

RESOLUTION NO. 2023-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, APPROVING A MILLS ACT AGREEMENT BETWEEN THE CITY AND THE OWNER OF THE PROPERTY KNOWN AS THE "CHARLES E. DU BOIS HOME" LOCATED AT 72806 BURSERA WAY
CASE NOS. MILLS23-0007

WHEREAS, the City Council of the City of Palm Desert is authorized by California Government Code § 50280 et seq. (known as "the Mills Act") to enter into contracts with the owners of qualified historical properties to provide for appropriate use, maintenance, and rehabilitation such that these historic properties retain their historic characteristics; and

WHEREAS, the City Council of the City of Palm Desert has adopted Resolution No. 9136 (2000 Series), establishing the Mills Act Historic Property Tax Incentive Program as an ongoing historic preservation program to promote the preservation, maintenance, and rehabilitation of historic resources through financial incentives; and

WHEREAS, the City Council of the Palm Desert has designated this property as a historic resource of the City of Palm Desert pursuant to the policies in the Title 29 of the Palm Desert Municipal Code; and

WHEREAS, Toltzmann David R And Ludwig Steven D are the owners of that certain qualified real property, together with associated structures and improvement thereon, located on Assessor's Parcel Number 628-102-012, located at 72806 Bursera Way, in the City of Palm Desert, California; and

WHEREAS, the City and Owner, for their mutual benefit, now desire to enter into an agreement to limit the use of the property to prevent inappropriate alterations and to ensure that character-defining features are preserved and maintained in an exemplary manner, and repairs and improvements are completed as necessary to carry out the purposes of California Government Code, Chapter 1, Part 5 of Division 1 of Title 5, Article 12, Sec. 50280 et seq., and to qualify for an assessment of valuation pursuant to Article 1.9, Sec. 439 et. seq. of the Revenue and Taxation Code; and

WHEREAS, the City Council conducted a public hearing in the Council Chamber of City Hall, 73510 Fred Waring Drive, Palm Desert, California, on November 16, 2023, for the purpose of considering approval of the historic property preservation agreement, and has duly considered all evidence, and testimony of the applicant and interested parties, and the evaluation and recommendation by staff, present at said hearing; and

WHEREAS, notices of said public hearings were made at the time and in the manner required by law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Palm Desert, California, as follows:

SECTION 1. Findings. Based upon all the evidence, the City Council makes the following findings:

- a) Environmental Resources Element Program 6.9.4 and 6.9.5 states that the City will require sites with significant cultural resources and structures to be preserved.
- b) The subject property, located at 72806 Bursera Way, know as the “Charles E. Du Bois Home”, has been recognized as a historic asset in the community by its designation as a Contributing Assess to a Historic District by the City Council Resolution No. 2022-95 on November 17, 2022. As such, maintaining the structure will meet the City’s goals for historic preservation listed in policies 6.9.4 and 6.9.5 of the Environmental Resources Element.

SECTION 2. Environmental Determination. The City Council has determined that the above actions do not constitute a project, as defined in California Environmental Quality Act Guidelines § 15378 and are not subject to environmental review.

SECTION 3. Historic Property Preservation Agreement Approved. The City Council hereby approves the Mills Act Agreement between the City of Palm Desert and the Owners of the Historic Property Located at 72806 Bursera Way, to be entered into by the City and the property owner, Toltzmann David R And Ludwig Steven D.

SECTION 4. City Manager Authorized to Sign Agreement for City. The City Council hereby authorizes the Community Development Director to execute said agreement on behalf of the Council of the City of Palm Desert.

SECTION 4. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings are based are located at the City’s office at 73510 Fred Waring Drive, Palm Desert, CA 92260. Anthony J. Mejia, MMC, the City Clerk of the City of Palm Desert is the custodian of the record of proceedings.

SECTION 6. Effective Date. This Resolution shall become effective immediately upon its adoption.

ADOPTED ON November 16, 2023.

KATHLEEN KELLY
MAYOR

ATTEST:

ANTHONY J. MEJIA
CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM DESERT)

I, Anthony J. Mejia, City Clerk of the City of Palm Desert, California, DO HEREBY CERTIFY that the foregoing Resolution No. 23-__ was duly adopted by the City Council of the City of Palm Desert at a regular meeting held on the __ day of November, 2023 by the following vote of the Council:

AYES:

NOES:

ABSENT:

(SEAL)

ANTHONY J. MEJIA
CITY CLERK