

## RESOLUTION NO. 19-158

### RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING DEPARTMENT OF TRANSPORTATION AGREEMENT NUMBER 190007, IMPROVEMENT AGREEMENT FOR BRUSH MEADOWS APARTMENTS, WITH 510 BRUSH ST., L.P., A CALIFORNIA LIMITED PARTNERSHIP, AND AUTHORIZING AND DIRECTING THE CLERK OF THE BOARD TO EXECUTE CONSENTS TO RECORDATION FOR IRREVOCABLE OFFERS TO DEDICATE REAL PROPERTY FOR PUBLIC PURPOSES (UKIAH AREA)

WHEREAS, Mendocino County Ordinance Number 4335, rezoned Assessor's Parcel Numbers (APNs) 002-050-16 and 002-050-17, within a Mixed Use Site, from I-1:FP to R-3:CR:FP, with said zoning changes subject to the conditions and restrictions set forth in the Contract for Compliance with Rezoning Conditions (Mendocino County Clerk-Recorder Document Number 2015-06141); and

WHEREAS, Boundary Line Adjustment Number (No.) B\_2017-0050 merged APNs 002-050-16 and 002-050-17 to create one parcel, APN 002-050-21; and

WHEREAS, said Contract for Compliance with Rezoning Conditions provides that prior to the completion of any project within the Mixed Use Site, the property owner shall construct all on-site circulation, infrastructure and open space improvements illustrated within the Mixed Use Site shown on the Brush Street Triangle Master Plan; and

WHEREAS, alternatively, said Contract for Compliance with Rezoning Conditions allows the property owner to construct interim roadway improvements necessary to serve the project and existing uses within the Mixed Use Site provided the property owner enters into an Improvement Agreement, consistent with Article VIII, Division of Land Regulations (Title 17 of the Mendocino County Code), to construct traffic circulation, infrastructure, and open space improvements when the County Engineer deems it necessary to serve future area-wide development within the Brush Street Triangle; and

WHEREAS, Section 17-74 of the Mendocino County Code requires that an improvement agreement be secured by a surety bond, cash deposit, certified or cashier's check, or instrument of credit in such sum as is sufficient to cover the estimated cost of all required improvements; and

WHEREAS, in conjunction with the aforementioned development, the Contract for Compliance with Rezoning Conditions requires dedication to accommodate development of the required area-wide circulation, infrastructure and open space improvements; and

WHEREAS, 510 Brush St., L.P., is currently developing apartment housing on that certain property situated in the County of Mendocino, State of California, and more particularly described by APN 002-050-21; and

WHEREAS, during development, 510 Brush St., L.P., will complete the majority of the required improvements; however, they propose to enter into an Improvement Agreement for a portion of the improvements not necessary at this time to serve the project; and

WHEREAS, Department of Transportation (DOT) Agreement No. 190007 provides for the remaining improvements to be completed by the County at a future date, and secures assurance for such improvements by a corresponding cash deposit; and

WHEREAS, the proposed Improvement Agreement also provides for 510 Brush St., L.P., to offer to dedicate certain lands to the County of Mendocino, as required by the Contract for Compliance with Rezoning Conditions, the form of which are attached to the Improvement Agreement as Attachments 3 and 4; and

WHEREAS, following the execution of the proposed Improvement Agreement, 510 Brush St., L.P., will provide to the County offers to dedicate certain property, which offers will require execution by the Clerk of the Board of Supervisors, evidencing that the Board consented to the recordation of the offers to dedicate.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors hereby:

1. Approves DOT Agreement No. 190007, Improvement Agreement for Brush Meadows Apartments with 510 Brush St., L.P.; and
2. Authorizes and directs the Chair of the Board of Supervisors to execute said DOT Agreement No. 190007 on behalf of Mendocino County; and
3. Consents to the recordation of the Irrevocable Offers to Dedicate Real Property for Public Purposes, to Wit, for Public Streets, in the forms attached to the Improvement Agreement as Attachments 3 and 4, and authorizes and directs the Clerk of the Board to execute Consents to Recordation for said Irrevocable Offers to Dedicate Real Property for Public Purposes, to Wit, for Public Streets.

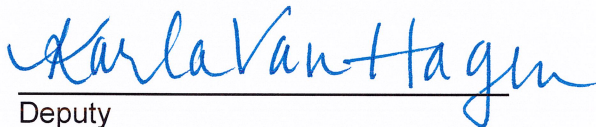
The foregoing Resolution introduced by Supervisor Gjerde, seconded by Supervisor Williams, and carried this 9th day of April, 2019, by the following vote:

AYES: Supervisors Brown, McCowen, Haschak, Gjerde and Williams  
NOES: None  
ABSENT: None

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO  
Clerk of the Board

  
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CARRE BROWN, Chair  
Mendocino County Board of Supervisors

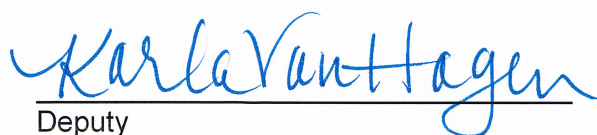
  
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Deputy

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

APPROVED AS TO FORM:  
KATHARINE L. ELLIOTT  
County Counsel

BY: CARMEL J. ANGELO  
Clerk of the Board

  
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Deputy