

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA DECLARING PORTION OF CITY OWNED PROPERTY KNOWN AS MONTEREY AVENUE PARK AS EXEMPT SURPLUS LAND PURSUANT TO CALIFORNIA GOVERNMENT CODE §§ 54221 (f)(1)(C) AND 54221 (f)(1)(D)

WHEREAS, the Soquel Union Elementary School District (“District”) is the fee owner of 4.9 acres of real property located at 700 Monterey Avenue, Capitola, Santa Cruz County, California, Assessor’s Parcel Number 036-151-01, which real property is the site of the New Brighton Middle School and related playing fields (“District Parcel”); and

WHEREAS, the City of Capitola (“City”) is the fee owner of 3.9 acres of real property known as Monterey Avenue Park, located adjacent to the District Parcel on Monterey Avenue in the City of Capitola, Santa Cruz County, California, Assessors’ parcel Number 036-151-02 (“City Parcel”); and

WHEREAS, the District and the City have been discussing the exchange of a portion of the District Parcel, consisting of approximately 5,592 square feet, as more particularly identified as the two (2) sections highlighted in orange (Areas A and C) in the Aerial View Map attached hereto as Exhibit A (“District Exchange Parcel”), for an approximately 4,284 square foot portion of the City Parcel, as more particularly identified as the section highlighted in blue (Area B) in the Aerial View Map attached hereto as Exhibit A (“City Exchange Parcel”); and

WHEREAS, California Government Code section 65402(a) requires that if a general plan has been adopted, no real property shall be acquired or disposed of until the location, purpose, and extent of such acquisition or disposal has been submitted to and reported upon by the planning agency as to the conformity with said adopted general plan; and

WHEREAS, on April 4, 2024, the City of Capitola Planning Commission considered the proposed disposal of the City Exchange Parcel and acquisition of the District Exchange Parcel by the City of Capitola and determined that said actions were consistent with and conform with the Capitola General Plan; and

WHEREAS, the Surplus Land Act, California Government Code §§54220 *et.seq.*, establishes procedures for the disposition of “surplus land” owned by a “local agency” which generally requires said “surplus land” to be made available for affordable housing purposes, park and recreation purposes or open-space purposes before disposition; however, as provided by Section 54222.3, these procedures do not apply to the disposal of “exempt surplus land” as defined in Section 54221 (f)(1)(A) through 54221 (f)(1)(S); and

WHEREAS, on February 7, 2024, the District adopted Resolution No. 6-2023-24, determining the District Exchange Parcel to be “exempt surplus land” pursuant to Section 54221 (f)(1)(C) because the property (i.e. the District Exchange Parcel) is being exchanged for another property (i.e. the City Exchange Parcel) necessary for the District’s use for redevelopment of New Brighton Middle School; and

WHEREAS, the City Exchange Parcel is likewise “exempt surplus land” pursuant to Section 54221 (f)(1)(C) because the property (i.e. the City Exchange Parcel) is being exchanged for another property (i.e. the District Exchange Parcel) necessary for the City’s use at Monterey Avenue Park; and

WHEREAS, the City Exchange Parcel also qualifies as “exempt surplus land” pursuant to Section 54221 (f)(1)(D) because the property (i.e. the City Exchange Parcel) is being transferred to another local agency, namely the District;

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

SECTION 1. The City Council hereby finds that all the facts set forth in the recitals above of this Resolution are true, correct, and incorporated herein.

SECTION 2. The City Exchange Parcel to be disposed of by the City and acquired by the District is to be used and developed by the District to enhance the recreational facilities at the New Brighton Middle School as part of a larger redevelopment of the District Parcel.

SECTION 3. The District Exchange Parcel to be acquired by the City is to be used and developed by the City to enhance the recreational facilities at Monterey Avenue Park, as well as to enhance pedestrian access to the Park from within the Cliffwood Heights neighborhood.

SECTION 4. The Planning Commission has reviewed and considered the proposed exchange of the District Exchange Parcel and City Exchange Parcel by and between the District and the City and determined the City’s proposed acquisition of the District Exchange Parcel and disposition of the City Exchange Parcel is consistent with the Capitola General Plan.

SECTION 5. The adoption of this Resolution, which relates to the City’s determination that the City Exchange Parcel is “exempt surplus land” pursuant to California Government Code §§ 54221 (f)(1)(C) and 54221 (f)(1)(D), is categorically exempt from the requirements of the California Environmental Quality Act pursuant to State CEQA Guidelines §15312.

SECTION 6. The City Exchange Parcel is exempt surplus land pursuant to California Government Code § 54221 (f)(1)(C), because the property (i.e. the City Exchange Parcel) is being exchanged for another property (i.e. the District Exchange Parcel) necessary for the City’s use at Monterey Avenue Park, and pursuant to California Government Code § 54221 (f)(1)(D), because the property (i.e. the City Exchange Parcel) is being transferred to another local agency, namely the District, and therefore as provided by California Government Code § 54222.3 the provisions of the Surplus Land Act do not apply to the disposition of the City Exchange Parcel.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the City Council of the City of Capitola on the 28th day of March, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Kristen Brown, Mayor

ATTEST:

Julia Gautho, City Clerk