

## **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.

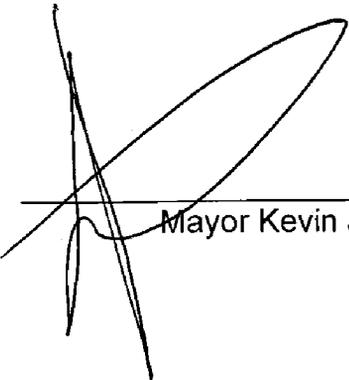
Noes: None.

Abstain: None.

Absent: None.

Attest:

  
Shirley Concolino, City Clerk

  
Mayor Kevin Johnson