



City Council Agenda Item

City Council Meeting Date: May 4, 2021

TO: Honorable Mayor and City Councilmembers

FROM: Jim Throop, City Manager
j_throop@ci.lompoc.ca.us

SUBJECT: Adoption of Resolution No. 6402(21) declaring an Unused Approximately 7.64-Acre Portion of Beattie Park as Exempt Surplus Land; and Adoption of Resolution No. 6403(21) Abandoning the Use of the Property for a Park Use and Authorizing the City Manager to Take Necessary Actions to Proceed with the Sale of the Property to the Lompoc Cemetery District

Recommendation:

Staff recommends the City Council:

- 1) Open and conduct a public hearing to receive objections to the City Council's intention to abandon the park use of the 7.64-Acre portion of Beattie Park (Property);
- 2) Close the public hearing;
- 3) Adopt Resolution No. 6402(21) (Attachment 1) declaring the Property exempt surplus land;
- 4) Adopt Resolution No. 6403(21) (Attachment 2) overruling any objections that may be received during the public hearing, determining to abandon the park use of the Property, and authorizing staff to proceed with selling the Property to the Lompoc Cemetery District (District) for \$1.00; and
- 5) Authorize the City Manager to execute the Agreement of Purchase and Sale and Joint Escrow Instructions (Attachment 3); or
- 6) Provide other direction.

Background:

At its meeting of March 16, 2021, the City Council adopted Resolution No. 6390(21) (Attachment 4), to schedule a public hearing on May 4, 2021, for the City Council to consider objections to abandoning the park use of the Property.

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At its meeting of April 14, 2021, the Planning Commission adopted Resolution No. 946 (21) (Attachment 5) reporting that the sale of the Property to the District would conform to the City's General Plan.

The Property is more fully described and shown in Exhibit A to Resolution No. 6390(21) (Attachment 4).

Pursuant to Government Code¹ section 38503, the public hearing scheduled for this meeting is occurring at least 30 days after adoption of Resolution No. 6390(21) (Attachment 4). Also, that resolution was posted and published as required by Section 38504.

Discussion:

Due to the location of, lack of accessibility to, and topography of, the Property, although the Property was intended to be used for recreational/park purposes, it was never so 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. The City also has no intended future use of the Property for City purposes. Transferring ownership of the Property to the District could financially benefit the City as discussed in the Fiscal Impact section, below.

Based on the foregoing, it is clear:

- The Property has not been used by the public for park purposes;
- No public funds have been expended to improve the Property as a park;
- No consideration has been paid for the Property; and
- The property is not appropriate, convenient, or necessary for park purposes.

Pursuant to the Surplus Land Act², the Property is “surplus property” because it is not necessary for the City's use (see, Subdivision 54221(b)(1)). In addition, since the District is a public agency, any transfer of that surplus property to the District by the City is considered a transfer of “exempt surplus property” (see, Subdivision 54221(f)(1)(D).) Therefore, pursuant to Subdivision 54221(f)(2), noticing requirements and other provisions of the Surplus Land Act are not applicable to the transfer of the Property, pursuant to Section 54222.3.

¹ Any reference to a statute is to the California Government Code, unless otherwise indicated.

² Government Code sections 54220 *et seq.*

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Fiscal Impact:

Once the COVID 19 restrictions are phased out, the City will likely see an increase in sales, business, and transient occupancy taxes due to activities related to the expansion of the cemetery. Jobs within the community would also likely be retained or expanded with the expansion of the cemetery. Also, the District has agreed to reimburse the City for its legal costs (up to \$5,000) for processing the transfer of the Property.

Conclusion:

Transfer of the Property to the District would result in an expansion to the Cemetery, which serves the public, and it could also lead to an increase in revenue to the City from increased tourism related to cemetery activities.

Respectfully submitted,

Jim Throop, City Manager

- Attachments:
- 1) Resolution No. 6402(21)
 - 2) Resolution No. 6403(21)
 - 3) Agreement of Purchase and Sale and Joint Escrow Instructions
 - 4) Resolution No. 6390(21)
 - 5) Planning Commission Resolution No. 946 (21)