

RESOLUTION NO. _____

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ACCEPTING THE OPENING OF THE SONOMA COUNTY MUSEUM EXPANSION AT THE “EAST PROPERTY” AS SATISFACTION OF THE MUSEUM’S REMAING OBLIGATIONS UNDER THE TERMS OF THE DONATION AGREEMENT AND AUTHORIZING THE FULL RELEASE OF THE COVENANT RUNNING WITH THE LAND, RECORDED ON APRIL 5, 2000, UPON THE OFFICIAL OPENING OF THE MUSEUM EXPANSION AT THE “EAST PROPERTY”

WHEREAS, the City of Santa Rosa (“City”) and Sonoma County Museum (“Museum”) entered into a Donation Agreement dated March 28, 2000, in which the City agreed to donate up to \$600,000 to the museum and set forth in the terms and conditions of the Donation Agreement; and

WHEREAS, on March 28, 2000 the City made a donation to the Sonoma County Museum in the amount of \$550,000 to assist with the acquisition of land for expansion of the museum as referenced as part of Resolution 24339, and

WHEREAS, on April 5, 2000, the City recorded a Covenant Running with the Land (“Covenant”), as part of said transaction which required the museum to complete the expansion of the museum within ten (10) years of recordation of the Covenant or repay the sum of \$550,000 to the City; and

WHEREAS, on March 27, 2001, an Amendment to the Donation Agreement was executed to loan an additional \$50,000 to the museum to acquire an additional property to the east of the museum and extended the time for the expansion on this property until fifteen (15) years of recordation of the Covenant; and

WHEREAS, on December 7, 2010, an Amendment #2 to Donation Agreement extended the time to complete expansion on the West Lot property until December 31, 2011 and upon completion of the expansion to release the Covenant Running with the Land in reference to the West Lot property; and

WHEREAS, on February 3, 2012, a Release of Covenant Running with the Land was recorded in the Official Records of Sonoma County as Instrument No. 201201349, in accordance to the Museum’s satisfying its obligations as to the West Lot property; and

WHEREAS, the Museum’s plans to open a new space in the proposed Museum on the Square were withdrawn in May 2013 and the Museum is focusing on the expansion of the East Property for use as an art museum and educational programming space; and

WHEREAS, the Museum, has requested that the City accept completion and opening of said museum space as satisfaction of its obligations under the Donation Agreement and requests that the City fully release the Covenant upon the official opening of the building located at the East Property.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa accepts the opening of said site as satisfaction of the Museum's remaining obligations under the Donation Agreement and amendments thereto.

BE IT FURTHER RESOLVED, that the City Council authorizes the Mayor to execute the full Release of the Covenant Running with the Land upon the official opening of the Museum expansion at the East Property and record the Release of the Covenant Running with the Land, as approved to form by the City Attorney.

IN COUNCIL DULY PASSED this ____ day of _____, 2013.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM:

City Attorney