

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

WHEREAS, the City of Murrieta ("City") is the owner of real property, which is located northwest of the intersection Clinton Keith Road and McElwain Road, Murrieta, CA 92562, and is identified as Assessor's Parcel Number ("APN") 392-270-005 ("City Parcel"); and

WHEREAS, the City Parcel, which is two small pieces which total 3,049 square feet, is part of the right-of-way of the adjacent McElwain Road and is adjacent to a parcel ("Property") that is zoned Community Commercial (CC) and a public road; and

WHEREAS, the owner of the Property, Ashdon Development, is developing the Property and has asked to purchase the City Parcel from the City to develop as part of its project on the Property; and

WHEREAS, pursuant to the Surplus Property Land Act (Government Code Sections 54220-54233), as amended by Assembly Bill 1486 (effective January 1, 2020) ("Act"), the City Council must take formal action in a regular public meeting to declare land owned by the City which is not necessary for the City's use to be surplus; and

WHEREAS, City staff has determined that the City Parcel is not and will not be needed for any use including the future expansion of McElwain Road and, moreover, due to its size, condition, and location, is not appropriate for the development of housing; and

WHEREAS, on September 5, 2023, the City Council considered whether to declare the City Parcel to be exempt surplus land.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MURRIETA, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. That the City Parcel is less than 5,000 square feet in area and less than the minimum legal residential building lot size for the City; and is not contiguous to land owned by a state or local agency that is used for open-space or low- and moderate-income housing purposes.

Section 2. That the City Parcel is not needed for any use including the future expansion of McElwain Road and, due to its size, condition, and location, is not appropriate for the development of housing such that the City Parcel is declared to be exempt surplus property as defined in Government Code Section 54221 (f)(1)(B).

Section 3. That the City Parcel is approved for sale to Ashdon Development, the owner of the only land adjacent to the City Parcel, for \$70,200 unless HCD objects to the City's determination that the City Parcel is exempt surplus land.

Section 4. That City staff will immediately notify the California Department of Housing & Community Development ("HCD") of the adoption of this Resolution.

Section 5. Upon conclusion of the 30-day notification period to Housing and Community Development, if HCD has not objected to the City's determination that the City Parcel is exempt surplus land, the City Manager or her designee is hereby authorized and directed to execute the Purchase and Sale Agreement on behalf of the City, including execution of all related escrow, closing, and similar documents necessary to finalize the sale of the City Parcel.

Section 6. That the approval of the Purchase and Sale Agreement is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15378 of the CEQA Guidelines relating to the sale of surplus government property, and Section 15060(c)(3) of the CEQA Guidelines because this is not a project as defined by Section 15378 of the CEQA Guidelines.

PASSED AND ADOPTED this 5th day of September, 2023.

Lisa DeForest, Mayor

ATTEST:

Cristal McDonald, CMC, City Clerk

APPROVED AS TO FORM:

Tiffany Israel, City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)§
CITY OF MURRIETA)

I, Cristal McDonald, City Clerk of the City of Murrieta, California, do hereby certify that the foregoing Resolution No. 23-4703 was duly passed and adopted by the City Council of the City of Murrieta at the regular meeting thereof, held on the 5th day of September, 2023, and was signed by the Mayor of the said City, and that the same was passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Cristal McDonald, City Clerk