



Item Number: 13

City Council / Board of Directors

Written Communications

Meeting of: September 19, 2023

Submitted By:

Keith C. Metzler, City Manager

Subject:

Declaration of Exempt Surplus Land – Portions of City-Owned Properties

Recommendation:

That the City Council:

- 1) Adopt Resolution No. 23-078 Declaring Portions of City-Owned Properties (APN Nos. 0478-161-06 & 0478-172-19) as “Exempt Surplus Land” pursuant to the Surplus Land Act (“SLA”) and transmitting a certified copy to the California Department of Housing and Community Development (“HCD”);
- 2) Adopt Resolution No. 23-079 Amending the Annual Budget for Fiscal Year 2023-2024 Relating to an Appropriation of Additional Revenue; and
- 3) Authorize the City Manager to execute all documents to solidify the transfer of portions of City-Owned Properties to the California Department of Transportation (“Caltrans”).

Fiscal Impact:

The sale of portions of City-Owned Properties will result in unbudgeted revenues in the amount of \$9,500 to Account Code 1000010-46100 (General Sale of Real Property).

Strategic Plan Goal:

Strategic Goal C. Community and Economic Development is being met by supporting the economic vitality and preservation of the community for all members.

Background:

The City's Public Work's Division owns Parcel 0478-161-06. This property, also known as the Victorville Transportation Center, is located on D Street between Second and Sixth Street, and encompasses approximately 225,321 square feet, or 5.17 acres in size.

The City also owns APN 0478-172-19, more commonly known as the former Forrest Park, also located on D Street between Sixth and Seventh Street in Old Town Victorville. The

former Forrest Park mainly consists of vacant land (approximately 54,515 square feet, or 1.25 acres), with a small portion being used by Amtrak for its Victorville Station. Collectively, both APN's, 0478-161-06 and 0478-172-19, are hereinafter referred to as "City-Owned Properties" as depicted in Attachment C.

Discussion:

On July 13, 2023, City staff received notification from Caltrans (the "Caltrans Acquisition Proposal", Attachment D) informing the City of its proposed Americans with Disability Act ("ADA") standards and Pavement Rehabilitation and Repair Project (the "Project") along State Route 18. The Project includes changing message signs, upgrading guardrail/sign panels and upgrading ramps according to ADA standards. In preparation of the Project, Caltrans has identified several properties that are within their Project area that they desire to acquire entirely or partially. Within the Project area lies the City-Owned Properties. On September 5, 2023, a similar council item was presented to the Council for review and approval involving a property owned by the City's Parks Division, which was subsequently approved by the City Council through the adoption of Resolution Nos. 23-072 and 23-073.

Pursuant to the Caltrans Acquisition Proposal, Caltrans desires to acquire and lease small portions of the City-Owned Properties for their Project. These areas are hereinafter referred to as "Proposed Properties" and are also depicted on Attachment C. Specifically, Caltrans desires to acquire approximately 12,626 square feet from APN 0478-161-06 and retain a temporary construction easement on approximately 554 square feet, and 11,836 square feet from APN 0478-172-19 and retain a temporary construction easement on approximately 216 square feet (Total of 25,232 square feet). Other items included in the Caltrans Acquisition Proposal include the following:

- Litigation Guarantee (Title Reports);
- Appraisal Report and Appraisal Summary Statement valuing the total Proposed Properties at \$9,500;
- Right of Way Appraisal Maps depicting the Proposed Properties, referred to as Parcels 25450-1, 25450-2, 25450-3, 25450-4, 25450-5, and temporary construction easements as 25450-6, 25450-7;
- Grant Deed and Legal Descriptions; and
- Right of Way Contract – State Highway

As this item is similar to the item approved on September 5, 2023, staff has prepared Resolution Nos. 23-078 and 23-079. Resolution No. 23-078 deems the Proposed Properties as exempt surplus land. As you know, the City must follow the guidelines and process under the SLA, and as the owner in fee of the City-Owned Properties, the City must take a formal action at a regular public meeting declaring the Proposed Properties to be surplus and not necessary for its use. In preparation of potentially disposing of the Proposed Properties to Caltrans, staff worked with the City Surveyor, and legal counsel to determine if there were any issues or concerns with disposing of the Proposed Properties, legal description, and Grant Deed. No concerns were raised. In addition, the

Right of Way Contract, and other documents are similar to past transactions the City has had with Caltrans.

As Caltrans is a state agency with intentions of using the Proposed Properties for its operations, and because the improvements benefit the City and the community, staff seeks the approval and adoption of Resolution No. 23-078 declaring the Proposed Properties, as “exempt surplus” under SLA Section 54221(f)(1)(D). Prior to the transfer, HCD will have thirty (30) days to review Resolution No. 23-078. Staff does not anticipate HCD will dispute the exemption and believes they will grant the disposal of the Proposed Properties.

Although the Proposed Properties will not be disposed of or transferred to Caltrans until approval from HCD has been received, staff has prepared Resolution No. 23-079 amending the annual budget for Fiscal Year 2023-2024 relating to an appropriation of additional revenue to 1000010-46100 General Sale of Real Property Funds.

Staff seeks the approval of Resolutions Nos. 23-078 and 23-079 and authorizing the City Manager to sign all documents to solidify the transfer of the Proposed Properties to Caltrans.

Staff remains available for any questions or comments.

Attachments:

- A. Resolution No. 23-078
- B. Resolution No. 23-079
- C. Proposed Properties Map and Legal Description
- D. Caltrans Acquisition Proposal