



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 06/05/07
AGENDA ITEM 9
WORK SESSION ITEM _____

TO: Mayor and City Council
FROM: Director of Community and Economic Development
SUBJECT: Final Tract Map 7613 – Meritage Homes of California, Inc. (Applicant/Owner) –
Authorize the City Manager to Execute a Subdivision Agreement with a New
Owner

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution which:

1. Authorizes the City Manager to execute a subdivision agreement with Meritage Homes of California; and
2. Releases Citation Homes from their obligations under the subdivision agreement for a portion of Tract 7613.

DISCUSSION:

On December 13, 2005, the City Council approved Vesting Tentative Map Tract 7613 to create 16 duet single-family lots, 333 multi-family dwelling units, and a 2,975 square foot retail structure. The property is located north of Winton Avenue, west of Myrtle Street, South of C Street, and east of the Union Pacific Railroad. The original developer, Citation Homes, elected to file multiple final maps and, on April 24, 2007, secured Council approval for the first map, Tract 7613, consisting of 171 condominium units, 16 duets, and the retail portion of the site.

Citation Homes has entered into a contract to sell a portion of the subdivision to Meritage Homes. Specifically, the sale involves the condominium units. Citation Homes will continue to be responsible for and plans to develop the duets and retail space. Nevertheless, this Council action would rest the responsibility for constructing 100% of the tract improvements with Meritage Homes, consistent with the sale agreement between the two builders. The sale is expected to have been completed by June 1, 2007.

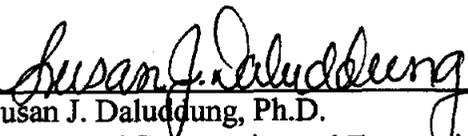
Meritage Homes posted a security for faithful performance of the improvements in the amount of \$4,545,067, and an additional security for 50% of that amount to guarantee payment for labor and materials. Staff recommends entering into a subdivision agreement with the new owner, and releasing the current owners from their obligation.

Prepared by:



David Rizk, AICP
Planning Manager

Recommended by:



Susan J. Daluddung, Ph.D.
Director of Community and Economic Development

Approved by:



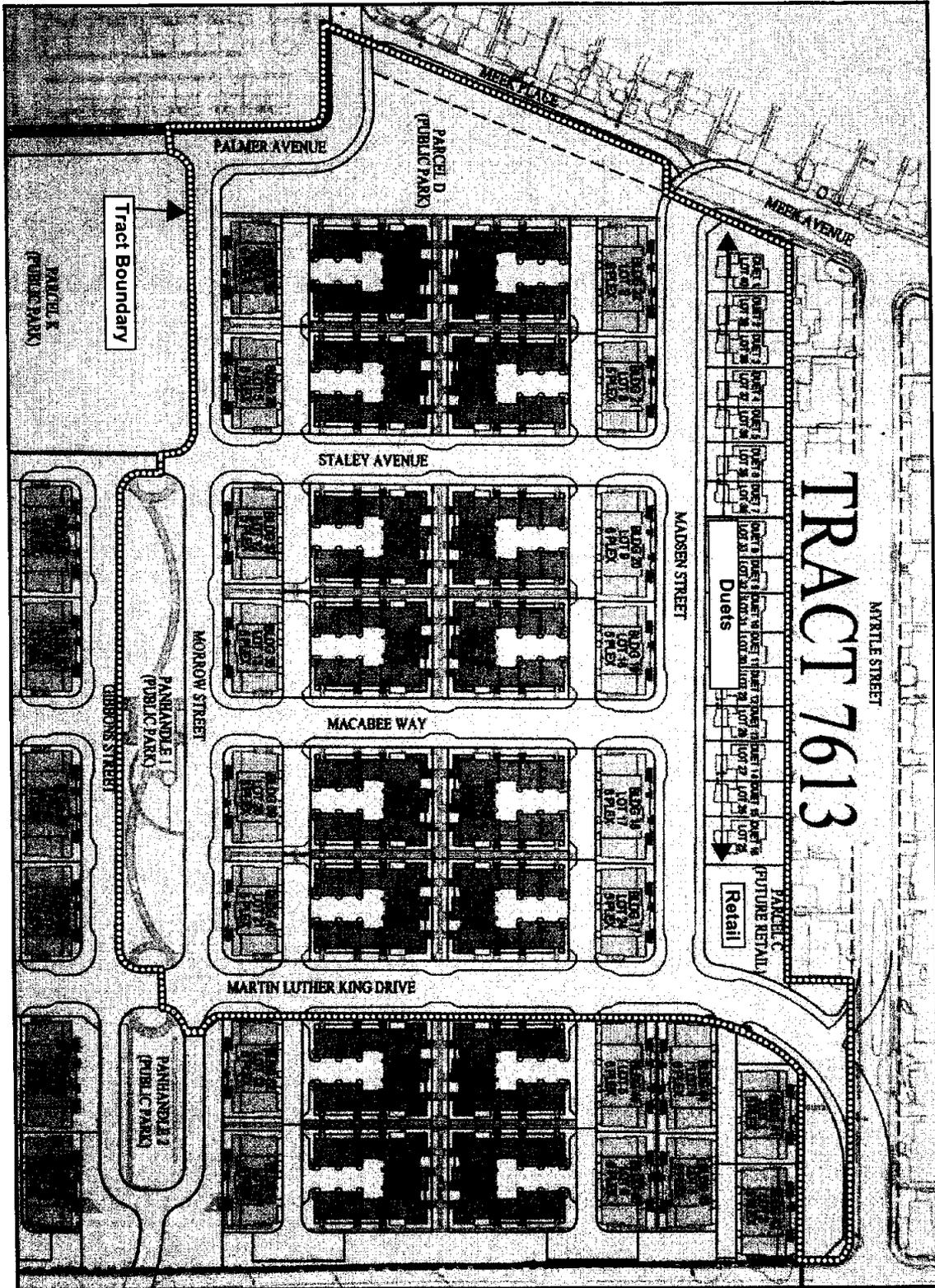
Jesús Armas, City Manager

Attachments:

Exhibit A. Area Map
 Draft Resolution

5.30.07

AREA MAP



HAYWARD CITY COUNCIL

RESOLUTION NO. 07-

Introduced by Council Member _____

mm
5/30/07

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SUBDIVISION AGREEMENT FOR TRACT 7613 WITH MERITAGE HOMES OF CALIFORNIA, INC., AND RELEASING CITATION HOMES

WHEREAS, on April 24, 2007, the City Council approved Final Map Tract 7613 to create 16 duet single-family lots, 333 multi-family dwelling units, and a 2,965 square foot retail structure property located north of Winton Avenue, west of Myrtle Street, south of C Street, and east of the Union Pacific Railroad; and

WHEREAS, Citation Homes has entered into a contract to sell the a portion of the tract to Meritage Homes of California, Inc., excluding the rights to develop the 16 duets and the retail portion of the tract that Citation Homes plans to develop; and

WHEREAS, Meritage Homes has assumed the responsibility for constructing all of the tract improvements and staff recommends entering into a subdivision agreement with Meritage Homes and releasing Citation Homes from their obligation; and

NOW THEREFORE BE IT RESOLVED that the City Manager is hereby authorized for and on behalf of the City of Hayward to negotiate and execute a subdivision agreement with Meritage Homes of California, Inc., in a form approved by the City Attorney, and to execute any and all documents necessary to complete the transfer of those portions of Tract 7613 property which will be dedicated to or acquired by the City.

BE IT FURTHER RESOLVED that the City Council of the City of Hayward hereby releases Citation Homes from their obligations under the subdivision agreement for Tract 7613.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2007

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward