

**RESOLUTION NO. 2015-005**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA, FINDING THAT RESORT AT INDIAN SPRINGS, LLC IS IN GOOD FAITH COMPLIANCE WITH THE TERMS AND CONDITIONS OF THE DEVELOPMENT AGREEMENT FOR THE RESORT AT INDIAN SPRINGS PROJECT**

**WHEREAS**, on February 23, 2013, the City of Calistoga (City) entered into a Development Agreement (Agreement) with Resort at Indian Springs, LLC (Developer), (Ordinance No. 688); and

**WHEREAS**, the Agreement provided the Developer with certain assurances that they could proceed with a development project on property located at 1712 Lincoln Avenue; and

**WHEREAS**, the term of the Agreement is for a period of five years commencing on February 23, 2013; and

**WHEREAS**, as required by Government Code Section 65865.1 and by the Agreement beginning the second January 1 after its effective date (i.e., January 1, 2015) 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 January 6, 2015, 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 the facts as described in the staff report that the Developer has completed nearly all of the improvements associated with the Indian Springs Resort expansion; 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:

1. Finds that the Developer is in good faith substantial compliance with the terms and conditions of the Development Agreement between the City of Calistoga and Resort at Indian Springs, LLC.
2. Finds that the 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 6<sup>th</sup> day of January, 2015 by the following vote:

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

  
\_\_\_\_\_  
**CHRIS CANNING, Mayor**

**ATTEST:**

  
\_\_\_\_\_  
**KATHY FLAMSON, City Clerk**