

RESOLUTION NO. 2016-009

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA FINDING THAT THE DEVELOPER OF THE CALISTOGA HILLS PROJECT IS IN GOOD FAITH COMPLIANCE WITH THE TERMS AND CONDITIONS OF THE PROJECT'S DEVELOPMENT AGREEMENT

WHEREAS, on April 9, 2013, the City of Calistoga (City) entered into a Development Agreement (Agreement) with Enchanted Resorts, Inc. (Developer) through its approval of Ordinance No. 687; and

WHEREAS, the Agreement provided the Developer with certain assurances that they could proceed with a development project, now known as Calistoga Hills, on property located west of Foothill Boulevard; and

WHEREAS, the term of the Agreement is for a period of five years commencing on April 9, 2013; and

WHEREAS, as required by Government Code Section 65865.1 and by the Agreement beginning the second January 1 after November 9, 2013 and each January 1 thereafter, the City shall 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 2, 2016, 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

WHEREAS, the Developer and members of the public were provided an opportunity to be heard regarding the Agreement's status before the City Council conducted its review.

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 Enchanted Resorts, Inc. for the Calistoga Hills project.
2. This review satisfies the annual review of development agreement as provided in Government Code §65865.1.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Calistoga at its meeting held the 2nd day of February, 2016 by the following vote:

AYES: Councilmembers Barnes, Lopez-Ortega and Kraus, Vice Mayor Dunsford and Mayor Canning

NOES: None

ABSTAIN: None

ABSENT: None



CHRIS CANNING, Mayor

ATTEST:


KATHY FLAMSON, City Clerk