

RESOLUTION NO. 137-21

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND,
CALIFORNIA, APPROVING AMENDMENT ONE TO AGREEMENT RESPECTING
THE MANAGEMENT, MAINTENANCE AND CONTROL OF THE COMMON
PROPERTIES AND IMPROVEMENTS IN THE BRICKYARD COVE
SUBDIVISION NO. 3520**

WHEREAS, Brickyard Cove Rd was constructed in the early 1970s as an extension of Dornan Drive to facilitate access to the residential and commercial development now known as Brickyard Cove; and

WHEREAS, City Council at its meeting on November 25, 1968, approved the Subdivision Map and Improvement Plans, and authorized the execution of the Subdivision Agreement by the Mayor and City Clerk, and

WHEREAS, in August 1970, the City entered into that certain Agreement Respecting the Management, Maintenance and Control of the Common Properties and Improvements in the Brickyard Cove Subdivision No. 3520; and

WHEREAS, this Agreement was executed and recorded between the City of Richmond and the Developers of Subdivision No. 3520; and

WHEREAS, this Agreement (Attachment 1) charged the Brickyard Cove Home Owners Association Number 1 (BYCHOA1) with the ownership management, maintenance and control of the common properties, except for those offered for dedication for public use and accepted by the City; and

WHEREAS, the Brickyard Cove Homeowners Association Number 1 has been paying full sewer services fees to the Richmond Municipal Sewer District since the inception of the Association; and

WHEREAS, BYCHOA1 has agreed to waive reimbursement of any excess sewer fees collected; and

WHEREAS, maintenance activities of the local collection system over these many years have been at the sole expense of BCHOA1 property owners, despite the fact that these area residents have been paying the same annual sewer service charge as all other Richmond residents in the area served by the City's sewer network.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Richmond, that Amendment No. One to that certain Agreement Respecting the Management, Maintenance and Control of the Common Properties and Improvements in the Brickyard Cove Subdivision No. 3520 ("Amendment One") shall be, and it hereby is, approved.

BE IT FURTHER RESOLVED, the City Council authorizes the Mayor to execute Amendment One and, upon it being duly executed by all parties hereto, directs the City Manager to record the same in the Official Records of the Contra Costa County Recorder.

I certify that the foregoing resolution was passed and adopted by the City Council of the City of Richmond at a regular meeting thereof held November 23, 2021, by the following vote:

AYES: Councilmembers Bates, Jimenez, Martinez, McLaughlin, Willis, Vice Mayor Johnson III, and Mayor Butt.
NOES: None.
ABSTENTIONS: None.
ABSENT: None.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

THOMAS K. BUTT
Mayor

Approved as to form:

TERESA STRICKER
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Resolution No. 137-21**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on November 23, 2021.


Pamela Christian, Clerk of the City of Richmond

CLERK'S
CERTIFICATE

I, Pamela Christian, City Clerk of the City of Richmond, do hereby certify as follows:

The foregoing resolution is a full, true and correct copy of **Resolution No. 137-21** duly adopted at a regular meeting of the City Council of said City duly and regularly held at the regular meeting place thereof on the 23rd day of November, of which meeting all the members of said City Council had due notice and at which a majority thereof were present; and that at said meeting said resolution was adopted by the following vote:

AYES:	Councilmembers Bates, Jimenez, Martinez, McLaughlin, Willis, Vice Mayor Johnson III, and Mayor Butt.
NOES:	None.
ABSTENTIONS:	None.
ABSENT:	None.

An agenda of said meeting was posted before said meeting at City Hall, 450 Civic Center Plaza in the City of Richmond, California, a location freely accessible to members of the public, and a brief description of said resolution appeared on said agenda.

Such agenda was further posted, and such meeting was conducted in accordance with and pursuant to Assembly Bill 361, issued by the Governor of the State of California on September 15, 2021, that allowed cities to continue to hold public meetings via teleconferencing.

I have carefully compared the foregoing with the original on file and of record in my office, and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting.

Said resolution has not been amended, modified, or rescinded since the date of its adoption and the same is now in full force and effect.

Dated: November 29, 2021.



City Clerk of the City of Richmond

[SEAL]