

PREPARED BY: _____
DOCUMENT REVIEWED BY:
■ Finance Manager _____
■ City Attorney _____
■ City Clerk _____

**RESOLUTION NO. \_\_\_\_-2011**

**RESOLUTION OF THE CITY OF FORT BRAGG APPROVING A PURCHASE AGREEMENT AND JOINT ESCROW INSTRUCTIONS FOR THE PURCHASE OF LAND ON THE FORMER GEORGIA-PACIFIC MILL SITE FOR FUTURE USE FOR MARINE SCIENCE AND EDUCATION AND/OR PASSIVE RECREATION AND OPEN SPACE USES**

**WHEREAS**, in September 2002, Georgia Pacific, LLC ("Georgia Pacific") ceased operations of a timber mill on an approximately 420-acre parcel west of Highway 1 in the City of Fort Bragg ("City"); and

**WHEREAS**, Georgia Pacific and the City desire to enter into a Purchase Agreement and Joint Escrow Instructions ("Agreement"), pursuant to which the City will purchase approximately 11.64 acres of property on the former Mill Site which will ultimately be used for marine science and education, public access, passive recreation, open space, and/or natural resource and scenic protection.

**WHEREAS**, the parcel to be acquired, referenced hereinafter as the "Purchased Lands" consists of an approximately 11.64-acre parcel located in the central portion of the Mill Site, immediately south of the City's Wastewater Treatment Facility, as depicted in Exhibit A-1 to the Agreement; and,

**WHEREAS**, pursuant to the Agreement, Georgia Pacific has also agreed to dedicate a temporary easement to provide vehicular and pedestrian access to the Purchased Lands from Cypress Street as depicted in Exhibit C to the Agreement and described in Exhibit 1 to the Temporary Access Easement Agreement.

**WHEREAS**, the remainder of the approximately 322-acre Georgia Pacific Mill Site property which Georgia Pacific is not selling to City pursuant to the Agreement will be retained by Georgia Pacific; and,

**WHEREAS**, pursuant to the Agreement the Purchased Lands will not be conveyed to the City until DTSC has issued a no further action letter; and,

**WHEREAS**, in August 2010, pursuant to the requirements of the California Environmental Quality Act ("CEQA"), the City prepared an Initial Study of the environmental effects the Noyo Center Acquisition and the Noyo Center Project, issuing a Mitigated Negative Declaration that indicates that the proposed project could be implemented without significant environmental impacts, subject to certain mitigation measures and a mitigation monitoring program being implemented as part of the project; and,

**WHEREAS**, the Mitigated Negative Declaration was circulated for public comment from August 2, 2010 through October 6, 2010 and whereas the public had an opportunity to review and comment both orally and in writing on Initial Study and draft Mitigated Negative Declaration; and,

**WHEREAS**, on October 6, 2010, in the process of reviewing and adopting the Mitigated Negative Declaration, the Fort Bragg Planning Commission found the Noyo Center Acquisition and the Noyo Center project to be consistent with the Fort Bragg Coastal General Plan; and

**WHEREAS**, on February 28, 2011, the Fort Bragg City Council and the Fort Bragg Redevelopment Agency adopted the Mitigated Negative Declaration for the Noyo Center Project.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg does hereby make the following findings related to the Mitigated Negative Declaration as they relate to approval of the Purchase Agreement and Joint Escrow Instructions:

- a. The approval of the Purchase Agreement and Joint Escrow Instructions will allow for the acquisition of the Purchased Lands, the environmental effects of which have been analyzed in the Mitigated Negative Declaration; and,
- b. The approval of the Purchase Agreement and Joint Escrow Instructions does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory; and,
- c. The approval of the Purchase Agreement and Joint Escrow Instructions does not have impacts that are individually limited but cumulatively considerable; and,
- d. The approval of the Purchase Agreement and Joint Escrow Instructions does not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the City Council of the City of Fort Bragg does hereby:

- 1. Approve the Purchase Agreement and Joint Escrow Instructions, a copy of which is attached hereto as Exhibit A, subject to and conditioned upon prior execution by the authorized representative(s) of Georgia Pacific.
- 2. Authorize the City Manager to sign the Purchase Agreement and Joint Escrow Instructions on behalf of the City, including any non-material or non-substantive revisions or modifications as may be approved by the City Attorney.
- 3. Authorize the City Manager to take all necessary actions to implement the Purchase Agreement and Joint Escrow Instructions following execution of said Agreement by the parties.

The above and foregoing Resolution was introduced by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 28<sup>th</sup> day of February, 2011, by the following vote:

**AYES:**  
**NOES:**  
**ABSENT:**

**ABSTAIN:**

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**DAVE TURNER,**  
**Mayor**

**ATTEST:**

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**Cynthia M. VanWormer, CMC**  
**City Clerk**