

RESOLUTION NO. 2016-104

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK RESCINDING ACCEPTANCE OF A GRANT DEED CONVEYING 53 ACRES AND RESCINDING ACCEPTANCE OF THE CRANE CREEK TRAIL EASEMENT AGREEMENT AND ACCEPTING A GRANT DEED FOR 128 ACRES FROM THE UNIVERSITY DISTRICT LLC

WHEREAS, on April 22, 2014, the City Council of the City of Rohnert Park adopted Ordinance No. 878, approving a Development Agreement (“Development Agreement”) between the City of Rohnert Park and Vast Oak Property L.P. and University District LLC (“Developer”); and

WHEREAS, the Development Agreement requires the Developer to dedicate portions of a 128 acre parcel to the City for public purposes including the construction of a water tank and a trail to Crane Creek Park; and

WHEREAS, on November 24, 2015, the City Council approved Resolution 2015-180 approving the Crane Creek Trail Easement Agreement with Developer, which included a 20-foot easement for the trail access to Crane Creek Park; and

WHEREAS, on December 22, 2015, the City Council approved Resolution 2016-193 accepting a grant deed from the Developer conveying 53 acres for the purpose of constructing a water tank; and

WHEREAS, City and Developer have been cooperating to advance construction of the University District development project, the water tank and the trail and have concluded that this work can be best accomplished if the full 128 acre parcel of land were dedicated for public purposes; and

WHEREAS, City has adopted an ordinance approving a Second Amendment to the Development Agreement, whereby Developer is required to dedicate the entire 128-acre parcel to the City (“Second Amendment to DA”); and

WHEREAS, the Developer has offered the dedication in the form of the Grant Deed included as Exhibit A to this Resolution; and

WHEREAS, the proposed acceptance of the 128-acre parcel was considered in the environmental analysis for the Second Amendment to DA, which concluded that no additional environmental review was required pursuant to Section 15162 of the CEQA Guidelines. Further, the acceptance of the 128-acre parcel is exempt pursuant to Section 15317 and 15325 of the CEQA Guidelines, as the property will be subsequently transferred to the County of Sonoma and the Sonoma Water Agency for open space, park and trail purposes.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rohnert Park that it does hereby:

1. Rescind Resolution 2015-180 accepting the Crane Creek Trail Easement Agreement
2. Rescind Resolution 2016-193 accepting a 53 acre water tank parcel

3. Authorize the City Manager to accept the 128 acre water tank site as described in the Grant Deed included as Exhibits A with minor revisions as may be approved by the City Manager and City Attorney, in accordance with the terms set forth in the Development Agreement, as amended by the Second Amendment to DA, contingent upon the effectiveness of the Second Amendment to DA.

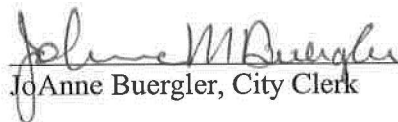
BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute documents, including certificates of acceptance, and take all other actions necessary to close escrow in accordance with the terms of the Development Agreement, as amended by the Second Amendment to DA, and Condition of Approval.

DULY AND REGULARLY ADOPTED this 25th day of October, 2016.

CITY OF ROHNERT PARK


Gina Belforte, Mayor

ATTEST:


JoAnne Buergler, City Clerk

Attachment: Exhibit A

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

Exhibit A

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 _____, 2015, by University District LLC, a Delaware Limited Liability Corporation ("Grantor"), to the City of Rohnert Park, a California municipal corporation ("City") with reference to the following:

Recitals

A. Grantor has submitted an application to the City to develop certain real property located in the City of Rohnert Park, County of Sonoma, State of California.

B. In connection with the approval of its development project and in lieu of acquisition by eminent domain, Grantor is granting certain real property to the City.

C. 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 _____, 2015, from _____, 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. _____ of the City Council adopted on _____, and the City of Rohnert Park, as grantee, consents to recordation of said Grant Deed.

Dated: _____, 2015

By: _____
Darrin Jenkins, City Manager
[Signature Must Be Notarized]

Exhibit A

EXHIBIT A

Legal Description

[to be inserted]

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

DESCRIPTION

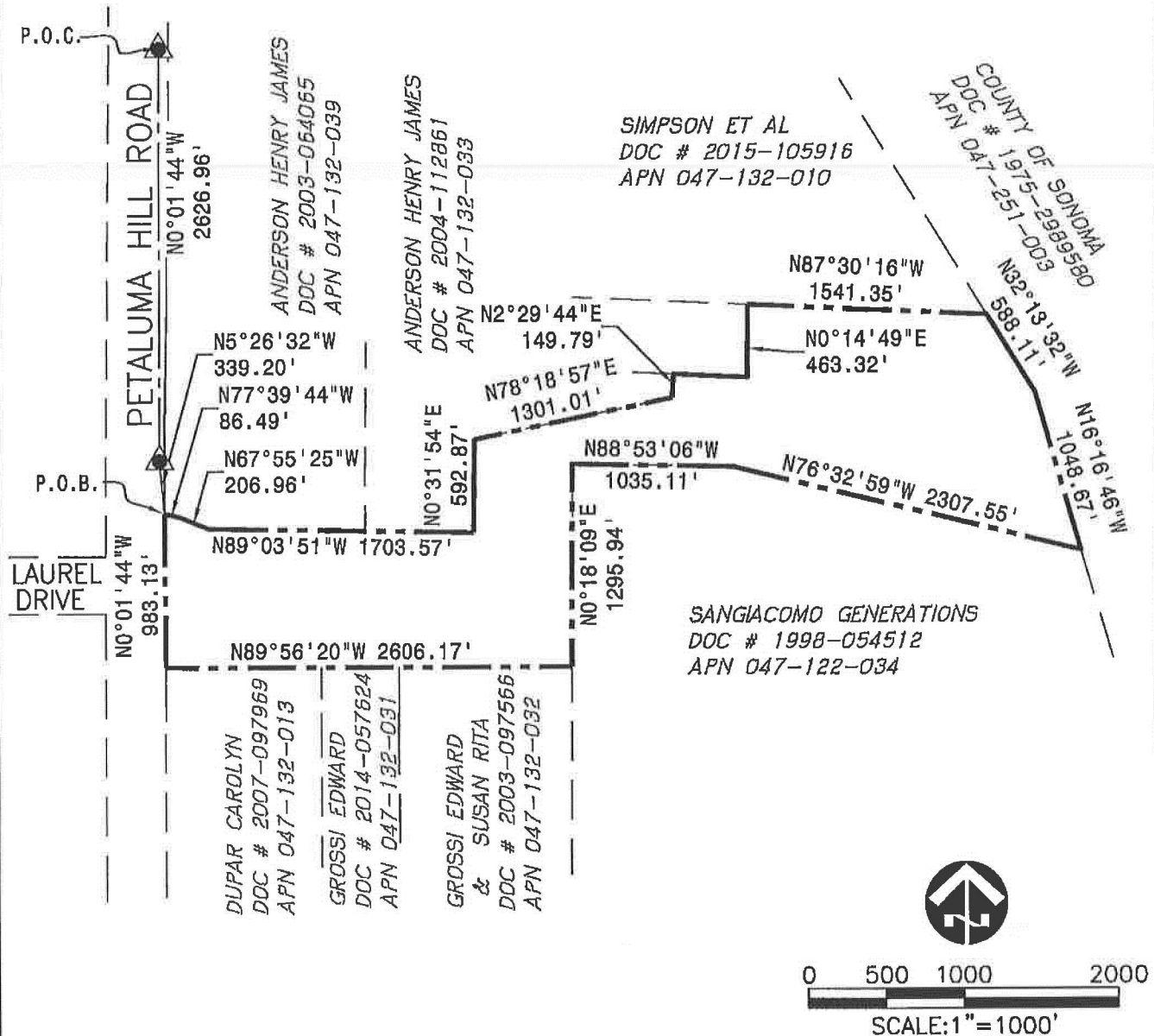
REAL PROPERTY IN THE UNINCORPORATED AREA OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

LYING WITHIN THE COTATI RANCHO, COUNTY OF SONOMA, STATE OF CALIFORNIA AND BEING A PORTION OF THE SAID LANDS OF ANDERSON, SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 3" BRASS DISK STAMPED "CSSC", MARKING THE CENTERLINE OF PETALUMA HILL ROAD AT ENGINEER'S STATION 232+27.14 AND BEING A POINT ON TANGENT AS SHOWN ON THAT RECORD OF SURVEY FILED IN BOOK 582 OF MAPS, PAGES 10 AND 11, SONOMA COUNTY RECORDS, FROM WHICH A 3" BRASS DISK MARKING SAID CENTERLINE AND AS SHOWN ON SAID MAP BEARS SOUTH 00° 01' 44" EAST, 2626.96 FEET; THENCE SOUTH 05°26' 32" EAST, 339.20 FEET TO A POINT ON THE EASTERLY LINE OF PETALUMA HILL ROAD, ALSO BEING THE POINT OF BEGINNING; THENCE LEAVING SAID EASTERLY LINE, SOUTH 77°39' 44" EAST, 86.49 FEET; THENCE SOUTH 67° 55' 25" EAST, 206.96 FEET; THENCE SOUTH 89°03' 51" EAST, 1703.57 FEET; THENCE NORTH 00° 31' 54" EAST, 592.87 FEET; THENCE NORTH 78° 18' 57" EAST, 1301.01 FEET; THENCE NORTH 02° 29' 44" EAST, 149.79 FEET TO THE NORTHERLY LINE OF SAID LANDS; THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING THREE COURSES: SOUTH 87° 30' 16" EAST, 477.97 FEET; NORTH 00° 14' 49" EAST, 463.32 FEET; SOUTH 87° 30' 16" EAST, 1541.35 FEET TO THE EASTERLY LINE OF SAID LANDS; THENCE ALONG SAID EASTERLY LINE THE FOLLOWING TWO COURSES: SOUTH 32° 13' 32" EAST, 588.11 FEET; SOUTH 16° 16' 46" EAST, 1048.67 FEET TO THE SOUTHERLY LINE OF SAID LANDS; THENCE ALONG SAID SOUTHERLY LINE THE FOLLOWING FOUR COURSES: NORTH 76°32' 59" WEST, 2307.55 FEET; NORTH 88° 53' 06" WEST, 1035.11 FEET; SOUTH 00° 18' 05" WEST, 1295.94 FEET; NORTH 89° 56' 20" WEST, 2606.17 FEET TO THE EASTERLY LINE OF PETALUMA HILL ROAD; THENCE ALONG SAID EASTERLY LINE OF PETALUMA HILL ROAD NORTH 00° 01' 44" WEST, 983.12 FEET TO THE POINT OF BEGINNING.

APN: 047-132-038-000

EXHIBIT A
PAGE 2 OF 2



LEGEND

- BOUNDARY OF DESCRIPTION
- EXISTING PROPERTY LINE
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- △ FOUND 3" BRASS DISK
- DOC # DOCUMENT NUMBER

PLAT TO ACCOMPANY LEGAL DESCRIPTION FOR

UNIVERSITY DISTRICT LLC
DOC # 2016-022705
APN 047-132-038

CITY OF ROHNERT PARK

CALIFORNIA

MACKAY & SOMPS

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

DRAWN	DATE	SCALE	JOB NO.
MB	SEPT, 2016	1"=1000'	19539.01