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**Title:** \*\*\*RESOLUTION - Declaring APNs 510-326-32T and 510-326-33T to be surplus and directing staff to comply with the Surplus Land Act (Council District 1) (Subject to Mayor’s Veto).

**Sponsors:** Capital Projects Department

**Indexes:**

**Code sections:**

**Attachments:** 1. 24-619 Resolution.pdf, 2. 24-619 Location Map.pdf, 3. 24-619 Vicinity Map.pdf

Date	Ver.	Action By	Action	Result
5/23/2024	1	City Council	ADOPTED	Pass

**REPORT TO THE CITY COUNCIL**

**FROM:** RANDALL W. MORRISON, PE, Director  
Capital Projects Department

**BY:** NANCY BRUNO, Supervising Real Estate Agent  
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**SUBJECT**

\*\*\*RESOLUTION - Declaring APNs 510-326-32T and 510-326-33T to be surplus and directing staff to comply with the Surplus Land Act (Council District 1) (Subject to Mayor’s Veto).

**RECOMMENDATION**

Staff recommends that the City Council adopt the attached Resolution, declaring two City owned parcels, each 0.09-acre (3,920 square feet) in size and improved with single-family structures located at the corner of Brix Avenue and Swift Avenue, east of Cornelia Avenue, to be surplus land. Declaring the above-mentioned properties surplus will allow the City to fulfill the additional requirements of the Surplus Land Act in order to move forward with the potential disposition.

**EXECUTIVE SUMMARY**

The two City parcels, each 0.09-acre (3,920 square feet) in size and improved with single-family structures, are located at the corner of Brix Avenue and Swift Avenue, east of Cornelia Avenue (Assessor’s Parcel Numbers (APNs) 510-326-32T and 504-326-33T). These parcels were purchased by the City for the purpose of building temporary Urban Growth Management (UGM) Fire Station Number 16. The purchase was approved by the Fresno City Council on December 21, 1993, via Resolution Number 93-414, and the funding for the purchase was from Contingency/Reserve Capital

funds. Staff has determined the parcels are no longer used by the City and are no longer considered necessary for the City's use. As such, these parcels must be declared surplus in order to proceed with the disposition by the City in accordance with the Surplus Land Act.

## BACKGROUND

On January 1, 2020, the Surplus Land Act (SLA) was amended to include additional requirements that local agencies must follow when disposing of property. The SLA requires that land shall be declared either "surplus land" or "exempt surplus land" supported by written findings before a local agency may take any action to sell or lease land. The primary modifications are summarized below:

- Prohibits negotiating disposition of property prior to compliance with the procedural requirements of SLA;
- Requires legislative bodies to take formal action in a regular public meeting to declare land surplus or exempt;
- Prohibits the negotiations between a disposing agency and interested entities from including deal terms that would reduce or disallow residential use of the site;
- Requires disposing agency to send a notice of availability to specified agencies and housing sponsors that have notified the Department of Housing and Community Development of their interest. Agencies have 60 days to respond with a letter of interest;
- Requires disposing agency, prior to agreeing to the terms for the disposition of surplus land, to provide specified information about its disposition process to the Department of Housing and Community Development (HCD). HCD then has 30 days to review the information and submit written findings to the disposing agency if HCD determines the proposed land disposal will violate the requirements of this new law. Violations would be subject to monetary penalties or enforcement action.

Pursuant to SLA Section 54222 a Low- and Moderate-Income Housing Availability Notice (NOA)/Offer to Sell Surplus Property will be sent to certain public entities and housing sponsors that have notified HCD of their interest.

Interested entities must notify the City in writing within 60 days after the City's notice. Upon receipt of all Letters of Interest after the 60-day noticing period, the City shall engage in the 90-day good faith negotiation period with any interested public entities or housing sponsors interested in developing affordable housing. An entity proposing to use the surplus land for developing low- and moderate-income housing shall agree to make available not less than 25 percent of the total number of units to lower income households with applicable covenants. Any proposed disposition and terms would be presented to the Council for consideration and approval. If the City does not reach an agreement for price or terms with an entity to which a NOA was given or if no entity responds after the 60-day NOA period, the City may proceed with an RFP under the SLA provision that not less than 15 percent of the total number of residential units shall be sold or rented to lower income households with applicable 45- or 55-year covenants.

On December 21, 1993, City Council adopted Resolution Number 93-414 authorizing the use of Contingency/Reserve Capital funds to acquire two parcels (APNs 510-326-32T and 504-326-33T) for the purpose of building temporary UGM Fire Station Number 16 located at the corner of Brix Avenue and Swift Avenue, east of Cornelia Avenue. The parcels were used by the Fire Department until 2007. The Police Department utilized the parcels to house their Background Investigators from 2010 through 2020, when the Investigators were relocated to the Police Department Annex. The parcels

have been vacant since May 2020. The parcels are no longer used by the City and are no longer considered necessary for the City's use.

The City Attorney's Office has reviewed and approved the Resolution as to form.

## **ENVIRONMENTAL FINDINGS**

This is not a project for purposes of CEQA.

## **LOCAL PREFERENCE**

Local preference was not considered because to be surplus land does not involve bidding for or awarding of a contract.

## **FISCAL IMPACT**

The disposal of these parcels will have no impact on the General Fund (Council District 1).

### **Attachments:**

Resolution

Location Map

Vicinity Map