

**RESOLUTION NO.**

**A RESOLUTION ACCEPTING PARK AND LANDSCAPING IMPROVEMENTS ON PARCEL 'SS' (PIONEER PARK) AND MIWOK AVENUE ENTRY OF THE VINEYARDS AT MARSH CREEK DEVELOPMENT, SUBDIVISION 8796 FOR MAINTENANCE BY THE CITY AND REQUESTING THE CITY CLERK TO FILE THIS RESOLUTION WITH THE RECORDER OF CONTRA COSTA COUNTY.**

**WHEREAS**, on April 13, 2004, the City Council adopted Ordinance No. 778, approving the Development Agreement for The Vineyards at Marsh Creek project (DA 04-01); and

**WHEREAS**, on December 12, 2006, the City Council adopted Resolution 2006-297 ordering the formation of Landscape and Lighting Assessment District No. 06-3 (Vineyards), ordering improvements, and confirming the diagram and assessments for the District as shown in the Formation of Landscape and Lighting Assessment District No. 06-3 (Vineyards) in the Final Engineer's Report for the Consolidated Landscape and Lighting Assessment Districts for Mid-Year Fiscal Year 2006/2007 pursuant to the Streets and Highways Code "Landscaping and Lighting Act of 1972" and Proposition No. 2018; and

**WHEREAS**, on January 11, 2011, the City Council adopted Ordinance No. 886, approving an amendment to the Development Agreement for The Vineyards at Marsh Creek project (DA 04-01-A1) (the "First Amendment"); and

**WHEREAS**, on December 11, 2012, the City Council adopted Ordinance No. 908, approving a second amendment to the Development Agreement for The Vineyards at Marsh Creek project (DA 04-01-A2) (the "Second Amendment"). The Original Development Agreement, First Amendment, and Second Amendment are collectively referred to herein as the "Development Agreement"; and

**WHEREAS**, on May 24, 2016, by Resolution No. 2016-67, City Council approved the Vesting Tentative Subdivision Map for Subdivision 8796, as submitted by the Developer.

**WHEREAS**, on December 21, 2021, the City Council adopted Resolution 2021-157 approving the execution of a Public Improvement Agreement with Trilogy Vineyards LLC to memorialize the terms for the completion of outstanding improvements following the expiration of the existing Development Agreement on January 1, 2022; and

**WHEREAS**, as a part of City's approval of the Vineyards development, Trilogy Vineyards LLC was required to construct park and landscaping improvements on Parcel 'SS' (Pioneer Park) and Miwok Avenue Entry of the Vineyards at Marsh Creek development, Subdivision 8796; and

**WHEREAS**, City staff inspected the park and landscaping improvements and determined that they are in substantial conformance with the approved landscape plans for Pioneer Park and Miwok Avenue Entry of the Vineyards development, Subdivision 8796; and comply with the Parks and Recreation Department specifications.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Brentwood, with respect to park and landscaping improvements constructed by Trilogy Vineyards LLC:

1. Accepts for ongoing maintenance by the City, the park and landscaping improvements on Parcel 'SS' (Pioneer Park) and Miwok Avenue Entry of the Vineyards at Marsh Creek development, Subdivision 8796.
2. Accepts the above park and landscaping improvements and materials for maintenance as of August 22, 2023.
3. Requests the City Clerk to file this Resolution with the Recorder of Contra Costa County.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Brentwood at a regular meeting held the 22<sup>nd</sup> day of August, 2023 by the following vote: