RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND A SUBDIVISION AGREEMENT AND ACCEPTING ON BEHALF OF THE PUBLIC ALL OFFERS OF DEDICATION AND AUTHORIZING RECORDATION OF THE MAP FOR WESTLAKE VILLAGES, UNIT NO.1, TRACT NO. 3357

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

1. On January 31, 2006, the City Council authorized the City Manager to execute the subdivision agreement and to authorize recordation of the map for Westlake Villages, Unit No. 1 (Large Lot Map) – Tract no. 3357 (TM18-04B).

2. The Applicant has requested to amend Section 3 of the subdivision agreement to reflect realistic development expectations.

3. The City Manager is hereby authorized to amend Section 3 of the Subdivision Agreement for Westlake Villages, Unit 1. Tract No. 3357 as follows:

   At least seventy-two (72) hours prior to the commencement of any work hereunder, Subdivider shall notify City Engineer in writing of the date fixed by Subdivider for commencement thereof, so that City Engineer shall be able to provide services of inspection.

   Subdivider will complete, or cause to be completed, prior to the expiration of the West Lake At Spanos Park West Development Agreement, recorded October 24, 2004, by and between the City of Stockton, a municipal corporation of the State of California, the Spanos Family Partnership, a California General Partnership, and A.G. Spanos Trustee of the Alex and Faye Spanos Trust U/T/A dated January 27, 1998, all improvements in accordance with the plans and specifications on file as hereinbefore specified, including any changes required or ordered by the said Engineer.

   The work shall be performed in a safe and good work-like manner, and enough workers to quickly and adequately perform the work in accordance with the normal construction standards for similar jobs shall be employed and used. All work must comply with State of California, Division of Industrial Safety Construction Orders.

   Except during an emergency, as determined by the City Engineer, all work shall be performed between the hours of 7:00 a.m. and 9:00 p.m.
Any contractor not performing as required by the this agreement may, at the discretion of the City Engineer, be barred from doing any work within the City of Stockton on any subdivision or any public works project for a maximum period of two (2) years.

City may require Subdivider to furnish a licensed Soils Engineer to test and certify that all cuts, fills and trench backfill conform to the requirements of the City and State codes.

4. All other provisions shall remain in full force and effect.

PASSED, APPROVED AND ADOPTED ________________

JUN 29 2010

ANN JOHNSTON
Mayor of the City of Stockton

KATHERINE GONG-MESSNER
City Clerk of the City of Stockton