

RESOLUTION NO. 2017-_____

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
APPROVING FOR SALE OR LEASE THE
SURPLUS PROPERTY OWNED BY THE CITY OF
MERCED, LOCATED AT 301 E. YOSEMITE
AVENUE, APN 231-040-021, MERCED,
CALIFORNIA**

WHEREAS, the City of Merced ("City") owns the real property located at 301 E. Yosemite Avenue, Merced, California (APN 231-040-021) (hereinafter the "Property"); and

WHEREAS, the Property was purchased by the City March 1, 2010; and

WHEREAS, the procedure by which the City can dispose of surplus real property is provided by the California Government Code section 54200 *et seq.*; and

WHEREAS, pursuant to Government Code section 65402, on April 19, 2017, the Planning Commission for the City determined that the sale or lease of the Property was consistent with the City's General Plan; and

WHEREAS, the Property has been re-assessed and determined to be no longer needed for City purposes; and

WHEREAS, the City has selected a new site for the future police facility;
and

WHEREAS, the City has sent out notices of its desire to sell and offer to other public agencies pursuant to Government Code Section 54222; whereby no public agencies indicated sincere interest during the requisite sixty (60) day period;
and

WHEREAS, the City on April 3, 2017, declared its intention to sell or lease the Property in Resolution 2017-17 and gave notice by publication and posting of the Property as required by law; and

WHEREAS, the City wishes to sell or lease the Property for development and to return any proceeds gained from the sale or lease of the Property to the Public Facilities Financing Program; and

WHEREAS, the sale of the Property has been reviewed and considered by the City Council in accordance with the provisions of the California Environmental Quality Act of 1970, as amended ("CEQA"), and the guidelines promulgated thereunder and, further, said Council finds that the sale of the Property is exempt from the requirements of CEQA pursuant to the provisions of Section 15312 of Division 6 of Title 14 of the California Code of Regulations. Section 15312, Class 12 exemption, consists of sale of surplus government property that is not located in an area of statewide, regional, or area-wide concern as identified in Section 15206(b)(4).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCED DOES HEREBY RESOLVE, DETERMINE, FIND, AND ORDER AS FOLLOWS:

SECTION 1. The Property is declared to be surplus property.

SECTION 2. Pursuant to Government Code section 54222, on February 16, 2017, the City made offers to sell, at appraised value, or lease the Property for the purpose of developing low or moderate income housing to the following entities:

Housing Authority of Merced
County

Rennise Ferrario
Executive Director
405 U Street
Merced, CA 95341

Merced County Housing
Program

Loren De Moss
Housing Coordinator
2222 M Street
Merced, CA 95340

Habitat for Humanity of
Merced County

Jan Sorge
2892 Wainwright Avenue
Merced, CA 95340

Merced City and County
Continuum of Care

c/o Jeremy Martinez
Executive Director
United Way of Merced County
658 W. Main Street
Merced, CA 95340

Merced Community Action
Agency

Brenda Callahan-Johnson
Executive Director
1235 West Main Street
Merced, CA 95340

Central Valley Affordable
Housing Coalition

Christine Alley
3351 M Street, Ste 100
Merced, CA 95348

SECTION 3. Pursuant to Government Code section 54222, on February 16, 2017, the City made offers to sell, at appraised value, or lease the Property for the park and recreational or open space purposes to the following entities:

Merced County Parks and
Recreation

Bryan Behn
Deputy Director
Merced County Parks and
Recreation
2222 M Street
Merced, CA 95340

Merced Irrigation District

Bret Theodozio
Director of Parks and Recreation
744 W. 20th Street
Merced, CA 95340

California Natural Resources
Agency

Lisa Mangat
Director
CA Department of Park &
Recreation
1416 9th Street #1311
Sacramento, CA 95814

SECTION 4. Pursuant to Government Code section 54222, on February 16, 2017, the City made offers to sell, at appraised value, or lease the Property for school facilities construction or open-space purposes to the following entities:

Merced City Elementary
School District

Rosemary Parga Duran
Superintendent
444 W. 23rd Street
Merced, CA 95340

Merced Community College
District

Chris Vitelli
President
3600 M Street
Merced, CA 95340

Merced County Office of
Education

Dr. Steve Tietjen
Superintendent
632 W. 13th Street
Merced, CA 95341

Merced Union High School
District

Alan Peterson
Superintendent
3430 A Street
Atwater, CA 95301

Weaver Union School District

John Curry
Superintendent
3076 E. Childs Avenue
Merced, CA 95341

SECTION 5. The City did not receive notification from any entity listed in Sections 2, 3 or 4 above, of its intent to purchase or lease the Property for low or moderate income housing, park and recreational or open space or school facilities construction purposes within 60 days from the date the entity received notice of the City's intent to sell or lease the Property.

SECTION 6. On or about July 15, 2016, the City solicited an appraisal for the Property to determine the fair market value of said Property. The City intends to re-appraise the Property to reflect its revised General Plan and Zoning designation of Commercial Neighborhood prior to the issuance of a Request for Proposal (RFP) for the future purchase and development of the Property.

SECTION 7. The City Clerk, pursuant to Government Code section 37423, gave notice of the time and place of the public hearing by publishing Resolution 2017-17 in a local newspaper, and by posting a copy of Resolution 2017-17 on the Property for not less than ten (10) days in at least three (3) conspicuous places on said Property.

SECTION 8. In accordance with Government Code section 37420 *et seq.*, on May 15, 2017, the City Council conducted a public hearing concerning its intention to sell or lease the Property.

SECTION 9. At said hearing the City Council considered its intention to sell or lease the Property. The City Council heard any and all protests in relation to the City's intention to sell or lease the Property, and considered and finally acted upon any written or oral protests and objections.

SECTION 10. Pursuant to Government Code section 37350, the City Council finds and determines that the sale or lease of the Property is in the City's interest and for the common benefit as follows:

- (a) The Property is no longer needed for the City's use as a police facility.
- (b) The sale or lease of the Property is in the public's interest and convenience because it will provide the following:
 - 1. The redevelopment of the Property is consistent with the City's Merced Vision 2030 General Plan designation of Neighborhood Commercial and the Site Utilization Permit #72;
 - 2. The redevelopment of the Property for commercial or retail uses will generate sales taxes and/or payroll dollars; and
 - 3. City's transfer of the fee or leasehold interest in the Property will generate property tax revenues, which can be used to fund essential City services.
- (c) The sale or lease of the Property will be at fair market value, as determined by the City's appraisal and negotiation.

SECTION 11. The City may now offer the Property for sale or lease to the public for development by competitive bid (RFP) or negotiated sale. The sale or

lease may be at fair market value, as determined by the City's appraisal and negotiation.

SECTION 12. Nothing in this Resolution shall require the City to sell or lease said Property.

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the ____ day of _____ 2017, by the following vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

APPROVED:

Mayor

ATTEST:
STEVE CARRIGAN, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

Kelly J. J. J. 5/8/17
City Attorney Date