

RESOLUTION NO. 2022-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKLIN DECLARING PURSUANT TO CALIFORNIA GOVERNMENT CODE § 54221 THAT TWELVE PORTIONS OF THAT CERTAIN REAL PROPERTY DESIGNATED AS APN 017-350-057 WITHIN THE STANFORD RANCH PHASE II SUBDIVISION THAT ARE ADJACENT TO APNs 369-040-013, -014, -015, -016, -017, -018, -019, -020, -021 and 022, AND APNs 369-050-001 AND -003 ARE DESIGNATED AS EXEMPT SURPLUS LAND AND NOT NECESSARY FOR THE CITY'S USE AT THIS TIME, AND TAKING RELATED ACTIONS

WHEREAS, this Resolution concerns twelve (12) portions of APN 017-350-057 within the Stanford Ranch Phase II Subdivision that range in size between 90 and 3,091 square feet and are adjacent to APNs 369-040-013, -014, -015, -016, -017, -018, -019, -020, -021 and 022, and APNs 369-050-001 and -003 that are owned in fee by the City of Rocklin (the "City") collectively do not exceed 10,838 square feet - as more particularly described in Exhibit "A" and depicted in Exhibit "B" to this Resolution (the "City Land"); and

WHEREAS, the City Land is designated for open space and is subject to: i) a permit issued by the U.S. Army Corps of Engineers (the "Corps") (i.e., Corps Permit No. 9988, issued on May 23, 1989); and ii) a General Open Space Management Plan (the "GOSMP") prepared cooperatively by the City and the Corps (originally approved by the Corps on May 1, 2015 and the City on June 10, 2015); and

WHEREAS, among other matters, during the preparation of the GOSMP the Corps was aware that owners of adjacent property had expanded into open space properties throughout the City and requested that the City rectify the encroachments; and

WHEREAS, during 2015, City staff began communicating with the affected parcel owners regarding the encroachments, including those with encroachments into portions of APN 017-250-057 (the "Open Space Parcel"), which resulted in the majority of the encroachments being rectified by the property owners, excepting therefrom the owners of APNs 369-040-013, -014, -015, -016, -017, -018, -019, -020, -021 and -022, and APNs 369-050-001 and -003 (the "Remainder Parcels"); and

WHEREAS, on July 31, 2018, City staff conferred with the Corps to identify remedies related to the Remainder Parcels encroachments that resulted in the Corps supporting a compromise approach that included the owners of the Remainder Parcels entering into an Encroachment Removal Agreement (the "ERA") allowing the encroachments to remain in place until such time as the Remainder Parcels are sold, which at such time would require the abandonment of the encroachment area and the restoration of the abandoned area to its pre-encroachment condition (consistent with the GOSMP); and

WHEREAS, subsequently, the owners of the Remainder Parcels declined to enter into an ERA because they acquired their properties with the encroachments in place and believed that their property should be exempted on that basis; and

WHEREAS, in recent times, owners of Remainder Parcels have recommended an approach (the "Owner's Recommended Solution") to resolve the current dispute by acquiring their encroachment area for a fair market price, which if accepted by City will require concurrence by the Corps; and

WHEREAS, City staff believe that the Owners Recommended Solution (subject to the conditions described herein) is a reasonable method for resolving the current dispute and to avoid unnecessary litigation; and

WHEREAS, pursuant to the California Surplus Land Act (the "SLA"), Government Code (the "GC") §§ 54220-54333 (the "Act"), as amended by AB 1486 (Chapter 664, Statutes of 2019; "AB 1486") and SLA Guidelines promulgated thereunder by the California Department of Housing and Community Development (the "HCD") dated as of April 2021 (the "SLA Guidelines"), in order for the City to disposed of real property, it must first comply with the Act and the SLA Guidelines; and

WHEREAS, the Act, as expounded upon by the SLA Guidelines, provides that prior to disposition, such land shall be declared either surplus land or exempt surplus land before the public entity may take action to dispose of it consistent with the public entity's policies or procedures; and

WHEREAS, with respect to surplus land (i.e., non-exempt land), such property must first be made available under a procedure set forth in the Act and expounded upon by the SLA Guidelines, which includes a process requiring that a notice be given calling for written notices of interest from local public agencies and housing sponsors after the public entity owner has designated such land as surplus by the taking of a formal action at a public meeting of such public entity; and

WHEREAS, with respect to exempt surplus land, the public entity must first take a formal action at a public meeting of the public entity designating the affected land as exempt surplus land based on findings supporting such designation that are consistent with the definition of exempt surplus land as specified in GC § 54221 (f); and

WHEREAS, the City Land as a whole (i.e., all 12 portions) qualifies for designation as exempt surplus land pursuant to GC § 54221 (f) (1) (G) based on the Open Space Parcel (i.e., APN 017-350-057) being subject to Corps Permit No. 9988 and the Corps approved GOSMP, which requires the Open Space Parcel to be reserved in perpetuity as open space, thus prohibiting development of any kind; and

WHEREAS, the City Land as a whole (i.e., all 12 portions) also qualifies for designation as exempt surplus land pursuant to GC § 54221 (f) (1) (B) (i) (ii) and (iii) because each portion of the City Land is: i) less 5,000 square feet in area; ii) is not contiguous to land owned by a state or local agency (not including the City); and iii) proposed to be sold to an adjacent property owner (subject to the concurrence of the Corps); and

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

WHEREAS, with respect to the City Land, it is not necessary for the City's use because the City Land is not being used or planned to be used pursuant to a written plan adopted by the City, for City work or operations; and

WHEREAS, this Resolution concerns an administrative process only and will not cause the transfer of ownership of any real property and, if approved, this Resolution will confirm the City's declaration that the City Land is exempt surplus land and not necessary for the City's use; and

WHEREAS, pursuant to Section 400 (e) of the SLA Guidelines, a copy of the adopted Resolution declaring the City Land exempt surplus land is required to be provided to HCD no later than 30 days prior to the disposition of the City Land to the City; and

WHEREAS, the ultimate sale of the City Land to the owners of the Remainder Parcels will require separate transactions is subject to: i) HCD's acceptance of this Resolution; ii) the Corps approving the sale and any necessary amendments to the GOSMP as may be required by the Corps; iii) the sale price is not less than fair market value; iv) the recordation of a deed restriction ensuring that the City Land may only be used for landscaping and appurtenances related thereto; v) that no further encroachments are allowed beyond the current encroachments and vi) that the owners of the Remainder Parcels will not encroach into the remaining Open Space Parcel; and

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

WHEREAS, the accompanying staff report provides supporting information upon which the declarations and findings set forth in this Resolution are based; 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 Rocklin as follows:

Section 1. The foregoing recitals are true and correct and are a substantive part of this Resolution and Exhibits A and B

Section 2. The City Council hereby declares that the City Land is exempt surplus land consistent with GC § 54221 (f) (1) (G) and GC § 54221 (f) (1) (B) (i) (ii) and (iii).

Section 3. The City Council hereby authorizes City staff, through the City Manager or designee, to provide the HCD with a copy of the adopted Resolution, including Exhibits “A” and “B”, declaring the City Land exempt surplus land no later than 30 days prior to the disposition of the City Land.

Section 4. This Resolution has been reviewed with respect to the applicability of the CEQA (Public Resources Code § 21000 *et seq.*). City staff has determined that the designation of the City Land as exempt surplus land 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 § 15060(c)(3) because it is not a project as defined by the CEQA Guidelines § 15378. Adoption of the Resolution does not have the potential for resulting in either a direct or indirect physical change in the environment.

Section 6. This Resolution shall take effect upon the date of its adoption.

PASSED AND ADOPTED this 25<sup>th</sup> day of October, 2022, by the following vote:

AYES:	Councilmembers:
NOES:	Councilmembers:
ABSENT:	Councilmembers:
ABSTAIN:	Councilmembers:

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Bill Halldin, Mayor

ATTEST:

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Hope Ithurburn, City Clerk

**Exhibit "A"**

**Description of the City Land**

Encroachment No.	Encroachment Size (SF)	Adjacent Lot No.	Adjacent Lot APN	Adjacent Lot Address	Adjacent Lot Size
1	592	50	369-040-013	3259 Outlook Dr.	8,494
2	1,226	51	369-040-014	3257 Outlook Dr.	8,579
3	1,551	52	369-040-015	3255 Outlook Dr.	8,214
4	3,091	53	369-040-016	3253 Outlook Dr.	9,000
5	374	54	369-040-017	3251 Outlook Dr.	9,698
6	544	55	369-040-018	3249 Outlook Dr.	6,900
7	1,319	56	369-040-019	3247 Outlook Dr.	6,564
8	779	57	369-040-020	3245 Outlook Dr.	6,273
9	666	58	369-040-021	3243 Outlook Dr.	6,269
10	396	59	369-040-022	3241 Outlook Dr.	6,276
11	90	65	369-050-001	3229 Outlook Dr.	6,374
12	210	66	369-050-003	3225 Outlook Dr.	6,385

**Exhibit “B”**

**Depiction of the City Land**

**(See attachment)**