

RESOLUTION NO. 2011-582

Adopted by the Sacramento City Council

October 25, 2011

APPROVING A NOTICE OF SATISFACTION OF AGREEMENT RELATING TO THE FORMER AIRGAS ACADEMY WAY SITE (CITY MANAGER AGREEMENT NO. 2004-0169)

BACKGROUND

- A. Pursuant to Ordinance No. 2003-053, the City and Airgas NCN, Inc. entered into City Manager Agreement No. 2004-0169 ("Agreement") on March 1, 2004. The Agreement was recorded on March 12, 2004 at Book 20040312 Page 2065, Sacramento County Recorder, and relates to the real property located at 3011 Academy Way, Sacramento, California (APN 265-0401-006, 007, and 008) ("Academy Way Site") as identified in the attached Exhibit A.
- B. The Agreement obligated Airgas NCN, Inc. (1) to close the fuel storage yard that it then operated on the Academy Way Site within a time certain; (2) to record a deed restriction on the Academy Way Site to prohibit the establishment or re-establishment of a fuel storage yard on the Site; and (3) to consent to the prohibition on the use of the Academy Way Site for a compressed gas storage and filling facility or other fuel storage yard and to the rezoning of the Academy Way Site to a zone more compatible with the surrounding residential uses.
- C. The obligations of Airgas NCN, Inc. under the Agreement are currently satisfied, and the current owner of the Academy Way Site has requested that a Notice of Satisfaction of Agreement be approved and recorded.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The City Council authorizes the City Manager to execute the Notice of Satisfaction of Agreement relating to the fuel storage yard formerly operated by Airgas NCN, Inc. on the Academy Way Site (City Manager Agreement No. 2004-169) in the form attached as Exhibit A.
- Section 2. Exhibit A is a part of this Resolution.

Adopted by the City of Sacramento City Council on October 25, 2011 by the following vote:

Ayes: Councilmembers Ashby, Cohn, D Fong, R Fong, McCarty, Pannell, Schenirer, Sheedy, and Mayor Johnson.

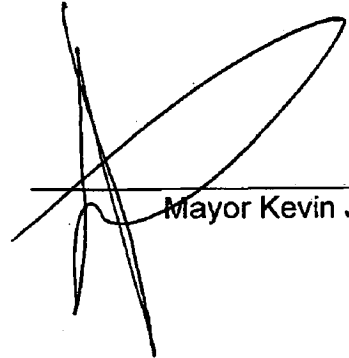
Noes: None.

Abstain: None.

Absent: None.

Attest:


Shirley Concolino, City Clerk


Mayor Kevin Johnson

Record for the Benefit of the City of
Sacramento - Fee Exempt
Pursuant to Government Code
Section 6103 and 27383.

When Recorded, Mail to:

Office of the City Clerk
Historic City Hall
915 "I" Street
Sacramento, CA 95814-2604

APNs: 265-0401-006,007, and 008
Recorder's use

Space above this line for

**NOTICE OF SATISFACTION OF AGREEMENT
(CITY MANAGER AGREEMENT NO. 2004-0169)**

This NOTICE OF SATISFACTION OF AGREEMENT (the "Satisfaction"), dated October 25, 2011, for reference purposes only, is given by the City of Sacramento, a municipal corporation ("City") concerning property located at 3011 Academy Way, Sacramento, California (APN 265-0401-006, 007, and 008) (the "Property"), as identified on the attached Exhibit A, which was formerly owned by Airgas NCN, Inc. ("Airgas").

1. Pursuant to Ordinance No. 2003-053, on March 1, 2004, the City and Airgas entered into City Manager Agreement No. 2004-0169 (recorded on March 12, 2004 at Book 20040312, Page 2065, Office of the Sacramento County Recorder) affecting the Property.
2. As provided by City Manager Agreement No. 2004-0169, on March 12, 2004, Airgas recorded a deed restriction at Book 20040312, Page 2066, in the Office of the Sacramento County Recorder that prohibits use of the Property for a compressed gas storage and filling facility or other fuel storage yard in perpetuity.
3. By execution of City Manager Agreement No. 2004-0169, Airgas, for itself and its successors, assigns, and all other persons or entities acquiring the Property, has consented (1) to the prohibition on the use of the Property for a compressed gas storage and filling facility or other fuel storage yard, and (2) to the rezoning of the Property as described in Sacramento City Ordinance No. 2003-053.
4. As provided by City Manager Agreement No. 2004-0169, Airgas closed and decommissioned the Academy Way facility.

5. The recordation of the deed restriction, the consent to the prohibition on use and to the rezoning of the Property, and the closure of the Airgas facility have satisfied the City's objective to preclude use of the Property for a compressed gas storage and filling facility or other fuel storage yard.
6. Accordingly, all obligations under City Manager Agreement No. 2004-0169 are currently satisfied.

IN WITNESS WHEREOF, City has executed this NOTICE OF SATISFACTION OF AGREEMENT as of _____, 2011.

By:

City Manager

Attest:

City Clerk

Approved as to form:

City Attorney

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of _____)
 County of _____)

On _____ before me, _____,
DATE NAME OF NOTARY

notary public, personally appeared _____
NAME(S) OF SIGNER(S)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

 Signature of Notary

CAPACITY CLAIMED BY SIGNER

~ INDIVIDUAL(S)
 ~ CORPORATE _____
 OFFICER(S) _____
 ~ PARTNER(S)
 ~ ATTORNEY-IN-FACT
 ~ TRUSTEE(S)
 ~ SUBSCRIBING WITNESS
 ~ GUARDIAN/CONSERVATOR
 ~ OTHER: _____

SIGNER IS REPRESENTING:
 NAME OF PERSON(S) OR ENTITY(IES)

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized document.

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT:

Title or Type of Document _____
 Number of Pages _____ Date of Document _____
 Signer(s) Other Than Named Above _____

RIGHT THUMBPRINT OF SIGNER
 Top of thumb here

EXHIBIT "A"

LEGAL DESCRIPTION

Parcel I: Lot 3, in Block 49 of North Sacramento Subdivision No. 8, according to the official plat thereof, filed in the office of the County Recorder of Sacramento County, California, on March 26, 1913, in Book 13 of Maps, Map No. 49.

EXCEPTING THEREFROM that portion of Lot 3, lying South of the Easterly extension of the South line of Lot 1, in said Block 49.

Parcel II: All that portion of Lots 2 and 3, Block 49, as shown on the "Plat of North Sacramento Subdivision No. 8", filed in the office of the county Recorder of Sacramento County, California, on March 26, 1913, in Book 13 of Maps, Map No. 49, described as follows:

Beginning at a point in the North line of said Lot 2 located South 89° 55' East 155.00 feet from the Northwest corner of said Lot 2 (said Northwest corner being in the East line of 17th Street, now abandoned); thence from said point of beginning, South 89° 55' East 177.81 feet to a point in the Southeasterly line of said Lot 3 and the Northwesterly line of Helena Avenue; thence along said Northwesterly line of Helena Avenue, South 40° 18' West 275.38 feet to a point in the Southeasterly line of said Lot 2 located South 89° 55' East 155.00 feet from the East line of 17th Street, now abandoned; thence leaving said Southeasterly line of Lot 2 North 0° 05' East 210.28 feet to the point of beginning.

Note: This property includes APN 265-0401-007 and APN 265-0401-008.