

**RESOLUTION NO. 2021-\_\_\_\_\_**  
**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEAUMONT**  
**DECLARING CERTAIN LAND AS SURPLUS UNDER GOVERNMENT**  
**CODE SECTION 54220 ET. SEQ.**

WHEREAS, Government Code Section 54221 provides that land shall be declared either “surplus land” or “exempt surplus land,” as supported by written findings, before a local agency may take any action to dispose of it consistent with an agency’s policies or procedures;”

WHEREAS, “Surplus land” means land owned in fee simple by any local agency for which the local agency’s governing body takes formal action in a regular public meeting declaring that the land is surplus and is not necessary for the agency’s use.

WHEREAS, exempt surplus land is as defined in Section 54221(f), and is not subject to the requirements provided for in this Resolution and Government Code Section 54220, et seq.

WHEREAS, the City is required to send a written notice of availability to remain open for sixty (60) days for surplus land by email or certified mail to:

Local public entities as defined in Health & Safety Code Section 50079 having jurisdiction over the area of the surplus land.

Housing sponsors listed at “<https://www.hcd.ca.gov/community-development/public-lands-for-affordable-housing-development.shtml>”.

The Department of Housing and Community Development  
**(PublicLands@hcd.ca.gov).**

WHEREAS, the City is required to send a written notice of availability to remain open for sixty (60) days for surplus land for open space purposes by email or certified mail to:

(1) To any park or recreation department of any city within which the land may be situated.

(2) To any park or recreation department of the county within which the land is situated.

(3) To any regional park authority having jurisdiction within the area in which the land is situated.

(4) To the State Resources Agency or any agency that may succeed to its powers.

WHEREAS, the City is required to send a written notice of availability to remain open for sixty (60) days for surplus land suitable for school facilities construction or use by a school district for open-space purposes to any school district in whose jurisdiction the land is located.

WHEREAS, the City is required to provide a written notice of availability of surplus land for the purpose of developing property located within an infill opportunity zone designated pursuant to Government Code Section 65088.4 or within an area covered by a transit village plan adopted pursuant to the Transit Village Development Planning Act of 1994 (Article 8.5 (commencing with Section 65460) of Chapter 3 of Division 1 of Title 7) to any county, city, city and county, successor agency to a former redevelopment agency, public transportation agency, or housing authority within whose jurisdiction the surplus land is located.

WHEREAS, the entity or agency desiring to purchase or lease the surplus land for any of the purposes authorized above shall notify in writing the City of its interest in purchasing or leasing the land within 60 days after the City's notice of availability of the land is sent via certified mail or provided via electronic mail.

WHEREAS, prior to disposing of surplus land or participating in negotiations to dispose of that property with a prospective transferee the foregoing notices identified in these Recitals shall have been provided.

WHEREAS, Prior to agreeing to terms for the disposition of surplus land, the City shall provide to the Department of Housing and Community Development a description of the notices of availability sent, and negotiations conducted with any responding entities, in regard to the disposal of the parcel of surplus land and a copy of any restrictions to be recorded against the property pursuant to Government Code Section 54233 or 54233.5, whichever is applicable, in a form prescribed by the Department of Housing and Community Development.

NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF BEAUMONT AS FOLLOWS:

Section 1. The Recitals set forth above are true and correct.

Section 2. The City Council does hereby designate the real property attached hereto as **Exhibit "A"** as surplus land as it is not exempt surplus land and is not required for the agency's use under Government Code Section 54220 et. seq.

Section 3. Staff is authorized and directed to send the notice of availability referred to in the Recitals to this Resolution, prior to commencing any negotiations for

sale of the surplus land.

Section 4. In the event that a designated entity or agency notifies in writing the City of its interest in purchasing or leasing the land within 60 days after the City's notice of availability of the land is sent via certified mail or provided via electronic mail, the staff shall engage in shall enter into good faith negotiations to determine a mutually satisfactory sales price and terms or lease terms as provided in Government Code Section 54223, provided that nothing shall restrict the City's authority or discretion to approve land use, zoning, or entitlement decisions in connection with the surplus land and provided further that the City shall not be required to sell or lease surplus land at less than fair market value.

Section 5. This resolution shall become effective on its adoption.

Section 6. All portions of this resolution are severable. Should any individual provision or portion of a provision of this resolution be adjudged to be invalid and unenforceable, the remaining provisions and portions of provisions shall be and continue to be fully effective, except as to the provision(s) and/or portion(s) of provisions that have been judged to be invalid.

**PASSED, APPROVED and ADOPTED** at a regular meeting of the City Council of the City of Beaumont, California, held on the \_\_\_\_ day of December, 2021.

AYES:  
NAYS:  
ABSENT:  
ABSTAIN:

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
John O. Pinkney, City Attorney

## EXHIBIT "A"

Approximately 2.316 acres of community commercial land located on the north and south side of E. 4<sup>th</sup> Street (Luis Estrada Road), east of Beaumont Avenue, in the city of Beaumont, California 92223. The property is also known by Riverside County Assessor Parcel Numbers 418-140-028 and 029; and 418-190-004, 005, 006 and 007.