

## RESOLUTION NO. 3993-2017

### RESOLUTION OF THE FORT BRAGG CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXECUTE THE ACCEPTANCE OF OFFER TO DEDICATE (FUTURE PUBLIC TRAIL DEDICATION)

**WHEREAS**, on January 29, 2009 Georgia Pacific ("GP") conveyed by Grant Deed to the City of Fort Bragg real property for the Fort Bragg Coastal Trail. That transaction included a three part transfer of property: 1) a dedication of a 100 foot strip along the ocean from GP to the City of Fort Bragg, 2) the acquisition of three separate parkland parcels from GP with a \$4,145,000 grant from the Coastal Conservancy; and 3) GP's recordation of an Irrevocable Offer to Dedicate (OTD) for the transfer of up to ten acres of property to connect the North and South trail and parklands through the middle section of the Mill Site.

**WHEREAS**, the irrevocable offer to dedicate ("OTD") of the ten acre parcel to connect the north and south trails was recorded on January 5, 2010; and

**WHEREAS**, the OTD included certain stipulations for identifying an alternative trail alignment in the event that the trail alignment over the beach berm is not feasible; and

**WHEREAS**, the City and GP met and conferred and reached agreement on the Alternate Future Trail Dedication Area as defined in the "Acceptance of Offer to Dedicate" and as required by the OTD; and

**WHEREAS**, the Department of Toxic Substances Control ("DTSC") has issued a Comfort Letter for the Alternate Future Trail Dedication Area, which achieves the remediation requirements of the OTD, the Coastal Conservancy and the City; and

**WHEREAS**, the City proposes to develop a park on an approximately 10-acre site ("Project Site") on the western edge of the City adjacent to the Pacific Ocean. The Project Site is bordered on the north by the Fort Bragg Coastal Trail, on the east by the Georgia-Pacific Mill Site, on the south by the Fort Bragg Coastal Trail, and on the west by the Pacific Ocean. The Project Site consists of APNs 008-02-009 and 008-01-024; and

**WHEREAS**, the project ("Project") is proposed to consist of the following: 1) site restoration of an approximately 5-acre gravel covered area; 2) construction of a 1.3 mile 8 foot wide multi-use trail that would connect the north and south trail alignments of the Phase I Fort Bragg Coastal Trail project; and 3) installation of related improvements such as benches, stairs to the beach, safety signage and interpretive panels; and

**WHEREAS**, the California Environmental Quality Act, Public Resources Code, Section 21000 *et seq.* ("CEQA"), requires that the City consider the environmental effects of the Project prior to approving any entitlements for the Project; and

**WHEREAS**, on August 8, 2011, the City Council certified an Environmental Impact Report (EIR) for the Project pursuant to CEQA; Title 14, California Code of Regulations, Section 15000 *et seq.* ("CEQA Guidelines"); and the City's CEQA Implementation Procedures; and

**WHEREAS**, on August 24, 2011, the Planning Commission approved Coastal Development Permit (CDP 10-10), Design Review (DR 11-10), and Variance (VAR 2-11) for Phase I of this project; and

**WHEREAS**, the City Council and community engaged in a community planning process that extended from 2006 through 2015 and included over 25 meetings regarding the Phase II Coastal Trail alignment and improvements, and the alternative trail alignment conforms with preferred alignments from those meetings; and

**WHEREAS**, the City prepared and certified a Subsequent Environmental Impact Report on January 12, 2015 for the Project to expand the scope of the Project to include an additional 1 mile of trail and 5 additional acres of restoration as described above; and pursuant to CEQA; Title 14, California Code of Regulations, Section 15000 et seq. ("CEQA Guidelines"); and the City's CEQA Implementation Procedures; and

**WHEREAS**, City Council held a public hearing on January 12, 2015 regarding the City's request for a Coastal Development Permit Amendment (CDP 10-10/14/14), Design Review Amendment (DR 11-10/14/14), and Use Permit (USP 11-14) for the above described Project and approved the permits; and

**WHEREAS**, the City has obtained two grants to fund the construction of the Phase II Fort Bragg Coastal Trail project, including \$450,000 from State Parks and \$770,000 from Caltrans;

**WHEREAS**, the design and engineering for the project has been completed and the project is ready to be competitively bid; and

**WHEREAS**, prior to bidding the project, the property should be transferred to the City of Fort Bragg; and

**WHEREAS**, based on all the evidence presented, the City Council finds as follows:

1. The alternative trail alignment will connect the north and south coastal trail alignments as defined by the City Council and the community planning process.
2. For the purposes of the environmental determination, a Subsequent Environmental Impact Report was prepared and certified for the project in accordance with the Environmental Quality Act (CEQA). The City has passed a resolution to certify the Subsequent EIR which includes the requirement to implement the Mitigation and Monitoring Program for the project.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg does hereby authorize the City Manager to Execute the Acceptance of Offer to Dedicate (Future Public Trail Dedication).

**The above and foregoing Resolution was introduced by Councilmember Lee, seconded by Councilmember Norvell, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 24<sup>th</sup> day of April, 2017, by the following vote:**

**AYES:** Councilmembers Lee, Norvell, Turner and Mayor Peters.  
**NOES:** None.  
**ABSENT:** Councilmember Cimolino.

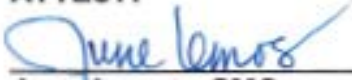
ABSTAIN: None.  
RECUSED: None.



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LINDY PETERS  
Mayor

ATTEST:



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June Lemos, CMC  
City Clerk