

**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. 20<sup>th</sup> Street  
Merced, CA 95340

California Natural Resources  
Agency

Lisa Mangat  
Director  
CA Department of Park &  
Recreation  
1416 9<sup>th</sup> 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. 23<sup>rd</sup> 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. 13<sup>th</sup> 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