

RESOLUTION NO. 6609(23)

**A Resolution of the City Council of the City of Lompoc,
County of Santa Barbara, State of California,
Declaring Certain Real Property (APN: 095-070-008)
As Exempt Surplus Land and Making Findings Related Thereto**

WHEREAS, under the Surplus Land Act, Government Code Section 54220, et seq (Act or SLA), prior to taking any action to dispose of or negotiate for the sale of city-owned real property, a local agency must advertise that property to affordable housing developers and other entities for their interest in the property; and

WHEREAS, where a local agency determines that a property is exempt from the Surplus Land Act requirements, the governing body of the local agency must declare the property “exempt surplus land” and support such determination with written findings and shall provide a copy of the findings to the California Department of Housing and Community Development (HCD) at least 30 days prior to the disposition; and

WHEREAS, the Act designates certain surplus property as “exempt” from the provisions of the Act. The exemptions under the Act include properties subject to valid legal restrictions that are not imposed by the local agency that would make housing prohibited (per Gov. Code § 54221 subd. (f)(1)(G)); and

WHEREAS, the City currently owns certain real property generally located south of Hancock Drive and west of Highway 1, in the City of Lompoc (APN: 095-070-008) (the Property); and

WHEREAS, the Property consists of approximately 82 acres of land currently used for open space and recreational uses and contains Ken Adam park; and

WHEREAS, the City acquired the Property by quitclaim deed from the federal government in 1984, recorded April 26, 1985, in the records of Santa Barbara County as Document No. 1985-021446, which deed specified certain restrictions on usage of the Property. In 1999, pursuant to Section 2839 of the National Defense Authorization Act for Fiscal Year 1998, Public Law No. 105-85 (111 Stat. 1629), a Correction to Quitclaim Deed was recorded on June 8, 1999 (attached hereto as Exhibit A) amending the usage restrictions to read:

“The exact acreage and legal description of any property conveyed shall be used by Grantee

- a) for educational and recreational purposes;
- b) for open space, or;
- c) for the purposes described in subparagraphs (a) and (b)”; and

WHEREAS, based on the forgoing, the Property is, therefore, “exempt surplus land” as defined by the Act; and

WHEREAS, the City now desires to declare the Property exempt surplus land and authorize the City Manager and City Attorney to take all actions necessary with HCD consistent with the terms hereof.

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

SECTION 1. Recitals. The foregoing recitals, and the attachments to this Resolution, are true and correct and incorporated into this Resolution by this reference.

SECTION 2. Exempt Surplus Land. Based on the above recitals, the City finds and declares (i) the Property is exempt surplus land pursuant to Gov. Code § 54221(f)(1)(G) and HCD Surplus Land Act Guidelines (April 2021) (Guidelines) Section 103(b)(3)(G) because it is subject to valid legal restrictions not imposed by the City, which make housing a prohibited use of the Property; and (ii) other related provisions of the Act are not applicable pursuant to Government Code Section 54222.3.

SECTION 3. Official Action. The officers of the City are hereby authorized and directed, for and in the name and on behalf of the City, to do any and all things and take any and all actions which they, or any of them, may deem necessary or advisable in order to consummate the purposes of this Resolution. This includes, but is not limited to, submission of this Resolution to HCD pursuant to Section 400(e) of HCD’s Guidelines.

SECTION 4. Severability. If any provision of this resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this resolution that can be given effect without the invalid provision or application, and to this end the provisions of this resolution are severable. The City Council declares that the City Council would have adopted this resolution irrespective of the invalidity of any particular portion of this resolution.

SECTION 5. Effective Date. This Resolution shall take effect immediately 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 October 3, 2023, by the following vote:

AYES: Council Member(s):

NOES: Council Member(s):

ABSENT: Council Member(s):

Jenelle Osborne, Mayor
City of Lompoc

ATTEST:

Stacey Haddon, City Clerk
City of Lompoc

Attachments: Exhibit A: Correction to Quitclaim Deed, recorded June 8, 1999

Exhibit "A"

Correction to Quitclaim Deed

Recording Requested By &
When Recorded Return to::

Maureen Bosking, City Clerk
CITY OF LOMPOC
P.O. Box 8001
100 Civic Center Plaza
Lompoc, California 93438-8001

99-04 30	Rec Fee	.00
Recorded	Total	.00
Official Records		
Co Santa Barbara		
Kenneth A Pettit		
Recorder		
Larry Herrera		
Assistant		
2:15pm 8-Jun-99	PUBL	CC 5

No Fee per Gov. Code §6103

CORRECTION
TO QUITCLAIM DEED DATED October 23, 1984
(DOCUMENT NO. 1985-021446)

This indenture, made this 22nd day of March, ¹⁹⁹⁹1998 by and between the UNITED STATES OF AMERICA, Grantor, acting by and through the Secretary of the Army, under and pursuant to Section 2839 of the National Defense Authorization Act for Fiscal Year 1998, Public Law No. 105-85 (111 Stat. 1629), and the City of Lompoc, a California Municipal Corporation, Grantee,

WITNESSETH THAT:

WHEREAS, by Quitclaim Deed, dated October 23, 1984, recorded April 26, 1985, in the records of Santa Barbara County as Document No. 1985-021446, Grantor quitclaimed a 145.98 acre parcel located near the United States Disciplinary Barracks, Lompoc, California, to the City of Lompoc, pursuant to Section 834 of the Military Construction Authorization Act of 1985, Public Law, 98-407, which deed specified certain restrictions on usage, in part, as follows:

SUBJECT HOWEVER, to the following exceptions reservations, restrictions, covenants, and conditions:

2. The real property hereby conveyed shall be used by Grantee

(a) for the Lompoc, California, Western Spaceport Museum and Science Center as a permanent site for a space science museum;

(b) for educational and recreational purposes related to the purpose described in subparagraph (a); or

(c) for the purposes described in subparagraphs (a) and (b).

NOW THEREFORE, pursuant to Section 2839 of the National Defense Authorization Act for Fiscal Year 1998, Public Law 105-88 (111 Stat. 1629), the above referenced usage clause of Quitclaim Deed recorded April 26, 1985, is hereby corrected to read:

1. The exact acreage and legal description of any property conveyed shall be used by Grantee

(a) for educational and recreational purposes;

(b) for open space, or;

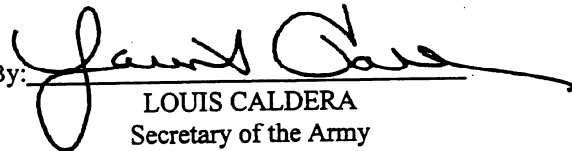
(c) for the purposes described in subparagraphs (a) and (b).

In all other respects Quitclaim Deed dated October 23, 1984 and recorded April 26, 1985, in Santa Barbara County as document Number 1985-021446 remain in full force and effect.

IN WITNESS WHEREOF, Grantor has caused these presents to be executed on the day and year first above written.

UNITED STATES OF AMERICA

By:


LOUIS CALDERA
Secretary of the Army

ACKNOWLEDGMENT

Commonwealth of Virginia)

)

County of Arlington)

I, the undersigned, a Notary Public in and for the Commonwealth of Virginia, County of Arlington, whose commission as such expires on the 30th day of September 1999, do hereby certify that this day personally appeared before me in the said Commonwealth of Virginia, County of Arlington, Louis Caldera, whose name is signed to the foregoing document dated the 22nd day of MARCH 1999, and acknowledged the same for and on behalf of the United States of America.

Given under my hand this 22nd day of MARCH 1999.

Joel B. Hill (SEAL)
NOTARY PUBLIC



CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the CORRECTION TO QUITCLAIM DEED DATED OCTOBER 23, 1984 (Document No. 1985-021446) dated March 22, 1999 from Secretary of the Army to the City of Lompoc, a California municipal corporation, is hereby accepted by the undersigned officer or agent on behalf of the City of Lompoc pursuant to authority conferred by Resolution No. 4426(95), of the City of Lompoc, adopted on February 21, 1995 and the grantee consents to recordation thereof by its duly authorized officer.

City Administrator

By Frank L. Priore
Frank L. Priore

Dated 5/27/99

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5907

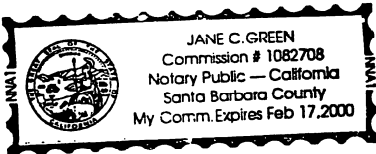
State of California

County of Santa Barbara

On May 25, 1999 before me, Jane C. Green, Notary Public,
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared F.L. Priore
NAME(S) OF SIGNER(S)

personally known to me ~~OR~~ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is/are~~ subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in ~~his/her/their~~ authorized capacity(ies), and that by ~~his/her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Jane C Green
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- INDIVIDUAL
- CORPORATE OFFICER
City Administrator
TITLE(S)
- PARTNER(S) LIMITED
- GENERAL
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: _____

DESCRIPTION OF ATTACHED DOCUMENT

Certificate of Acceptance
TITLE OR TYPE OF DOCUMENT

- 1 -
NUMBER OF PAGES

May 27, 1999
DATE OF DOCUMENT

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)
City of Lompoc

SIGNER(S) OTHER THAN NAMED ABOVE