

RESOLUTION NO. 3599-2013

RESOLUTION OF THE FORT BRAGG CITY COUNCIL ACCEPTING A CONVEYANCE OF REAL PROPERTY LOCATED ON FRANKLIN STREET FROM THE COUNTY OF MENDOCINO AND AUTHORIZING CITY MANAGER TO EXECUTE A CERTIFICATE OF ACCEPTANCE

WHEREAS, the Fort Bragg Police Department currently operates out of a police station located on the corner of Cypress Street and Franklin Street; and

WHEREAS, the police station was constructed on property that is owned by the County of Mendocino ("County"), which property is more particularly described in Exhibit "A", attached ("the Subject Property"); and

WHEREAS, in 2009, the City and the County renewed negotiations for the acquisition of the Subject Property by the City; and

WHEREAS, in October of 2012, the City Council authorized the purchase of the Subject Property from the County and authorized the City Manager to execute an Agreement to Purchase and Escrow Instructions for an agreed-upon price of \$40,276; and

WHEREAS, in reviewing the documents pertaining to this transaction, the City Attorney noticed that the Subject Property was subject to a lease between the County and the Judicial Council of California, and alerted City staff and County Counsel to this encumbrance; and

WHEREAS, because the Subject Property was subject to a lease between the County and the Judicial Council of California, City staff instructed the title company to not close escrow on the transaction until the leasehold interest was released; and

WHEREAS, the County was recently able to obtain a release on leasehold interest held by the Judicial Council; and

WHEREAS, the County has now executed a grant deed in favor of the City conveying the Subject Property to the City and all other conditions to allow escrow to close have been satisfied; and

WHEREAS, upon acceptance of the conveyance of the Subject Property to the City, the police station will reside on city-owned land; and

WHEREAS, the conveyance of a fee simple title in the Subject Property from the County to the City is a project for the purposes of the California Environmental Quality Act ("CEQA") but is considered to be Categorically Exempt from environmental review pursuant to Title 14 of the California Code of Regulations, Section 15301, because the conveyance involves an existing police station and the conveyance involves no expansion of an existing use.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby:

1. Approve the conveyance of the Subject Property.

2. Authorize the City Manager to execute a Certificate of Acceptance and deposit it into escrow on behalf of the City.
3. Authorize the City Manager to take all necessary actions to ensure a timely close of escrow on the property transaction.

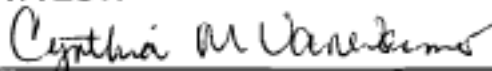
The above and foregoing Resolution was introduced by Councilmember Hammerstrom, seconded by Councilmember Deitz, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 25th day of February, 2013, by the following vote:

AYES: Councilmembers Courtney, Deitz, Hammerstrom, and Mayor Turner.
NOES: None.
ABSENT: None.
ABSTAIN: None.



DAVE TURNER,
Mayor

ATTEST:


Cynthia M. VanWormer, MMC
City Clerk

County to City Conveyance

"Exhibit A"

ALL THAT CERTAIN REAL PROPERTY situated, lying and being in Section 7, Township 18 North, Range 17 West, Mount Diablo Meridian, in the City of Fort Bragg, County of Mendocino, State of California, more particularly described as follows:

Being a portion of Parcel 1, as numbered and designated upon that certain Parcel Map filed for record October 5, 1973 in Map Case 2, Drawer 22 Page 68, Mendocino County Records and being more particularly described as follows:

Commencing at the northeast corner of Parcel 1 identified as a 1" rebar tagged L.S. 3184, as shown on said Parcel Map and the True Point of Beginning for this description;

Thence along the easterly boundary of said Parcel 1 South 01° 57' 00" West a distance of 88.75 feet to a point at the extension of the existing chain link fence between the Fort Bragg Police Station and the Ten Mile Justice Center;

Thence along said fence line North 88° 07' 01" West a distance of 128.99 feet to the northeast corner of the Ten Mile Justice Center Building;

Thence North 1° 57' 00" East a distance of 3.00 feet;

Thence running parallel with the north wall of the Ten Mile Justice Center North 88° 40' 20" West a distance of 40.00 feet to a point at the southerly extension of the face of curb at the sidewalk along the westerly side of the Fort Bragg Police Station;

Thence North 1° 57' 00" East a distance of 84.50 feet to a point on the northerly line of said Parcel 1;

Thence continuing North 1° 57' 00" East a distance of 60.00 feet to the southerly right of way for Cypress Street and the north line of property deeded to the City of Fort Bragg recorded August 29, 2000 as instrument number 2000-14250, Mendocino County Records;

Thence South 88° 40' 20" East a distance of 169.00 feet to the northeast corner of said property deeded to the City of Fort Bragg as instrument No. 2000-14250, Mendocino County Records;

Thence South 1° 57' 00" West a distance of 60.00 feet to the northeast corner of said Parcel 1 and the point of beginning.

Excepting therefrom any portion thereof lying outside the boundary of Parcel 1, of Map Case 2, Drawer 22, Page 68, Mendocino County Records.

APN: Portion 018-040-18





David W. Goble Director of Public Works
P.L.S. 6493 Expiration 6-30-13