

REPORT TO CITY COUNCIL

DATE: OCTOBER 25, 2023

TO: HONORABLE MAYOR AND MEMBERS OF THE COUNCIL

FROM: NATHAN HAMBURGER, CITY MANAGER

BY: RAMIRO ADEVA, ASSISTANT CITY MANAGER

SUBJECT: ADOPTION OF RESOLUTION NO. 23-2048; DECLARING THAT REAL PROPERTY LOCATED ON THE SOUTH SIDE OF AGOURA ROAD, WEST OF KANAN ROAD (APNs: 2061-032-902, 903, 904, 905, 906) ARE EXEMPT SURPLUS LAND

On December 14, 2022, the City Council approved Resolution No. 22-2028, approving a donation agreement between the City of Agoura Hills and Creekside Terrace, LP, accepting real property from Creekside Terrace, LP, and authorizing the City Manager to execute a Certificate of Acceptance of said real property and related documents acknowledging donation.

Upon completion of the transfer of parcels from Creekside Terrace, LP, to the City of Agoura Hills, the County re-assigned new Assessor Parcel Numbers (APNs) in the "900-series" which is the standard numbering convention used for publicly owned parcels. For clarification, the table below shows the old APN next to the new APN for each parcel transferred to the City.

Old APN number	New APN number
2061-032-023	2061-032-902
2061-032-024	2061-032-903
2061-032-025	2061-032-904
2061-032-026	2061-032-905
2061-032-027	2061-032-906

Among other things, the donation agreement also included a provision to transfer fee title ownership of the parcels as a charitable donation to the Santa Monica Mountains Conservancy (SMMC). That said, staff would also like to consider the option for the charitable donation to be made to the Mountains Recreation and Conservation Authority (MRCA) rather than SMMC, depending on which entity is best positioned to transfer the parcels the soonest given each of their respective agency processes. At this time, staff is only seeking the City Council's declaration of the parcels as surplus land which must happen prior to the transfer being made.

Pursuant to the Surplus Land Act (Act), transferring public property requires the City Council to declare the property as exempt surplus land. Per Government Code Section 54221(f)(1)(D) of the Act, exempt surplus land is defined as land that a local agency is transferring to another local, state, or federal agency for the agency's use.

Staff is currently in ongoing discussions with both SMMC and MRCA to determine the best path forward. Once those discussions conclude, staff will return to the City Council at a future date to request approval of the official documents necessary to complete the charitable donation of land to one of those entities (ie: Resolution, Quitclaim Deed, Formal Offer Letter, etc).

FISCAL IMPACT

Finance staff confirmed the City would not be liable for any property taxes as a result of the City's ownership of the parcels prior to the eventual donation of the land to either SMMC or MRCA. Therefore, there is no fiscal impact for transferring the parcels from the City's ownership to SMMC or MRCA to the City's approved FY 2023/24 budget.

RECOMMENDATION

Staff respectfully recommends the City Council:

1. Adopt Resolution No. 23-2048; declaring that certain real property located on the south side of Agoura Road, west of Kanan Road (APNs: 2061-032-902, 903, 904, 905, 906), are exempt surplus land; and
2. Authorize the City Clerk to forward a certified copy of the Resolution to the California Department of Housing and Community Development.

Attachments: Resolution No. 23-2048

RESOLUTION NO. 23-2048

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, DECLARING THAT REAL PROPERTY LOCATED ON THE SOUTH SIDE OF AGOURA ROAD, WEST OF KANAN ROAD (APN's 2061-032-902, 903, 904, 905, 906), IN THE CITY OF AGOURA HILLS ARE EXEMPT SURPLUS LAND, AND TAKING RELATED ACTIONS

WHEREAS, the City of Agoura Hills owns certain property located on the south side of Agoura Road, west of Kanan Road in the City of Agoura Hills, which is described on Exhibit "A" and depicted on Exhibit "B", attached hereto and incorporated herein by reference (the "Property"); and

WHEREAS, the City must comply with Government Code Sections 54220-54234 (the "Surplus Land Act") prior to taking any action to dispose of the Property; and

WHEREAS, the Surplus Land Act shall not apply to the disposition of the Property if the Property is exempt surplus land, as defined in Government Code Section 54221(f)(1); and

WHEREAS, pursuant to the Surplus Land Act, the City Council must take formal action in a regular public meeting to declare that the Property is exempt surplus land, as supported by written findings; and

WHEREAS, Government Code Section 54221(f)(1)(D) defines exempt surplus land to include land that a local agency is transferring to another local, state, or federal agency for the agency's use; and

WHEREAS, the City will donate the Property to either the Mountains Recreation and Conservation Authority ("MRCA"), a California joint powers authority for MRCA's use, or the Santa Monica Mountains Conservancy ("SMMC") for SMMC's use, and on that basis the City Council desires to declare the Property exempt surplus land pursuant to Government Code Section 54221(f)(1)(D); and

WHEREAS, pursuant to the Surplus Land Act Guidelines issued by the California Department of Housing and Community Development ("HCD") to interpret and implement the Surplus Land Act, the City Council's determination that the Property is exempt surplus land must be provided to HCD for its review at least 30 days prior to disposition.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AGOURA HILLS HEREBY RESOLVES AS FOLLOWS:

SECTION 1. That the above recitals are true and correct and are a substantive part of this Resolution.

SECTION 2. That the City Council hereby finds that Property is not necessary for the City's use within the meaning of the Surplus Land Act.

SECTION 3. That the City Council hereby declares the Property is exempt surplus land as defined in Government Code Section 54221(f)(1)(D) of the Surplus Land Act provided the City donates and conveys the Property to another local, state, or federal agency for the agency's use.

SECTION 4. That staff of the City are hereby authorized and directed to submit a copy of this Resolution to HCD in accordance with the Surplus Land Act Guidelines.

SECTION 5. That the staff and officers of the City are hereby authorized, jointly and severally, to take any other such actions as they deem necessary or proper to effectuate the purposes of this Resolution, and all actions previously taken are hereby ratified.

SECTION 6. That the City Council hereby finds that the actions are not subject to the California Environmental Quality Act ("CEQA") because they are activities that are excluded from the definition of a project by section 21065 of the Public Resources Code and section 15378(b) of the State CEQA Guidelines. This action declares the Property exempt surplus land and directs staff to effectuate the purpose of this Resolution. This is administrative activity of government which will not result in direct or indirect physical changes to the environment. No commitment to any project is being made at this time. CEQA review requirements must be completed before any commitment to a project occurs and appropriate environmental review pursuant to CEQA will be completed at such time.

SECTION 7. That the Mayor shall sign and the City Clerk shall attest to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 25th day of October, 2023, by the following vote to wit:

AYES: (
NOES: (
ABSENT: (
ABSTAIN: (
)
)
)
)

Chris Anstead, Mayor

ATTEST:

Kimberly, M. Rodrigues, City Clerk

EXHIBIT A
LEGAL DESCRIPTION OF SUBJECT PROPERTY

LEGAL DESCRIPTION OF PROPERTY

[APNS: 2061-032-902; 2061-032-903; 2061-032-904; 2061-032-905; 2061-032-906]

The land in the City of Agoura Hills, County of Los Angeles, State of California, described as follows:

PARCELS 3 THROUGH 7, INCLUSIVE OF PARCEL MAP NO. 73033, IN THE CITY OF AGOURA HILLS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 383, PAGES 58 TO 73 INCLUSIVE OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM AN UNDIVIDED ONE-HALF INTEREST IN AND TO ALL OIL, GAS AND OTHER HYDROCARBONS SAVED AND SOLD FROM SAID LAND, AS RESERVED BY ESER WIKHOLM ET UX, IN DEED RECORDED DECEMBER 30, 1953, IN BOOK 43495, PAGE 30, OFFICIAL RECORDS.

EXHIBIT B
AERIAL VIEW OF SUBJECT PROPERTY

Exhibit B

