

RESOLUTION NO. 28812

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SANTA ROSA AND THE SANTA ROSA CITY SCHOOL DISTRICT TO ACHIEVE LOW AND/OR MODERATE INCOME HOUSING ON FIR RIDGE DRIVE, LOT "F" (APN 173-620-030), AND AUTHORIZING A THREE YEAR EXTENSION TO ALL THE MILESTONES SET FORTH IN THE TWELFTH AMENDMENT TO THE HOLDING AGREEMENT

WHEREAS, the City of Santa Rosa (City) and Braewood Development Corporation (Braewood) entered into a Holding Agreement (Agreement), recorded as Document No. 88-063213, Official Records of Sonoma County, under which the Santa Rosa City School District (School District) could acquire a parcel of real property on Fir Ridge Drive, Lot "F" of the Fir Ridge North at Fountaingrove Subdivision, on which to construct a school, subject to certain conditions and during a specific time period, as set forth in the Agreement; and

WHEREAS, the City and Braewood entered into a First and a Second Amendment to the Agreement, recorded as documents numbered 1992-0117291 and 1993-0105642, Official Records of Sonoma County; and

WHEREAS, the School District subsequently acquired all of Braewood's remaining rights and interests in Lot "F" and is the assignee and successor-in-interest of Braewood under the Agreement, as amended; and

WHEREAS, the City and School District thereafter entered into a Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh and Twelfth Amendment to the Agreement, as amended, recorded as documents numbered 1999-136815, 2003-085486, 2005-098418, 2006-101578, 2007-081165, 2008-059249, 2009-061422, 2011-061754, 2013-068304 and 2015-059614 of the Official Records of Sonoma County; and

WHEREAS, as permitted by the Agreement, as amended, the School District has elected to develop certain specified housing on Lot "F" and not a school; and

WHEREAS, the Twelfth Amendment to the Agreement set certain deadlines for School District action in the development of housing on Lot "F;" and

WHEREAS, the City and School District wish to extend those deadlines and to work collaboratively to facilitate the construction of affordable housing for School District employees of low and/or moderate income on Lot "F," and to memorialize those commitments in a Memorandum of Understanding.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa approves entry into a Memorandum of Understanding between the City and School District providing for collaboration between the two entities and extending all of the milestones set forth in the Twelfth Amendment to the Holding Agreement for an additional three years, thereby extending the deadline from June 30, 2016 to June 30, 2019, for the School District to enter into

a fully executed contract with a developer and extending the deadline from June 30, 2017 to June 30, 2020, for the School District to begin construction of affordable housing for School District employees of low and/or moderate income on the Fir Ridge Drive School District Site, Lot “F,” with provision for additional extensions as provided herein. All other terms and conditions of the Holding Agreement as amended shall remain in full force and effect.

BE IT FURTHER RESOLVED that the Council authorizes the Mayor to execute such Memorandum of Understanding between the City and the School District, in substantially the same form as attached hereto as Exhibit A and subject to approval by the City Attorney.

BE IT FURTHER RESOLVED that the Council delegates the City Manager authority and discretion to further extend the milestones set forth in the Memorandum of Understanding if, at the time of the further extension, the project is progressing substantially. Should the City Manager determine to further extend these milestones, the City Manager is authorized to execute and record an agreement that effectuates that extension, in accordance with the terms of the Memorandum of Understanding and subject to approval by the City Attorney.

BE IT FURTHER RESOLVED that in the event that the School District fails to meet the agreed-upon milestones set forth in the Memorandum of Understanding, and if the City Manager determines the District is not substantially progressing on the development of affordable housing on Lot “F,” the failure to meet the foregoing milestones shall constitute a failure of a condition subsequent and shall make the title of Lot “F” recoverable by the City through the exercise of the power of termination in the Holding Agreement.

IN COUNCIL DULY PASSED this 28th day of June, 2016.

AYES: (5) Mayor Sawyer, Vice Mayor Schwedhelm, Council Members Combs, Coursey, Olivares

NOES: (0)

ABSENT: (2) Council Members Carlstrom, Wysocky

ABSTAIN: (0)

ATTEST: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
Interim City Clerk Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Interim City Attorney

Exhibit A – Memorandum of Understanding