

**RESOLUTION NO. 11538**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE FINDING THAT CERTAIN CITY-OWNED REAL PROPERTY BOUNDED BY WALNUT AVENUE ON THE NORTH, MILFORD ROAD ON THE WEST, ADJACENT TO TWO RESIDENTIAL PROPERTIES LOCATED AT 455 AND 461 NORTH MILFORD ROAD IN THE CITY OF ORANGE IS EXEMPT SURPLUS LAND PURSUANT TO GOVERNMENT CODE SECTION 54221 AND FINDING THAT THE FOREGOING ACTION IS EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**WHEREAS**, the City of Orange (“City”) is a municipal corporation exercising governmental functions and powers, organized and existing under the laws of the State of California; and

**WHEREAS**, the City owns in fee simple certain real property, which consists of approximately 3,156 square feet and commonly known as property bounded by Walnut Avenue on the North, Milford Road on the West, adjacent to two residential properties located at 455 and 461 North Milford Road (APN Nos. 383-042-01 and 383-042-19, respectively), as legally described in Exhibit A and depicted in Exhibit B, both exhibits incorporated herein by this reference (“Property”); and

**WHEREAS**, the Surplus Land Act, Government Code sections 54220, *et seq.* (as amended, the “Act”) applies when a local agency disposes of “surplus land,” as that term is defined in Government Code section 54221; and

**WHEREAS**, the Property is “surplus land” under the Act because it is land owned in fee simple by the City and is not necessary for the City’s use and for which the City Council will take formal action (in the form of adoption of this Resolution) in a regular public meeting declaring that the land is surplus; and

**WHEREAS**, pursuant to the Act, at Government Code section 54221(f)(1)(B), as recently amended by the California Legislature by Senate Bill 747 (“SB 747”) and Assembly Bill 480 (“AB 480”), “exempt surplus land” includes property that is “less than one-half acre and is not contiguous to land owned by a state or local agency that is used for open-space or low-and moderate-income housing purposes”; and

**WHEREAS**, as further contained in subsection (f)(2), to be considered exempt surplus land under Government Code Section 54221(f)(1)(B) that does not require that a notice of

availability for open space purposes be sent pursuant Government Code section 54222(b) prior to disposition, the property must not be (i) within a coastal zone, (ii) adjacent to a historical unit of the State Parks System, (iii) listed on, or determined by the State Office of Historic Preservation to be eligible for, the National Register of Historic Places, or (iv) within the Lake Tahoe region as defined in Section 66905.5; and

**WHEREAS**, Government Code section 54222.3 provides that “this article shall not apply to the disposal of exempt surplus land as defined in Section 54221 by an agency of the state or any local agency”; and

**WHEREAS**, while pre-adoption review of a local agency’s resolution finding land to be exempt surplus land under the Act is encouraged but not required, a copy of this Resolution was submitted to the Public Lands Team at the Department of Housing and Community Development (“HCD”) on or about January 4, 2024 and a response from HCD was received on or about January 18, 2024 advising that the draft Resolution meets the requirements for an exemption and requesting a copy of the adopted Resolution once available for HCD to provide a findings letter; and

**WHEREAS**, the City Council desires to declare the Property as “exempt surplus land” consistent with and in compliance with the Act and that a copy of this Resolution be transmitted to HCD at least thirty (30) days prior to disposition, per HCD Guidelines.

**WHEREAS**, the City Council believes that the sale of the Property is for the common benefit of the City and its residents, and in accord with the public purposes and provisions of applicable State and local law requirements.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Orange, on the basis of the facts set forth in the agenda report presented to it and any testimony received at the meeting at which this matter was considered, as follows:

1. The foregoing recitals are true and correct.
2. That this Resolution has been reviewed with respect to the applicability of the California Environmental Quality Act (Public Resources Code Section 21000, *et seq.*) (“CEQA”). Designation of the Property as exempt surplus land does not have the potential for creating a significant effect on the environment and is therefore exempt from further review under CEQA pursuant to CEQA Guidelines Section 15060(c)(3), because it is not a project as defined by the CEQA Guidelines, Section 15378. Adoption of this Resolution does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.
3. That (1) the Property is surplus land because it is not necessary for the City’s use; (2) the Property is exempt surplus land, pursuant to Government Code section 54221(f)(1)(B)(i) because it is (i) less than one-half acre and (ii) not contiguous to land owned by owned by a state or local agency that is used for open-space or low-and moderate-income housing purposes; and (3) the Property is not (i) within a coastal zone, (ii) adjacent to a

historical unit of the State Parks System, (iii) listed on, or determined by the State Office of Historic Preservation to be eligible for, the National Register of Historic Places, or (iv) within the Lake Tahoe region as defined in Section 66905.5, and therefore no notice of availability of the Parcel for open space purposes is required pursuant to Government Code section 54221(f)(2).

4. The City Manager, or designee, is authorized to take all steps necessary to dispose of the Property, no less than thirty (30) days after submission of this Resolution to HCD, per HCD Guidelines.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2024

\_\_\_\_\_  
Daniel R. Slater, Mayor, City of Orange

**ATTEST:**

\_\_\_\_\_  
Pamela Coleman, City Clerk, City of Orange

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Mike Vigliotta

STATE OF CALIFORNIA )  
COUNTY OF ORANGE )  
CITY OF ORANGE )

I, PAMELA COLEMAN, City Clerk of the City of Orange, California, do hereby certify that the foregoing Resolution was duly and regularly adopted by the City Council of the City of Orange at a regular meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 2024 by the following vote:

AYES: COUNCILMEMBERS:  
NOES: COUNCILMEMBERS:  
ABSENT: COUNCILMEMBERS:  
ABSTAIN: COUNCILMEMBERS:

\_\_\_\_\_  
Pamela Coleman, City Clerk, City of Orange

EXHIBIT "A"  
**PROPERTY ABANDONMENT**  
**(LEGAL DESCRIPTION)**

THAT PORTION OF LOT 11, BLOCK "F" OF A.B. CHAPMAN TRACT, IN THE CITY OF ORANGE, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 102 PAGE 15 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

**BEGINNING AT THE NORTHWEST CORNER OF LOT 16 OF TRACT 2847, AS PER MAP FILED IN BOOK 125, PAGES 18 AND 19 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, ALSO ON THE WEST LINE OF SAID LOT 11, BLOCK "F" OF A.B. CHAPMAN TRACT AND EASTERLY SIDELINE OF WALNUT AVENUE, 30 FEET WIDE; THENCE NORTH 00°28'17" EAST, 27.16 FEET ALONG SAID SIDELINE; THENCE LEAVING SAID SIDELINE, NORTH 57°06'10" EAST, 28.74 FEET, TO A LINE 40.00 FEET SOUTH OF AND PARALLEL TO THE CENTERLINE OF WALNUT AVENUE, ALSO THE BEING THE WESTERLY PRODUCED LINE OF THE SOUTH LINE OF LAND DESCRIBED IN INSTRUMENT NO. 92-500480 OF OFFICIAL RECORDS, IN THE OFFICE OF SAID COUNTY RECORDER; THENCE ALONG SAID LINE, SOUTH 89°57'05" EAST, 91.46 FEET; THENCE LEAVING SAID LINE, ALONG A PORTION OF THE NORTHWESTERLY LINE OF LOT 17 OF SAID TRACT NO. 2847, SOUTH 00°02'55" WEST, 14.65 FEET TO THE NORTHEAST CORNER OF THE LAND DESCRIBED BY DEED RECORDED AS INSTRUMENT NO. 92-500587, OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, SAID CORNER BEING THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 445.35 FEET, A RADIAL TO SAID POINT BEARS NORTH 00°31'24" EAST; THENCE WEST ALONG SAID CURVE, 30.74 FEET THROUGH A CENTRAL ANGLE OF 03°57'19" TO THE NORTHWEST CORNER OF SAID INSTRUMENT; THENCE ALONG THE WEST LINE OF SAID INSTRUMENT, SOUTH 17°18'46" WEST, 14.31' TO THE SOUTHWEST CORNER OF SAID INSTRUMENT, BEING ALSO THE NORTHEAST CORNER OF SAID LOT 16 OF TRACT NO. 2847, BEING THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 432.00 FEET, A RADIAL TO SAID POINT BEARS NORTH 04°06'16" WEST; THENCE WESTERLY ALONG SAID CURVE, 82.08 FEET, THROUGH A CENTRAL ANGLE OF 10°53'09" TO THE POINT OF BEGINNING.**

CONTAINING AN AREA OF APPROXIMATELY 3156 SQUARE FEET OR 0.072 ACRES.

AS SHOWN ON THE ATTACHED EXHIBIT "B" AND BY THIS REFERENCE MADE A PART HEREOF.

SUBJECT TO EASEMENTS, COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, RIGHTS, RIGHTS-OF-WAY, AND OTHER MATTERS OF RECORD, IF ANY.

LEGAL DESCRIPTION PREPARED BY OR UNDER THE DIRECTION OF:

3/20/23

\_\_\_\_\_  
MICHAEL P. HERNANDEZ, P.L.S. 9281



Prepared by:
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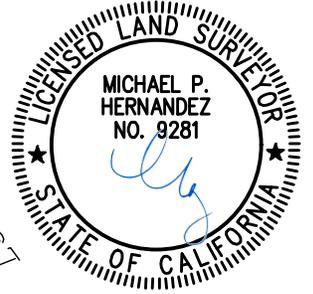
<b>ABANDONMENT EXHIBIT</b> IN THE CITY OF ORANGE			
DRAWN: JKA	CHKD: MPH	GNE22061	<b>EXHIBIT "A"</b> PAGE 1 OF 2
DATE: 03-20-23	DATE: 03-20-23		

SCALE: 1" = 30'

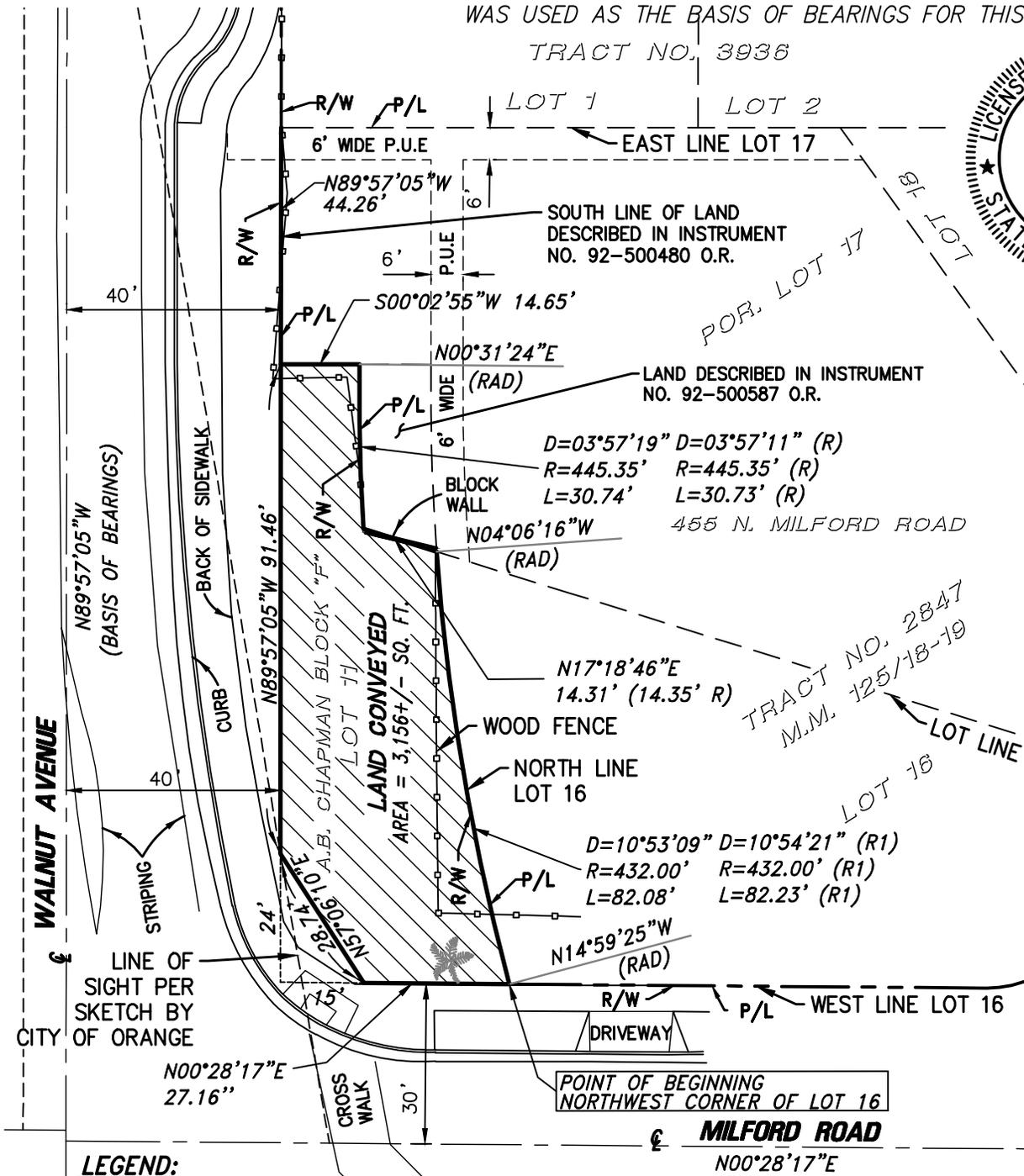
**BASIS OF BEARINGS:**

THE BEARING OF N89°57'05"W FOR THE CENTERLINE OF WALNUT AVENUE AS SHOWN ON TRACT NO. 2847, IN BOOK 125 PAGES 18-19 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, WAS USED AS THE BASIS OF BEARINGS FOR THIS EXHIBIT.

TRACT NO. 3936



Signed 3/20/23



**LEGEND:**

- (R) = RECORD PER INST. 92-500587 O.R.
- (R1) = RECORD PER TRACT NO. 2847, M.M. 125/18-19
- = LAND FOR CONVEYANCE
- P\L = PROPERTY LINE
- R\W = RIGHT OF WAY

**NOTE:**

THE TOPOGRAPHY DEPICTED HEREON IS BASED ON A FIELD SURVEY PERFORMED ON 12-16-22

Prepared by:  
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<b>CONVEYANCE EXHIBIT</b>			
IN THE CITY OF ORANGE			
DRAWN: JKA	CHKD: MPH	GNE22061	<b>EXHIBIT "B"</b>
DATE: 03-20-23	DATE: 03-20-23		
			PAGE 2 OF 2