

RESOLUTION NO. ____-2020

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL
DECLARING SURPLUS EXEMPT PROPERTY – NOYO CENTER FOR
MARINE SCIENCE PARCEL (APN 018-430-15)**

WHEREAS, the Noyo Center for Marine Science is an independent, non-profit organization actively developing conceptual designs for a Marine Science Center; and

WHEREAS, the City of Fort Bragg acquired an 11.64 acre parcel in March 2011 with a grant from the California State Coastal Conservancy for the development and operations of a Marine Science Center; and

WHEREAS, the 11.64 acre parcel is the intended location of the Marine Science Center; and

WHEREAS, a Property Transfer Agreement to transfer this parcel from the City of Fort Bragg to the Noyo Center for Marine Science has been prepared; and

WHEREAS, effective January 1, 2020 the California legislature enacted changes to the Surplus Land Act (Government Code Sections 54220 through 54233) that include provisions for the disposal of City owned real property; and

WHEREAS, said Surplus Land Act requires certain findings be made before property ownership is transferred; and

WHEREAS, the City is legally bound by an agreement with the Coastal Conservancy containing restrictive covenants that the subject 11.64 acre parcel may only be used for passive recreation or development of improvements and facilities for marine education and research purposes; and

WHEREAS, the Noyo Center for Marine Science is such an improvement and facility for marine education and research purposes; and

WHEREAS, the property restrictions placed upon the subject 11.64 acre parcel preclude the use of the parcel from any residential development purposes as contemplated by the Surplus Land Act; and

WHEREAS, based on all the evidence presented, the City Council finds as follows:

1. The 11.64 acre parcel for the Noyo Marine Center is subject to valid legal restrictions imposed by the Coastal Conservancy prohibiting the development of the site with residential housing.
2. Consequently, the subject parcel is “exempt surplus land” in accordance with Government Code Section 54221.
3. The City of Fort Bragg may transfer ownership of the subject parcel to the Noyo Center for Marine Science.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Fort Bragg does hereby declare the 11.64 acre parcel for the Noyo Center for Marine Science as “exempt surplus land” in accordance with the provisions of the Surplus Land Act.

The above and foregoing Resolution was introduced by Councilmember _____, seconded by Councilmember _____, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 27th day of January, 2020, by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**
- RECUSED:**

WILLIAM V. LEE
Mayor

ATTEST:

June Lemos, CMC
City Clerk