

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL  
APPROVING THE PARCEL MAP AUTHORIZING ABANDONMENT OF THE  
UNUSED PORTION OF A PUBLIC STREET EASEMENT FOR BUTTERFIELD  
RETIREMENT APARTMENTS, AUTHORIZING THE CITY MANAGER TO  
EXECUTE A STORMWATER BEST-MANAGEMENT-PRACTICES (BMP)  
OPERATION AND MAINTENANCE AGREEMENT SUBJECT TO REVIEW  
AND APPROVAL OF THE CITY ATTORNEY, AND AUTHORIZING THE  
RECORDATION OF THE PARCEL MAP AND THE STORMWATER BMP  
OPERATION AND MAINTENANCE AGREEMENT**

WHEREAS, the City of Morgan Hill, a municipal corporation and general law city duly organized and existing under and pursuant to the Constitution and laws of the State of California ("City"), is authorized to enter into contracts and agreements for the benefit of the City; and

WHEREAS, the reasons supporting the approval of the Parcel map and the entrance of the City into those certain agreements described in, and that are the subject of, this Resolution are set forth in detail in that certain City Council Staff Report entitled "Parcel Map Approval for Butterfield Retirement Apartments" submitted for City Council consideration at its meeting of September 2, 2015, submitted to the City Council by the City Manager (the "Staff Report"), the contents of which Staff Report are incorporated herein by this reference; and

WHEREAS, the consideration by City Council of the adoption of this Resolution has been duly noticed pursuant to applicable laws and has been placed upon the City Council Meeting Agenda on the date set forth in the Staff Report, or to such date that the City Council may have continued or deferred consideration of this Resolution, and on such date the City Council conducted a duly noticed public hearing on the adoption of this Resolution at which hearing the City Council provided members of the public an opportunity to comment and be heard and considered any and all testimony and other evidence provided in connection with the adoption of this Resolution; and

WHEREAS, the City Council determines that adoption of this Resolution is in the public interest.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY FIND, DETERMINE, RESOLVE AND ORDER AS FOLLOWS:

Section 1. Recitals. The City Council does hereby find, determine and resolve that all of the foregoing recitals are true and correct.

Section 2. Approval and Authorizations. The City Council does further resolve, order and/or direct as follows:

- a. That the Parcel Map authorizing the abandonment of the unused portion of a public street easement and approval for Butterfield Retirement Apartments attached hereto as Exhibit A and incorporated herein by this reference (the "Map") is hereby approved.
- b. That the City Clerk is authorized to sign the Parcel Map authorizing abandonment of the unused portion of a public street easement.
- c. That the City Manager is hereby delegated authority to and is authorized and directed to execute, and subsequently administer, a Stormwater BMP Operation and Maintenance Agreement ("Maintenance Agreement"), subject to review and approval by the City Attorney, substantially in the form attached hereto as Exhibit B.
- d. That the City Manager or designee is hereby authorized to and is directed to file the Maintenance Agreement and the Parcel Map for Butterfield Retirement Apartments with the Santa Clara County Recorder's Office.

Section 3. This Resolution shall take effect immediately upon adoption.

**PASSED AND ADOPTED** by the City Council of the City of Morgan Hill at its meeting held on this 2<sup>nd</sup> day of September, 2015 by the following vote:

**AYES:**  
**NOES:**  
**ABSTAIN:**  
**ABSENT:**

**COUNCIL MEMBERS:**  
**COUNCIL MEMBERS:**  
**COUNCIL MEMBERS:**  
**COUNCIL MEMBERS:**

**DATE:** \_\_\_\_\_

\_\_\_\_\_  
**Steve Tate, MAYOR**

**∞ CERTIFICATION ∞**

**I, Irma Torrez, City Clerk of the City of Morgan Hill, California**, do hereby certify that the foregoing is a true and correct copy of Resolution No. \_\_\_\_\_, adopted by the City Council at the meeting held on September 2, 2015.

**WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.**

**DATE:** \_\_\_\_\_

\_\_\_\_\_  
**Irma Torrez, CITY CLERK**