

**RESOLUTION NO. \_\_\_\_-2023**

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL  
APPROVING AN AGREEMENT FOR ACQUISITION OF REAL  
PROPERTY AND ACCEPTING THE PROPERTY INTERESTS  
CONTAINED THEREIN**

**WHEREAS**, the City of Fort Bragg has been in negotiations with the Mendocino Coast Recreation and Park District (“District”) over the City’s acquisition of six parcels of real property adjacent to Hwy 20 which the City could potentially use for water reservoir and public recreation purposes; and

**WHEREAS**, the District and City have agreed on a purchase price of \$2,420,579.00, which amount will come from the City’s Water Enterprise Fund; and

**WHEREAS**, the City Council desires to authorize City staff to complete this property acquisition through the execution of an Agreement for Acquisition (“Agreement”) and related documents.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

Section 1. The above recitals are true and correct and are hereby incorporated herein.

Section 2. The City Council finds that approval of the Agreement is not subject to CEQA because the approval does not constitute a “project” under 14 CCR 15061(b)(3) and 15378(a) because:

- (1) All potential uses of the Property are preliminary and not binding commitments; and
- (2) The City Council has not adopted a resolution or otherwise formally selected the site for any specific use; and
- (3) The City Council has not appropriated or otherwise authorized any expenditures toward developing or using the property for any purpose; and
- (4) Even though it may be reasonably foreseeable that the city may someday approve plans to use the property for a reservoir or recreational purposes, nothing in the Agreement commits the City to a definite course of action since there are no development plans in existence.
- (5) Any proposed future development of the Property would be subject to legally required CEQA review by the lead agency.

Additionally, the City Council finds that CEQA review is not required prior to acquiring the Property because the City hereby expressly conditions any future use of the Property on CEQA compliance as authorized by 14 CCR 15004(b)(2)(A).

Section 3. The City Council hereby approves the Agreement between the City of Fort Bragg and the District, dated March 27, 2023, together with any and all related

documents necessary to implement the Agreement in substantially the form set forth in Exhibit A, attached hereto and incorporated by this reference.

Section 4. Upon satisfaction of all the terms and conditions of the Agreement, the Fort Bragg City Council hereby accepts the Grant Deed for the Property and authorizes the City Manager to execute the Certificate of Acceptance for the Grant Deed.

Section 5. The City Clerk is directed to record or have recorded the Grant Deed, and all necessary and related documents, in the Mendocino County Recorder's office when fully executed and notarized.

**The above and foregoing Resolution was introduced by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_ and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 27th day of March, 2023, by the following vote:**

**AYES:  
NOES:  
ABSENT:  
ABSTAIN:  
RECUSED:**

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**BERNIE NORVELL**  
Mayor

**ATTEST:**

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**June Lemos, MMC**  
City Clerk