

SUMMARY OF ORDINANCE NO. 1063

AN ORDINANCE OF THE CITY OF LOS BANOS AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT AS HEREIN APPROVED BY THE CITY COUNCIL ON BEHALF OF THE CITY RELATIVE TO THE DEVELOPMENT KNOWN AS "SHAUNESSY VILLAGE"

On January 16, 2008 the Los Banos City Council adopted Ordinance No. 1063, which will authorize the Mayor to execute a development agreement as approved by the City Council between the City of Los Banos and Downtown Gateway, LP, a California limited partnership; Modesto Gateway, LLC, a California limited liability company; Mercy Springs, LLC, a California limited liability company, relative to the project known as SHAUNESSY VILLAGE. A copy of the complete text of the Ordinance is on file with the City Clerk, at 520 J Street.

The key provisions of the proposed ordinance are as follows: the project is the development and use of the Subject Property, consisting of approximately 33.6 acres more or less; the project proposes the subdivision and development of the Subject Property: into 107 low-density single-family residential lots, 44 medium-density single-family residential lots, a public lot (Lot A intended for day care or similar use), two parks (Lots B and C), and a park basin (Lot D), two landscaped areas (Lots E and F); the Subject Property is more specifically described as APN's 083-100-005, 006, 007, 008, and 009; the project is generally located east of Mercey Springs Road (SR 165), north of Scripps Drive, and south of Pacheco Boulevard (SR 152); the ordinance through the development agreement is intended to provide the terms and conditions of and vested rights to develop the project under the laws in effect at the time of City Council approval, as set forth in the agreement, as set forth in Tentative Tract Map for Shaunessy Village (TTM 2006-08), and any Subsequent Approvals; the term of the agreement is ten (10) years from the effective date; prior to approval of a final map the developer will annex to Community Facilities District #2002-01 created for the purposes of funding public safety; approval of a final map is conditioned upon approval by the City Council of a final development plan; developer will be subject to and shall pay all fees, including new fees, enacted by the City, including scheduled or periodic increases as provided for in the adopting ordinances or resolutions, in effect at the time of developer's request for the issuance of a building permit; developer will be granted a building permit allocation of fifty (50) building permits per year for the project, no rollover, no automatic increase; the parties contemplate further reviews of elements of the Project by the City and Subsequent Approvals including review of final map(s), final development plans, improvement plans, and building permit applications; nothing in the agreement shall be deemed to limit or expand the legal authority of City with respect to such reviews or Subsequent Approvals.

The City Council adopted this Ordinance at the regular City Council Meeting scheduled for January 16, 2008 by the following roll call vote:

AYES:	Council Members Brooks, Sousa, Villalta, Mayor Jones
NOES:	None
ABSENT:	None
ABSTAIN:	Council Member Faria

/s/ Lucille L. Mallonee
LUCILLE L. MALLONEE
CITY CLERK