

RESOLUTION NO. RES-2022-236

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DECLARING PURSUANT TO GOVERNMENT CODE SECTION 54221 THAT REAL PROPERTY OWNED BY THE CITY LOCATED AT 500 FIFTH STREET (LOT 11) IS NON-EXEMPT SURPLUS LAND, DIRECTING STAFF TO PREPARE AND SUBMIT A NOTICE OF AVAILABILITY THEREFOR, AND AUTHORIZING THE CITY MANAGER TO COMPLY WITH THE SURPLUS LAND ACT

WHEREAS, the City of Santa Rosa (the “City”) is the owner in fee simple of that certain real property known as Assessor Parcel Number 010-053-028, located at 500 Fifth Street (“Property”); and

WHEREAS, the Property is a .77 acre site which is currently developed as a municipal parking lot with 65 public parking stalls commonly known as Lot 11; and

WHEREAS, the City has determined that it does not have a public use for the Property, and the City could maximize the beneficial use of the Property to help meet housing goals, if the City were to dispose of the Property; and

WHEREAS, the Surplus Land Act, Government Code sections 54220 *et seq.* (as amended, the “Act”), applies when a local agency disposes of “surplus land,” as that term is defined in Government Code section 54221; and

WHEREAS, the definition of “surplus land” under the Act is extremely broad, and applies to the disposition of land by the City unless the land fits within the definition for “exempt surplus land” as set forth in the Act; and

WHEREAS, because the Property is land owned in fee simple by the City and does not meet the definition for “exempt surplus land,” as set forth in the Act, and the City desires to dispose of the Property in order to better maximize its value in furtherance of the City’s land use and policy goals, including but not limited to encouraging the development of housing and increasing activity in the downtown, the Council will take formal action (in the form of adoption of this resolution) in a regular public meeting declaring that the Property is surplus and is not necessary for the City’s use; and

WHEREAS, the Act requires that prior to the disposal of any surplus land where an exemption does not apply, the City must issue a Notice of Availability (“NOA”) to, among others, affordable housing developers, and thereafter, if any entity submits a qualified Notice of Interest within sixty (60) days of issuance of the NOA, the local agency must negotiate in good faith for at least ninety (90) days with any such submitting entities before pursuing any alternative disposition; and

WHEREAS, the City may impose reasonable conditions or restrictions on the disposition of surplus land, which conditions or restrictions must be included in the NOA.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa hereby finds and declares that the Property is “surplus land” as defined by the Act, because the Property is owned in fee simple by the City, does not fit within the definition of “exempt surplus land” as set forth in the Act, and is not necessary for the City’s use.

BE IT FURTHER RESOLVED that the Council directs City staff to prepare a Notice of Availability in accordance with the requirements of the Act.

BE IT FURTHER RESOLVED that the Council hereby authorizes the City Manager or her designee to take all necessary actions to fully comply with the Act and carry out the City Council’s direction as set forth herein. Any future disposition of the Property following issuance of the Notice of Availability shall be subject to the approval of the City Council.

IN COUNCIL DULY PASSED this 6th day of December, 2022.

AYES: (6) Mayor C. Rogers, Council Members Fleming, MacDonald, N. Rogers, Sawyer, Schwedhelm

NOES: (0)

ABSENT: (1) Vice Mayor Alvarez

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney