

## RESOLUTION NO. 11526

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE FINDING THAT CERTAIN CITY-OWNED REAL PROPERTY LOCATED AT 515 FLETCHER AVENUE EAST OF GLASSELL STREET 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 11,581 square feet and commonly known as a portion of 515 Fletcher Avenue E/O Glassell Street, as described in Exhibit A and depicted in Exhibit B, both 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

R314787.01

9-29-2022

EXHIBIT "A"  
LEGAL DESCRIPTION  
QUITCLAIM DEED

That portion of the Resubdivision of the Town of Saint James, in the City of Orange, County of Orange, State of California, as per map recorded in Book 3, Page 25 of Miscellaneous maps, in the office of the County Recorder of said County, described as follows:

Beginning at Northeast corner of the land described as the "South 20 feet of the North 40 feet of the West 170 feet" in that certain Grant Deed to the City of Orange, recorded April 8, 1965, in Book 7476, Page 424, of Official Records, in said office of the County Recorder; thence along a line parallel with and 20.00 feet Southerly of the centerline of Fletcher Avenue as shown on Tract No. 4231, in the City of Orange, County of Orange, State of California, as per map filed in Book 155, Pages 36 and 37, of Miscellaneous Maps, in said office of the County Recorder, South 84°09'49" East 1,015.03 feet to the Westerly line of the Atchison, Topeka and Santa Fe Railway Company Right of Way; thence along said Right of Way North 16°20'23" East 11.70 feet to a line parallel with and 8.50 feet Southerly of said centerline of Fletcher Avenue; thence along said parallel line North 84°09'49" West 946.45 feet to the beginning of a curve concave Southerly, having a radius of 549.50 feet; thence Westerly 71.68 feet along said curve through a central angle of 07°29'41" to the Northerly prolongation of the Easterly line of said land described as the "South 20 feet of the North 40 feet of the West 170 feet"; thence, non-tangent South 21°12'56" East 6.87 feet to the Point of Beginning.

Containing an area of 11,581 square feet, more or less.

Subject to covenants, conditions, reservations, restrictions, rights-of-way and easements, if any, of record.

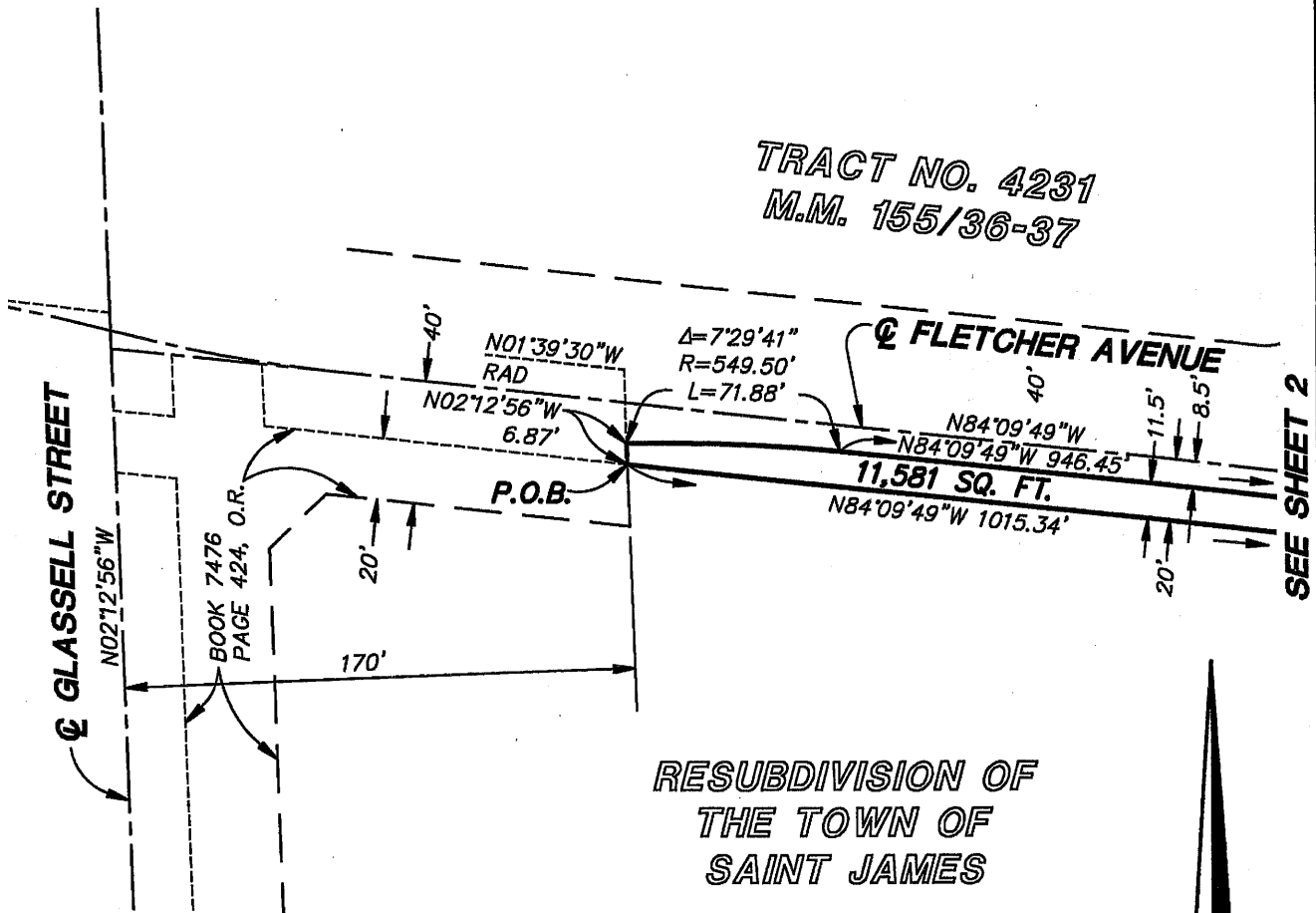
All as shown on Exhibit "B" attached hereto and by this reference made a part hereof.

*David W. Mackey*

DAVID W. MACKEY, PLS 8912



TRACT NO. 4231  
M.M. 155/36-37



RESUBDIVISION OF  
THE TOWN OF  
SAINT JAMES

M.B. 3/25



**HUITT-ZOLLARS**

Huitt-Zollars, Inc. Irvine  
2603 Main Street, Suite 400, Irvine, CA 92614  
Phone (949) 988-5815 Fax (949) 988-5820

APPROVED BY

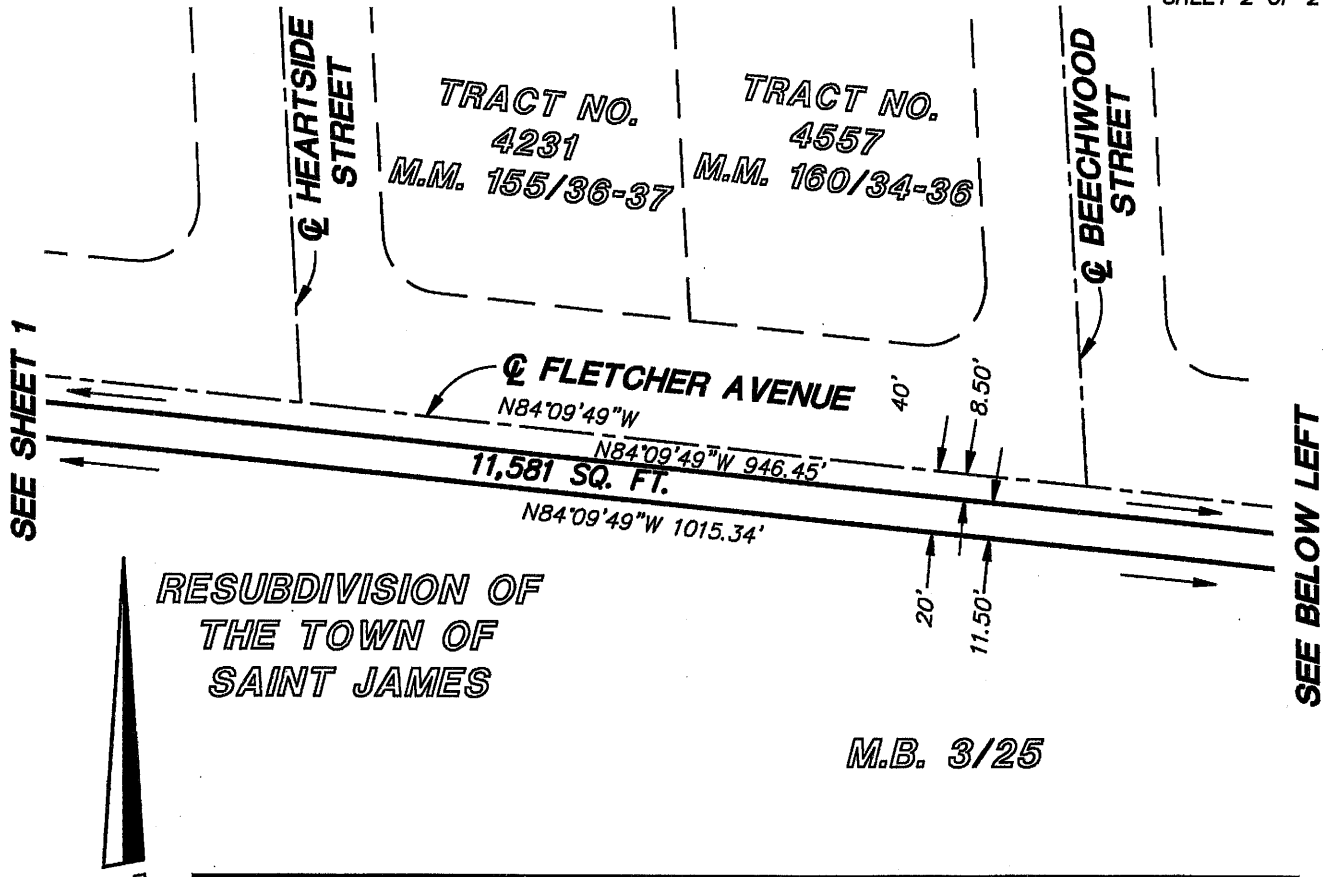
*David W. Mackey*

9/29/2022

SKETCH TO ACCOMPANY  
A LEGAL DESCRIPTION

**EXHIBIT 'B'**  
**QUITCLAIM DEED**

SCALE	1"=60'
DRAWN BY	RAD
CHECKED BY	DWM
DATE	9/29/2022
JOB NO.	R314787.01



SCALE: 1"=60'

