

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA APPROVING AN AGREEMENT FOR EXCHANGE OF REAL PROPERTY BETWEEN THE CITY OF CAPITOLA AND SOQUEL UNION ELEMENTARY SCHOOL DISTRICT REGARDING PORTION OF MONTEREY AVENUE PARK AND NEW BRIGHTON MIDDLE SCHOOL AND AUTHORIZING THE CITY MANAGER TO ENTER INTO, EXECUTE AND IMPLEMENT THE AGREEMENT AND TO ACCEPT PORTION OF NEW BRIGHTON MIDDLE SCHOOL ON BEHALF OF CITY; CATEGORICALLY EXEMPT FROM REQUIREMENTS OF CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO STATE CEQA GUIDELINE §15312

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, pursuant to Government Code section 37351, the City may exchange real property as is necessary or proper for municipal purposes; and

WHEREAS, in accordance with authority provided under State law, the City has been in discussions with the District regarding the exchange of a portion of the District Parcel, consisting of approximately 3,886 square feet (the “**District Exchange Parcel**”), for an approximately 3,736 square foot portion of the City Parcel (the “**City Exchange Parcel**”); and

WHEREAS, the District Exchange Parcel and City Exchange Parcel are depicted as the two (2) sections highlighted in orange (Areas A and C) and two (2) sections highlighted in blue (Areas B and D), respectively, on the Aerial View Map included as **Exhibit B** to the Agreement for Exchange of Real Property (“**Exchange Agreement**”), attached to this Resolution as **Attachment 1**; 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 by the City 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, on April 25, 2024, the City Council adopted Resolution No. 4364, determining the City Exchange Parcel is “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 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; and

WHEREAS, the City and District staff have negotiated and prepared the Exchange Agreement which provides for the exchange of the City Exchange Parcel and District Exchange Parcel by and between the City and District to further the redevelopment of the New Brighton Middle School and enhancement of recreational facilities at and pedestrian access to Monterey Avenue Park.

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 exchange of the City Exchange Parcel for the District Exchange Parcel as provided by the Exchange Agreement is necessary and proper for a municipal purpose.

SECTION 5. 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 6. The adoption of this Resolution, which relates to the City’s approval of the Exchange Agreement governing the transfer of the City Exchange Parcel to the District and acquisition of the District Exchange Parcel from the District, is

categorically exempt from the requirements of the California Environmental Quality Act pursuant to State CEQA Guidelines §15312 which exempts the sale of surplus government property.

SECTION 7. The Exchange Agreement, in the form attached hereto as Attachment 1, subject to any further clarifying revisions or corrections that may be agreed to by the City Manager and approved by the City Attorney provided they do not increase the obligations of the City thereunder, is hereby approved by the City Council. The City Manager is hereby authorized to enter into, execute, and implement the Exchange Agreement and to accept the District Exchange Parcel from the District on behalf of the City of Capitola in accordance with Government Code section 27281.

I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the City Council of the City of Capitola on the 25th day of July, 2024, by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**

Kristen Brown, Mayor

ATTEST:

Julia Gautho, City Clerk