

RESOLUTION NO. RES-2022-091

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA RATIFYING THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF SANTA ROSA AND SANTA ROSA CITY SCHOOLS, DATED OCTOBER 23, 2019, AUTHORIZING ALTERNATIVES TO CONSTRUCTION OF AFFORDABLE HOUSING OR SCHOOL FACILITIES ON FIR RIDGE DRIVE, LOT “F” (APN 173-620-030); AUTHORIZING THE RECORDATION OF THE MOU; AUTHORIZING THE EXECUTION AND RECORDATION OF A QUITCLAIM DEED SUBJECT TO THE TERMS OF THE MOU; AND AUTHORIZING THE CITY MANAGER TO TAKE SUCH OTHER ACTIONS AS NEEDED TO RECORD AND ENFORCE THE TERMS OF THE MOU

WHEREAS, the City of Santa Rosa (City) and Braewood Development Corporation (Braewood) entered into a Holding Agreement (Holding Agreement), recorded as Document No. 88-063213, Official Records of Sonoma County, under which the Santa Rosa City Schools (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 Holding Agreement; and

WHEREAS, the City and Braewood entered into a First and a Second Amendment to the Holding 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 Holding Agreement, as amended; and

WHEREAS, on April 26, 1988 Council approved Resolution 18841 approving and authorizing the execution of the Holding Agreement; and

WHEREAS, the City and School District thereafter entered into a Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth Amendment to the Holding Agreement, as amended, and 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, on June 28, 2016, the Council approved the extension of the deadlines set forth in the Twelfth Amendment for an additional three years and directed the City and School District to work collaboratively to facilitate the construction of affordable housing for School District employees of low and/or moderate income on Lot “F;” these commitments were memorialized in a Memorandum of Understanding, recorded as document number 2017-034162 of the Official Records of Sonoma County (“Memorandum of Understanding”); and

WHEREAS, the Memorandum of Understanding delegated 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; and

WHEREAS, at the direction of Council during a study session on October 1, 2019, City and School District developed amended terms of the Memorandum of Understanding to allow for the School District to 1) notify the City of its intent to develop Lot “F” with housing for District employees consistent with the Memorandum of Understanding, or 2) sell Lot “F” and deposit all proceeds received from the sale, less any customary fees or costs required to close the transaction, into a separate account to be used for a) financing the construction or acquisition of housing for District employees, or b) creating a down payment assistance program for District employees; and

WHEREAS, on October 14, 2019, by Resolution No. RES-2019-155, the Council approved an amendment to the Memorandum of Understanding between the City and School District providing for collaboration between the two entities and extending the time of performance under the Memorandum of Understanding for an additional three years; and

WHEREAS, Resolution No. RES-2019-155, contained a clerical mistake which indicated the time for performance was extended to June 30, 2022 rather than the intended three year extension of time from the execution of the Memorandum of Understanding (to October 23, 2022); and

WHEREAS, the City and School District wish to ratify the Memorandum of Understanding dated October 23, 2019, to confirm the date for time of performance as October 23, 2022; and

WHEREAS, on November 29, 2021, the School District issued a notice of intent to sell the site; if the School District sells the School Site to a third party as outlined in Section 1(b) of the Memorandum of Understanding, the City is required to execute a Quitclaim deed; and

WHEREAS, staff recommends that Council provide authority for the City to execute a Quitclaim deed if the School District elects to sell the property under the terms of the Memorandum of Understanding; and

WHEREAS, staff recommends that Council delegate authority to the City Manager to take any other action as needed to enforce the terms of the Memorandum of Understanding as necessary.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa ratifies the Memorandum of Understanding between the City of Santa Rosa and Santa Rosa City Schools, dated October 23, 2019, authorizing alternatives to construction of affordable housing or school facilities on Fir Ridge Drive, Lot “F” (APN 173-620-030) and extending performance date to October 23, 2022.

BE IT FURTHER RESOLVED that Council authorizes the recordation of the Memorandum of Understanding.

BE IT FURTHER RESOLVED that Council authorizes the execution and recordation of a Quitclaim Deed subject to the terms of the Memorandum of Understanding.

BE IT FURTHER RESOLVED that the Council authorizes the City Manager to take such other actions as needed to record and enforce the terms of the Memorandum of Understanding.

IN COUNCIL DULY PASSED this 10th day of May, 2022.

AYES: (7) Mayor C. Rogers, Vice Mayor Alvarez, Council Members Fleming, MacDonald, N. Rogers, Sawyer, Schwedhelm

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney