



Agenda Item No. 6E
February 25, 2020

TO: Honorable Mayor and City Council
Attention: Jeremy Craig, City Manager

FROM: Curtis D. Paxton, Director of Utilities
(Staff Contact: Curtis Paxton, (707) 469-6412)

SUBJECT: RESOLUTION OF THE COUNCIL OF THE CITY OF VACAVILLE DECLARING THE REAL PROPERTY AT 7050 LEISURE TOWN ROAD (SOLANO COUNTY APN 0106-280-020) TO BE SURPLUS, AUTHORIZING THE CITY MANAGER OR DESIGNEE TO INITIATE THE PROCESS OF DISPOSING OF THE PROPERTY PURSUANT TO THE SURPLUS LAND ACT, AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO INITIATE MARKETING OF THE PROPERTY IF THE CITY DOES NOT NEGOTIATE A SALE OF THE PROPERTY TO A PREFERRED BUYER UNDER THE SURPLUS LAND ACT

DISCUSSION:

The City of Vacaville (City) owns the site of the former Gibson Canyon Creek Wastewater Treatment Plant (Gibson Plant). Albertson's Distribution Center and Mariani Packing Company were the sole users of the Gibson Plant, and the City operated the facility on their behalf. Operation of the Gibson Plant resulted in groundwater contamination from unlined ponds, and a groundwater remediation system was constructed in 2005/2006. Wastewater flows to the Gibson Plant ceased in December 2006 as ordered by the Regional Water Quality Control Board. Mariani Packing Company constructed a pretreatment facility on their site and began discharging effluent from that facility into the City's sewer system for treatment at the Easterly Wastewater Treatment Plant. The final closure of the Gibson Plant was completed and approved by the Regional Water Quality Control Board on January 20, 2009.

Per the agreement between the City and Mariani Packing Company (06/25/2006), the City agreed to use good faith and diligent efforts to maximize the proceeds from the reuse (sale, transfer, or exchange) of the property. The agreement contains provisions for the distribution of the net proceeds of the reuse with Mariani Packing Company and the City. All attempts to reuse the property have been unsuccessful to this point. Staff has determined that there is no City use for the property.

BACKGROUND:

Under the Surplus Land Act, Government Code Section 54200- 54232, surplus property is defined as "land owned by any agency of the state, or any local agency, that is determined to be no longer necessary for the agency's use, except property being held by the agency for the purpose of exchange."

Staff has identified 7050 Leisure Town Road, Vacaville, California, as potential surplus real property. City staff evaluated the property for public uses and has determined that there is no public use for the City. The City has recently received informal interest from a potential buyer, and having the Council identify the property as surplus will provide policy direction to staff and assist City staff in the management of its real property stock and to meet its obligations under the Mariani agreement.

One element of the process involves providing notice to and negotiating in good faith to sell surplus property to entities that undertake affordable housing, parks, or school development. This practice is in accordance with California Government Code Section 54222 – 54233 (“Section 54222”).

Government Code Section 54222

California Assembly Bill 2135 became effective on January 1, 2015, and California Assembly Bill 1486 became effective on January 1, 2020. Both Assembly Bills modify procedures with respect to the sale of surplus properties by a local agency. California Government Code Section 54222 (as amended by the above legislation) requires that any local agency selling surplus land provide notice to and negotiate in good faith to sell surplus property to entities that undertake affordable housing, parks, or school development (a “Preferred Entity”).

Pursuant to Government Code Section 54222, the City will send a written offer to sell the surplus land to Preferred Entities identified in Government Code Section 54222 et seq. If one of the Preferred Entities desires to purchase the property after having received notice, it must indicate its intent to do so in writing within 60 days of receiving the notice, and the City and the Preferred Entity may negotiate price and terms for the disposition of the property.

In general, the new legislation broadens the definition of “surplus property” and prioritizes affordable housing uses over park or school uses and prior to the sale to a private party. If the price or terms of a sale to a Preferred Entity cannot be agreed to within 90 days, the City’s surplus land can then be sold at fair market value on the open market.

ENVIRONMENTAL REVIEW:

Sales of surplus government property are exempt from the California Environmental Act (CEQA) pursuant to Title 14 Section 15312 of the California Code of Regulations.

FISCAL IMPACT:

None at this time as a result of this action.

RECOMMENDATION:

By simple motion, adopt the subject resolution.

ATTACHMENT:

Action Item - Resolution
Attachment 1: Solano County Assessor’s Map (APN 0106-280-020)

RESOLUTION NO. 2020-

RESOLUTION OF THE COUNCIL OF THE CITY OF VACAVILLE DECLARING THE REAL PROPERTY AT 7050 LEISURE TOWN ROAD (SOLANO COUNTY APN 0106-280-020) TO BE SURPLUS, AUTHORIZING THE CITY MANAGER OR DESIGNEE TO INITIATE THE PROCESS OF DISPOSING OF THE PROPERTY PURSUANT TO THE SURPLUS LAND ACT, AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO INITIATE MARKETING OF THE PROPERTY IF THE CITY DOES NOT NEGOTIATE A SALE OF THE PROPERTY TO A PREFERRED BUYER UNDER THE SURPLUS LAND ACT

WHEREAS, under the Surplus Land Act, Government Code Section 54220 – 54233, surplus property is defined as “land owned by any agency of the state, or any local agency, that is determined to be no longer necessary for the agency’s use, except property held by the agency for the purpose of exchange.”; and,

WHEREAS, pursuant to Government Code Section 54222, City staff will send a written offer to sell the surplus property to the entities and agencies identified in Government Code Section 54222 *et seq.* If one of the entities/agencies desires to purchase the property after having received notice, it must indicate its intent to do so in writing within 60 days of receiving the notice, and the City and the other entity/agency may negotiate price and terms for the disposition of the property; and,

WHEREAS, in the event no agreement is reached between the City and any interested entity/agency to whom notice is provided, staff will return to the City Council to seek direction as to disposition of the property; and,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Vacaville hereby declares the real property located at 7050 Leisure Town Road, Vacaville, California (Solano County APN 0106-280-020) and any rights, title and interest therein, surplus.

BE IT FURTHER RESOLVED that the City Manager or designee is authorized to initiate the process of disposing of the property pursuant to the Surplus Lands Act, and is authorized to initiate marketing of the property if the City does not negotiate a sale of the property to a preferred buyer under the Surplus Lands Act.

I HEREBY CERTIFY that the foregoing resolution was introduced and passed at a regular meeting of the City Council of the City of Vacaville, held on the 25th day of February, 2020, by the following vote:

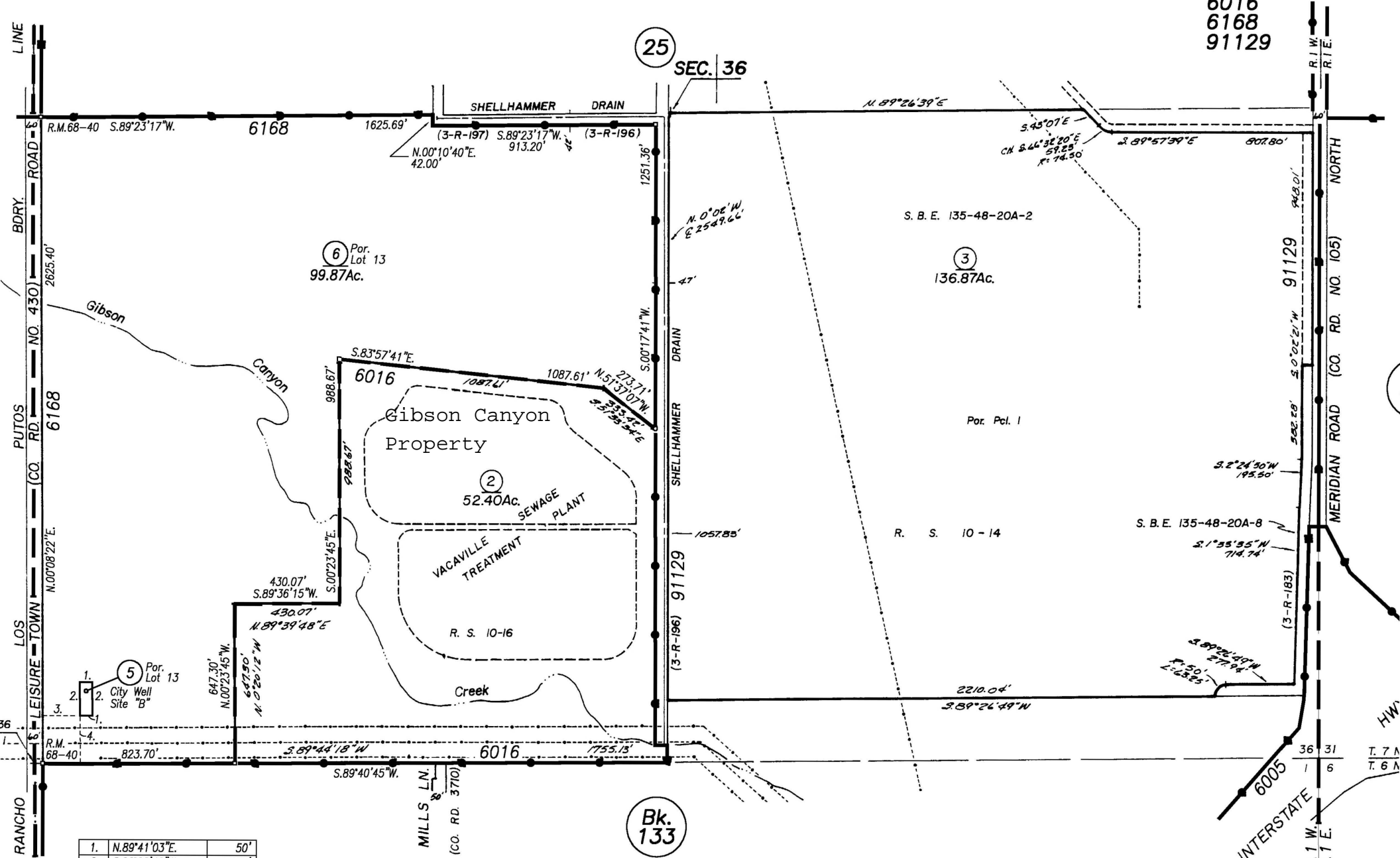
AYES:

NOES:

ABSENT:

ATTEST:

Michelle Thornbrugh, City Clerk



1.	N.89°41'03"E.	50'
2.	S.00°08'40"W.	136'
3.	N.89°41'03"E.(Tie)	128.82'
4.	N.00°08'40"E.(Tie)	193.98'
5.		

Bk. 133

SBE 17-006	1-17-17	Cr
280-05,06 (Dd.)	10-31-02	Pd
280-4 R.M.	5-8-98	S.W.
SBE 96-004	11-30-95	Pd
REVISION	DATE	BY

NOTE: This map is for assessment purposes only. It is not intended to define legal boundary rights or imply compliance with land division laws.

Mission Land & Development Co., R.M. Bk. 68 Pg. 40

Assessor's Block Numbers Shown in Ellipses, Assessor's Parcel Numbers Shown in Circles

CITY OF VACAVILLE & Assessor's Map Bk. 10
County of Solano,