

RESOLUTION NO. 2026-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORTUNA, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT OF PURCHASE AND SALE AND JOINT ESCROW INSTRUCTIONS WITH TROY ELBERT LAND AND TRUDY MARILYN EHMKE FOR THE ACQUISITION OF APPROXIMATELY 7.2 ACRES OF UNIMPROVED REAL PROPERTY LOCATED AT 1320 RIVERWALK DRIVE, FORTUNA, CALIFORNIA(PORCION OF APN 200-362-005-000) THROUGH THE CALIFORNIA RIVER PARKWAYS GRANT PROGRAM (GRANT AGREEMENT NO. R86202-0); ADOPTING CEQA CATEGORICAL EXEMPTION FINDINGS UNDER GUIDELINES §§ 15316 AND 15325; AND MAKING RELATED FINDINGS AND AUTHORIZATIONS

RECITALS

WHEREAS, the City of Fortuna ("City") is a municipal corporation duly organized and existing under the laws of the State of California, with the authority to acquire and hold real property for public purposes pursuant to California Government Code section 37350 et seq.; and

WHEREAS, Troy Elbert Land and Trudy Marilyn Ehmke (collectively, "Seller") are the owners of certain unimproved real property consisting of approximately 7.2 acres, located at 1320 Riverwalk Drive, Fortuna, California 95540, being a portion of Humboldt County Assessor's Parcel Number 200-362-005-000, as depicted in Exhibit A1 and legally described in Exhibit A2 to the Agreement (the "Property"); and

WHEREAS, the City has determined that acquisition of the Property serves a public purpose by preserving open space and providing access to the Eel River corridor consistent with the City's goals for parks, trails, and natural resource protection; and

WHEREAS, the City is purchasing the Property through the California River Parkways Grant Program – Propositions 50 and 68, as administered by the State of California Natural Resources Agency, pursuant to Grant Agreement No. R86202-0; and

WHEREAS, the City staff has negotiated an Agreement of Purchase and Sale and Joint Escrow Instructions (the "Agreement") with Seller, setting forth the terms and conditions for the City's acquisition of the Property, including: (i) a purchase price to be established at fair market value as determined by a licensed real property appraiser mutually selected by the parties; (ii) a deposit of Ten Thousand Dollars (\$10,000.00); (iii) a due diligence and inspection period; (iv)

contingencies for appraisal, State Department of General Services approval, lot split or lot line adjustment, CEQA compliance, and concurrent closing of the separately executed agreement for the remaining portions of APN 200-362-005-000 and adjoining parcels ("Remainder PSA"); and (v) such other terms and conditions as are set forth in the Agreement; and

WHEREAS, concurrently herewith, the City Council is also considering approval of the Remainder PSA with Seller for the acquisition of the remaining portion of APN 200-362-005-000 and certain adjoining parcels, the closing of which is a condition to closing under the Agreement; and

WHEREAS, the City Council has reviewed the Agreement and finds that the acquisition of the Property is in the best interests of the City and its residents; and

WHEREAS, the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000 et seq., and the CEQA Guidelines, 14 California Code of Regulations section 15000 et seq., require the City to consider the environmental effects of its discretionary actions; and

WHEREAS, the Property is unimproved land situated along the Eel River corridor within the City of Fortuna, is in a natural condition, and the City's acquisition of the Property is for the purpose of creating public access to the Eel River corridor as a river parkway consistent with the California River Parkways Grant Program; and

WHEREAS, the City Council finds that the acquisition of the Property is categorically exempt from CEQA pursuant to CEQA Guidelines section 15316 (Class 16 – Acquisition of Land for Park Purposes), which exempts acquisition of land in order to create parks where the site is in a natural condition; the Property is unimproved riparian land in a natural condition, and the acquisition will cause no physical change to the environment; provided that any future park development or improvements on the Property shall be subject to separate CEQA review at that time; and

WHEREAS, the City Council finds in the alternative that the acquisition is also categorically exempt pursuant to CEQA Guidelines section 15325 (Class 25 – Transfers of Ownership of Interests in Land to Preserve Open Space), which exempts transfers of ownership to preserve open space and habitat; the acquisition will preserve riparian open space and natural habitat along the Eel River, and the transfer of ownership will cause no physical change to the environment; and

WHEREAS, the City Council further finds that none of the exceptions to categorical exemptions set forth in CEQA Guidelines section 15300.2 apply to this acquisition: (a) the Property is not located on a site listed on any hazardous waste site list compiled pursuant to Government Code section 65962.5; (b) the project does not have a reasonable possibility of a significant effect on the environment due to unusual circumstances; (c) the project will not cause a significant cumulative impact when viewed in connection with past and reasonably foreseeable future projects; (d) the project will not damage scenic resources within a state scenic highway; and (e) the project does not involve a historical resource; and

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fortuna hereby approves the Agreement of Purchase and Sale and Joint Escrow Instructions by and between the City of Fortuna, as Buyer, and Troy Elbert Land and Trudy Marilyn Ehmke, as Seller, for the acquisition of approximately 7.2 acres of unimproved real property located at 1320 Riverwalk Drive, Fortuna, California (Portion of APN 200-362-005-000), in substantially the form presented to the City Council, with such non-material modifications as the City Manager and City Attorney may approve.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute the Agreement on behalf of the City, and to execute all ancillary documents, escrow instructions, certifications, and other instruments as may be necessary or appropriate to effectuate the purchase of the Property in accordance with the terms of the Agreement.

BE IT FURTHER RESOLVED that the City Manager is hereby further authorized to take such actions, execute such documents, and make such expenditures as are necessary to fulfill the City's obligations under the Agreement, including, without limitation, delivery of the deposit, satisfaction of contingencies, and cooperation with the State Department of General Services and the State of California Natural Resources Agency as required under the California River Parkways Grant Program (Grant Agreement No. R86202-0).

BE IT FURTHER RESOLVED that the City Council authorizes the City Manager to approve non-material amendments to the Agreement as may be reasonably required during the escrow period, provided that any material modification shall be returned to the City Council for approval.

BE IT FURTHER RESOLVED that the City Council hereby finds and determines that the acquisition of the Property is categorically exempt from CEQA pursuant to CEQA Guidelines section 15316 (Class 16 – Acquisition of Land for Park Purposes), and in the alternative pursuant to CEQA Guidelines section 15325 (Class 25 – Transfers of Ownership of Interests in Land to Preserve Open Space), and that none of the exceptions to categorical exemptions set forth in CEQA

Guidelines section 15300.2 apply. Any future park development or improvements on the Property shall be subject to separate CEQA review. The City Clerk is hereby directed to cause a Notice of Exemption to be filed with the Humboldt County Clerk within five (5) working days of the adoption of this Resolution, in accordance with CEQA Guidelines section 15062 and Public Resources Code section 21167(d).

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to attest to this Resolution and to take all steps necessary to certify its adoption.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Fortuna at a regular meeting thereof held on the ____ day of _____, 2026, by the following vote:

AYES: Council Members: _____

NOES: Council Members: _____

ABSENT: Council Members: _____

ABSTAIN: Council Members: _____

Mayor Mike Johnson, City of Fortuna

City Clerk Siana L. Emmons, City of Fortuna

Date: _____

Date: _____

APPROVED AS TO FORM:

Ryan T. Plotz
City Attorney, City of Fortuna