

RESOLUTION NO. RES-2023-131

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DECLARING THE FUTURE SOUTHEAST GREENWAY PROPERTY FOR A PUBLIC PURPOSE IN PERPETUITY, APPROVING A DEED RESTRICTION FOR SAME, DECLARING THAT THE FUTURE DEVELOPMENT OF ONE OR MORE DWELLING UNITS LOCATED WITHIN THE DEVELOPABLE PARCELS (AS DESCRIBED BELOW) SHALL NOT BE REQUIRED TO COMPLY WITH SANTA ROSA CITY CODE SECTIONS 19-70.020 THROUGH 19-70.050 PERTAINING TO PARK LAND DEDICATION, AUTHORIZING THE REAL PROPERTY MANAGER TO NEGOTIATE THE PRICE AND TERMS OF A PURCHASE AGREEMENT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THE PURCHASE OF THE SOUTHEAST GREENWAY PROPERTY

WHEREAS, the California Department of Transportation (“Caltrans”) is the owner of certain real property that was originally acquired to construct State Route 12 (“Caltrans Project”) between Farmers Lane and Spring Lake Regional Park (the “Property”); and

WHEREAS, the Property consists of approximately 58 acres of land; and

WHEREAS, on August 20, 2014, the California Transportation Commission (CTC) rescinded the State Route 12 freeway adoption that had been planned, allowing the Property to be transferred or sold as excess land; and

WHEREAS, on June 17, 2014, the City Council of the City of Santa Rosa (“Council”) adopted a Mutual Letter of Intent and City of Santa Rosa joined the Southeast Greenway Community Partnership, a partnership of Sonoma Water, Sonoma County Regional Parks, Southeast Greenway Campaign, Sonoma Land Trust and LandPaths (together with City, collectively, the “Partnership”), to work together to facilitate the future transfer of the Property for use as a linear park, commercial and housing development, and other compatible uses, commonly referred to as the “Southeast Greenway Project”; and

WHEREAS, on July 7, 2015, Council adopted Resolution No. 28666 approving a Memorandum of Understanding (as amended, “2015 MOU”) among the Partnership and Caltrans to help facilitate the Southeast Greenway Project; and

WHEREAS, on July 9, 2019, the City certified an Environmental Impact Report for the Southeast Greenway Project which adopted General Plan text and Land Use Diagram amendments and zoning for the Southeast Greenway, thus paving the way for future evaluation and transfer of the Property by Caltrans to the City; and

WHEREAS, the City now desires to purchase approximately 49 acres of the Property (“Southeast Greenway Property”) which is referred to as Tracts 3A&B, 4A&C, 5A, B&C, 6A&B and 7A, B&C of the Right of Way Appraisal Map A-11063.0 through A-11063.6 dated March 28, 2023, which is attached hereto as Exhibit A (“Appraisal Mapping”); and

WHEREAS, upon transfer, the City declares that the Southeast Greenway Property will

be used for a public purpose, of which uses may include, but are not limited to pedestrian and bike paths, community gardens, parks, sport courts, sport fields, major playgrounds, native plant restorations, opportunities for community gatherings, water supply facilities, utility infrastructure, opportunities for educational programs, creation of walkable neighborhoods, dog parks, disc golf, and community/cultural areas; and

WHEREAS, Caltrans has requested, and the City has agreed that the City will consent to a deed restriction on the Southeast Greenway Property upon transfer, which would restrict the use of the Southeast Greenway Property to a public purpose in perpetuity; and

WHEREAS, Caltrans will retain the remaining approximately 9 acres of the Property as identified in the Appraisal Mapping as Tracts 1, 2, and 4B for development (the “Developable Parcels”); and

WHEREAS, Santa Rosa City Code Section 19-70.020 requires as a condition of approval of a tentative map or parcel map, rezoning, issuance of a building permit, or other discretionary action granting approval for the development of one or more dwelling units, the subdivider shall dedicate land as set forth in Government Code Section 66477(a), for neighborhood or community parks or recreational purposes at the time and according to the standards and formulas contained in this chapter (“Park Dedication Requirements”); and

WHEREAS, the City recognizes that the Southeast Greenway Project will provide adequate park land to future residents of the Developable Parcels; and

WHEREAS, development of one or more dwelling units located within the Developable Parcels shall not be required to comply with Santa Rosa City Code Sections 19-70.020 through 19-70.050 pertaining to park land dedication only; and

WHEREAS, development of one or more dwelling units located within the Developable Parcels shall be required to comply with Santa Rosa City Code sections, 19-70.050, 19-70.090, and 19-70.100 pertaining to park impact fees and all other applicable sections of the City Code.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa declares the Southeast Greenway Property will be used for a public purpose in perpetuity as described herein.

BE IT FURTHER RESOLVED that the Council consents to the imposition of a deed restriction against the Southeast Greenway Property requiring that it be used solely for a public purpose as described herein in perpetuity to be recorded upon transfer of the Southeast Greenway Property from the California Department of Transportation to the City of Santa Rosa.

BE IT FURTHER RESOLVED that the Council has determined that the Southwest Greenway Project will provide adequate park space for residential development that may occur on the Developable Parcels, and therefore one or more dwelling units that are constructed on the Developable Parcels in the future shall not be required to comply with the requirements of Santa Rosa City Code Sections 19-70.020 through 19-70.050 pertaining to park land dedication.

BE IF FURTHER RESOLVED that the Council authorizes the Real Property Manager to negotiate the price and the terms of the agreement.

BE IT FURTHER RESOLVED that the Council authorizes the City Manager to execute an agreement, subject to approval as to form by the City Attorney, with the California Department of Transportation for the purchase and sale of the Southeast Greenway Property.

IN COUNCIL DULY PASSED this 25th day of July, 2023.

AYES: (5) Vice Mayor MacDonald, Council Members Alvarez, Okrepkie, C. Rogers, Stapp

NOES: (0)

ABSENT: (2) Mayor N. Rogers, Council Member Fleming

ABSTAIN:

ATTEST: _____ APPROVED: _____
City Clerk Vice Mayor

APPROVED AS TO FORM: _____
City Attorney

Exhibit A - Appraisal Mapping