

RESOLUTION NO. 2013-096

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK ACCEPTING A QUITCLAIM DEED FROM THE COUNTY OF SONOMA FOR WILFRED AVENUE ADDITIONAL RIGHT OF WAYS (APN 134-261-003 and 134-264-007)

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, accepted by City Council Resolution No. 2013-039 and recorded as Instrument Number 2013034294, Sonoma County Records;

WHEREAS, additional county right of way areas are needed from the side streets along Wilfred Avenue;

WHEREAS, the County has conveyed these additional areas by Quitclaim Deed executed on May 31, 2013 and the Quitclaim Deed is hereby attached to and incorporated herein **Exhibit A**;

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. City Manager Authorization. The City Manager 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 25th day of June, 2013.



CITY OF ROHNERT PARK

Pam Stafford
Pam Stafford, Mayor

ATTEST:

JoAnne Buerger
JoAnne Buerger, City Clerk

Exhibit: Deed

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

RECORDING REQUESTED BY

CITY OF ROHNERT PARK

.....

WHEN RECORDED, RETURN TO

City of Rohnert Park
City Clerk
130 Avram Ave.
Rohnert Park, CA 94928

EXHIBIT A

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

QUITCLAIM DEED

Record free per Gov. Code Sec. 27383

For a valuable consideration, receipt of which is hereby acknowledged,

THE COUNTY OF SONOMA, A POLITICAL SUBDIVISION
OF THE STATE OF CALIFORNIA

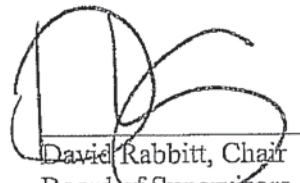
Hereby quitclaims to:

THE CITY OF ROHNERT PARK,
A CALIFORNIA MUNICIPAL CORPORATION

All that Real property situated in the unincorporated area of the County of Sonoma, State of California,
described as follows:

SEE EXHIBIT "A" ATTACHED

Dated May 31, 2013



David Rabbitt, Chair
Board of Supervisors,
County of Sonoma

APNs 134-26X-XXX, 045-05X-XXX, 045-07X-XXX

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California) ss.

County of Sonoma)

On May 31, 2013 before me, Carol E. Woodson, Notary Public,

Notary Public, personally appeared David Rabbit

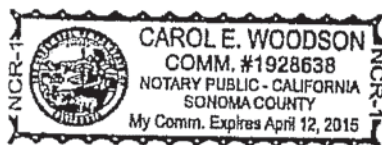
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), 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

Carol E. Woodson



(Seal)

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the quitclaim deed dated _____, 2013 from the County of Sonoma, a body corporate and politic under the laws of the State of California to the City of Rohnert Park, a California municipal corporation is hereby accepted on _____, 2013, by the undersigned officer or agent on behalf of the City of Rohnert Park pursuant to authority conferred by City Council Resolution No. 2013-_____ adopted on _____, 2012, and the City Council consents to recordation thereof by its duly authorized officer.

Dated: _____, 2012

By: _____

Name: _____

Its: _____

RBF CONSULTING
500 Ygnacio Valley Road, Suite 300
Walnut Creek, California 94596

March 6, 2013
JN: 50-100964
Page 1 of 3

EXHIBIT "A"

**LEGAL DESCRIPTION
QUITCLAIM
APN 134-261-003 and 134-264-007**

PARCEL 1

That certain parcel of land situated in the County of Sonoma, State of California, being a portion of Lot A and a portion of Lot 24, Santa Rosa Farms No. 2, filed on March 7, 1910 in Book 21 of Maps, at Page 14, in the Office of the County Recorder of said Sonoma County and also being a portion of Lot A of land as described in the Grant Deed, from Stanley John Poncia to The Stanley J. Poncia Living Trust, recorded on May 3, 2005, in Document Number: 2005060129 of Official Records, in said Office of County Recorder, more particularly described as follows:

BEGINNING at the intersection of the westerly right of way of Primrose Avenue, formerly designated Rose Avenue on said map (21 M14) with the southerly right of way line of Wilfred Avenue as shown on said map (21 M 14);

Thence, easterly South 89°35'41" East 40.00 feet to the intersection of the easterly right of way line of Primrose Avenue with said southerly right of way of Wilfred Avenue;

Thence, southerly along said easterly right of way line South 00°24'19" West 25.00 feet to a point, said point also being 45.00 feet measured at right angles and lying southerly from the centerline of Wilfred Avenue, as shown on that certain Record of Survey filed December 16, 2011 in Book 747 of Maps at Pages 50-53, in said County Recorder's Office;

Thence, westerly and leaving said easterly right of way line, parallel to said centerline of Wilfred Avenue (21 M 14), North 89°35'41" West 40.00 feet to said westerly right of way;

Thence, northerly along said westerly right of way line, North 00°24'19" East 25.00 feet to the **POINT OF BEGINNING**.

CONTAINING 1,000 Square Feet, more or less.

**LEGAL DESCRIPTION
QUITCLAIM
APN 045-071-002 and 045-072-001**

PARCEL 2

That certain parcel of land situated in the County of Sonoma, State of California, being a portion of Lot 69 and a portion of Lot 78, Santa Rosa Farms No. 2, filed on March 7, 1910 in Book 21 of Maps, at Page 14, in the Office of the County Recorder of said Sonoma County and also being a portion of Lot 69 of land as described in the Grant Deed, from Stanley John Poncia to The Stanley J. Poncia Living Trust, recorded on May 3, 2005, in Document Number: 2005060129 of Official Records, in said Office of County Recorder

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March 6, 2013
JN: 50-100964
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and being a portion of Lot 78 as described in the Grant Deed, from Robert L. Clark, Trustee of the Robert L. Clark Trust dated June 25, 2001 to Graton Economic Development Authority, recorded on October 18, 2012, in Document Number: 2012103306 of Official Records, in said Office of County Recorder, more particularly described as follows:

BEGINNING at the intersection of the westerly right of way of Whistler Avenue, formerly designated as Locke Avenue on said map (21 M14) with the southerly right of way line of Wilfred Avenue as shown on said map (21 M 14);

Thence, easterly along said southerly right of way of Wilfred Avenue South 89°35'41" East 40.00 feet to the intersection of the easterly right of way line of Whistler Avenue with said southerly right of way of Wilfred Avenue;

Thence, southerly along said easterly right of way line South 00°30'02" West 25.00 feet to a point, said point also being 45.00 feet measured at right angles and lying southerly from the centerline of Wilfred Avenue, as shown on that certain Record of Survey filed December 16, 2011 in Book 747 of Maps at Pages 50-53, in said County Recorder's Office;

Thence, westerly and leaving said easterly right of way line, parallel to said centerline of Wilfred Avenue (21 M 14), North 89°35'41" West 40.00 feet to said westerly right of way;

Thence, northerly along said westerly right of way line, North 00°30'32" East 25.00 feet to the **POINT OF BEGINNING**.

CONTAINING 1,000 Square Feet, more or less.

LEGAL DESCRIPTION
QUITCLAIM
APN 045-072-007 AND 045-073-001

PARCEL 3

That certain parcel of land situated in the County of Sonoma, State of California, being a portion of Lot 97 and a portion of Lot 106, Santa Rosa Farms No. 2, filed on March 7, 1910 in Book 21 of Maps, at Page 14, in the Office of the County Recorder of said Sonoma County and being a portion of Lot 97 as described in the Grant Deed, Andreas C. Christoforidis and Edith Christoforidis to Christoforidis Family Trust, recorded January 23, 2004, in Document Number: 2004009195 of Official Records, at said County Recorder's Office and being a portion of Lot 106 as described in the Grant Deed, from SC Sonoma Development, LLC. To The United States of America in Trust for The Federated Indians of Graton Rancheria, California, recorded October 4, 2010 in Document Number: 2010085121 of Official Records, at said County Recorder's Office, more particularly described as follows:

BEGINNING at the intersection of the southerly right of way line of Wilfred Avenue with the westerly right of way line of Langner Avenue, formerly designated as Whistler Avenue on said map (21 M 14)

Thence, easterly South 89°35'41" East 40.00 feet to the intersection of the easterly right of way line of Langner Avenue with said southerly right of way of Wilfred Avenue;

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March 6, 2013
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Page 3 of 3

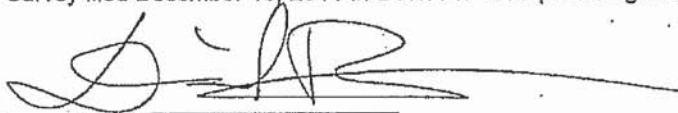
Thence, southerly South $00^{\circ}29'10''$ West 56.50 feet to a point, said point also being 76.50 feet measured at right angles and lying southerly from the centerline of Wilfred Avenue, as shown on that certain Record of Survey filed December 16, 2011 in Book 747 of Maps at Pages 50-53, in said County Recorder's Office;

Thence, North $67^{\circ}09'58''$ West 43.25 feet to said westerly right of way line;

Thence, northerly along said westerly right of way line, North $00^{\circ}29'10''$ East 40.00 feet to the **POINT OF BEGINNING**.

CONTAINING 1,930 Square Feet, more or less.

BASIS OF BEARINGS The bearings and distances contained herein are based upon the Record of Survey filed December 16, 2011 in Book 747 of Maps at Pages 50-53, in said County Recorder's Office.



David Baumann, P.L.S. 7309
License Expires March 31, 2013



WILFRED AVENUE

P.O.B.

N89°35'41"W
40.00'

PARCEL 1
1,000 SF ±

40.00'
N89°35'41"W

N00°24'19"E
25.00'

N00°24'19"E
25.00'

40'
ROW

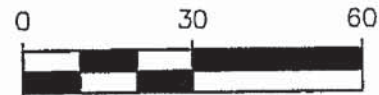
APN 134-261-003
THE STANLEY J. PONCIA LIVING TRUST
DOCUMENT NUMBER: 20050060129

LOT A
SANTA ROSA FARMS NO. 2
21 M 14

PRIMROSE AVENUE
(FORMERLY ROSE AVENUE)
21 M 14

APN 134-264-007
THE STANLEY J. PONCIA LIVING TRUST
DOCUMENT NUMBER: 20050060129

24
SANTA ROSA FARMS NO. 2
21 M 14



SCALE: 1"=30'

SCALE: 1"=30'

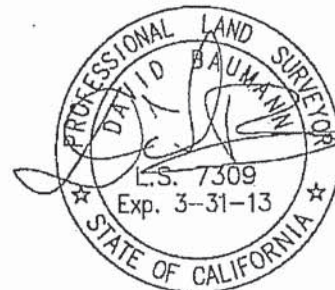


EXHIBIT "B"

SKETCH TO ACCOMPANY A
LEGAL DESCRIPTION FOR
WILFRED AVENUE
RIGHT OF WAY
CITY OF ROHNERT PARK
COUNTY OF SONOMA
STATE OF CALIFORNIA

SHEET 1 OF 3 SHEETS

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CONSULTING
A Baker Company

600 YONAGIO VALLEY ROAD, SUITE 300
WALNUT CREEK, CALIFORNIA 94596-3847
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NOVEMBER 26, 2012

JOB NO. 50-100964

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WILFRED AVENUE

P.O.B.

N89°35'41"W
40.00'

40'
ROW

N00°30'32"E
25.00'

PARCEL 2
1000 SF ±

N00°30'32"E
25.00'

40.00'
N89°35'41"W

APN 045-071-002

THE STANLEY J. PONCIA LIVING TRUST
DOCUMENT NUMBER: 2005060129

69

SANTA ROSA FARMS NO. 2
21 M 14

APN 045-072-001

GRATON ECONOMIC
DEVELOPMENT AUTHORITY
DOCUMENT NUMBER: 2012103306

PORTION OF 78

SANTA ROSA FARMS NO. 2
21 M 14

WHISTLER AVENUE
(FORMERLY LOCKE AVENUE)
21 M 14



SCALE: 1"=30'

SCALE: 1"=30'



EXHIBIT "B"

SKETCH TO ACCOMPANY A
LEGAL DESCRIPTION FOR
WILFRED AVENUE
RIGHT OF WAY
CITY OF ROHNERT PARK
COUNTY OF SONOMA
STATE OF CALIFORNIA

SHEET 2 OF 3 SHEETS

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NOVEMBER 26, 2012

JOB NO. 50-100964

H:\DATA\50100964\CADD\MAPPING\EXHIBITS\GUTLINA\EX02 WHISTLER.DWG JTUNG 3/15/13 9:20 am

WILFRED AVENUE

P.O.B.

N89°35'41"W
40.00'

40' ROW

APN 045-072-007
CHRISTOFORIDIS
DOCUMENT NUMBER: 2004009195

97
SANTA ROSA FARMS NO. 2
21 M 14

PARCEL 3
1,930 SF±

N00°29'10"E
40.00'

43.25'
N67°09'58"W

56.50'
N00°29'10"E

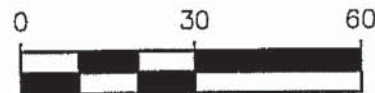
APN 045-073-001
THE UNITED STATES OF AMERICA
IN TRUST FOR THE FEDERATED
INDIANS OF GRATON RANCHERIA,
CALIFORNIA
DOCUMENT NUMBER: 2010085121
106
SANTA ROSA FARMS NO. 2
21 M 14

LANGNER AVENUE

(FORMERLY WHISTLER AVENUE)

21 M 14

SCALE: 1"=30'



SCALE: 1"=30'



EXHIBIT "B"

SKETCH TO ACCOMPANY A
LEGAL DESCRIPTION FOR
WILFRED AVENUE
RIGHT OF WAY
CITY OF ROHNERT PARK
COUNTY OF SONOMA
STATE OF CALIFORNIA

SHEET 3 OF 3 SHEETS

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NOVEMBER 26, 2012

JOB NO. 50-100964

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