

**RESOLUTION NO. 68-12**

**A RESOLUTION OF THE CITY COUNCIL APPROVING THE REVERSION TO ACREAGE OF THREE PARCELS OF LAND PURSUANT TO RICHMOND MUNICIPAL CODE SECTION 15.08.690 FOR THE PROPERTY COMMONLY KNOWN AS 125-127 WESTERN DRIVE**

WHEREAS, pursuant to Resolution No. 38-08b adopted by the City Council of the City of Richmond on April 15, 2008, the property commonly known as 125-127 Western Drive (APNs 558-020-016-9, 558-020-017-7 and 558-020-018-5) (the "Property") was subdivided into three parcels (the "Subdivision"); and

WHEREAS, there has been no new development activity on the Property subsequent to the approval of the Subdivision; and

WHEREAS, pursuant to an application for the owners of the Property, the Knox Family Revocable Trust, John H. Knox and Aracely Knox, trustees (the "Owners"), on July 7, 2011, the Richmond Planning Commission approved the issuance of a conditional use permit (the "CUP") for a Planned Residential Group to be located on the Property to allow the construction of two single family residential dwellings on the property (the "Project"), subject to approval by the City Council of a reversion to acreage of the Subdivision pursuant to Section 15.08.690 of the Richmond Municipal Code; and

WHEREAS, the Planning Commission determined that the Project is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15303(a) and (b) (New Construction or Conversion of Small Structures); and

WHEREAS, on September 28, 2011, the Design Review Board of the City of Richmond approved the Project; and

WHEREAS, on April 19, 2012, the Bay Conservation and Development Commission issued a permit for the Project; and

WHEREAS, a Parcel Map showing the reversion to acreage of the Subdivision prepared by Kister, Savio & Rei, civil engineers, has been submitted to the City and is on file with the Planning Department; and

WHEREAS, the Owners have petitioned the City to revert the Subdivision to acreage as contemplated by the Conditional Use Permit and have submitted proof of ownership of the Property;

WHEREAS, THE Council finds that all owners of an interest in the real property within the subdivision have consented to reversion; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RICHMOND, AS FOLLOWS:

Section 1. The foregoing recitals are true and correct and this Council hereby so finds and determines.

Section 2. The City Council hereby makes the following additional findings pursuant to Municipal Code Section 15.08.690:

- (a) The Subdivision did not require any dedications or offers of dedication, nor are any necessary for present or prospective public purposes.
- (b) All owners of interests in the Property have consented to the reversion to acreage.

Section 3. There are no subdivision fees, deposits of improvements securities held by the City with respect to the Subdivision and therefore no such amounts will be returned to the Owners as a result of the reversion to acreage of the Subdivision.

Section 4. The City Council hereby approves the reversion to acreage of the Subdivision and authorizes and directs the Director of Planning and the City Engineer to execute their respective certificates on the Parcel Map and to cause the Parcel Map to be recorded in the office of the Contra Costa County Recorder.

Section 5. The City Council hereby determines that the approval of this resolution consists of satisfaction of the condition of approval of the CUP contained in Section 3 of Planning Commission Resolution No. 11-16.

Section 6. This resolution shall take effect immediately upon its passage.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a special meeting thereof held on May 22, 2012, by the following vote:

AYES: Councilmembers Beckles, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin.

NOES: None.

ABSTENTIONS: Councilmember Booze.

ABSENT: Councilmember Bates.

DIANE HOLMES  
CLERK OF THE CITY OF RICHMOND

(SEAL)

Approved:

GAYLE MCLAUGHLIN  
Mayor

Approved as to form:

BRUCE GOODMILLER  
City Attorney

State of California }  
County of Contra Costa: ss.  
City of Richmond }

I certify that the foregoing is a true copy of Resolution No. 68-12, finally passed and adopted by the City Council of the City of Richmond at a special meeting held on May 22, 2012.

CLERK'S CERTIFICATE

I, Diane Holmes, City Clerk of the City of Richmond, do hereby certify as follows:

The foregoing resolution is a full, true and correct copy of a resolution duly adopted at a special meeting of the City Council of said City duly and regularly held at the special meeting place thereof on the 22<sup>nd</sup> day of May, 2012, of which meeting all of the members of said City Council had due notice and at which a majority thereof were present; and that at said meeting said resolution was adopted by the following vote:

AYES: Councilmembers Beckles, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin.

NOES: None.

ABSTENTIONS: Councilmember Booze.

ABSENT: Councilmember Bates.

An agenda of said meeting was posted before said meeting at City Hall, 440 Civic Center Plaza, Richmond, California 94804, a location freely accessible to members of the public, and a brief description of said resolution appeared on said agenda.

I have carefully compared the foregoing with the original on file and of record in my office, and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting.

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

Dated: May 22, 2012.

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City Clerk of the  
City of Richmond