

RESOLUTION NO. ____-2015

RESOLUTION OF THE CITY OF FORT BRAGG APPROVING AN AGREEMENT FOR EXCHANGE OF REAL PROPERTY (INCLUDING ESCROW INSTRUCTIONS) WITH GEORGIA-PACIFIC, LLC AND THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT NO. 1 FOR THE EXCHANGE OF CERTAIN PARCELS IN THE VICINITY OF THE WASTEWATER TREATMENT PLANT AND NOYO CENTER

WHEREAS, Georgia-Pacific, LLC ("GP") is the owner of five parcels comprising approximately 8.17 acres, described in Exhibits A through E (the "GP Parcels") of that certain Agreement for Exchange of Real Property (Including Escrow Instructions) (the "Exchange Agreement"), which GP Parcels are located in the vicinity of the Noyo Center and the Wastewater Treatment Plant; and

WHEREAS, the City of Fort Bragg ("City") and the Fort Bragg Municipal Improvement District No. 1 ("MID") are the holders of certain easements comprising approximately 6.8 acres of property ("City/MID Easements"), located near the GP Parcels and described in Exhibits G through K of the Exchange Agreement; and

WHEREAS, the City and MID desire to extinguish and terminate the City/MID Easements, which will remove the easement encumbrances from the underlying fee property owned by GP, in exchange for the grant of the GP Parcels to the City; and

WHEREAS, the City/MID Easements have never been accepted as public right-of-way and are not required by City for access or public utility purposes; and

WHEREAS, pursuant to the Exchange Agreement, City also desires to grant to GP an access easement over that certain real property described in Exhibit M to the Exchange Agreement (the "Access Easement"); and

WHEREAS, the grant of the GP Parcels to the City, termination of the City/MID Easements and grant of the Access Easement will provide better access to City in the vicinity of the Wastewater Treatment Plant and the Noyo Center and allow GP to have full use of the property underlying the City/MID Easements; and

WHEREAS, the execution of the Exchange Agreement is exempt under the requirements of the California Environmental Quality Act ("CEQA"), as it can be seen with certainty that there is no possibility the agreement will have a significant effect on the environment (CEQA Guidelines section 15061(b)(3)).

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

1. Approve the Exchange Agreement, subject to and conditioned upon prior execution by the authorized representative(s) of GP; and
2. Authorize the termination of the City/MID Easements held by City; and
3. Authorize the City Manager to execute the Exchange Agreement, on behalf of the City, including any non-material or non-substantive revisions or modifications as may be approved by the City Attorney; and

4. Authorize the City Manager to take all necessary actions to implement the Exchange Agreement, following execution of the Exchange Agreement by the parties, including without limitation execution of certificates of acceptances accepting the GP Parcels, termination of the City/MID Easements held by City, and execution of the Access Easement Agreement.

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 9th day of November, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DAVE TURNER,
Mayor

ATTEST:

June Lemos
City Clerk