

RESOLUTION NO. 74780

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSÉ AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A THIRD AMENDMENT TO THE TURNKEY PARKLAND AGREEMENT FOR TENTATIVE MAP NO. PT04-125 WITH DKB HOMES, LLC TO DEFER COMPLETION OF THE PARK IMPROVEMENTS RELATING TO THE SAN ANTONIO TOT LOT FROM JUNE 30, 2009 TO DECEMBER 30, 2009, IN THE EVENT THAT ADDITIONAL TIME IS REQUIRED TO COMPLETE THE PARK IMPROVEMENTS

WHEREAS, DKB Homes, LLC (“DKB”) has proposed and received approval to develop nineteen (19) single family attached residential units on a 2.3 gross acre site located at East San Antonio Street and 34th Street, and to develop and dedicate a 0.03 acre neighborhood park site as a turnkey park project known as the San Antonio Tot Lot, consisting of a children’s play area, a small picnic area, trash receptacles, drinking fountain, security lighting, artificial turf and low-maintenance landscaping, and concrete walkways (“Park Improvements”), and

WHEREAS, on January 11, 2008, the City of San José (“City”) and DKB entered into a Turnkey Parkland Agreement under which DKB agreed to satisfy its Parkland Dedication Obligation relating to Tentative Map No. PT04-125 by the construction of the Park Improvements; and

WHEREAS, on June 17, 2008, City and DKB entered into a First Amendment to the Turnkey Parkland Agreement to extend the completion date for the Park Improvements from June 30, 2008 to December 30, 2008; and

WHEREAS, on February 3, 2009, City and DKB requested the City Council of the City of San José approve a Second Amendment to the Turnkey Parkland Agreement to further defer the completion of the Park Improvements from December 30, 2008 to June 30, 2009; and

WHEREAS, in the event that additional time is required to complete the Park Improvements, the City Manager desires authority to negotiate and execute a Third Amendment to the Turnkey Parkland Agreement to further defer the completion of the Park Improvements from June 30, 2009 to December 30, 2009;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSÉ THAT:

The City Manager is hereby authorized to negotiate and execute a Third Amendment to the Turnkey Parkland Agreement for Tentative Map No. PT04-125 between the City of San José and DKB Homes, LLC to defer completion of the Park Improvements relating to the San Antonio Tot Lot from June 30, 2009 to December 30, 2009, in the event that additional time is required to complete the Park Improvements.

ADOPTED this 3rd day of February, 2009, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,
KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk