

RESOLUTION 11-27
OF THE CITY COUNCIL OF
THE CITY OF WILLIAMS, CALIFORNIA

WHEREAS, the CITY OF WILLIAMS (hereinafter “City” or “the City”) entered into on or about May 23, 2011, a Vacant Land Purchase Agreement and Joint Escrow Instructions to purchase certain real property of RAM PROPERTIES, LLC (hereinafter “RAM”) located in the City of Williams for the total purchase price of \$600,000, consisting of approximately ten (10) acres of land, of which parcel of land the City desired only a small portion of to provide for the construction of certain water improvements on a portion of the real property. The Purchase Agreement required the City to purchase the whole of the property, or at least five (5) acres of the parcel, despite the fact that the City had no need for a substantial portion of the property; and

WHEREAS, subsequently the City attempted to negotiate with RAM to purchase only an approximate five (5) acres of the ten (10) acre parcel because of difficulties of obtaining all of the purchase money for the whole of the property; and

WHEREAS, PETER D. PETERSON and PATRICIA A. PETERSON (hereinafter “the Petersons”) desire to purchase the building and real property located thereon that would remain after the devotion of approximately 2.5 acres of the real property to City’s purposes; and

WHEREAS, it is proposed City had contemplated that it would pay approximately \$50,000 per acre for the five (5) acres that it was negotiating with RAM to purchase; and

WHEREAS, under the modified Agreement proposed by Petersons, it is proposed that the City only pay the sum of \$50,000 per acre for the actual number of acres out of the ten (10) +/- acre parcel acquired by City and that Petersons pay the remainder of the purchase price, up to a \$600,000 total, including the City's payment, and that the City provide for an assignment of its purchase contract for the full ten (10) acre parcel from RAM and that the purchase be accomplished simultaneously by simultaneous escrows in which the City deposits its money in one escrow and Petersons deposit their money in a second escrow, and the instructions provide that at such time as all conditions of the RAM contract are complied with, that the money and funds deposited by the Petersons and the City be combined and that separate deeds from RAM to Peterson and City be obtained; and

WHEREAS, the Subdivision Map Act exempts the conveyance of land from its provisions (Gov. Code, §§ 66426.5, 66428(a)(2)) and provides for the issuance of Certificates of Compliance in those situations in which a public agency such as the City of Williams is providing for the division of property and the acquisition of an interest by the City and the recordation of a Certificate of Compliance upon both of the descriptions of the real property from RAM to the City and from RAM to Petersons would confirm the legality of the division of the RAM parcel into the dimensions to be acquired by the City and the dimensions to be acquired by Peterson; and

WHEREAS, Petersons and the City agree in the Assignment to provide for proportioning of the obligation to bear escrow costs, title insurance costs and recording costs in proportion to the acreage received by each,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Williams that City does adopt by the vote set forth below, an order that the following steps and actions be taken:

1. The attached Agreement providing for the assignment of the City's right to purchase the whole of the ten (10) acre property to Petersons is hereby authorized and directed to be executed by City;

2. The execution of the attached Agreement between City and Peterson providing for the proportioning of the purchase price, with the City paying the sum of \$50,000 per acre multiplied by the acreage within the parcel to be received by the City, which is stipulated to be 2.5 acres, and Petersons paying the remainder of the purchase price estimated to be approximately \$475,000, is approved to be executed by City.

3. The Agreement further provides that the City will issue Certificates of Compliance with the Subdivision Map Act in regard to each of the parcels received by the City and the parcel to be received by Peterson and provide for execution of those Certificates of Compliance in a fashion in which they can be recorded, together with City's Certificate Acceptance of City's deed and recorded with the deed from RAM to Petersons.

4. The provisions of such Agreement between City and Petersons in regard to a vested right to continue existing commercial use of agreement and zoning of the property under the 2012 General Plan, all as contained within such Agreement, are hereby confirmed and authorized.

5. The Mayor and/or City Manager and City Clerk and officials of the City are authorized to execute all of such documents and any escrow instructions and other instruments reasonably required to implement the terms and conditions of this Resolution.

PASSED AND ADOPTED on this ____ day of _____, 2011, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

CITY OF WILLIAMS

By _____
Mayor

CERTIFICATE OF CLERK

I, Susan L. Vannucci, the Deputy City Clerk of the City of Williams, do hereby certify that the above Resolution is a true and correct copy of the Resolution adopted as Resolution 11-27 and that such Resolution has not been amended, revoked, or suspended.

DATED: October 6, 2011

Deputy City Clerk of the
City of Williams