

RESOLUTION NO. 2021-102

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
DECLARING CERTAIN PROPERTIES AS
EXEMPT SURPLUS LAND AND DIRECTING THE
CITY MANAGER TO FOLLOW THE
PROCEDURES SET FORTH IN THE SURPLUS
LANDS ACT FOR THEIR DISPOSITION**

WHEREAS, the City of Merced ("City") is the owner of certain real properties located in the vicinity of the Merced Regional Airport as listed in Exhibit" A" ("Properties"); and

WHEREAS, the Surplus Lands Act codified in California Government Code Section 54220 et seq. (the "Act") places requirements to dispose of land owned by cities, counties, and other public agencies; and

WHEREAS, the Act requires, with limited exceptions, cities and other public agencies to offer property to affordable housing providers and certain other entities before a public entity sells property. The Act mandates a noticing process and a required negotiation period. If no qualified entity wants the land, or the public agency and the qualified entity are not able to reach an agreement after good faith negotiations, the public agency is free to sell the property to any entity, subject to certain requirements; and

WHEREAS, the Act requires a local agency's governing body to take formal action in a regular public meeting declaring that land is surplus and is not necessary for the agency's use. Land shall be declared either "surplus land" or "exempt surplus land," as supported by written findings, before a local agency may take any action to dispose of it consistent with an agency's policies or procedures; and

WHEREAS, surplus land that is subject to valid legal restrictions that are not imposed by the local agency and that would make housing prohibited, unless there is a feasible method to satisfactorily mitigate or avoid the prohibition on the site, is exempt surplus land pursuant to Government Code Section 54221(f)(1)(G); and

WHEREAS, housing is prohibited on the Properties pursuant to the Merced County Airport Land Use Compatibility Plan adopted June 21, 2012. The

Properties are located within the B1 and B2 land use compatibility zones surrounding the Merced Regional Airport, which prohibit single-family and multi-family residential dwellings because they are located in areas that exceed the maximum Community Noise Equivalent Levels that are acceptable for residential uses; and,

WHEREAS, the City desires to declare the Properties as exempt surplus land under Government Code Section 54221(f)(1)(G) and direct staff to dispose of the properties in compliance with all applicable laws.

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

SECTION 1. The properties listed in Exhibit A are declared as exempt surplus land pursuant to GC Section 54221 (f)(1)(G) of the Act.

SECTION 2. The City Manager or their designee is directed to follow the procedures set forth in the Act for the exemption of surplus land.

SECTION 3. City staff and the City Attorney are authorized and directed to execute any documents and take any steps necessary to comply with the purpose and intent of this Resolution.

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the 1st day of November 2021, by the following vote:

AYES: 6	Council Members: BOYLE, ECHEVARRIA, ORNELAS, PEREZ, SERRATTO, SHELTON
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NOES: 0	Council Members: NONE
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ABSENT: 1	Council Members: BLAKE
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ABSTAIN: 0	Council Members: NONE
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APPROVED:

Mark Smith

Mayor

ATTEST:

STEPHANIE R. DIETZ, CITY CLERK

BY:

[Signature]
Assistant/Deputy City Clerk

(SEAL)



APPROVED AS TO FORM:

K. Lopez

City Attorney

10/26/21

Date

Exhibit A

Exempt Surplus Land Properties

- (a) 059-300-026-000
- (b) 059-420-012-000
- (c) 059-420-013-000
- (d) 059-420-046-000
- (e) 059-420-073-000

