

RESOLUTION 23-24-*

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF SUTTER CREEK AUTHORIZING THE CITY MANAGER TO
EXECUTE A REAL PROPERTY DONATION AGREEMENT CONVEYING 18.3
ACRES OF REAL PROPERTY TO THE CITY OF SUTTER CREEK
(APNs 018-020-031 and -032)**

WHEREAS, Creekwood Capital LLC (“Creekwood”) is the owner in fee of two parcels near the City of Sutter Creek Wastewater Treatment Plan (“WWTP”), specifically Amador County Assessor Parcel Nos. 018-020-031 and 018-020-031 (“Subject Property”);

WHEREAS, Creekwood has expressed interest in donating the Subject Property, which includes 18.3 acres of undeveloped land;

WHEREAS, California Government Code sections 37350, 37351.5, and 37544 authorize the City to receive donations of real property;

WHEREAS, Because Creekwood proposes to donate the Subject Property to the City without any restrictive covenant or limitation, the City may use the property for any public purpose (California Government Code section 37355);

WHEREAS, the City has obtained an appraisal of the Subject Property from a qualified appraiser who has determined a value of \$1,265,000;

WHEREAS, the City and Creekwood agree that the sale of the Subject Property qualifies as a charitable donation for taxation purposes in accordance with Internal Revenue Code section 170 and other applicable federal and state laws and regulations;

WHEREAS, before and as of the time of the donation, Creekwood was under no compulsion to convey, dedicate, or transfer any or all of the Subject Property to the City and Creekwood was not under any threat of condemnation;

WHEREAS, the City has conducted a “Phase I” environmental analysis of the Subject Property, which did not disclose any significant environmental condition requiring further environmental analysis; and

WHEREAS, the City Council finds that the acquisition of the Subject Property is exempt from the California Environmental Quality Act (“CEQA”) under the “Common Sense Exemption” (14 Cal. Code Regs., § 15061(b)(3)) because the acquisition of the property provides buffer property for the WWTP property, does not commit the City to pursue any project, and because any future project involving the Subject Property would require its own CEQA process.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City Council of the Sutter Creek authorizes the City Manager to execute the Real Property Donation Agreement between the City of Sutter Creek and Creekwood Capital LLC.

BE IT FURTHER RESOLVED that the City Council authorizes the City Manager, in consultation with the City Attorney, to execute on the City's behalf any attestation, certification, or instrument Creekwood requires for submission to the Internal Revenue Service or any federal or state taxing agency.

The foregoing resolution was duly passed and adopted at a regular meeting of the City Council of the City of Sutter Creek on the 3rd day of June 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Claire Gunselman, Mayor

Karen Darrow, City Clerk

EXHIBIT A

Real Property Donation Agreement