

RESOLUTION NO. 4866-2024

RESOLUTION OF THE FORT BRAGG CITY COUNCIL DECLARING PROPERTY AS EXEMPT SURPLUS LAND AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO EXECUTE THE RIGHT-OF-WAY CONTRACT AND GRANT DEED FOR TEMPORARY CONSTRUCTION EASEMENTS AND DISPOSITION OF REAL PROPERTY TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (PARCEL 13259-1, -2)

WHEREAS, On July 10, 2024, Planning Commission authorized Resolution No. PC 20-2024 approving the California Department of Transportation (Caltrans) project for the installation of 1,300 linear feet of ADA-compliant sidewalk on the west side of State Highway 1 from Cypress Street to North Noyo Point Road; and

WHEREAS, in addition to the sidewalk installation, the project also includes the replacement of ADA curb ramps, modifications to signage and street lights, fencing, pavement markings, traffic lane realignment, and a pedestrian path to be built on City property connecting the new sidewalk to the Coastal Trail access area; and

WHEREAS, Caltrans has drafted a Right of Way Contract (Exhibit 2) and Grant Deed (Exhibit 3) to acquire the .14 acres of City-owned land which lies within the intersection cross-section, and the Right of Way Contract includes permissions to enter and construct upon city property (temporary construction easement) within the project alignment; and

WHEREAS, Gov Code 65402(a). requires the disposition conform to general plan policies and provides exceptions for (1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; (2) acquisitions, dispositions, or abandonments for street widening; or (3) alignment projects, provided such dispositions for street purposes, acquisitions, dispositions, or abandonments for street widening, or alignment projects are of a minor nature and;

WHEREAS, the .14-acre proposed for disposition to Caltrans is the remainder of a larger parcel deeded by Georgia-Pacific Corporation to the City in 1997 for the purposes of street use according to Resolution No 2229-97 and the disposition is minor in nature; and

WHEREAS, This parcel of land, legally described in Grant Deed (Exhibit 3), is hereby declared as 'exempt surplus land' pursuant to California Government Code section 54221(D) because it is being transferred to a state agency for use via a legally binding agreement, and pursuant to subsection (E) as it is currently designated as a dedicated street right-of-way, and therefore does not fall under the requirements of the Surplus Land Act for disposition purposes; and

WHEREAS, Fair market value of the .14-acre property shown in the Right of Way Appraisal Maps (Exhibit 1) and referenced in the Grant Deed as 13529-1 is \$2500 according to the Valuation Summary (Exhibit 4); and

WHEREAS, the City has opted to voluntarily donate the land, as the property transfer alleviates the city's maintenance obligations in the area, the property lies within the essential

operational area of the state highway facility, the property will continue to function as a public road for general public use, and the value of the pedestrian walkway improvements being constructed by Caltrans on City property south of the parcel being transferred greatly exceeds the value of the land being donated; and

WHEREAS, the disposition of this property by the City of Fort Bragg to the California Department of Transportation serves the public interest as described above; and

WHEREAS, the land is being donated for the public purpose of improving the traffic operations of the state highway for both vehicles and pedestrians alike and is in compliance with Article 6 of the California Constitution; and

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

1. The City warrants that no oral or written leases exist on the property being donated and the City has the exclusive right to grant this property.
2. In accordance with Government Code 50333, the City is authorized to donate land to the state.
3. This parcel of land, is 'exempt surplus land' pursuant to California Government Code section 54221(D) and (E) as it is currently designated as a dedicated street right-of-way, and being donated to a state agency by legally binding agreement.
4. The proposed property disposition is exempt from the requirements of Government Code § 65402(a) as the property is the remainder of a larger parcel that was acquired and used for street purposes and the disposition is an alignment project that is minor in nature.
5. The property transfer is in compliance with the California Constitution Article XVI § 6 as it lies within the essential operational area of the state highway facility used for public purposes that directly benefit the public.

NOW, THEREFORE, BE IT FOUND, DETERMINED, AND RESOLVED as follows:

1. That the Recitals set forth herein are true and correct and incorporated herein as findings of fact.
2. The City Council of Fort Bragg does hereby declare the .14-acre parcel for the California Department of Transportation as “exempt surplus land” in accordance with the provisions of the Surplus Land Act.
3. The City Council of Fort Bragg does hereby authorize the Public Works Director to execute the Right of Way Contract and Grant Deed authorizing Temporary Construction Easements and the transfer of Real Property to the State of California.

The above and foregoing Resolution was introduced by Vice Mayor Godeke, seconded by Councilmember Rafanan, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 12th day of November 2024, by the following vote:

AYES: Councilmembers Albin-Smith, Peters, Rafanan, Vice Mayor Godeke, and Mayor Norvell.

NOES: None.
ABSENT: None.
ABSTAIN: None.
RECUSED: None.

BERNIE NORVELL
Mayor

ATTEST:

Diana Sanchez
City Clerk