

**Exhibit “A”
Resolution**

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, DECLARING PROPERTY LOCATED AT THE SOUTHWEST CORNER OF S. WILLOW AVENUE AND E. BYRD AVENUE IN SOUTHEAST FRESNO (APN: 481-110-42T) TO BE EXEMPT SURPLUS LAND AND INITIATING THE OPEN AND COMPETITIVE REQUEST FOR PROPOSALS PROCESS FOR THE DISPOSITION OF THIS PROPERTY FOR AN AFFORDABLE HOUSING DEVELOPMENT

WHEREAS, the City of Fresno (City) owns a 10.24-acre vacant parcel located at the southwest corner of S. Willow Avenue and E. Byrd Avenue (APN: 481-110-42T) (Property), as described in the parcel map attached hereto as Exhibit A; and

WHEREAS, the Surplus Land Act (California Government Code sections 54220 through 54236) is generally intended to make a local agency's surplus land (i.e., land not needed for the agency's use) available for potential acquisition by affordable housing sponsors for affordable housing purposes or by other local public entities; and

WHEREAS, California Government Code section 54221(b) and the April 2021 Surplus Land Act Guidelines (SLA Guidelines) published by the California Department of Housing and Community Development (HCD) require that prior to taking any action to dispose of land that is subject to the Surplus Land Act, the City Council must, at a public meeting, declare the land either surplus land or exempt surplus land, as each are defined in California Government Code section 54221; and

WHEREAS, under the Surplus Land Act, 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 the agency's policies or procedures;
and

WHEREAS, the determination is based on the fact that APN: 481-110-42T is listed in the City of Fresno 2020-2024 Consolidated Plan (page 134-135), adopted by the Fresno City Council on May 21, 2020, as land set aside specifically for the development of affordable housing and has been identified and determined to be exempt surplus land;
and

WHEREAS, the City purchased the property in accordance with the U.S. Department of Housing and Urban Development requirement for the use of former/closed Rental Rehabilitation Program Income funds which was used to purchase the property and specifically for the development of affordable housing; and

WHEREAS, the City has sought concurrence with the State of California Housing and Community Development Department, and the State has concurred that APN: 481-110-42T is determined to be exempt surplus land on December 11, 2020; and

WHEREAS, the proposed development and affordability restrictions support the findings that the property qualifies as exempt from the California Surplus Land Act as stated in Government Code Section 37364(a) which requires: (1) Minimum of 80% of the area of any parcel shall be used for development of housing (remaining 20% could be ancillary commercial or park/open space use); (2) Not less than 40% of the total number of housing units developed on any parcel pursuant to this section shall be affordable to households whose incomes are equal to, or less than, 75 percent of the maximum income of lower income households (80% of area median income), and at least half of which (20% of the units) shall be affordable to very low-income households (50% of area median

income); and (3) Dwelling units shall be restricted by regulatory agreement to remain continually affordable to those persons and families for the longest feasible time, but not less than 30 years and shall be recorded against the property; and

WHEREAS, in accordance with the Government Code Section 54221(b)(1), the land is owned in fee simple by any local agency (City) for which the local agency's governing body takes formal action in a regular public meeting declaring that the land is surplus and is not necessary for the agency's use; and

WHEREAS, the City of Fresno is preparing to release a Request for Proposal for a Community Housing Development Organization to develop the site as a 70-unit single-family affordable housing subdivision.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The City Council hereby declares the Property located at the southwest corner of S. Willow Avenue and E. Byrd Avenue (APN: 481-110-42T) exempt surplus land in accordance with the California Surplus Land Act.
2. City staff is hereby directed to prepare for disposition of property in compliance with the Request for Proposals process pursuant to City of Fresno Municipal Code Section 4-204 and return to Council for approval of an Agreement for disposition.
3. Conduct any environmental assessment as may be required under the California Environmental Quality Act.
4. This resolution shall be effective upon final approval.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2022.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2022
Mayor Approval/No Return: _____, 2022
Mayor Veto: _____, 2022
Council Override Vote: _____, 2022

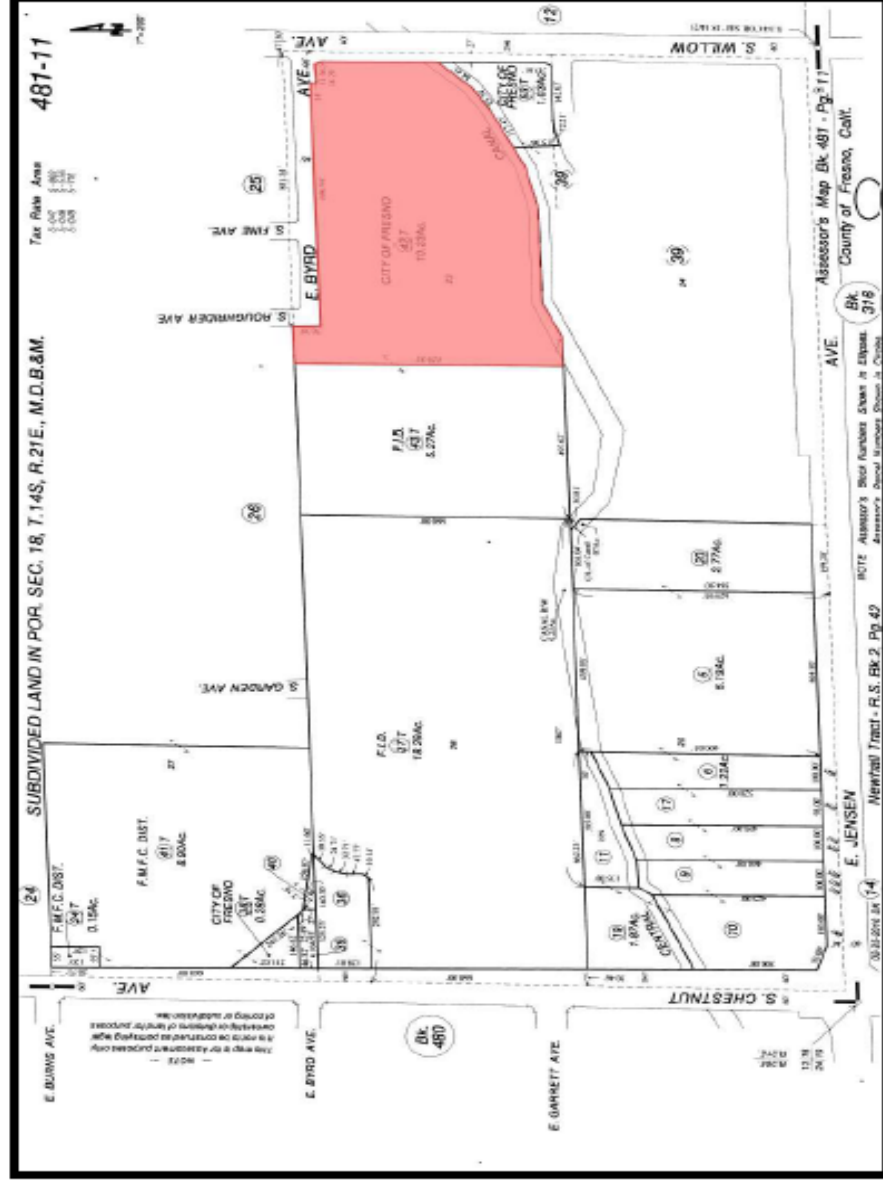
TODD STERMER, CMC
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
RINA M. GONZALES
Interim City Attorney

By: _____
Taylor W. Rhoan Date
Deputy City Attorney

Attachment: Exhibit A - Parcel Map



Legal Description

APN: 481-110-42T

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF FRESNO, COUNTY OF FRESNO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

THAT REAL PROPERTY SITUATED IN THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 14 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL UNITED STATES GOVERNMENT TOWNSHIP PLAT THEREOF, SAID REAL PROPERTY ALSO BEING A PORTION OF LOT 23 OF NEWHALL TRACT, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 2 AT PAGE 42 OF RECORD OF SURVEYS, FRESNO COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 23, SAID CORNER BEING ON A LINE PARALLEL WITH AND 20.00 FEET WEST OF THE EAST LINE OF SAID SOUTHWEST QUARTER OF SECTION 18; THENCE SOUTH $86^{\circ}43'53''$ WEST, ALONG THE NORTH LINE OF SAID LOT 23, A DISTANCE OF 891.54 FEET; THENCE SOUTH $0^{\circ}44'29''$ EAST, A DISTANCE OF 659.81 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 23; THENCE NORTH $86^{\circ}44'02''$ EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 889.56 FEET TO THE SOUTHEAST CORNER OF SAID LOT 23; THENCE NORTH $0^{\circ}34'11''$ WEST, ALONG THE EAST LINE OF SAID LOT 23, PARALLEL WITH AND 20.00 FEET WEST OF SAID EAST LINE OF SAID SOUTHWEST QUARTER OF SECTION 18, A DISTANCE OF 659.94 FEET TO THE POINT OF BEGINNING.

EXCEPT THEREFROM THAT PORTION OF SAID LOT 23, ALONG BEING A PORTION OF TRACT NO. 3542 RECORDED IN BOOK 55 AT PAGES 66-69 OF PLATS, FRESNO COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT SAID NORTHEAST CORNER OF LOT 23; THENCE SOUTH $86^{\circ}43'53''$ WEST, ALONG THE NORTH LINE OF SAID LOT 23, A DISTANCE OF 790.26 FEET; THENCE SOUTH $3^{\circ}16'07''$ EAST, A DISTANCE OF 70.39 FEET; THENCE NORTH $86^{\circ}43'53''$ EAST, PARALLEL WITH AND 70.00 FEET SOUTH OF SAID NORTH LINE OF SAID LOT 23, A DISTANCE OF 786.94 TO A POINT ON THE EAST LINE OF SAID LOT 23; THENCE NORTH $0^{\circ}34'11''$ WEST, ALONG SAID EAST LINE, PARALLEL WITH AND 20.00 FEET WEST OF SAID EAST LINE OF SAID SOUTHWEST QUARTER OF SECTION 18, A DISTANCE OF 70.47 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THAT PORTION OF SAID LOT 23 GRANTED TO SELF HELP ENTERPRISES BY GRANT DEED RECORDED JULY 23, 2003, AS DOCUMENT NO. 2003-0172645 AND DESCRIBED IN GRANT DEED RECORDED MARCH 17, 2004, AS DOCUMENT NO. 2004-057618, OF OFFICIAL RECORDS OF FRESNO COUNTY.