

RESOLUTION NO. 2013-039

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK ACCEPTING A QUITCLAIM DEED FROM THE COUNTY OF SONOMA FOR WILFRED AVENUE BETWEEN DOWDELL AVENUE AND STONY POINT ROAD

WHEREAS, the City of Rohnert Park entered into a Joint Exercise of Powers Agreement (“JEPA”) with the County of Sonoma and the Federated Indians of Graton Rancheria (“Tribe”) for implementation of mitigation measures for widening Wilfred Avenue by adopting City Council Resolution No. 2012-113 on September 25, 2012;

WHEREAS, pursuant to section 3.1.1 of the JEPA the County of Sonoma agreed to convey to the City all of its right, title and interest in that portion of Wilfred Avenue in the unincorporated area and west of the City’s 2012 city limits;

WHEREAS, the County has conveyed that portion of Wilfred Avenue by Quitclaim Deed executed on November 1, 2012, and the Quitclaim Deed is hereby attached to and incorporated herein;

WHEREAS, the City desires to accept the Quitclaim Deed consistent with the JEPA;

WHEREAS, the Wilfred Avenue Improvement Project was previously approved by the City pursuant to a Notice of Exemption on September 25, 2012;

WHEREAS, the City filed a Notice of Exemption with the County Clerk on September 26, 2012, who posted it that same day through October 29, 2012;

WHEREAS, the acquisition of the Quitclaim Deed proposed herein was anticipated in the approval of the Wilfred Avenue Improvement Project and is a subsequent action toward implementing said project;

WHEREAS, accepting the proposed Quitclaim Deed does not involve any substantial changes to the Project, nor would such acceptance cause new or more severe environmental impacts;

WHEREAS, for those reasons, neither the obligation to comply with CEQA nor is the statute of limitations on that prior action are re-triggered by this action toward implementing the project; and

WHEREAS, this action 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.

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 follows:

Section 1. Acceptance of Quitclaim Deed. The City Council of the City of Rohnert Park hereby accepts the Quitclaim Deed, in substantially similar form as provided for in the attachment hereto subject to minor modification by the City Attorney for and on behalf of the City of Rohnert Park, which is incorporated by this reference.

Section 2. Section 65402 Compliance. The acquisition of said property 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.

Section 3. Mayoral Authorization. The Mayor of the City of Rohnert Park is hereby authorized and directed to execute the Certificate of Acceptance accepting the 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 12th day of March, 2013.



CITY OF ROHNERT PARK

Pam Stafford
Pam Stafford, Mayor

ATTEST:

JoAnne Buergler
JoAnne Buergler, City Clerk

Attachments: Deed, Certificate of Acceptance

AHANOTU: AYE BELFORTE: AYE MACKENZIE: ABSENT CALLINAN: ABSENT STAFFORD: AYE
AYES: (3) NOES: (0) ABSENT: (2) ABSTAIN: (0)

**RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:**

City of Rohnert Park
ATTN: City Manager
130 Avram Avenue
Rohnert Park, California 94928

Space Reserved for Recorder's Use Only

Exempt from Recording Fees (Cal. Gov. Code § 27383)
Exempt from Documentary Transfer Tax (Cal. Rev. & T. Code § 11922)

QUITCLAIM DEED

FOR VALUABLE CONSIDERATION, THE RECEIPT AND ADEQUACY OF
WHICH ARE HEREBY ACKNOWLEDGED,

The County of Sonoma, a political subdivision of the State of California ("Grantor"),

Hereby REMISES, RELEASES AND FOREVER QUITCLAIMS to:

The City of Rohnert Park ("Grantee"),

Any right, title or interest which Grantor may have in the Real Property in
the County of Sonoma, State of California, more particularly and legally described
in Exhibit A, attached hereto and expressly made a part hereof.

DATED: Nov 1, 2012

GRANTOR:

COUNTY OF SONOMA

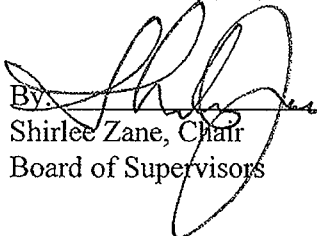
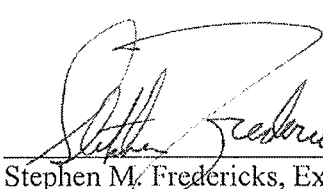
By: 
Shirlee Zane, Chair
Board of Supervisors


Exhibit "A"

Parcel 1

Being a portion of that 40 foot right of way for Wilfred Avenue as shown on the map of Santa Rosa Farms No. 2, recorded in Book 21 of Maps at Page 14, Sonoma County Records, said portion being bounded on the east by the westerly right of way line of Dowdell Avenue as shown on said map and on the west by the easterly line of the land of the County of Sonoma as described in those deeds recorded as Document Numbers 1994-106342 and 1994-052403, Sonoma County Records.

This description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyor's Act.


Stephen M. Fredericks, Expires 12/31/2012

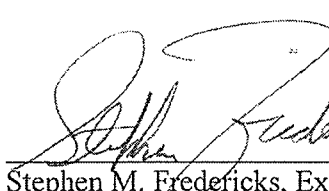


Parcel 2

Being a portion of the lands of the County of Sonoma as described in that deed recorded as Document Number 1994-106342, Sonoma County Records, being more particularly described as follows.

Being that portion of Parcel No. 5, as described in said deed lying easterly of a line 45.00 feet easterly of and parallel with the centerline of Stony Point Road as said centerline is shown on that Record of Survey recorded in Book 505 of Maps at pages 33-46, Sonoma County Records.

This description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyor's Act.


Stephen M. Fredericks, Expires 12/31/2012

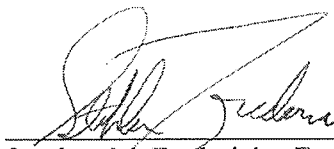



Parcel 3

Being a portion of the lands of the County of Sonoma as described in that deed recorded as Document Number 1994-052403, Sonoma County Records, being more particularly described as follows.

Being that portion lying easterly of a line 45.00 feet easterly of and parallel with the centerline of Stony Point Road as said centerline is shown on that Record of Survey recorded in Book 505 of Maps at pages 33-46, Sonoma County Records.

This description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyor's Act.


Stephen M. Fredericks, Expires 12/31/2012



Parcel 4

The southern 30 feet measured at right angles to the centerline of Wilfred Avenue of the following described property:

Being a portion of Farm #134 of Santa Rosa Farms Subdivision #2, as recorded in Book #21 of Maps on page 14, Sonoma County Records, and more particularly described as follows:

Beginning at the Southeast corner of said Farm #134, said point of beginning being on the centerline of Wilfred Avenue; thence North 1° West along the Easterly line of said Farm #134, 380.00 feet to the Northeast corner of said Farm #134; thence South 89° West along the Northerly line of said Farm #134, 229.26 feet to an iron pipe; thence South 1° East, 380.00 feet to the centerline of Wilfred Avenue; thence North 89° East, 229.26 feet to the point of beginning.

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of Sonoma

On Nov 1, 2012 before me, Sandra L. Faus, Notary Public
(Here insert name and title of the officer)

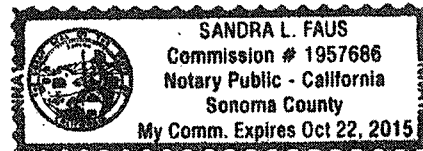
personally appeared Shirlee Zane

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.

Sandra L. Faus
Signature of Notary Public



(Notary Seal)

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

Quit claim Deed
(Title or description of attached document)
to City of Rohnert Park
(Title or description of attached document continued)

Number of Pages 2 Document Date 11/1/12
Wilfred Ave R/W
(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)
☐ Corporate Officer

(Title)

- ☐ Partner(s)
☐ Attorney-in-Fact
☐ Trustee(s)
☒ Other Board Chair

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they- is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

CERTIFICATE OF ACCEPTANCE
(Government Code § 27281)

This is to certify that the interest in real property conveyed by the Grant Deed dated _____, 2012, from the **COUNTY OF SONOMA**, a political subdivision of the State of California, to the **CITY OF ROHNERT PARK**, a California municipal corporation ("City"), is hereby accepted on _____, 2012, by the undersigned officer or agent on behalf of the City pursuant to the authority conferred by City Council Resolution No. _____, adopted on _____, 2012, and the City Council consents to recordation of said document in Office of the Recorder of Sonoma County, State of California.

DATED: _____, 2012

CITY OF ROHNERT PARK

By: _____

Name:

Title:

(Notary Acknowledgement Required)

ACKNOWLEDGEMENTS

State of California

County of Sonoma

On _____, 2012, before me, _____
(insert name and title of the officer) personally appeared _____
_____ (name of individual appearing) 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.

(Notary Signature) (SEAL)

* * * * *

State of California

County of Sonoma

On _____, 2012, before me, _____
(insert name and title of the officer) personally appeared _____
_____ (name of individual appearing) who proved to me on the basis of
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that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

(Notary Signature) (SEAL)