

**EFFECTIVE DATE
OF ORDINANCE**

Month DD, YYYY

ORDINANCE NO. 2837 N.C.S.

Introduced by: Mike Healy

Seconded by: Janice Cader Thompson

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PETALUMA APPROVING
PURCHASE AND SALE AGREEMENT OF RIGHT OF WAYS OF REAL PROPERTIES,
COMMONLY KNOWN AS 276 CORONA ROAD (APN 048-080-036), 1364 N. MCDOWELL BLVD.
(APN 137-011-016), AND 1368 N. MCDOWELL BLVD. (APN 137-011-015); AND, 745 N.MCDOWELL
BLVD. (APN 048-080-037) AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE
AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY TO COMPLETE THE PURCHASE
AND SALE, AND FINDING THIS ACTION IS EXEMPT FROM CEQA PURSUANT TO CEQA
GUIDELINES SECTION 15301 (EXISTING FACILITIES)**

WHEREAS, the first reading of this ordinance came before Council on January 23, 2023, and Council unanimously approved it, and

WHEREAS, Section 46 of the Charter of the City of Petaluma requires that actions for the acquisition, sale, or lease of real property be taken by Ordinance except for such actions involving sums less than \$3,000 or actions pursuant to general state law; and

WHEREAS, pursuant to Resolution 2022-161 N.C.S., the City of Petaluma (City) entered into an agreement with Team Ghilotti, Inc. for the McDowell Boulevard Complete Streets Project, which included funding for the acquisition of certain properties commonly known as 276 Corona Road, County of Sonoma Assessor's Parcel No. 048-080-036; 1364 N. McDowell Blvd., County of Sonoma Assessor's Parcel No. 137-011-016; 1368 N. McDowell, County of Sonoma Assessor's Parcel No. 137-011-015; 745 N. McDowell, County of Sonoma Assessor's Parcel No. 048-080-037 (the Properties); and

WHEREAS, the City has negotiated a purchase and sale agreement between the City and Larry R. Johnson, Trustee under the Larry R. Johnson Trust, owners of the property, in the amount of \$5,000, a copy of which is attached as Exhibit A and incorporated herein by reference; and

WHEREAS, the City has negotiated a purchase and sale agreement between the City and Marilyn D. Diamond, Trustee under the Marilyn D. Diamond Trust, owner of the property, in the amount of \$38,000, a copy of which is attached as Exhibit B and incorporated herein by reference; and

WHEREAS, the City has negotiated a purchase and sale agreement between the City and D Petaluma, LLC, owners of the property, in the amount of \$45,000, a copy of which is attached as Exhibit C and incorporated herein by reference; and

WHEREAS, the City has negotiated a purchase and sale agreement between the City and Round Walk Village Partners 2 LP, owners of the property, in the amount of \$8,000, a copy of which is attached as Exhibit D and incorporated herein by reference; and

WHEREAS, this action is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(C) (Existing Facilities) as the project will repair and make minor alterations to existing highways and streets, sidewalks, gutters, and similar facilities for public safety.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Petaluma, as follows:

Section 1. The above recitals are hereby declared to be true and correct and hereby incorporated into this ordinance as findings of the City Council.

Section 2a. The City Council approves the purchase and sale agreement (Agreement) between the City of Petaluma and Larry R. Johnson, Trustee under the Larry R. Johnson Trust, in the amount of \$5,000, a copy of which is attached as Exhibit A and incorporated herein as reference.

Section 2b. The City Council approves the purchase and sale agreement (Agreement) between the City of Petaluma and Marilyn D. Diamond, Trustee under the Marilyn D. Diamond Trust, in the amount of \$38,000, a copy of which is attached as Exhibit B and incorporated herein as reference.

Section 2c. The City Council approves the purchase and sale agreement (Agreement) between the City of Petaluma and D Petaluma, LLC, in the amount of \$45,000, a copy of which is attached as Exhibit C and incorporated herein as reference.

Section 2d. The City Council approves the purchase and sale agreement (Agreement) between the City of Petaluma and Round Walk Village Partners 2 LP, in the amount of \$8,000, a copy of which is attached as Exhibit D and incorporated herein as reference.

Section 3. The City Manager is authorized and directed to execute the Agreement and all other documents reasonably necessary to complete the purchase and sale, according to the terms of the Agreement.

Section 4. If any section, subsection, sentence, clause, phrase, or word of this Ordinance is for any reason held to be unconstitutional, unlawful, or otherwise invalid by a court of competent jurisdiction or preempted by State legislation, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Petaluma hereby declares that it would have passed and adopted this Ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional, unlawful other otherwise invalid.

Section 5. This Ordinance shall become effective thirty (30) days after the date of its adoption by the Petaluma City Council.

Section 6. The City Clerk is hereby directed to publish or post this Ordinance or a synopsis for the period and in the manner provided by the City Charter and any other applicable law.

INTRODUCED and ordered published and posted this 6th day of February 2023.

ADOPTED this 6th day of February 2023, by the following vote:

Ayes:

Noes

Abstain:

Absent:

Kevin McDonnell, Mayor

ATTEST:

APPROVED AS TO FORM:

Kendall Sawyer, CMC, City Clerk

Eric Danly, City Attorney