

RESOLUTION NO. 2018-011

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA FINDING THAT RESORT AT INDIAN SPRINGS, LLC IS IN GOOD FAITH COMPLIANCE WITH THE TERMS AND CONDITIONS OF THE DEVELOPMENT AGREEMENT FOR THE RESORT AT INDIAN SPRINGS PROJECT

WHEREAS, on February 23, 2013, the City of Calistoga (City) entered into a Development Agreement (Agreement) with Resort at Indian Springs, LLC (Developer), (Ordinance No. 688); and

WHEREAS, the City Manager granted a one-year term extension of the Agreement on January 26, 2018, to February 15, 2019; and

WHEREAS, as required by Government Code Section 65865.1 and by the Agreement, the City shall annually determine whether the Developer has, in good faith, substantially complied with the terms of the Agreement up to and including the date of the review; and

WHEREAS, at its meeting of February 20, 2018, the City Council considered the Annual Compliance Evaluation Form completed by the Developer that provides evidence of its good faith compliance with its obligations under the Agreement, and the facts as described in the staff report that the Developer has completed all of the improvements required of the project and paid all required fees; and

WHEREAS, the annual review of the Agreement is not subject to the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility it could have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Calistoga hereby finds that:

1. The Developer is in good faith substantial compliance with the terms and conditions of the Development Agreement between the City of Calistoga and Resort at Indian Springs, LLC.
2. This review satisfies the annual review of development agreement as provided in Government Code §65865.1.

PASSED AND APPROVED by the City Council of the City of Calistoga at its meeting held the 20th day of February, 2018 by the following vote:

AYES: Councilmember Barnes and Vice Mayor Dunsford,
Councilmembers Lopez-Ortega and Kraus and Mayor Canning
NOES: None
ABSTAIN: None
ABSENT: None



CHRIS CANNING, Mayor

ATTEST:


KATHY FLAMSON, City Clerk



Annual

**ANNUAL DEVELOPMENT AGREEMENT
COMPLIANCE EVALUATION FORM**

Review Period: 2017

This Annual Compliance Evaluation Form is submitted to the City of Calistoga ("City") by Resort at Indian Springs ("Developer") pursuant to the requirements of California Government Code Section 65856.1 and Chapter 17.39 of the City Municipal Code regarding Developer's good faith compliance with its obligations under the Development Agreement between the City and Developer by Ordinance No. 688 ("Development Agreement").

Please attach description and/or documentation in support of any "Yes" answers

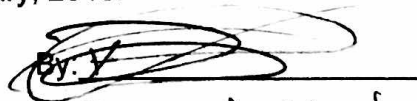
- A. Development activities during this annual review period: Yes: ___ No:
- B. Development impact fees, processing fees, architectural review fees and/or other fees paid during this annual review period: Yes: ___ No:
- C. On- and/or off-site infrastructure improvements completed or paid for during this annual review period: Yes: ___ No:
- D. Other Development Agreement obligations completed during this annual review period: Yes: ___ No:
- E. Transfers, assignments, or dedications from or by Developer during this annual review period: Yes: ___ No:
- F. Awareness of any facts or circumstances that may be construed as a default by Developer during this annual review period: Yes: ___ No:

The undersigned representative of Developer confirms that Developer is:

In compliance with its obligations under the Development Agreement for this annual review period.

Not in compliance with its obligations under the Development Agreement for this annual review period, in response to which Developer is taking the actions set forth in the attachment hereto.

IN WITNESS WHEREOF, Developer has executed this Annual Compliance Evaluation Form as of this 4 day of January, 2018.


By: _____
Daniel Merchant
Its: Member of LLC