

RESOLUTION NO. 19-023

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND BUILDING SERVICES TO EXECUTE AN AGREEMENT FOR THE PURPOSE OF ADDRESSING THE BUILDING AND ZONING VIOLATIONS RELATED TO MINOR SUBDIVISION MS 23-2007

WHEREAS, the County of Mendocino ("County"), through the Planning Commission, conditionally approved Minor Subdivision MS 23-2007 to subdivide certain property on Orr Springs Road ("Property"); and

WHEREAS, one condition of approval, Special Condition #1, of MS 23-2007 requires that the building and zoning violations on the Property be adequately addressed prior to finalization of the subdivision; and

WHEREAS, the current owner of the Property, the Interim Receiver, acting as Trustee for the Pinoleville Pomo Trust ("Trust") is currently unable to completely resolve the violations prior to subdivision; and

WHEREAS, the Trust intends to sell the Property to the Pinoleville Pomo Nation ("Tribe") after finalizing the subdivision; and

WHEREAS, the Tribe is willing to perform the work to resolve the existing violations after sale of the Property; and

WHEREAS, the Trust and Tribe are willing to enter an agreement that reserves \$100,000.00 from the sale of the Property to be used for the resolution of the existing building and zoning violations on the Property; and

WHEREAS, the \$100,000.00 funding depends on the sale of the Property, which depends on finalizing the subdivision, which depends on adequately addressing the existing building and zoning violations on the Property; and

WHEREAS, the agreement, titled "Agreement to Satisfy Special Condition #1, MS 23-2007" ("Agreement") creates a process, with legal safeguards, court oversight and funding, that allows the County to find that the existing building and zoning violations on the Property are adequately addressed; and

WHEREAS, the current financing for the sale of the Property, which will provide the funding for the abatement work, may be lost if the Agreement is not executed in a timely manner, coordinated with closing of the sale of the Property; and

WHEREAS, it is desirable to provide authority to the Director of the Department of Planning and Building Services to make minor changes to the Agreement and sign the same to allow for expeditious and timely execution of the Agreement.

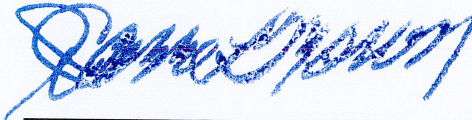
NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors hereby authorizes the Director of the Mendocino County Department of Planning and Building Services: to approve any necessary, minor changes to the draft agreement titled "Agreement to Satisfy Special Condition #1, MS 23-2007", and to sign and execute the same on behalf of the County.

The foregoing Resolution introduced by Supervisor McCowen, seconded by Supervisor Haschak, and carried this 22nd day of January, 2019, by the following vote:

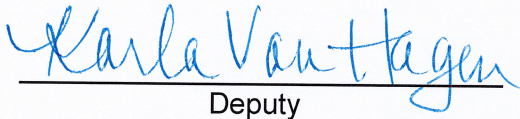
AYES: Supervisors McCowen, Haschak, Gjerde, and Williams
NOES: Supervisor Brown
ABSENT: None

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

ATTEST: CARMEL J. ANGELO
Clerk of the Board



CARRE BROWN, Chair
Mendocino County Board of Supervisors


Deputy

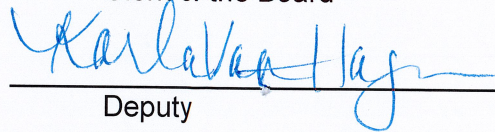
I hereby certify that according to the provisions of Government Code section 25103, delivery of this document has been made.

APPROVED AS TO FORM:
KATHARINE L. ELLIOTT, County Counsel



Deputy

BY: CARMEL J. ANGELO
Clerk of the Board


Deputy