

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL
APPROVING AN IMPROVEMENT AGREEMENT WITH NUEVA VISTA, LLC FOR
PSYNERGY PROGRAMS, AUTHORIZING THE CITY MANAGER TO EXECUTE
THE IMPROVEMENT AGREEMENT, AUTHORIZING THE CITY MANGER TO
EXECUTE A STORMWATER BEST-MANAGEMENT-PRACTICES (BMP)
OPERATION AND MAINTENANCE AGREEMENT PENDING REVIEW AND
APPROVAL BY THE CITY ATTORNEY, AND AUTHORIZING THE RECORDATION
OF THE IMPROVEMENT 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 Improvement Agreement entrance of the City into that certain agreement described in, and that is the subject of, this Resolution are set forth in detail in that certain City Council Staff Report entitled "Improvement Agreement and Stormwater Best-Management-Practices Operation and Maintenance Agreement with Nueva Vista, LLC for Psynergy Programs" submitted for City Council consideration at its meeting of February 15, 2017, 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 Improvement Agreement with Nueva Vista, LLC substantially in the form attached hereto as Exhibit A and incorporated herein by this reference (the "Agreement") is hereby approved.

- b. That the City Manager is hereby delegated authority to and is authorized and directed to execute the Agreement substantially in the form attached hereto as Exhibit A.
- c. That the City Manager is hereby delegated authority to and is authorized and directed to execute a Stormwater BMP Operation and Maintenance Agreement pending review and approval by the City Attorney substantially in the form attached hereto as Exhibit B.
- d. Authorize the recordation of the Improvement Agreement.

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 15th day of February, 2017 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 February 15, 2017.

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

DATE: _____

Irma Torrez, CITY CLERK