

**RESOLUTION NO. 2016-066**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA,  
COUNTY OF NAPA, STATE OF CALIFORNIA, APPROVING A SITE REMEDIATION  
AND REIMBURSEMENT AGREEMENT FOR CALISTOGA HILLS RESORT LLC**

**WHEREAS**, the City of Calistoga entered into a Development Agreement with Calistoga Hills Resorts LLC (“Developer”) in April 2013; and

**WHEREAS**, the City approved Resolution 2012-064 approving a Conditional Use Permit, Design Review, and Planned Development for the Calistoga Hills Resort property at 411 Foothill Blvd. (“Project”); and

**WHEREAS**, Section 36 of the Conditions contained in Resolution 2012-064 requires the Developer to enter into a Site Remediation and Reimbursement Agreement (“Agreement”) with the City prior to commencing construction of the onsite improvements related to the project; and

**WHEREAS**, Developer has placed a certificate of deposit at Bank of America in the amount of \$527,160 in favor of the City as security for site remediation and restoration; and

**WHEREAS**, Developer and the City agree that in the event that (a) the City undertakes any Site Remediation Work as specified in the Agreement, (b) the City incurs Site Remediation Costs, and (c) the Developer fails to pay any Site Remediation Costs incurred by the City, subject to the notice and cure provisions in Section 9 of the Agreement, the City may draw upon the Certificate of Deposit on file with Bank of America to pay for the Site Remediation Costs as set out in the Agreement; and

**NOW, THEREFORE BE IT RESOLVED THAT AS FOLLOWS:**

1. The City Council of the City of Calistoga hereby approves the Site Remediation and Reimbursement Agreement for Calistoga Hills Resort LLC and authorizes the City Manager or his designee to execute the same.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Calistoga at a regular meeting held this **16<sup>th</sup> day of August, 2016**, by the following vote:

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

  
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**CHRIS CANNING, Mayor**

**ATTEST:**

  
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**Kathy Flanigan, City Clerk**