

RESOLUTION NO. 3542-2012

RESOLUTION OF THE FORT BRAGG CITY COUNCIL CONDITIONALLY ACCEPTING THE CONVEYANCE OF THE C.V. STARR COMMUNITY CENTER FROM THE MENDOCINO COAST RECREATION AND PARK DISTRICT AND AUTHORIZING CITY MANAGER TO EXECUTE CERTIFICATE OF ACCEPTANCE UPON SATISFACTORY COMPLETION OF CONDITIONS

WHEREAS, since the opening of the C.V. Starr Community Center/Sigrid & Harry Spath Aquatic Facility and surrounding property and facilities ("CVSCC") in 2009, the Mendocino Coast Recreation & Park District ("District") struggled to make ends meet and by October, 2011, the District was facing insolvency and it was clear that the CVSCC would close if an additional source of funding was not secured; and

WHEREAS, after much discussion at Fort Bragg City Council meetings held on October 11, 2011, November 7, 2011, and November 28, 2011, the City Council approved a Memorandum of Agreement between the City and the District, and a resolution calling for a special election on March 6, 2012 for voter approval of a special one-half cent transaction and use tax for support of the CVSCC; and

WHEREAS, the Memorandum of Agreement and the Ordinance put before the voters required the District to (a) transfer fee simple title in the CVSCC to the City of Fort Bragg and (b) execute a Property Tax Exchange Agreement ("Agreement") whereby the District shall assign to the City of Fort Bragg 45% of the District's property tax revenues to be used solely for parks and recreation purposes within the Fort Bragg city limits (including operation and maintenance of the CVSCC); and

WHEREAS, on February 28, 2012, the District Board approved a Property Tax Exchange Agreement between the City of Fort Bragg and the Mendocino Coast Recreation and Park District, and on February 29, 2012, the City Council approved the Property Tax Exchange Agreement; and

WHEREAS, on March 6, 2012, the voters of the City of Fort Bragg approved Measure A conditionally authorizing the City Council to levy a half-cent sales tax to support operation, maintenance and capital improvements at the CVSCC; and

WHEREAS, on April 3, 2012, the District Board approved the First Amendment to the Property Tax Exchange Agreement and on April 9, 2012, the City Council approved the First Amendment; and

WHEREAS, on April 24, 2012, the District Board adopted Resolution No. 12-02 approving the transfer of fee simple title in the CVSCC to the City of Fort Bragg; and

WHEREAS, on April 25, 2012, the City Council authorized the City Manager to execute two agreements with the State Board of Equalization to levy the special half cent sales tax for the CVSCC; and

WHEREAS, the City Council now wishes to conditionally accept conveyance of the CVSCC, as described and depicted in "Exhibit A" attached to this resolution, and subject to the City Manager's approval of the following conditions:

- (a) complete inventory of CVSCC furnishings and equipment;
- (b) site inspection confirming that condition of CVSCC is acceptable;
- (c) receipt of documentation demonstrating that there are no unacceptable liabilities associated with the covenants recorded on the deed on January 24, 2012 in favor of the State Department of Parks and Recreation; and

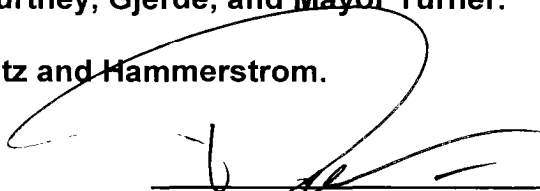
WHEREAS, the transfer of fee simple title in the CVSCC from the District to the City is a project for the purposes of the California Environmental Quality Act ("CEQA") but is considered to be Categorically Exempt from environmental review pursuant to Title 14 of the California Code of Regulations, Section 15301, because the transfer involves negligible or 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 C.V. Starr Community Center/Sigrid & Harry Spath Aquatic Facility, subject to and conditioned upon the satisfaction of the three conditions cited above and fulfillment of the conditions of closing as provided in the escrow instructions with Redwood Empire Title Company dated May 6, 2012.
2. Authorize the City Manager to execute a Certificate of Acceptance and deposit it into escrow on behalf of the City, once the three conditions have been satisfied.
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 Gjerde, seconded by Councilmember Courtney, and passed and adopted at a special meeting of the City Council of the City of Fort Bragg held on the 9th day of May, 2012, by the following vote:

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



DAVE TURNER,
Mayor

ATTEST:



Cynthia M. VanWormer, CMC
City Clerk

“Exhibit A”

That certain real property situated in the City of Fort Bragg, County of Mendocino, State of California and being a portion of Section 7, Township 18 North, Range 17 West, Mount Diablo Meridian, more particularly defined and lying within the following described boundaries:

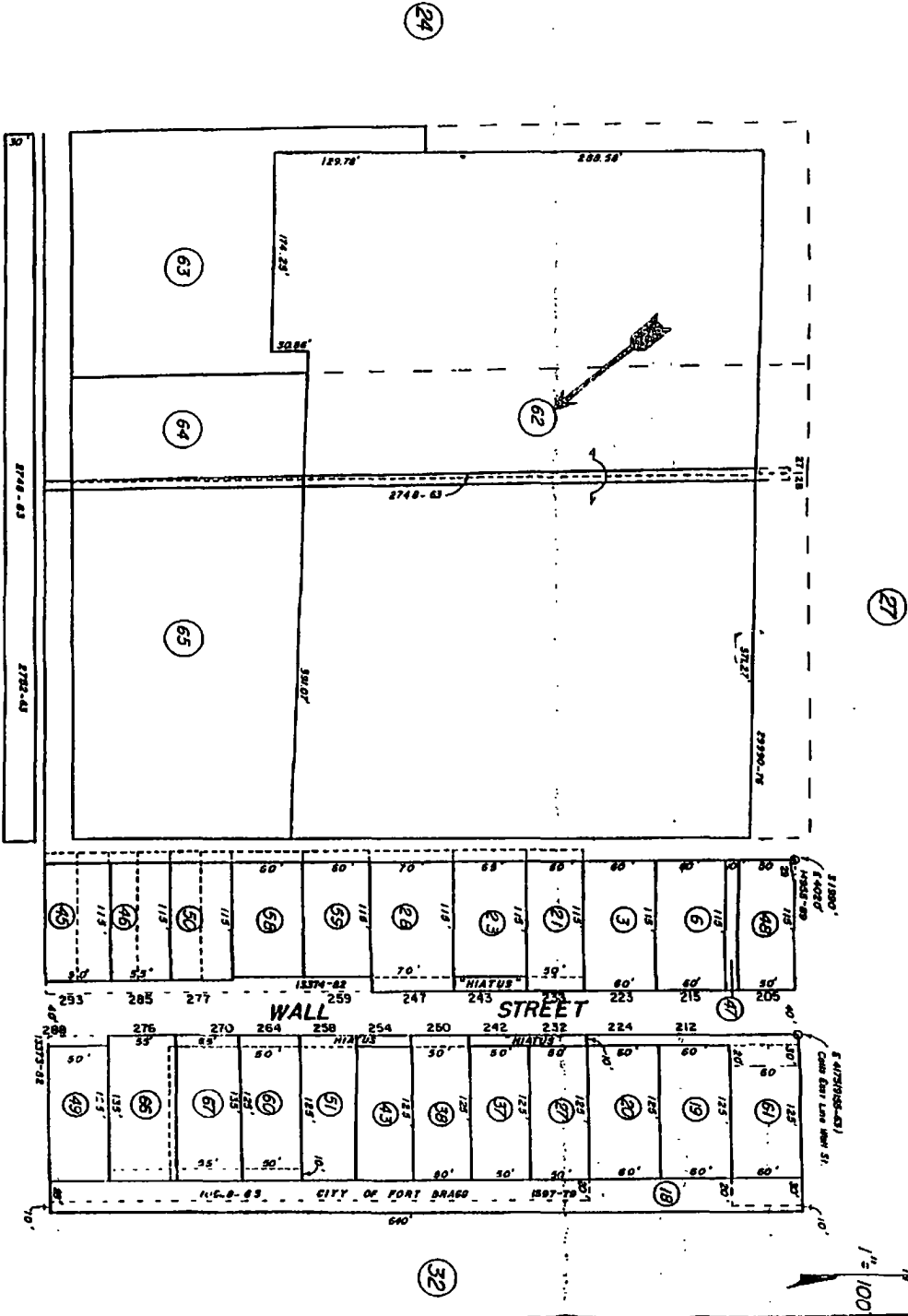
The bearing used in this description are in terms of the California State Grid, Zone 2.

Commencing at the Southwest corner of the intersection of Maple and Lincoln Streets, described by deeds of record as being East, 3330 feet and South 2300 feet of the section corner common to Sections 6 and 7, Township 18 North, Range 17 West, and Sections 1 and 12, Township 18 North, Range 18 West, Mount Diablo Meridian; thence from said point of commencement South 88° 36' 40" East, 57.44 feet to the true point of beginning; thence from said true point of beginning and along the exterior boundary lines of the parcel of land to be described as follows:

North 0° 45' 30" East along the Easterly sideline of Lincoln Street as it now exists, 288.58 feet to an intersection with the Southerly sideline of Willow Street as it now exists; thence South 88° 51' 31" East along said Willow Street sideline 571.27 feet; thence South 1° 37' 50" West along the Westerly sideline of an alley as now fenced, 395.67 feet; thence leaving said alley sideline North 87° 39' 45" West, 391.07 feet; thence South 0° 53' 42" West, 30.86 feet; thence North 88° 51' 31" West, 174.25 feet to a point in the Easterly sideline of the above mentioned Lincoln Street; thence North 0° 45' 30" East along said street sideline 129 78 feet the true point of beginning.

APN: 008-280-62

Lots 27, 28, 29 Fort Bragg



Notice: This is neither a plat nor a survey. It is furnished merely as a convenience to aid you in locating the land indicated hereon with reference to streets and other land. No liability is assumed by reason of any reliance hereon.

NOTE: This map was prepared for computer program only. No liability is assumed for its data delineated.

Assessor's Map
County of Mendocino, Calif.