

RESOLUTION NO. RES-2023-215

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DECLARING PURSUANT TO GOVERNMENT CODE SECTION 54221 THAT CERTAIN REAL PROPERTIES OWNED BY THE CITY LOCATED AT 970, 980, 988, 992 and 996 STONY POINT ROAD ARE NON-EXEMPT SURPLUS LAND, DIRECTING STAFF TO PREPARE AND SUBMIT NOTICE(S) 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 the following real properties located on Stony Point Road (collectively, “Properties”) known as Assessor Parcel Numbers: (i) 125-131-064 (“970 Stony Point”); (ii) 125-131-060 (“980 Stony Point”); (iii) 125-131-058 (“988 Stony Point”); (iv) 125-131-061 (“992 Stony Point”); and (v) 125-131-057 (996 Stony Point”); and

WHEREAS, each of the Properties are remnant portions of larger right of way sections that were acquired for the Stony Point Widening and Reconstruction Phase 2- Sebastopol Road to Hearn Avenue Project; and

WHEREAS, not all of the property included within the larger acquired right of way sections was ultimately used in the construction of the Project; and

WHEREAS, said Project has now been fully constructed, and City has determined that it does not have a further public use for these Properties; and

WHEREAS, 970 Stony Point, 980 Stony Point, 988 Stony Point, and 992 Stony Point are .13 acres individually and 996 Stony Point is .14 acres. The Properties combined are approximately .66 acres and together could maximize the beneficial use of the land; 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 Properties are land owned in fee simple by the City and the City desires to dispose of the combined Properties in order to better maximize their value in furtherance of the City’s land use and policy goals, including but not limited to encouraging the development of housing, the Council will take formal action (in the form of adoption of this resolution) in a regular public meeting declaring that the Properties are surplus and are 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 Properties are “surplus land” as defined by the Act, because the Properties are owned in fee simple by the City, and are 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 their 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 Properties following issuance of the Notice(s) of Availability shall be subject to the approval of the City Council.

IN COUNCIL DULY PASSED this 12th day of December, 2023.

AYES: (7) Mayor N. Rogers, Vice Mayor Stapp, Council Members Alvarez, Fleming, MacDonald, Okrepkie, C. Rogers

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney