

Received After Agenda Printed  
Regular City Council Meeting 09-05-23  
Item No. 12 - Staff Presentation



# Sale of City Owned Real Property

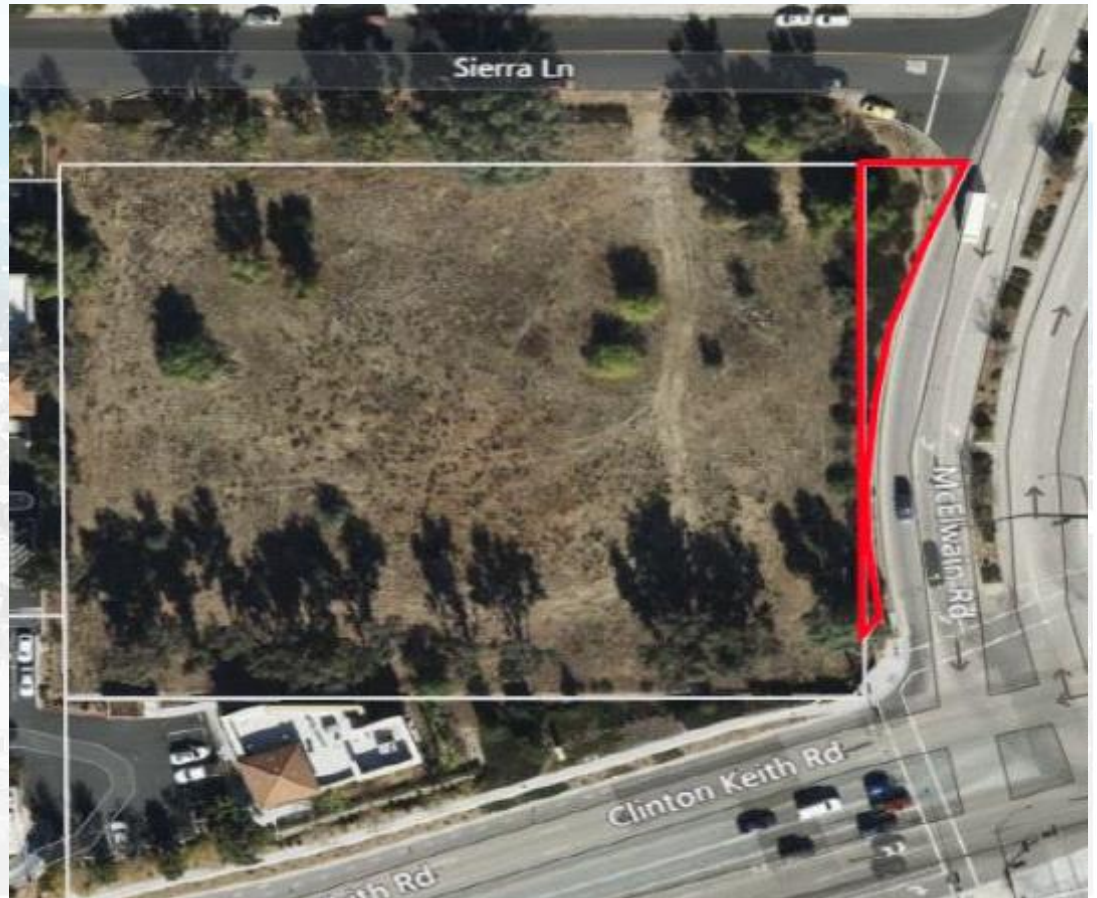
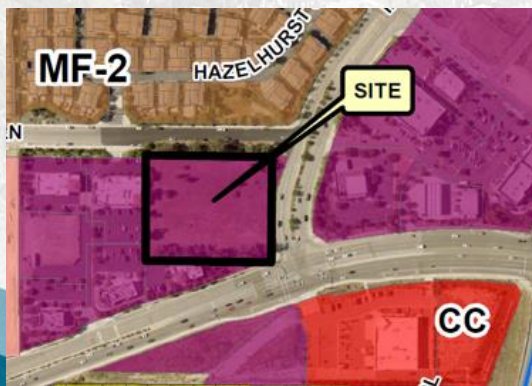
September 5, 2023  
City Council  
PH



## Location

Northwest of  
Clinton Keith/  
McElwain Road

Zoning: Right-of-way  
(3,049 square feet)



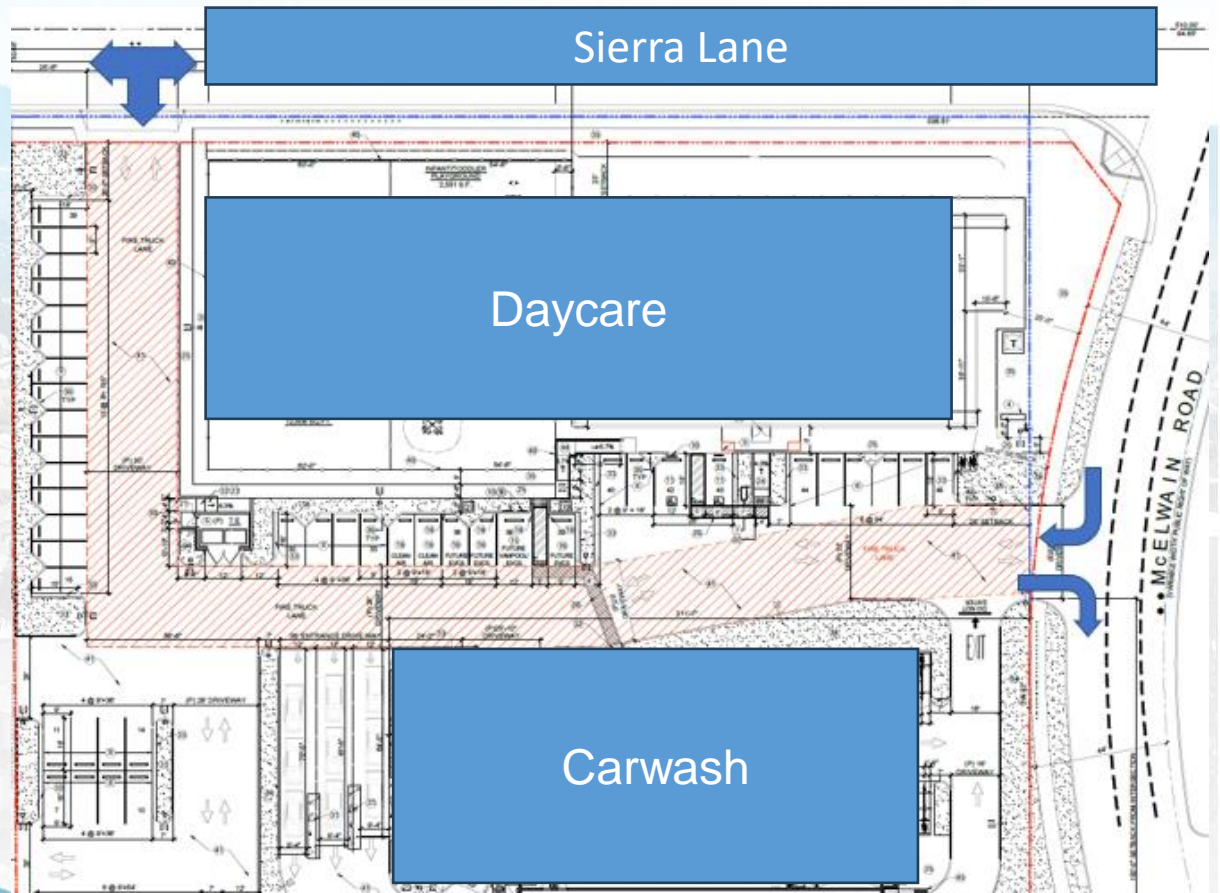




## Adjacent Property

Approved  
Carwash and  
Daycare Center

New driveway  
along McElwain  
required for  
secondary access





## Surplus Lands Act

The Surplus Lands Act (SLA) is a set of statutes that local agencies must follow when disposing of surplus land.

Pursuant to Government Code §54222, the first step is for the City Council to declare that the 3,049 square foot piece of land is surplus property not needed for future development by the City.

The City Council could then determine that this small City parcel is exempt from the SLA.



# Surplus Lands Act

## Exempt Surplus Land Determination Process

Land must be declared either "surplus land" or "exempt surplus land,"<sup>1</sup> as supported by written findings, before a local agency may take any action to dispose of it consistent with statutory requirements, the SLA Guidelines, and a local agency's policies or procedures.

### **Official Exemptions from Standard SLA Process**

*HCD requires local agencies to provide a copy of the written findings declaring the land "Exempt Surplus" to ensure the exemption applies and the local agency is not subject to the standard SLA Process. HCD's review of the "Exempt Surplus" written findings can save substantial time and can help prevent unintended violations.*

#### **Exemption Category 1** "Grandfathering"

The pre-AB 1486 version of the SLA applies if the local agency took certain action to dispose of property or issued a competitive request for proposals to dispose of the surplus land, and the disposition is complete, before a specific date.

#### **Exemption Category 2** Land for affordable housing

Streamlines the process for disposing of land for affordable housing development. Must meet certain criteria in the SLA.

#### **Exemption Category 3** Land dedicated for other public uses

Land dedicated for other public uses (parks, schools, etc.) transferred to federal/state government, land exchanged for other land to be used by the local agency, etc.

#### **Exemption Category 4** Land not suitable for housing

Small parcels, former streets, parcels with legal restrictions that prohibit housing.

**Figure 1:** Overview of the main categories of exemptions from the standard SLA process





## Surplus Lands Act

### Exemption Category 4:

- Less than 5,000 square feet in size
- Configuration and size could not support housing
- Not contiguous to land designated as open space or used for low and/or moderate-income level housing
- Not needed for future expansion of McElwain Road
- Property to be sold to adjacent property owner



## Surplus Lands Act

Appraisal by Epic Land Solutions, Inc.

- 3,049 square feet
- \$70,200





## Surplus Lands Act

### 30-day notification period

- If City Council approves the sale of the City owned property, staff will notify the California Department of Housing & Community Development (HCD) for a 30-day period.
- If HCD does not object, the City Manager is authorized and directed to execute the Purchase & Sales Agreement on behalf of the City.





## Surplus Lands Act

The SLA requires that the City Council make findings to support the use of the exemption. Pursuant to Government Code §54221(f)(1)(B), the land is exempt from State law if it complies with the following:

- The surplus land has less than 5,000 square feet in area; or
- The surplus land has less than the minimum legal residential building lot size for the jurisdiction in which the parcel is located, or 5,000 square feet in area, whichever is less; or
- The surplus land is being sold to the owner of continuous land.

As stated in the attached Resolution No. 23-4703, the facts support the City Council making the required findings to declare the property as “Exempt Surplus.”



## Environmental Determination

The proposed action is not a "project" as defined in CEQA Guidelines Section 15378 because it involves the execution of an agreement that, on its own, will not cause a significant environmental impact. As such, this activity is not subject to CEQA pursuant to Section 15060(c)(3).



## Recommendation

1. The proposed action is not a "project" as defined in CEQA Guidelines Section 15378 because it involves the execution of an agreement that, on its own, will not cause a significant environmental impact. As such, this activity is not subject to CEQA pursuant to Section 15060(c)(3).

and

2. Adopt the **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MURRIETA APPROVING RESOLUTION No. 23-4703: *A Resolution of the City Council of the City of Murrieta, California, Declaring A City-Owned Parcel as Exempt Surplus and Approving the Sale of City-Owned Real Property Located Northwest of the Intersection of Clinton Keith Road and McElwain Road, Murrieta, CA (APN: 392-270-005) to Ashdon Development for \$70,200.00, based on the Findings and subject to the Conditions of Approval in Exhibit A, as found in Attachment 1.***





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Resolution 23-4703

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**Process of determining eligibility for Exemption Category 4:**  
Land not suitable for affordable housing

