

ATTACHMENT 1

RESOLUTION R2019-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANTECA, STATE OF CALIFORNIA, APPROVING THE PARTIAL ASSIGNMENT AND ASSUMPTION OF THE SHADOWBROOK DEVELOPMENT SECOND AMENDMENT AND RESTATED DEVELOPMENT AGREEMENT FROM TRUMARK HOMES LLC TO TH CENTRE INVESTORS LLC.

WHEREAS, on February 2, 2006, the City of Manteca (City) entered into a Development Agreement with Raymus Development And Sales, Inc. (Raymus) for the proposed Shadowbrook Development on the east side of Manteca; and

WHEREAS, on July 2, 2008, the City and Raymus entered into the First Amendment to the Development Agreement; and

WHEREAS, on February 2, 2016, the City and Trumark Homes LLC, successor in interest to Raymus Development And Sales, Inc., entered into the Second Amendment and Restated Development Agreement for the Shadowbrook project; and

WHEREAS, Trumark Homes LLC is proposing to transfer lots as follows:

Trumark Homes LLC to TH Centre Investors LLC:

PARCEL ONE:

LOTS 11, 12, 13, 14, 15, AND 16 AS SHOWN ON MAP ENTITLED, TRACT NO. 3449 SHADOWBROOK UNIT NO. 1 FILED FOR RECORD MAY 4, 2018 IN BOOK 43 OF MAPS AT PAGE 30, SAN JOAQUIN COUNTY RECORDS.

APNs: 218-130-01-000, 218-130-040-000, 218-130-050-000, 218-130-070-000, 218-150-010-000, 218-130-190-000 through 218-130-240-000 (affects this and other property).

PARCEL TWO:

A RIGHT OF WAY (NOT TO BE EXCLUSIVE) AS AN APPURTENANCE TO PARCEL ONE ABOVE AND ANY SUBDIVISION OR SUBDIVISION THEREOF, FOR THE PURPOSE OF PRIVATE ACCESS, INGRESS AND EGRESS OVER, UNDER AND UPON LOTS A, B, C, D AND E ON MAP ENTITLED, TRACT NO. 3449 SHADOWBROOK UNIT NO. 1 FILED FOR RECORD MAY 4, 2018 IN BOOK 43 OF MAPS AT PAGE 30, SAN JOAQUIN COUNTY RECORDS.

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WHEREAS, the City Council has considered all information related to this matter as presented at the public meetings of the City Council identified herein, including any supporting reports by City Staff and any information provided during public meetings.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manteca, as follows:

1. The City Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct and establish the factual basis for the City Council's adoption of this Resolution.
2. The City Council does hereby consent to the transfer of lots and accompanying Second Amendment and Restated Development Agreement, conditioned upon the Developer's compliance with the Shadowbrook Second Amendment and Restated Development Agreement assumption requirements, as follows:

Trumark Homes LLC to TH Centre Investors LLC:

PARCEL ONE:

LOTS 11, 12, 13, 14, 15, AND 16 AS SHOWN ON MAP ENTITLED, TRACT NO. 3449 SHADOWBROOK UNIT NO. 1 FILED FOR RECORD MAY 4, 2018 IN BOOK 43 OF MAPS AT PAGE 30, SAN JOAQUIN COUNTY RECORDS.

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PARCEL TWO:

A RIGHT OF WAY (NOT TO BE EXCLUSIVE) AS AN APPURTENANCE TO PARCEL ONE ABOVE AND ANY SUBDIVISION OR SUBDIVISION THEREOF, FOR THE PURPOSE OF PRIVATE ACCESS, INGRESS AND EGRESS OVER, UNDER AND UPON LOTS A, B, C, D AND E ON MAP ENTITLED, TRACT NO. 3449 SHADOWBROOK UNIT NO. 1 FILED FOR RECORD MAY 4, 2018 IN BOOK 43 OF MAPS AT PAGE 30, SAN JOAQUIN COUNTY RECORDS.

3. The City Council does hereby instruct the City Clerk, for the City of Manteca, to attend to the proper recordation of same.
4. This Resolution shall take effect immediately upon its adoption.

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I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Manteca at a public meeting of said City Council held on the 18th day of June 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

MAYOR: _____
BENJAMIN J. CANTU
Mayor

ATTEST: _____
LISA BLACKMON
City Clerk