

## **RESOLUTION NO. 2018-110**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK AUTHORIZING ACCEPTANCE OF REAL PROPERTY FROM PACH PENSIONE K SLP, LLC, (PACIFIC WEST COMMUNITIES) FOR KEISER AVENUE AND KERRY ROAD – UNIVERSITY DISTRICT SPECIFIC PLAN AREA**

**WHEREAS**, the City is party to a Development Agreement with University District LLC (Brookfield Homes) and Vast Oaks LP, which governs the development of the majority of the University District Specific Plan Area; and

**WHEREAS**, the terms of this Development Agreement include requirements to secure right-of-way for and construct or reconstruct Keiser Avenue and Kerry Road, which serve the development and to construct a 218 unit affordable housing complex at the intersection of Keiser Avenue and Kerry Road, beginning no later than March 2019; and

**WHEREAS**, On February 27, 2018, the City approved the Development Area Plan for the affordable housing complex, which is currently under building division review; and

**WHEREAS**, before permits can be issued for the affordable housing complex, the site must be served by a potable water system and two points of access; and

**WHEREAS**, on April 10, 2018, the City Council approved an Improvement Agreement with University District LLC to begin construction of Kerry Road and portion of Keiser Avenue, which will serve the affordable apartments; and

**WHEREAS**, on June 12, 2018, the City Council approved a construction contract with Team Ghilotti to construct water main improvements and additional improvements to Keiser Avenue, to serve the affordable apartments; and

**WHEREAS**, staff anticipates requesting that Council approve one additional Improvement Agreement with University District LLC and one additional developer-funded City project in order to complete all of the roadway improvements on Keiser Avenue and Kerry Road; and

**WHEREAS**, it is necessary for PACH Pensione K SLP, LLC, (Pacific West Communities), the affordable housing developer, to transfer its portion of the Keiser Avenue and Kerry Road right-of-way to secure its financing; and

**WHEREAS**, Pacific West is prepared to deed the real property described in Exhibit A to this resolution to the City.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Rohnert Park that it does hereby authorize acceptance of real property from PACH Pensione K SLP, LLC, (Pacific West Communities) for Kerry Road and Keiser Avenue right-of way.

**BE IT FURTHER RESOLVED** that the City Manager is hereby authorized and directed to take all actions to effectuate this approval for and on behalf of the City of Rohnert Park,

including approval, if necessary, of the form of a grant deed, attached hereto as Exhibits "A", subject to modifications by the City Manager or City Attorney, and execution of certificates of acceptance.

**DULY AND REGULARLY ADOPTED** this 14<sup>th</sup> day of August, 2018.

**CITY OF ROHNERT PARK**

Pam Stafford  
Pam Stafford, Mayor

**ATTEST:**

JoAnne M. Buergler  
JoAnne M. Buergler, City Clerk

Attachment: Exhibit A

AHANOTU: Aye BELFORTE: Aye MACKENZIE: Aye CALLINAN: Absent STAFFORD: Aye  
AYES: ( 4 ) NOES: ( 0 ) ABSENT: ( 1 ) ABSTAIN: ( 0 )

RECORDED AT THE REQUEST OF AND  
AFTER RECORDING MAIL TO:

City of Rohnert Park  
130 Avram Avenue  
Rohnert Park, California 94928  
Attention: City Clerk

Space above this line reserved for recorder's use  
Exempt from recording fee pursuant to Gov. Code 27383

### GRANT DEED

This Grant Deed (the "Grant Deed") is made on \_\_\_\_\_, 2018, by PACH Pensione K SLP, LLC, a California limited liability company ("Grantor"), to the City of Rohnert Park, a California municipal corporation ("City") with reference to the following:

#### *Recitals*

A. Grantor owns real property located within the University District Specific Plan Area, in the City of Rohnert Park, County of Sonoma, State of California.

B. The City's General Plan and conditions of approval for the University District Specific Plan require the dedication of certain public right-of-way from property owners within the Specific Plan Area to the City.

C. In accordance with these conditions and in lieu of acquisition by eminent domain, Grantor is granting certain real property to the City.

D Grantor now desires to grant deed to City the property described herein.

**NOW THEREFORE**, for valuable consideration, the value, adequacy and receipt of which are hereby acknowledged:

Grantor does hereby grant and convey to City that certain real property legally described on Exhibit A, attached hereto and incorporated herein by reference.

**[SIGNATURES ON FOLLOWING PAGE]**

**IN WITNESS WHEREOF**, the Grantor has executed this Grant Deed as of the day and year first written above.

GRANTOR:

\_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

[signature must be acknowledged by a notary public]

### CERTIFICATE OF ACCEPTANCE

This is to certify that the interests in real property conveyed by Grant Deed dated \_\_\_\_\_, 2018, from the PACH Pension K SLP, LLC, a California limited liability company, as grantor, to the City of Rohnert Park, as grantee, are hereby accepted by the City Manager of the City Rohnert Park pursuant to authority conferred by Resolution No. 2018-\_\_\_\_ of the City Council adopted on August 14, 2018 and the City of Rohnert Park, as grantee, consents to recordation of said Grant Deed.

Dated: \_\_\_\_\_, 2018

By: \_\_\_\_\_  
Darrin Jenkins, City Manager  
*[Signature Must Be Notarized]*

## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )

County of \_\_\_\_\_ )

On \_\_\_\_\_, before me, \_\_\_\_\_, a Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

**EXHIBIT A**

**LEGAL DESCRIPTION  
RIGHT OF WAY DEDICATION**

REAL PROPERTY LOCATED IN THE CITY OF ROHNERT PARK, COUNTY OF SONOMA, STATE OF CALIFORNIA, BEING A PORTION OF RESULTANT PARCEL 1, AS DESCRIBED IN DOCUMENT NO. \_\_\_\_\_, SONOMA COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE MOST SOUTHWESTERLY CORNER OF SAID RESULTANT PARCEL 1, SAID CORNER BEING ON THE EASTERLY LINE OF THE LANDS OF COTATI-ROHNERT PARK UNIFIED SCHOOL DISTRICT, AS DESCRIBED IN DOCUMENT NUMBER 1991-092090, SONOMA COUNTY RECORDS; THENCE ALONG THE WESTERLY LINE OF SAID RESULTANT PARCEL 1, COMMON TO SAID EASTERLY LINE, NORTH 0°03'49" EAST, 505.18 FEET, TO THE NORTHWESTERLY CORNER OF SAID RESULTANT PARCEL 1, SAID CORNER BEING ON THE CENTER LINE OF KEISER AVENUE;

THENCE ALONG THE NORTHERLY LINE OF SAID RESULTANT PARCEL 1, COMMON TO SAID CENTER LINE, NORTH 89°24'36" EAST, 798.33 FEET, TO THE NORTHEASTERLY CORNER OF SAID RESULTANT PARCEL 1;

THENCE ALONG THE EASTERLY LINE OF SAID RESULTANT PARCEL 1 SOUTH 0°03'49" WEST, 36.00 FEET;

THENCE LEAVING SAID EASTERLY LINE AND ACROSS SAID RESULTANT PARCEL 1 THE FOLLOWING FOUR (4) COURSES:

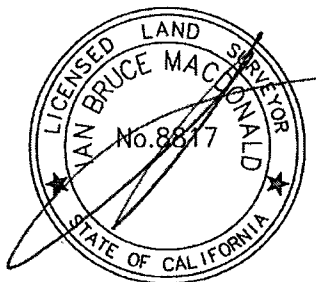
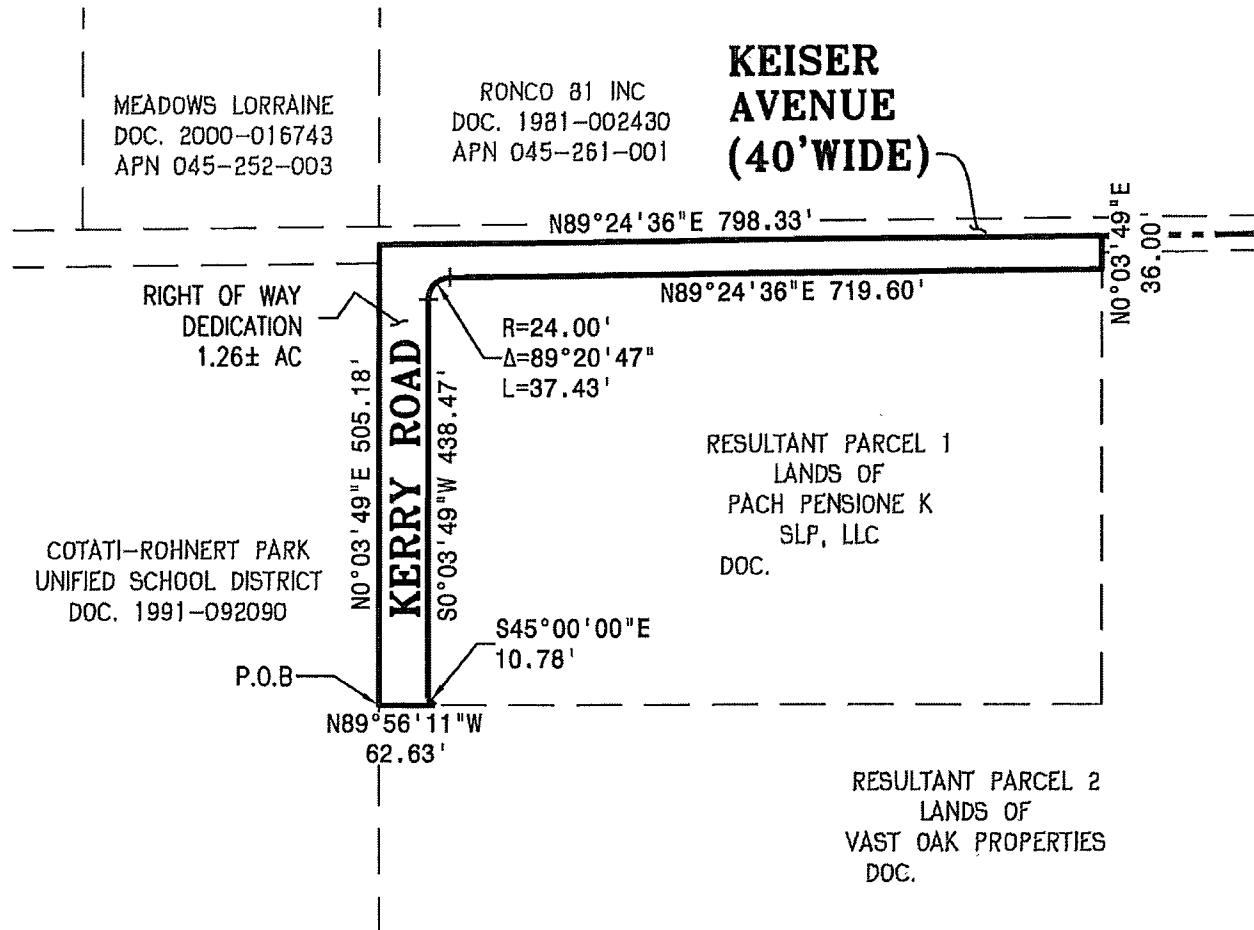
1. SOUTH 89°24'36" WEST, 719.60 FEET;
2. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 24.00 FEET, THROUGH A CENTRAL ANGLE OF 89°20'47", AND AN ARC DISTANCE OF 37.43 FEET;
3. SOUTH 0°03'49" WEST, 438.47 FEET;
4. SOUTH 45°00'00" EAST, 10.78 FEET, TO A POINT ON THE SOUTHERLY LINE OF SAID RESULTANT PARCEL 1;

THENCE ALONG SAID SOUTHERLY LINE, NORTH 89°56'11" WEST, 62.63 FEET, TO THE **POINT OF BEGINNING**.

PORTION OF APN 159-550-007

CONTAINING 1.26 ACRES MORE OR LESS.

**END OF DESCRIPTION**



0 100 200 400  
SCALE: 1"=200'

**LEGEND**

— BOUNDARY OF DESCRIPTION  
- - - EXISTING PARCEL/RIGHT OF WAY LINE  
DOC. DOCUMENT NUMBER  
P.O.B. POINT OF BEGINNING

**PLAT TO ACCOMPANY DESCRIPTION**

**RIGHT OF WAY DEDICATION**

CITY OF ROHNERT PARK

CALIFORNIA

**MACKEY & SOMPS**

ENGINEERS 5142B FRANKLIN DR, PLEASANTON, CA 94588  
PLANNERS SURVEYORS (925)225-0690

DRAWN	DATE	SCALE	JOB NO.
TCT	FEB. 2018	1"=200'	19539.000