

RESOLUTION NO. 2022-81

A RESOLUTION OF THE CITY OF COACHELLA APPROVING AN AGREEMENT FOR EXCHANGE OF REAL PROPERTY AND JOINT ESCROW INSTRUCTIONS INCLUDING THE DISPOSITION OF INDUSTRIAL REAL PROPERTY LOCATED AT 86-351 AVENUE 52 (APN: 763-131-002) IN EXCHANGE FOR A 1.73 ACRE VACANT INDUSTRIAL PARCEL LOCATED AT THE SOUTHWEST CORNER OF 9TH STREET AND SHADY LANE (APN: 778-120-001).

WHEREAS, the City of Coachella ("City") owns property known as 86-351 Avenue 52 (APN 763-131-002) (the "Avenue 52 Parcel"), which has an existing electrical substation and wireless communications tower (the "Avenue 52 Electrical Substation"), and which said land is encumbered by a public utility right-of-way easement granted to Imperial Irrigation District ("IID") as of 1984, and

WHEREAS, IID desires to be granted a 30-foot right-of-way easement for the benefit of IID over the easterly portion of the adjoining lot (APN 763-131-001) (the "Adjacent Parcel" and 30-foot easterly portion, the "Easement Portion") for expansion of the Avenue 52 Electrical Substation, and

WHEREAS, the City expects to acquire or otherwise be transferred fee title to the Adjacent Parcel from the Successor Agency to the Coachella Redevelopment Agency (the "Successor Agency"), and

WHEREAS, IID wishes to convey to City a vacant 1.73-acre parcel located at the southwest corner of 9th Street and Shady Lane (APN: 778-120-001) (the "Shady Lane Parcel") which is surplus land previously used for outdoor storage, that is in need of soils remediation and suitable for a public purpose such as a public park or urban plaza, and

WHEREAS, the City is contemplating using the Shady Lane Parcel for a public park and "art walk" plaza; and,

WHEREAS, IID and City staff have negotiated an Agreement for the Exchange of Real Property to convey the Avenue 52 Parcel and a 30-foot right-of-way on the Adjacent Parcel for public utility easement purposes, in exchange for the conveyance of the Shady Lane Parcel (the "Agreement"), and

WHEREAS, the exchange of land contemplated by the Agreement for the Exchange of Real Property is contingent on the City's acquisition of the Adjacent Parcel from the Successor Agency; and

WHEREAS, IID and City are both "local agencies" as defined in the Surplus Land Act (Government Code section 54220 et seq.) (the "Act") and are therefore both subject to the Act, and

WHEREAS, the City previously approved substantially the same land exchange described herein pursuant to Resolution 2019-06; however, a new approval is necessary as the structure of the transaction has been revised to reflect that the Successor Agency is no longer a party to the exchange agreement.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Coachella that the foregoing Recitals are true and correct and are hereby adopted by the City Council. Based on those Recitals, the City Council of the City of Coachella unanimously finds and declares as follows:

SECTION 1. The City Council hereby declares the Avenue 52 Parcel (APN 763-131-002) and the Easement Portion of the Adjacent Parcel (portion of APN 763-131-001) exempt surplus land pursuant to Sections 54221(f)(1)(C) and (D), because, respectively, they are being exchanged for IID's Shady Lane Parcel (APN 778-120-001), which will be put to the City's use, and the Avenue 52 Parcel and Easement Portion of the Adjacent Parcel are being transferred to IID, another local agency, for IID's use.

SECTION 2. The City Council hereby approves the Agreement, substantially in the same form as attached hereto as **Exhibit A**, with such changes as may be approved by the City Manager in consultation with the City Attorney, and hereby designates and authorizes the City Manager to execute and deliver the Agreement on behalf of the City.

SECTION 3. The City Manager or designee is authorized to execute and deliver any and all documents necessary to complete the Agreement.

PASSED, APPROVED and ADOPTED this 27th day of July 2022.

Steven A. Hernandez
Mayor

ATTEST:

Angela M. Zepeda
City Clerk

APPROVED AS TO FORM:

Carlos Campos
City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF COACHELLA)

I HEREBY CERTIFY that the foregoing Resolution No. 2022-81 was duly adopted by the City Council of the City of Coachella at a regular meeting thereof, held on the 27th day of July 2022, by the following vote of Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Andrea J. Carranza, MMC
Deputy City Clerk