

**TOWN OF PARADISE  
RESOLUTION NO. 11-05**

**A RESOLUTION OF THE TOWN COUNCIL OF THE  
TOWN OF PARADISE RESCINDING RESOLUTIONS 04-21, 04-22, 04-23  
AND 04-24 AND DECERTIFYING THE ENVIRONMENTAL  
IMPACT REPORT RELATING TO THE FHK PARADISE, LLC SKYWAY PLAZA  
SHOPPING CENTER DEVELOPMENT PROJECT AND FINDING THAT  
THE RELATED DEVELOPMENT AGREEMENT IS NULL AND VOID**

**WHEREAS**, the Court of Appeal ruling in *Save Our Gateway v. Town of Paradise*, relating to the FHK Paradise, LLC Skyway Plaza Shopping Center Project (Project) ordered decertification of the environmental impact report (EIR) for the Project; and

**WHEREAS**, pursuant to Government Code section 65865 subdivision (b), the Project site had to be annexed to the Town no later than December 31, 2010; and

**WHEREAS**, based on the Court of Appeal ruling, the Town Council's approvals of the Project need to be rescinded.

**NOW, THEREFORE, BE IT RESOLVED BY the Town Council of the Town of Paradise as follows:**

**SECTION 1.** The following Town Council resolutions are hereby rescinded:

- |                      |   |
|----------------------|---|
| Resolution No. 04-21 | A Resolution Of The Town Of Paradise Certifying The Final Environmental Impact Report For Skyway Plaza Shopping Center Development Project (SCH Number: 2001122020)   |
| Resolution No. 04-22 | A Resolution Of The Town Council Of The Town of Paradise Adopting Findings Of Fact, A Statement Of Overriding Considerations, And A Mitigation Monitoring And Reporting Program In Accordance With The California Environmental Quality Act For The Skyway Plaza Shopping Center Project For Which An Environmental Impact Report Has Been Prepared |
| Resolution No. 04-23 | A Resolution Of The Town Council Of The Town Of Paradise Amending The Land Use Map Of The 1994 Paradise General Plan (GR-01-2-FHK Companies)  |

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Resolution No. 04-24

A Resolution Of The Town Council Endorsing The Initiation Of  
The Processing Proceedings For The FHK Companies Annexation  
Application [AN-01-1] With The Butte Local Agency Formation  
Commission

**SECTION 2.** The Town Council finds that the Development Agreement with FHK as authorized by Town of Paradise Ordinance No. 422 for the Skyway Plaza Shopping Center Project is null and void by operation of law pursuant to Government Code section 65865 subdivision (b) in that the annexation of the Project site to the Town was not completed by December 31, 2010.

**SECTION 3.** Furthermore, the Town Council authorizes the filing of any required court documents as a result of this resolution.


**PASSED AND ADOPTED** by the Town Council of the Town of Paradise, County of Butte, State of California, on this 1st day of March 2011, by the following vote:

AYES: Steve "Woody" Culleton, Joe DiDuca, Scott Lotter, Tim Titus and  
Alan White, Mayor

NOES: None

ABSENT: None

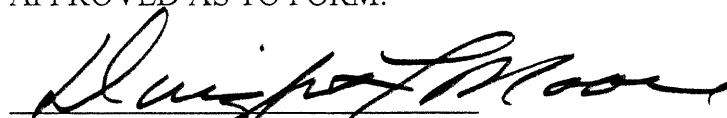
NOT VOTING: None

  
\_\_\_\_\_  
Alan White, Mayor

ATTEST:

  
JOANNA GUTIERREZ, Town Clerk

APPROVED AS TO FORM:

  
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DWIGHT L. MOORE, Town Attorney