

Resolution No. 2006-119 N.C.S.
of the City of Petaluma, California

AUTHORIZING THE CITY MANAGER TO EXECUTE, UPON THE PRIOR APPROVAL AND EXECUTION BY THE COUNTY OF SONOMA, A MEMORANDUM OF UNDERSTANDING WITH THE COUNTY OF SONOMA REGARDING JURISDICTION OVER COMPLIANCE WITH THE PETALUMA QUARRY REVISED RECLAMATION PLAN, AND THEREAFTER TO EXECUTE AN AGREEMENT WITH SOUTH PETALUMA PARTNERS LLC REGARDING A TWO-PART ANNEXATION OF VARIOUS UNINCORPORATED PROPERTIES ALONG AND IN THE VICINITY OF PETALUMA BLVD. SOUTH (APN'S 019-210-010, 019-210-011, 019-220-012 AND 019-220-027, 019-210-038 AND 019-210-039, ALSO KNOWN AS THE "LOMAS PROPERTIES" AND APN'S 019-210-005, 006, 007, 008, 009, 013, 014, 021, 022, 025, 029, 032, 033, 034, 035, AND 036, ALSO KNOWN AS THE "CONTIGUOUS PROPERTIES")

WHEREAS, the City Council, in June 2005 approved a General Plan Amendment Rezoning and Vesting Tentative Map for the Lomas residential development project on the former site of the Dutra Quarry; and,

WHEREAS, the former Dutra Quarry site is subject to a reclamation plan pursuant to the State Mining and Reclamation Act (SMARA) and that the reclamation of the site is under the jurisdiction of the County of Sonoma; and,

WHEREAS, pursuant to Condition #64 of the Vesting Tentative Map, the annexation of the affected Lomas properties cannot occur until the reclamation process is complete, unless the City Manager, at his discretion, determines that the annexation may occur before those requirements are satisfied; and,

WHEREAS, a Memorandum of Understanding (MOU) between the City of Petaluma and the County of Sonoma has been drafted to allow the annexation of the affected Lomas properties to occur at the discretion of the City Manager prior to the completion of the reclamation process while leaving jurisdiction for compliance with SMARA and the reclamation plan with the County of Sonoma; and,

WHEREAS, annexation of the affected Lomas properties would create an unincorporated island of properties; and,

WHEREAS, an Agreement has been drafted between the City of Petaluma and South Petaluma Partners LLC to allow annexation of the affected Lomas properties (APN's 019-210-011, 019-220-012 AND 019-220-027) to proceed upon execution of said Agreement as stage one of a two stage annexation process, and that the second stage, following approval by the Sonoma County Local Agency Formation Commission and completion of all required steps for the annexation of the affected Lomas properties, would include the other unincorporated parcels in the vicinity of the affected Lomas properties and known as the "contiguous properties" (APN'S 019-210-005, 006, 007, 008, 009, 013, 014, 021, 022, 025, 029, 032, 033, 034, 035, AND 036); and,

WHEREAS, based on evidence in the record, the City Council has determined that it is in the best interests of the public health, safety and welfare to enter into said MOU with the County of Sonoma and to enter into said Agreement with South Petaluma Partners LLC for a two stage annexation.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Petaluma hereby authorizes the City Manager to execute, upon the prior approval and execution by the County of Sonoma, a Memorandum of Understanding with the County of Sonoma Regarding Jurisdiction Over Compliance with the Petaluma Quarry Revised Reclamation Plan, and, thereafter, to Execute an Agreement with South Petaluma Partners LLC Regarding a Two-Part Annexation of Various Unincorporated Properties Along and in the Vicinity of Petaluma Blvd. South (APN's 019-210-010, 019-210-011, 019-220-012 and 019-220-027, 019-210-038 and 019-210-039, also known as the "Lomas Properties" and APN's 019-210-005, 006, 007, 008, 009, 013, 014, 021, 022, 025, 029, 032, 033, 034, 035, and 036, also known as the "Contiguous Properties").

Under the power and authority conferred upon this Council by the Charter of said City.

REFERENCE:

I hereby certify the foregoing Resolution was introduced and adopted by the Council of the City of Petaluma at a Regular meeting on the 19th day of June, 2006, by the following vote:

Approved as to
form:



City Attorney

AYES:

Vice Mayor Canevaro, Harris, Healy, Nau

NOES:

Torliatt


ABSENT:

Mayor Glass

ABSTAIN:

O'Brien

ATTEST:



City Clerk



Vice Mayor