

# Attachment 1

## RESOLUTION 23-XXX

### **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES APPROVING THE FIRST AMENDED AND RESTATED OVERSIZED IMPROVEMENTS REIMBURSEMENT AGREEMENT WITH JUSTIN VINEYARDS & WINERY LLC FOR TRACT 3069**

WHEREAS, Vesting Tentative Tract Map 3069 was approved by the City Council on August 2, 2016; and

WHEREAS, Tract 3069 is an industrial subdivision consisting of 13 large lots with a 134.7 acre remainder parcel; and

WHEREAS, The project is located East of Wisteria Lane, West of Airport Road, and North of State Route 46; and

WHEREAS, The property is accessed at the eastern end of Wisteria Lane, east of Golden Hill Road, and north of State Route 46 East; and

WHEREAS, Tract map approval included conditions of approval requiring recycled water and sewer line oversizing and arterial road construction; and

WHEREAS, Engineering Condition 22 requires the applicant to dedicate right-of-way and install a new two-lane arterial street. The arterial street will be the future New Airport Road after the construction of the Huer Huero Bridge and Union Road Highway 46 East Overpass. The condition allows a TIF credit/reimbursement agreement because the roadway and facilities are part of the City's AB1600 Project List; and

WHEREAS, On October 5, 2021 City Council adopted Resolution 21-144, approving Reimbursement and Improvement Agreements for Tract 3069; and

WHEREAS, As an additional condition of approval for the Project, due to deteriorative effects that vehicle traffic is anticipated to have on the roadway, Developer is required to provide road paving that meets a Traffic Index of 8.0; however, due to changed conditions in the Project area and sound engineering judgment, it is now the desire of the City that the road paving meet a Traffic Index of 11.5; and

WHEREAS, Developer is willing to pay the additional cost associated with the Oversized Pavement Improvements, subject to City's agreement to reimburse Developer for one hundred percent (100%) of the total cost of the Oversized Pavement Improvements, not to exceed \$294,490.00, pursuant to the terms of this Agreement; and

WHEREAS, Developer now requests that the City Amend the Reimbursement Agreement for Tract 3069 to include reimbursement for the Oversized Pavement Improvements. The Amended Reimbursement Agreement is included as Exhibit A.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. All the above recitals are true and correct and incorporated herein by reference.

Section 2. The City Council hereby approves the First Amended and Restated Oversized Improvements Reimbursement Agreement with Justin Vineyards and Winery LLC for Tract 3069 in substantially the forms attached hereto as Exhibit A, and incorporated herein by reference, and authorizes the City Manager to execute the agreements, subject to any minor, technical, or non-substantive changes as approved by the City Manager and the City Attorney.

APPROVED this 20<sup>th</sup> day of June, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Steven W. Martin, Mayor

ATTEST:

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Melissa Boyer, City Clerk

Exhibit A - First Amended and Restated Oversized Improvements Reimbursement Agreement with Justin Vineyards and Winery LLC for Tract 3069