

RESOLUTION NO. 6623

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDLANDS APPROVING TENTATIVE CANCELLATION OF LAND CONSERVATION CONTRACT NO. 83-R001 AND RESCINDING RESOLUTION NO. 6596

WILLIAMSON ACT CONTRACT REMOVAL NO.9

WHEREAS, pursuant to the California Land Conservation Act of 1965 and by Resolution No. 2182, the City Council of the City of Redlands ("this City Council") has authorized the establishment of Agricultural Preserves throughout the City; and

WHEREAS, the property described in Exhibit "A" attached hereto (the "Property") is located in an Agricultural Preserve established by Resolution No. 2999 of this City Council; and

WHEREAS, the owner of the Property and the City have entered into Land Conservation Contract No. 83-R001; and

WHEREAS, on September 14, 2004, the owner of the Property recorded a notice of non-renewal for Land Conservation Contract No. 83-R001 and has since petitioned the City for cancellation of that Land Conservation Contract; and

WHEREAS, on May 1, 2007, this City Council approved Resolution No. 6596 tentatively cancelling contract no. 83-R001; and

WHEREAS, subsequent to this City Council's approval of Resolution No. 6596, the County of San Bernardino informed City staff that it had recalculated the cancellation fee for the removal, thereby necessitating further action by the City; and

WHEREAS, this Resolution No. 6623 revises the cancellation fee in accordance with the new information presented by the County;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Redlands as follows:

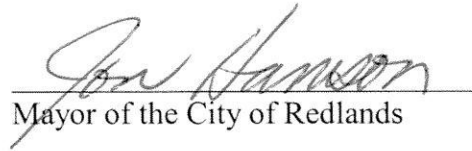
Section 1. In accordance with Government Code Section 51282, the City Council of the City of Redlands hereby finds that Cancellation of Land Conservation Contract No. 83-R001 is consistent with the Williamson Act and further finds that:

- A. The cancellation is for land in which a notice of nonrenewal has been served pursuant to Government Code Section 51245 a Filing of nonrenewal has been filed with the City Clerk;

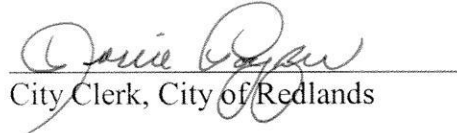
- B. That the cancellation is not likely to result in the removal of adjacent lands from agricultural use as the overall project site is separated by San Bernardino Avenue, a Minor Arterial Street;
- C. That the cancellation is for an alternative use which is consistent with the applicable provisions of the City's General Plan; the property has a General Plan Land Use Designations of Very-Low Density Residential (0-2.7 units per gross acre) and the proposed subdivision is consistent with this designation.
- D. That the cancellation will not result in the discontinuous patterns of urban development because the project proposes the westward expansion of the existing University Grove planned residential development located directly across the street (Dearborn Street) and bounded by the same streets on the north and south (San Bernardino Avenue and Lugonia Avenue respectively) as the site for which the cancellation is proposed.
- E. That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land; the project site for which the cancellation is proposed is directly across the street from an existing planned residential development and is in the same alignment (south of San Bernardino Avenue and north of Lugonia Avenue) as the existing subdivision. There are no noncontracted lands that can provide a more contiguous pattern of development than the project site.
- F. San Bernardino County Assessor's Parcel No. 0168-161-03 is hereby granted approval for tentative cancellation of Land Conservation Contract No. 83-R001.

Section 2. Pursuant to Government Code Section 51283.4, the Property owner shall satisfy the conditions and contingencies contained in Exhibit "B" attached hereto and incorporated herein by this reference. The Property owner further shall notify this City Council whether or not it has been able to satisfy such conditions. Within thirty days after receiving such notice from the Property owner, this City Council shall either execute a Certificate of Cancellation or a withdrawal of tentative approval of a Cancellation of Contract and cause the same to be recorded.

ADOPTED, SIGNED AND APPROVED this 19th day of June, 2007.

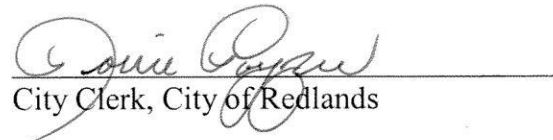

Mayor of the City of Redlands

ATTEST:


City Clerk, City of Redlands

I, Lorrie Poyzer, City Clerk of the City of Redlands, hereby certify that the foregoing resolution was duly adopted by the City Council at a regular meeting thereof held on the 19th day of June, 2007 by the following vote:

AYES: Councilmembers Gil, Gallagher, Aguilar; Mayor Harrison
NOES: None
ABSENT: Councilmember Gilbreath
ABSTAIN: None


City Clerk, City of Redlands



Order Number: **RCO-852020 (29)**

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LEGAL DESCRIPTION

Real property in the City of Redlands, County of San Bernardino, State of California, described as follows:

THE EAST 1/2 OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 1 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE, FEBRUARY 24.

APN: 0168-161-03-0-000

EXHIBIT A

Exhibit "B"
Resolution No. 6623

CONDITIONS OF APPROVAL

1. Prior to recordation of a Certificate of Cancellation the applicant shall pay in full the required cancellation fee as deferred taxes upon cancellation. The County Assessors Office provided a Cancellation Fee Worksheet that identifies a cancellation fee of \$204,625. Failure to pay the cancellation fee within one (1) year from the date of tentative approval shall result in a recomputation of the cancellation fee.
2. The Applicant shall defend, indemnify and hold harmless the City and its elected officials, officers and employees from and against any claim or suit challenging the City's approval of this Resolution No. 6623.