

RESOLUTION 6390(21)

**A Resolution of the City Council of the City of Lompoc,
County of Santa Barbara, State of California,
Declaring Its Intent to Abandon, and Transfer to the
Lompoc Cemetery District, Ownership of, an Unused Portion of
Beattie Park, Pursuant to Government Code Section 38501 *Et Seq.* and
Setting a Public Hearing for May 4, 2021, to Hear Objections to that Abandonment**

WHEREAS, abandonment of a unused portion of Beattie Park is being initiated by the City Council of the City of Lompoc (City); and

WHEREAS, the land proposed to be abandoned (Property) consists of an approximately 7.64-acre unused portion of Beattie Park, which is owned by the City and is shown and described in Exhibit A, attached hereto; and

WHEREAS, prior to disposing of park land, a city must adopt a resolution of intent to abandon the park land setting a public hearing, hold the public hearing at least 30 days later, hear and pass on any objections from the public, and adopt a resolution of abandonment making the findings required by Government Code section 38501; and

WHEREAS, the Property is currently unimproved and is unused by Beattie Park (Park) users due to its topography and lack of access; and

WHEREAS, the portion of the Park, in which the Property is a part, was dedicated to the City in 1975 by Johns Manville Products Corporation at no cost to the City; and

WHEREAS, the Property has a General Plan Land Use designation of Community Facility (CF) and is currently zoned as Public Facilities and Institutional Zone (PF); the Property has no approved entitlements for development; and

WHEREAS, while the Property was intended to be used for recreational/park purposes, it was never used as a public park, no park improvements were made on this portion of the park, and no money was ever spent by the City in upgrading the Property to be used for park purposes; and

WHEREAS, if this Resolution is adopted, then the Planning Commission is hereby requested, pursuant to Government Code section 65402, to report on whether the transfer of ownership to the Property to the Lompoc Cemetery District will conform to the City's General Plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMPOC, CALIFORNIA, DOES HEREBY RESOLVES AS FOLLOWS:

SECTION 1. The recitals above are true and correct.

SECTION 2. The City Council declares its intent to abandon the portion of Beattie Park that is comprised of the Property. The Property lacks the access and improvements to be used as a recreational/park use.

SECTION 3. The City Council hereby sets a public hearing for May 4, 2021, at 6:30 p.m., or as soon thereafter as may be heard, in the City Council Chamber at 100 Civic Center Plaza, Lompoc, CA 93436, to hear and pass on objections to the abandonment of the Property.

SECTION 4. At the May 4, 2021 public hearing, the City Council will consider the following findings required by Government Code section 38501 for the abandonment:

- The specified portion of the park has not been used by the public for park purposes.
- No public funds have been expended to improve the specified portion of the land as a park.
- No consideration has been paid for the land except by the City.
- The specified portion of the land is not appropriate, convenient, or necessary for park purposes.

SECTION 5. Following its adoption and in accordance with Government Code sections 6063 and 38504, the City Clerk shall have publication of a copy of this Resolution completed at least 30 days before the date of the public hearing. Those sections state that publication shall be once a week for three successive weeks; three publications in a newspaper regularly published once a week or oftener, with at least five days intervening between the respective publication dates not counting such publication dates, are sufficient; and the period of notice commences upon the first day of publication and terminates at the end of the twenty-first day, including therein the first day.

SECTION 6. Following its adoption and in accordance with Government Code section 38504, the Public Works Director shall cause not less than four copies of this Resolution to be posted conspicuously not more than 100 feet apart along the boundaries of the Property.

SECTION 7. This Resolution is effective upon its adoption.

The foregoing Resolution was proposed by Council Member _____, seconded by Council Member _____, and was duly passed and adopted by the Council of the City of Lompoc at its regular meeting on March 16, 2021, by the following vote:

AYES: Council Member(s):

NOES: Council Member(s):

ABSENT: Council Member(s):

ATTEST:

Jenelle Osborne, Mayor
City of Lompoc

Stacey Haddon, City Clerk
City of Lompoc

Exhibit A
to
Resolution No. 6390(21)

Legal Description

That portion of farm lot 98 of the subdivision of the Ranchos Lompoc and Mission Vieja, in the County of Santa Barbara, State of California, according to the map thereof filed in Book 1, Page 45 of Maps and Surveys in the Office of the County Recorder of said County, described as follows:

Commencing at the northerly terminus of the easterly boundary line of "Parcel B" shown on a Record of Survey filed in Book 140, Page 50 of Record of Survey having a bearing of North 01°44'54" East a distance of 208.61, thence, coincident with the northerly boundary line of said Parcel B, and the southerly right-of-way of Willow Avenue, South 89°59'37" East a distance of 56.01 feet to the Northwest corner of the tract of land described in a deed to the City of Lompoc as a corrective deed, recorded September 26, 1975 as Instrument No. 33929 in Book 2588, Page 398 of Official Records, Records of said County, and the **True Point of Beginning**; thence,

- 1st- along said southerly right-of-way of Willow Avenue, South 89°59'37" East a distance of 383.37 feet; thence,
- 2nd- South 28°10'12" East, a distance of 156.53 feet to a set 1" iron pipe with a tag stamped "PLS 8226"; thence,
- 3rd- South 21°04'23" East, a distance of 73.43 feet to a set 1" iron pipe with a tag stamped "PLS 8226"; thence,
- 4th- South 10°42'02" West, a distance of 39.09 feet to a set 1" iron pipe with a tag stamped "PLS 8226"; thence,
- 5th- South 44°17'16" West, a distance of 62.99 feet to a set 1" iron pipe with a tag stamped "PLS 8226"; thence,
- 6th- South 02°23'10" East a distance of 240.50, feet to the southerly boundary line of said City Parcel conveyed in Instrument No. 33929 and to a set 1" iron pipe with tag stamped "PLS 8226"; being on said line; thence,
- 7th- coincident with the said southerly line, South 62°27'59" West, a distance of 366.19 feet to an angle points in said City Parcel and a found 1/2" iron pipe with tag stamped "Is 6244" as shown on a Record of Survey filed in Book 147 Page 38 et seq. of Record of Surveys ; thence,
- 8th- coincident with the said southerly line, North 82°30'29" West, a distance of 301.25 feet to an angle point shown on said Parcel B of said Record of Survey and the southerly terminus of a line having a bearing of North 08°04'54" East, a distance of 150.00 feet, and an angle point of the land conveyed in a Corporation Grant Deed to the Lompoc Cemetery District recorded February 16, 1967 as instrument No. 5383 in Book 1827,

Page 163 of Official Records; thence, coincident with said Cemetery District parcel, and Parcel B of said Record of Survey the following three (3) courses and distances:

- 9th- North 08°04'43" East, a distance of 150.00 feet; thence,
- 10th- North 28°04'43" East, a distance of 325.00 feet; thence,
- 11th- North 01°45'27" East, a distance of 225.19 feet to the **True Point of Beginning**.

Containing an area of 7.64 acres more or less.

Portion of APN: 093-140-015

Sketch of the Property

