDO LOAYZA, OWNERS OF THE SUBDIVISION AT 957 FIRST STREET, FOR RIGHT-OF-WAY TO BE USED TO CONSTRUCT A ROUNDABOUT ADJACENT TO THEIR PROPERTY

WHEREAS, Rosa and Edmundo Loayza (“Loayzas”) own the property at 957 First Street APN 002-230-001, consisting of approximately 16 acres, and wish to subdivide it for development purposes; and

WHEREAS, On June 4, 2019, the Planning Commission adopted Resolution 2019-14, approving a subdivision map at 957 First Street (APN 002-230-001) creating four parcels intended for four single family homes, and a fifth parcel to be dedicated to the City for the purpose of right-of-way to be used to build a roundabout adjacent to their property; and

WHEREAS, Resolution 2019-14 failed to clearly define the roles and responsibilities and expectations of the Loayzas, the City or Meritage Homes, the developer responsible for constructing the roundabout; and

WHEREAS, Meritage Homes completed its design for the new roundabout, the City has approved this design and construction drawings, and Meritage Homes is ready to construct it; and

WHEREAS, the Loayzas and the City have negotiated a letter of agreement that includes terms and expectations dating back to 2016, acknowledging the facts as they are today, describing the path forward to include the City’s acceptance of the property dedication for the roundabout, attached hereto and presented it to the City Council for approval; and

WHEREAS, consistent with Article 3, Chapter 4 and Article 5, Chapter 3 of the State Subdivision Map Act and Chapter 10, Section 2 Article 9 subsection 925 of the City Municipal Code, acceptance of offers of dedication on a parcel map shall requires Council approval; and

WHEREAS, the City Engineer has reviewed the legal descriptions and plat maps for this approximately 5,443 square feet of real property to be used by the City as public right-of-way and is prepared to recommend the acceptance of this land by the City Council to be used as part of a roundabout, and to be owned and controlled by the City.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the City Council approves the letter of agreement attached hereto, and approves and accepts the dedication of real property and the legal description and plat map, attached hereto, of the 5,443 square feet of right-of-way to be used by the City as public right-of-way for the purpose of constructing a roundabout adjacent to this subdivision at 957 First Street, in the City of San Juan Bautista.

**Resolution 2021-11
First Street Roundabout**

PASSED AND ADOPTED by the City Council of the City of San Juan Bautista on this 16th day of February, 2021 by the following vote:

AYES: Jordan, Freeman, Flores, Freels, Edge

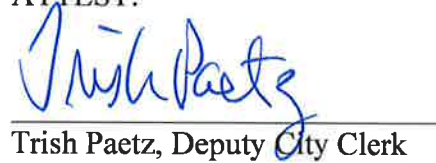
NOES: None

ABSENT: None

ABSTAIN: None


Leslie Q. Jordan, Mayor

ATTEST:


Trish Paetz, Deputy City Clerk