

RESOLUTION NO. 2021- 38

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA AUTHORIZING THE MAYOR TO EXECUTE A REIMBURSEMENT AGREEMENT WITH MERITAGE HOMES FOR BUILDING THE ROUNDABOUT AT THE INTERSECTION OF LAVAGNINO DRIVE AND FIRST STREET (“IMPROVEMENTS”)

WHEREAS, Meritage is developing that certain real property described in the Reimbursement Agreement’s Exhibit A attached hereto (the “**Property**”); and

WHEREAS, the Property is subject to those certain Conditions of Approval for Rancho Vista Subdivision for VTM 2015-201 (the “**Conditions of Approval**”) and Development Agreement by and between the City of San Juan Bautista and R.L. Fulton Holding Company, LLC regarding the Rancho Vista Project dated April 17, 2015 (the “**Development Agreement**”); and

WHEREAS; Section 2.09(c) of the Development Agreement provides that the City shall not require the funding or construction of facilities or improvements that provide for oversizing or overcapacity unless the City enters into a reimbursement agreement therefor; and

WHEREAS, items 1(h) and 15 of the Conditions of Approval require, among other things, the construction of off-site roundabout intersection improvements at First Street and Lavagnino Drive; and

WHEREAS, Meritage is willing to construct and/or install the roundabout improvements more particularly described and shown in the attached Agreement, on Exhibit B, attached hereto (the “**Improvements**”), the anticipated costs of which are indicated on Exhibit C, attached hereto; and

WHEREAS, the City collects developer contributions from various private developments that may benefit from the Improvements, in the form of traffic impact fees, and other direct contributions based upon an estimate of the traffic impact to the improvements by the new development; and

WHEREAS, City and Meritage are entering into this agreement, in accordance with Section 2.09(c) of the Development Agreement, to provide for the City’s use of development contributions from new private developers to reimburse certain costs of design and construction of the Improvements to Meritage.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA NOW HEREBY FINDS:

1. That the recitals in this Resolution and accompanying staff report are true and correct and are hereby made a part of this Resolution.
2. It agrees approve the attached Reimbursement Agreement and collect on behalf of Meritage traffic impact fees and other direct contributions from new development

to reimburse Meritage for certain costs associated with the design and construction of the Roundabout at the intersection of Lavagnino Drive and First Streets.

3. Authorize the Mayor to sign the approved Agreement.

PASSED AND ADOPTED by the City Council of the City of San Juan Bautista at a regular meeting held on the 13th day of July 2021, by the following vote:

AYES: Jordan, Flores, Freels, Freeman

NOES: None

ABSENT: Edge

ABSTAIN: None

ATTEST:



Trish Paetz, Deputy City Clerk

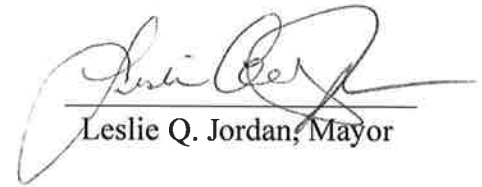

Leslie Q. Jordan, Mayor

EXHIBIT A

The Property

LEGAL DESCRIPTION

All property within those certain subdivisions known as Tract No. 322, Phase 1, 2, 3, & 4, filed in Book 16 of Maps, at Page 26 and Phases 5, 6 & 7, filed in Book 16 of Maps, at Page 45 San Benito County Records, situate, lying in the City of San Juan Bautista, County of San Benito, State of California.

Containing a total of 28.32 Acres, more or less.

Subject to covenants, conditions, restrictions, reservations, rights, rights-of-way, and easements of record, if any.



[Handwritten signature]