

RESOLUTION NO. 3864-2015

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

WHEREAS, Danco Communities developed the Cottages at Cypress located at 330 Cypress Street; and

WHEREAS, the project created 24 affordable senior housing units; and

WHEREAS, Cypress Street right of way across the project's parcel frontage had been dedicated to the City of Fort Bragg by an instrument recorded at Book 1565 of Official Records at Page 682 in the Mendocino County Recorder's Office; and

WHEREAS, the project was completed in 2014; and

WHEREAS, upon completion of the project it was discovered that a small portion of the Cypress Street frontage remained to be dedicated to the City of Fort Bragg ("Subject Property" as identified on the Grant Deed which is attached as Exhibit A and incorporated herein); and

WHEREAS, ownership of the project parcel had been transferred to Fort Bragg Cypress LP; and

WHEREAS, the final Cypress Street right of way dedication is necessary to accommodate the full length of existing Cypress Street improvements adjacent to the project parcel's frontage; and

WHEREAS, the conveyance of a fee simple title in the Subject Property from Fort Bragg Cypress LP 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 is not an 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 have it filed in the Mendocino County Recorder's Office.

The above and foregoing Resolution was introduced by Councilmember Hammerstrom, seconded by Councilmember Cimolino, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 26th day of October, 2015, by the following vote:

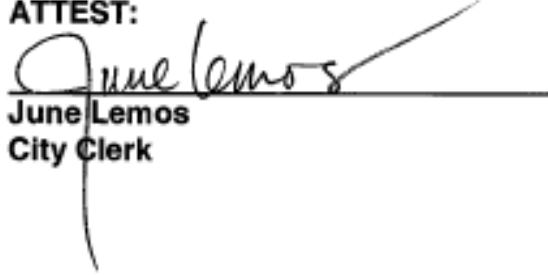
AYES: Councilmembers Peters, Cimolino, Deitz, Hammerstrom, and Mayor Turner.
NOES: None.
ABSENT: None.

ABSTAIN: None.

A large, stylized handwritten signature in black ink, consisting of a large loop at the top and several sweeping strokes extending to the right.

DAVE TURNER,
Mayor

ATTEST:

A handwritten signature in black ink that reads "June Lemos". The signature is written over a horizontal line, with a vertical line extending downwards from the end of the signature.

June Lemos
City Clerk

EXHIBIT A

RECORDED AT THE REQUEST OF:

CITY OF FORT BRAGG

When recorded, please mail this instrument to:

CITY OF FORT BRAGG
416 NORTH FRANKLIN STREET
FORT BRAGG, CA 95437
Attention: June Lemos,
City Clerk

The City is exempt from recordation fees per Government Code 27383.
Conveyance to public agency; R&T 11922

AP # 018-090-13

GRANT DEED

The undersigned declares that the documentary transfer tax is \$ -0-,

- computed on the full value of the interest or property conveyed, or is
- computed on the full value less the value of liens or encumbrances remaining thereon at the time of sale. The land, tenements or realty is located in
- unincorporated area
- City of FORT BRAGG and COUNTY OF MENDOCINO, STATE OF CALIFORNIA

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

FORT BRAGG CYPRESS LP hereby GRANT(S) to **CITY OF FORT BRAGG**, a **municipal corporation** that certain real property in the County of Mendocino, State of California as described in Exhibit A and delineated in Exhibit B attached hereto and made a part hereof.

Dated: Sept. 23, 2015.



DANIEL J. JOHNSON, Member
Johnson & Johnson Investments, LLC, Administrative General Partner of
Fort Bragg Cypress, LP

EXHIBIT A

All that certain real property situate, lying and being in the City of Fort Bragg, County of Mendocino, State of California, more particularly described as follows:

That portion of the Southwest Quarter of Section 7, Township 18 North, Range 17 West, Mount Diablo Base and Meridian, described as follows:

BEGINNING at the Southeast corner of that parcel of land conveyed to the City of Fort Bragg, A Political Subdivision of the State of California, by Grant Deed recorded in Book 1565 Official Records, Page 682, Mendocino County Records;

thence South 88 degrees 38 minutes 37 seconds East (record bearing West) along the easterly prolongation of the South line of said parcel, 9.88 feet, more or less, to the East line of that parcel of land conveyed to Fort Bragg Cypress, LP by deed recorded as Instrument No. 2013-03960, Mendocino County Records;

thence North 1 degree 22 minutes 34 seconds East, along the East line of said parcel, 11.00 feet to the Northeast corner thereof;

thence North 88 degrees 38 minutes 37 seconds West, along the North line of said parcel, 9.88 feet to the Northeast corner of said parcel of land conveyed to the City of Fort Bragg;

thence South 1 degree 21 minutes 23 seconds West, along the East line of said parcel, 11.00 feet to the point of beginning,

This description is based a Record of Survey for Danco Group filed May 2, 2013 in Maps, Drawer 82, Page 75, Mendocino County Records.

Prepared by:


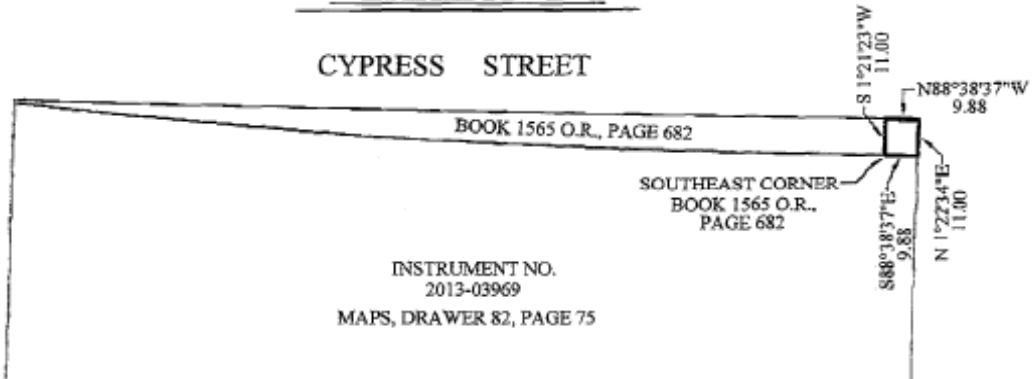

Michael J. O'Hern
LS 4829 Dated: JAN 19, 2015



EXHIBIT "B"

CYPRESS STREET



INSTRUMENT NO.
2013-03969
MAPS, DRAWER 82, PAGE 75

EXHIBIT MAP
FOR
CITY OF FORT BRAGG

IN
SW 1/4 SECTION 7 T18N, R17W, M.D.M.
WITHIN THE LIMITS OF THE CITY OF FORT BRAGG
JANUARY 2015 SCALE 1" = 40'

COUNTY OF MENDOCINO
STATE OF CALIFORNIA
KELLY-O'HERN ASSOCIATES
EUREKA, CALIFORNIA

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.

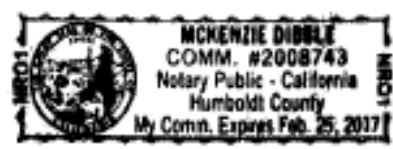
State of California
County of Humboldt
On Sept. 23, 2015 before me, Mckenzie Dibble
a Notary Public, personally appeared
Daniel J. Johnson

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 [Handwritten Signature]

My commission expires: 2.25.17



(This area for official notarial seal)