

# Folsom City Council Staff Report

<b>MEETING DATE:</b>	10/10/2023
<b>AGENDA SECTION:</b>	New Business
<b>SUBJECT:</b>	Resolution No. 11111- A Resolution of the City Council Declaring Parcels APN 070-0092-007, APN 070-0092-009, APN 070-0092-010, and APN 070-0094-011 as Exempt Surplus Land and Authorize Disposition of Said Parcels
<b>FROM:</b>	Community Development Department

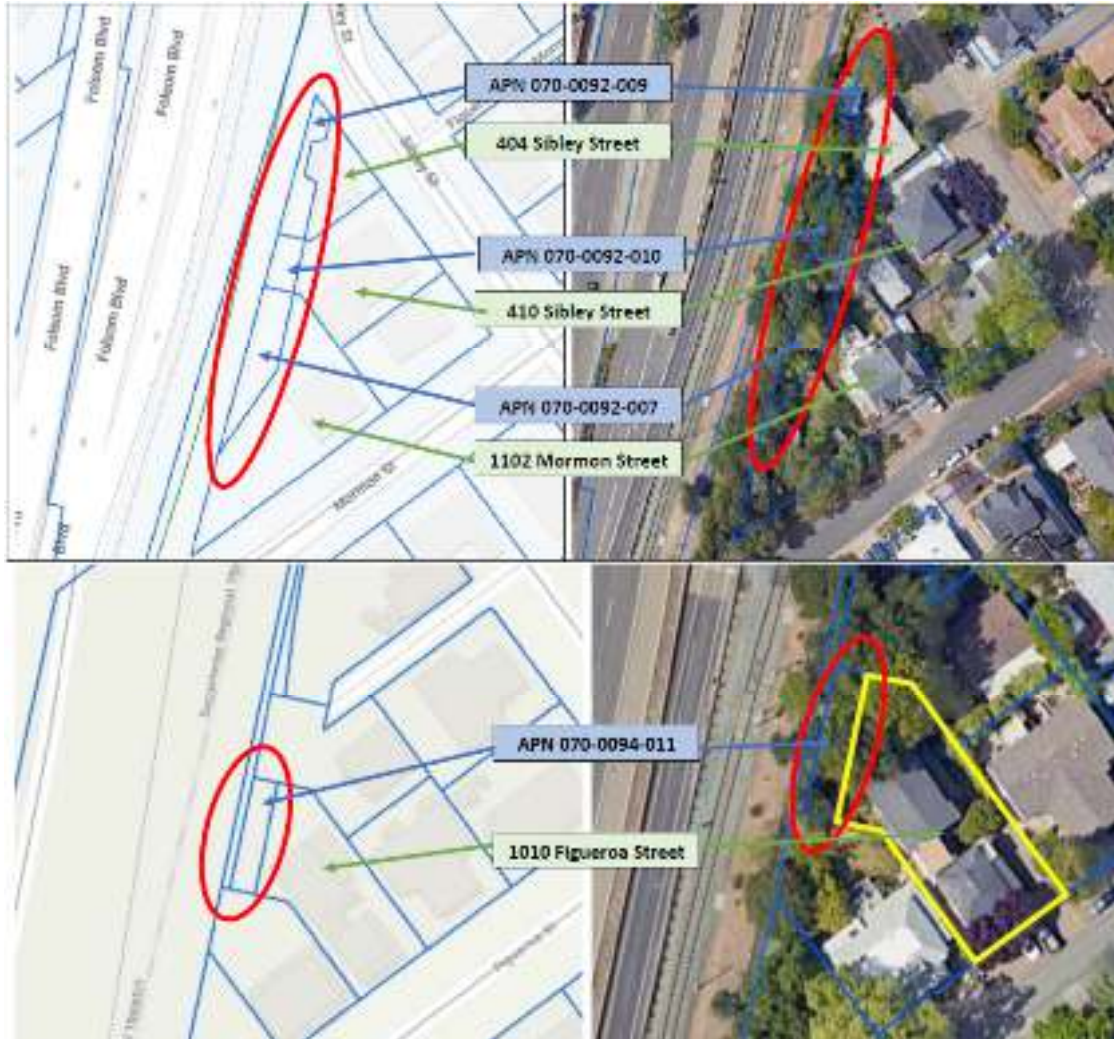
**RECOMMENDATION / CITY COUNCIL ACTION**

Staff recommends that City Council adopt Resolution No. 11111- A Resolution of the City Council Declaring Parcels APN 070-0092-007, APN 070-0092-009, APN 070-0092-010, and APN 070-0094-011 as Exempt Surplus Land and Authorize Disposition of Said Parcels

**BACKGROUND / ISSUE**

The City of Folsom acquired four parcels (APN 070-0092-007, APN 070-0092-009, APN 070-0092-010, and APN 070-0094-011) in 1996 as part of the Folsom Bridge Crossing project with the expectation that the land would be needed for slope and/or retaining wall improvements associated with the crossing project. The original plan was to acquire the entire parcels adjoining the right of way in that area (1102 Mormon, 404 Sibley, 410 Sibley, and 1010 Figueroa) for the stated purpose. However, property owners negotiated with the City to grant a smaller portion of each yard area to the City so they could retain the remainder of their land with residential structures and continue living on the property. The small portions of each parcel were surveyed, mapped, and granted to the City at no cost.

City owned parcel (APN)	City owned parcel size (acres/square feet)	Amount paid for property	Adjacent private property address
070-0092-007	0.03 ac/1,284 sf	0	1102 Mormon Street
070-0092- 009	0.04 ac/1,528 sf	0	404 Sibley Street
070-0092-010	0.01 ac/426 sf	0	410 Sibley Street
070-0094-011	0.13 ac/5,618 sf	0	1010 Figueroa Street



Ultimately, during design and construction of the bridge and offramps, the four parcels granted to the City were not needed for slope and/or retaining wall. The property owners are now asking that properties be transferred back to them at no cost. Because the City does not need those parcels for any purpose, Staff is supportive of the request and has prepared the necessary documentation to declare the land as surplus and exempt from State Surplus Land Act as outlined in this report.

**POLICY / RULE**

Effective January 1, 2020, the Surplus Land Act (AB1486) was amended to address California’s shortage of affordable housing. It requires agencies to take formal action in a regular public meeting to declare land surplus. Unless otherwise exempt, the declaration must be supported by written findings and may not allow for deal terms that would reduce or disallow residential use of property. In this case, the four City owned parcels qualify as exempt surplus land under Government Code section 54221(f)(1)(B) – Exempt Category 4 Land Not Suitable for Housing. Specifically, each of the four parcels are less than 5,000 sf,

not contiguous to State or City owned open space or housing and being sold to the owner of contiguous land.

As required by State Housing and Community Development (HCD), the local agency determination of exemption must be verified by HCD prior to land disposition. Required documentation has been provided to HCD for review and land disposition is contingent upon written verification of exemption from the State.

### **ANALYSIS**

Resolution 11111 has been prepared to declare four small parcels along Folsom Bridge Crossing as exempt surplus land no longer needed for City use under Government Code section 54221(f)(1)(B) due to the small size, context, and intent to transfer to adjoining landowners. The Surplus Land Act standard process for non-exempt properties would require the City Council to declare the land as surplus, then staff to notify housing sponsors registered with the State of the land availability for a 60-day period. If one or more sponsors respond with interest in building housing, the City would enter into good faith negotiations for a 90-day period, send proposals to the State and dispose of the land with an affordability covenant. In this case, all four subject parcels (APN 070-0092-007, APN 070-0092-009, APN 070-0092-010, and APN 070-0094-011) are exempt from the standard Surplus Land process by meeting all of the following specific qualifications:

1. The surplus land less than 5,000 sf, or less than 10,000 sf and has no record access;
2. The surplus land not contiguous to land owned by a state or local agency that is used for open space or low- and moderate- income housing; and
3. The surplus land being transferred to the owner of contiguous land

Surplus Land Act does require that exempt surplus land be declared as exempt surplus by the City Council at a public meeting and that the State verify the exempt determination prior to land disposition. This exempt declaration is under review by HCD and once the exemption is verified, staff will proceed with preparation of the necessary documents to transfer each of the parcels to the adjoining landowners at no cost.

### **FINANCIAL IMPACT**

The City acquired the subject properties at no cost in 1996 for the Folsom Bridge Crossing improvements. The City intends to transfer the properties back to the adjoining property owners at no cost since that land was not ultimately needed for the project and are not needed for any City purposes. The City will cover the cost of preparing the necessary documents and adjoining property owners can determine whether to submit an application to merge the lots. Total costs for the documents are estimated to be \$30,500 to be paid from the City's FY 2023-24 General Fund (Fund 010) budget.

### **ENVIRONMENTAL REVIEW**

This item is exempt from environmental review under Section 15312 of the California Environmental Quality Act (CEQA) Guidelines (Surplus Government Property Sales).

**ATTACHMENT**

1. Resolution No. 11111- A Resolution of the City Council Declaring Parcels APN 070-0092-007, APN 070-0092-009, APN 070-0092-010, and APN 070-0094-011 as Exempt Surplus Land and Authorize Disposition of Said Parcels

Submitted,



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Pam Johns  
Community Development Director

## **Attachment 1**

**Resolution No. 11111- A Resolution of the City Council Declaring  
Parcels APN 070-0092-007, APN 070-0092-009, APN 070-0092-  
010, and APN 070-0094-011 as Exempt Surplus Land and  
Authorize Disposition of Said Parcels**

**RESOLUTION NO. 11111**

**A RESOLUTION OF THE CITY COUNCIL DECLARING  
PARCELS APN 070-0092-007, APN 070-0092-009, APN 070-0092-010, AND  
APN 070-0094-011 AS EXEMPT SURPLUS LAND AND  
AUTHORIZE DISPOSITION OF SAID PARCELS**

**WHEREAS**, the City of Folsom acquired four parcels (APN 070-0092-007, APN 070-0092-009, APN 070-0092-010, and APN 070-0094-011) in 1996 as part of the Folsom Bridge Crossing project with the expectation that the land would be needed for slope and/or retaining wall improvements associated with the crossing project; and

**WHEREAS**, the City acquired the four parcels from adjoining landowners (1102 Mormon Street, 404 Sibley Street, 410 Sibley Street, , and 1010 Figueroa Street) at no cost to the City; and

**WHEREAS**, the City of Folsom completed the Folsom Bridge Crossing project and did not ultimately need the four subject parcels for slope and/or retaining improvements; and

**WHEREAS**, the adjoining landowners have requested the City transfer the unused parcels back to them at no cost; and

**WHEREAS**, the Surplus Land Act (AB1486) was amended in January 2020 to address California's shortage of affordable housing and requires agencies to take formal action in a regular public meeting to declare land surplus; and

**WHEREAS**, the four subject parcels qualify as exempt surplus land under Government Code section 54221(f)(1)(B) – Exempt Category 4: Land Not Suitable for Housing by meeting all of the following specific qualifications:

1. The surplus land less than 5,000 sf, or less than 10,000 sf and has no record access;
2. The surplus land not contiguous to land owned by a state or local agency that is used for open space or low- and moderate- income housing; and
3. The surplus land being transferred to the owner of contiguous land; and

**WHEREAS**, the Surplus Land Act requires that exempt surplus land be declared as exempt surplus by the City Council at a public meeting and that the State Housing and Community Development Department verify the exempt determination prior to land disposition.

**NOW, THEREFORE, BE IT RESOLVED** by City Council of the City of Folsom that the parcels listed below and shown in Exhibit 1 as exempt surplus land:

1. APN 070-0092-007 (0.03 acres/1,284 square feet) to be transferred to the owner of record for adjoining property at 1102 Mormon Street; and
2. APN 070-0092-009 (0.04 acres/1,528 square feet) to be transferred to the owner

- of record for adjoining property at 404 Sibley Street; and
3. APN 070-0092-010 (0.01 acres/426 square feet) to be transferred to the owner of record for adjoining property at 410 Sibley Street; and
  4. APN 070-0094-011 (0.13 acres/5,618 square feet) to be transferred to the owner of record for adjoining property at 1010 Figueroa Street.

**BE IT FURTHER RESOLVED** that the aforementioned exempt surplus properties are not necessary for the City's use; and

**BE IT FURTHER RESOLVED** that the City Manager is hereby authorized to execute all documents necessary to effectuate disposition and transfer of the aforementioned exempt surplus properties in furtherance of this Resolution.

**PASSED AND ADOPTED** this 10<sup>th</sup> day of October 2023, by the following roll-call vote:

**AYES:** Council Member(s):  
**NOES:** Council Member(s):  
**ABSENT:** Council Member(s):  
**ABSTAIN:** Council Member(s):

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Rosario Rodriguez, MAYOR

ATTEST:

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Christa Freemantle, CITY CLERK

**EXHIBIT 1**

**Exempt Surplus Parcels**

**APN 070-0092-007, APN 070-0092-009, APN 070-0092-010, and APN 070-0094-011**

