

RESOLUTION NO. 2012-130

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK ACCEPTING QUITCLAIM DEED FROM SONOMA COUNTY WATER AGENCY FOR PROPERTY LOCATED ON REDWOOD DR. AT BUSINESS PARK DR. (APN 045-082-032)

WHEREAS, the Sonoma County Water Agency acquired the above-described property for construction of the Transport Avenue Conduit Project and Labath Channel Daylight Section.

WHEREAS, the Water Agency's improvements consist of an underground 54-inch conduit and an improved channel.

WHEREAS, City maintained public roadway improvements are located on a portion of the property.

WHEREAS, other public utility improvements are located on portions of the property.

WHEREAS, the Water Agency desires to transfer the property to the City.

WHEREAS, the City desires to acquire the property.

WHEREAS, the Water Agency desires to retain an easement over the channel and banks for the purpose of improving and maintaining the portion of Labath Creek within the subject property.

WHEREAS, section 15061 (b) (3) of the CEQA Guidelines exempts activities that are covered under the general rule that CEQA applies only to projects that have the potential to cause significant effects on the environment. Where it can be seen with certainty that there is no possibility the activity in question may have a significant effect upon the environment, the activity is not subject to CEQA. The proposed activity only transfers the ownership and maintenance responsibilities for these roadway segments from the County to the City; the use of the land as right-of-way does not change. Therefore, this activity is exempt from CEQA because there is no possibility for it to have an effect on the environment.

WHEREAS, the acceptance of the right of way from the Water Agency is exempt from compliance with the provisions of Government Code 65402 because this action involves a real property acquisition for street alignment purposes and is minor in nature, nevertheless, the Sonoma County Water Agency considered this grant and found the acquisition is consistent with the General Plan, via action taken at the Board of Directors November 20, 2012 meeting.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rohnert Park that it does hereby resolve, determine, find and order as follow:

Section 1. Acceptance of Quitclaim Deed. The City Council of the City of Rohnert Park hereby accepts the attached Quitclaim Deed, in substantially similar form as provided for in the attachment hereto, which is incorporated by this reference, from the Sonoma County Water Agency for property located on Redwood Drive at Business Park Drive also known as Assessor Parcel Number 045-082-032.

Section 2. Section 65402 Inapplicable. The provisions of Government Code section 65402 are inapplicable to this real property transfer because it involves a real property acquisition for street alignment purposes and is minor in nature.

Section 3. City Manager Authorization. The City Manager of the City of Rohnert Park is hereby authorized and directed to execute a Certificate of Acceptance accepting the attached Quitclaim Deed in substantially similar form as provided for in the attachment hereto, which is incorporated by this reference, for and on behalf of the City of Rohnert Park.

Section 4. City Clerk Authorization. The City Clerk of the City of Rohnert Park is hereby authorized and directed to cause a certified copy of this resolution to be recorded with the Quitclaim Deed in the office of the Recorder of the Sonoma County, State of California for and on behalf of the City of Rohnert Park.

DULY AND REGULARLY ADOPTED this 27th day of November, 2012.

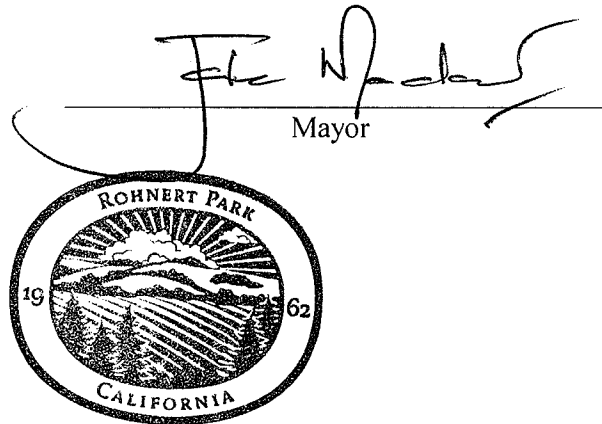
CITY OF ROHNERT PARK

ATTEST:


City Clerk

Attachments:

Quitclaim Deed
Certificate of Acceptance



AHANOTU: AYE BELFORTE: AYE CALLINAN: AYE STAFFORD: AYE MACKENZIE: AYE
AYES: (5) NOES: (0) ABSENT: (0) ABSTAIN: (0)

**RECORDED AT NO FEE PER
GOVERNMENT CODE § 6103
RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:**

City of Rohnert Park
6750 Commerce Boulevard
Rohnert Park, CA 94928

QUITCLAIM DEED

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, The Sonoma County Water Agency, a body corporate and politic organized and existing under and by virtue of the laws of the State of California (hereinafter referred to as the "Agency"), does hereby Quitclaim unto The City of Rohnert Park), a municipal corporation organized and existing under and by virtue of the laws of the State of California (hereinafter referred to as the "City"), all right, title and interest of Agency in and to all that real property, described as follows:

All of that real property described in that certain Grant Deed recorded October 22, 1979, in Book 3641 beginning at Page 209, Official Records of the County of Sonoma, and identified by the Sonoma County Assessors Office as Assessor's Parcel Number 045-082-032,

Together with all right, title and interest, if any, in and to all improvements of every kind constructed by the Agency or others upon said real property, and any and all appurtenances thereto.

Excepting therefrom, and reserving unto the Agency, its successors and assigns, an easement over the channel and banks of Labath Channel, situate, lying and being on or within that said real property, for the purpose of improving and maintaining said waterway by removing obstructive debris and vegetative growth from the channel bed by such means as Agency deems appropriate, and together with the right of Agency, its contractors and assigns to bring equipment thereon for the purpose of maintaining an open and natural channel, as determined necessary by the Agency, in its reasonable discretion, together with the right of ingress to and egress from said easement area over and across said property over a route or routes mutually agreeable to the City and the Agency with the right of entry thereon.

IN WITNESS WHEREOF, this instrument is hereby executed on behalf of the Sonoma County Water Agency this _____ day of _____, 20__, pursuant to authority granted by the Board of Directors for the Sonoma County Water Agency, by Resolution No. _____ dated _____, 20__:

By: _____ Date: _____
Shirley Zane
Chair of the Board

Reviewed as to Substance:

By: _____ Date: _____
Grant Davis
General Manager

Approved as to Form:

By: _____ Date: _____
Deputy County Counsel

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by Quit Claim Deed dated _____, 2012, from the **Sonoma County Water Agency**, a body corporate and politic, organized and existing under and by virtue of the laws of the State of California to the **City of Rohnert Park**, a municipal corporation, organized and existing under and by virtue of the laws of the State of California, is hereby accepted by the undersigned officer on _____, _____, on behalf of the City Council of the City of Rohnert Park pursuant to authority conferred by resolution No. 2012-____ of the City Council of the City of Rohnert Park adopted on _____, 20__.

CITY OF ROHNERT PARK

Print & Sign name
Title: _____

Approved as to Form:

City Attorney
