

**EFFECTIVE DATE
OF ORDINANCE**

Month DD, YYYY

ORDINANCE NO. 2847 N.C.S.

Introduced by: Brian Barnacle

Seconded by: Dennis Pocekay

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PETALUMA APPROVING
PURCHASE AND SALE AGREEMENTS OF RIGHT OF WAYS OF REAL PROPERTIES,
COMMONLY KNOWN AS 1390 N. MCDOWELL BLVD. (APN 137-011-063/064), 1301 REDWOOD
WAY (APN 137-011-013), AND 1372 N. MCDOWELL BLVD. (APN 137-011-014); AND, 1360 N.
MCDOWELL BLVD. (APN 137-011-017) AND 1372 N. MCDOWELL BLVD. (APN 137-011-014), AND
AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENTS 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, 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 1390 N. McDowell Blvd. (APN 137-011-063/064), 1301 Redwood Way (APN 137-011-013), 1372 N. McDowell Blvd. (APN 137-011-014), and 1360 N. McDowell (APN 137-011-017), and 1372 N. McDowell (APN 137-011-014) (the Properties); and

WHEREAS, the City has negotiated a purchase and sale agreement between the City and BB & T, LLC, owner of the property, in the amount of \$6,300 and \$4,350, 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 TPMD, LLC, owner of the property, in the amount of \$5,900, 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 Circle V Daytona LLC, owner of the property, in the amount of \$8,225 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 Cornerstone Properties SA LLC, owner of the property, in the amount of \$45,150 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 BB & T, LLC, owner of the property, in the amount of \$6,300 and \$4,350, 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 TPMD, LLC, owner of the property, in the amount of \$5,900, 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 Circle V Daytona LLC, owner of the property, in the amount of \$5,225, 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 between the City of Petaluma and owner of the property of any additional right of ways necessary for the North McDowell Complete Streets Project

Section 2e. The City Council approves the draft purchase and sale agreement (Agreement) between the City of Petaluma and Cornerstone Properties SA LLC, owner of the property, in the amount of \$45,150, a draft copy of which is attached as Exhibit D and incorporated herein as reference, subject to final changes made by the City Manager the City Attorney.

Section 3. The City Manager is authorized and directed to execute the Agreements 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 3rd day of April 2023.

ADOPTED this DD day of Month YYYY 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