

RESOLUTION 2024-145

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA DECLARING PURSUANT TO GOVERNMENT CODE SECTION 54221 THAT REAL PROPERTY OWNED BY THE CITY, LOCATED AT 646 WEST RAMSEY STREET, BANNING, CALIFORNIA (CONSISTING OF APN 540-191-008) IS DESIGNATED AS SURPLUS LAND AND NOT NECESSARY FOR THE CITY'S USE AT THIS TIME, FINDING THAT SUCH DECLARATION IS EXEMPT FROM ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND TAKING RELATED ACTIONS

WHEREAS, the City of Banning ("City") is the owner in fee simple of that certain real property, located at 646 West Ramsey Street, Banning, California (consisting of APN 540-191-008) described in Exhibit "A," attached hereto and made a part of hereof ("Property"); and

WHEREAS, under the Surplus Property Land Act, Government Code Sections 54220-54234 ("Act") as recently amended by AB 1486, surplus land is land owned in fee simple by the City for which the City Council takes formal action in a regular public meeting declaring the land is surplus and not necessary for the City's use; and

WHEREAS, the Act provides that such land shall be declared either surplus land or exempt surplus land before the City may take action to dispose of it consistent with the City's policies or procedures; and

WHEREAS, pursuant to the Act, land is necessary for the City's use if the land is being used, or is planned to be used pursuant to a written plan adopted by the City Council, for City work or operations; and

WHEREAS, Government Code Section 54222, requires the City, if it declares land it owns to be surplus and not necessary for the City's use, to provide written notice thereof to certain local agencies and housing sponsors ("Designated Entities"), the form of such notification is included as Exhibit "B" to this Resolution ("Notification Process"); and

WHEREAS, the Notification Process provides Designated Entities a 60-day opportunity to request to negotiate for the lease or sale of the Property consistent with parameters for such negotiations provided by the Act; and

WHEREAS, the Property consists of a single (1) use category: i) APN 540-191-008 is undeveloped and is not otherwise being used by the City; and

WHEREAS, based on the real estate principle of "Highest and Best Use", the City Council is considering the feasibility of leasing or selling all or a portion of the Property for private development purposes to increase employment opportunities and increase local tax-ratables; and

WHEREAS, City staff has evaluated the Property for its potential to be used for alternate City work or operations and has determined that the Property is not needed for such City uses at this time; and

WHEREAS, approval of this Resolution will confirm the City Council's declaration that the Property is surplus and not necessary for the City's use at this time and authorize the initiation of the Notification Process; and

WHEREAS, the accompanying staff report provides supporting information upon which the declaration and findings set forth in this Resolution are based; and

WHEREAS, pursuant to Section 15060(c)(3) of the California Environmental Quality Act ("CEQA") Guidelines (i.e., California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387), approval of this Resolution is exempt from CEQA because the actions described herein will not result in a direct or reasonably foreseeable indirect physical change in the environment and the actions described herein are not a "Project", as defined within Section 15378 of the CEQA Guidelines; and

WHEREAS, all of the prerequisites with respect to the approval of this Resolution have been met.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Banning, as follows:

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

SECTION 2. The City Council hereby declares that the Property is surplus land and not necessary for the City's use at this time. This declaration is based on the real estate principle of "Highest and Best Use", wherein the City Council is considering the feasibility of leasing or selling all or a portion of the Property for private development purposes to increase employment opportunities and increase local tax-ratables.

SECTION 3. Consistent with the requirements of Government Code Section 54222, the City Clerk is hereby directed to initiate the Notification Process by providing written notice of the City Council's declaration to the Designated Entities, the form of such notification is included as Exhibit "B" to this Resolution.

SECTION 4. This Resolution has been reviewed with respect to the applicability of the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*) ("CEQA"). City staff has determined that the designation of this property as surplus does not have the potential for creating a significant effect on the environment and is therefore exempt from further review under CEQA pursuant to State CEQA Guidelines Section 15060(c)(3) because it is not a project as defined by the CEQA Guidelines Section 15378. Adoption of the Resolution does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. If and when the property is sold to a purchaser and that purchaser proposes a use for the property that requires a discretionary permit and CEQA review, that future use and project will be analyzed at the appropriate time in accordance with CEQA.

SECTION 5. The City Clerk is directed to file a Notice of Exemption pursuant to CEQA Guidelines Section 15062.

SECTION 6. The officers and staff of the City are hereby authorized, jointly and severally, to do all things which they may deem necessary or proper to effectuate the purposes of this Resolution, and any such actions previously taken are hereby ratified and confirmed. Such actions include negotiating in good faith in accordance with the requirements of the Act with any of the Designated Entities that submit a written notice of interest to purchase or lease the Property in compliance with the Act.

PASSED, APPROVED AND ADOPTED this 10th day of September 2024.

Alberto Sanchez, Mayor
City of Banning

ATTEST:


Caroline Patton, Administrative City Clerk
City of Banning

APPROVED AS TO FORM:


Serita Young, Assistant City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Administrative City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2024-145, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 10th day of September 2024 by the following vote, to wit:

AYES: Flynn, Happe, Minjares, Sanchez, and Wallace.

NOES:

ABSENT:

ABSTAIN:



Caroline Patton, Administrative City Clerk
City of Banning, California

EXHIBIT "A"

DESCRIPTION OF PROPERTY

The land in the City of Banning, County of Riverside, State of California, and is described as follows:

The land owned by the City located at 646 W. Ramsey Street, Banning, CA

APN: 540-191 008

EXHIBIT "B"

NOTICE OF AVAILABILITY OF SURPLUS LAND

Date: **September 11, 2024**

TO: **Designated Local Agencies and Housing Sponsors**

RE: **Notice of Availability of Surplus Land in the City of Banning Pursuant to California Government Code Section 54220, et seq.**

Pursuant to the provisions of California Government Code Section 54220, *et seq.*, the City of Banning (the "City") hereby notifies the Designated local agencies and housing sponsors (the "Designated Parties") of the availability for lease or purchase of the following surplus City-owned land (the "Property"):

Property Address:	646 West Ramsey Street, Banning, CA
Assessor Parcel No.:	540-191-008
Zoning:	Downtown Commercial
General Plan Designation:	Downtown Commercial
Current Use:	The Property consists of a single (1) use category: i) APN 540-191-008 is undeveloped and is not otherwise being used by the City.

Copies of an aerial image and assessor map are attached.

As required by Government Code Section 54220 of the State of California, City of Banning is providing notification that the City of Banning intends to sell the surplus property listed in the accompanying attachments.

In accordance with Government Code Section 54222, you have sixty (60) days from the date this offer was sent via certified mail or electronic mail to notify the City of your interest in acquiring the property. However, this offer shall not obligate the City to sell the property to you. Instead, the City would enter into at least ninety (90) days of negotiations with you pursuant to Government Code Section 54223. If no agreement is reached on sales price and terms, or lease terms, the City may market the property to the general public.

As required by Government Code Section 54227, if the City receives more than one letter of interest during this 60 day period, it will give first priority to entities proposing to develop housing where at least 25 percent of the units will be affordable to lower income households. If more than one such proposal is received, priority will be given to the proposal with the greatest number of affordable units. If more than one proposal specifies the same number of affordable units, priority will be given to the proposal that has the lowest average affordability level.

In the event your agency or company is interested in purchasing the property, you must notify the City in writing within sixty (60) days of the date this notice was sent via certified mail or electronic mail.

Entities proposing to submit a letter of interest are advised to review the requirements set forth in the Surplus Land Act (Government Code Section 54220-54234).

Please send written notices of interest to:

City of Banning
City Clerk's Office
PO Box 998
Banning, CA 92220

For further information, please contact Marisol Lopez, Economic Development Manager, at (951) 922-3181 or Marisol.Lopez@banningca.gov.

The final day to submit a written statement of interest to either lease or purchase the Property is **Tuesday, November 12, 2024 by 5:00 PM.**

Attachments

1. Aerial Map
2. Tax Assessor's Map