



CITY COUNCIL STAFF REPORT

TO: City Council

DATE: February 09, 2026

DEPARTMENT: Public Works Department

PREPARED BY: Alfredo Huerta, Assistant City Engineer

PRESENTER: Alfredo Huerta, Assistant City Engineer

AGENDA TITLE:

Receive Report and Consider Adopting City Council Resolution, Pursuant to Government Code Section 54221, Declaring Remnant Right-of-Way Property as Not Necessary for City Use and Determining Such Property as Exempt Surplus, Finding Such Declaration Exempt from Environmental Review Under the California Environmental Quality Act and Taking Related Actions

RECOMMENDATION

Staff recommends City Council adopt Resolution to declare property located on the south side of Oak Street between Franklin and Main Streets exempt from the Surplus Land Act process as the City finds the property not suitable for housing because it is right-of-way and the City has initiated the process to convey to an adjacent property owner.

BACKGROUND

The City has not utilized or maintained the 73-foot long dead-end alley on the south side of Oak Street between Franklin and Main Streets in more than ten years. In fact, less than half of that alley is currently considered public right-of-way because of previous road vacations the City completed with adjacent land owners. Since most of the alley is now privately owned, the City intends to dispose of the remaining portion that is still considered public right-of-way. In order to complete this process of vacating the entire alley, the City would need to dispose of the north 48' of the east half of the 20-foot alley.

DISCUSSION AND ANALYSIS

Being that the subject property is considered public right-of way, no Assessor Parcel Number (APN) identifies the subject area. The subject property owned by the City of Fort Bragg sits east of 102 South Main Street property, which is in the permit phases of development. The owners of 102 S. Main Street have expressed interest in acquiring this right-of-way from the City to utilize the area as open access to the utilities for their new development that will be placed in the west half of the alleyway. City staff have determined that transferring the land to adjacent property owner is in the public interest, as it reduces maintenance costs.

In order for the City to dispose of the subject property, the City must go through the Surplus Land Act (SLA) process. The Surplus Land Act, amended by Assembly Bill 1486 (Ting 2019) as well as other subsequent bills, provides a statute that local agencies must follow when disposing of surplus land. These amendments modified the SLA to require local agencies in California to submit notices of availability of surplus land to the California Department of Housing and Community Development (HCD) for listing on the HCD website and to notify interested developers and certain local public entities. However, certain land may be determined as exempt surplus and therefore is not subject to some or all provisions of the SLA including the requirement that it be first made available for construction of housing.

The Surplus Properties Land Act, Government Code Sections 54220-54233 ("Act"), defines surplus land as land owned in fee simple by the City for which City Council takes formal action in a regular public meeting declaring the land surplus and not necessary for City use. The City must declare the land either surplus land or exempt surplus land under the Act. The Act considers land necessary for City use if the City uses or plans to use land pursuant to a written plan adopted by City Council, for City work or operations.

The Act requires that before City Council disposes of exempt surplus land or engages in negotiations to dispose of exempt surplus land, the City must support such a determination with written findings and shall provide a copy of the written determination to the HCD at least 30 days prior to disposition.

The surplus property meets the definition "Exempt" under Government Code Section 54221 (f)(1)(E): "Surplus land that is a former street, right of way, or easement, and is conveyed to the owner of an adjacent property. The property is exempt surplus if it is conveyed to the owner of an adjacent property." Staff recommends that City Council adopt a resolution declaring the subject property exempt from the Surplus Land Act process on the basis that the property is not suitable for housing because it is right-of-way and the City is conveying the property to an owner of an adjacent property. Concurrently on this meeting's agenda, the Council is asked to adopt a Resolution of Intent to vacate and setting a public hearing to vacate this portion of right of way.

FISCAL IMPACT/FUNDING SOURCE

No negative fiscal impact. If anything, this reduces fiscal responsibility by reducing overall right-of-way maintenance costs.

ENVIRONMENTAL ANALYSIS:

City staff has determined that the designation of this property as exempt 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 owner sells the properties to a purchaser and that purchaser proposes a use for the property that requires a discretionary permit and CEQA review, the City will analyze that future use at the appropriate time in accordance with CEQA.

STRATEGIC PLAN/COUNCIL PRIORITIES/GENERAL PLAN CONSISTENCY

When the property is disposed of and eventually conveyed to the owner of an adjacent property, it is recommended the below conditions are part of the transfer:

1. A covenant that the land remains open space (or parking), and cannot have a structure built.
2. The City Secures necessary utility easements for access.

ALTERNATIVES:

Do not adopt the resolution declaring property as exempt surplus land, keeping this property as public right-of-way, or provide direction to staff to find an alternate use for this land.

ATTACHMENTS:

1. Resolution
2. Exhibit A – APN Map