



**CITY OF MARTINEZ**

**CITY COUNCIL AGENDA  
November 16, 2011**

**TO:** Mayor and City Council  
**FROM:** Tim Tucker, City Engineer  
**SUBJECT:** Preliminary and Non-binding Determination of sale of Glendora Drive Surplus Property  
**DATE:** November 8, 2011

**RECOMMENDATION:**

After taking public testimony adopt resolution approving the Preliminary and Non-binding determination to dispose of Surplus Property at the end of Glendora Drive by Negotiated Sale.

**BACKGROUND:**

The City owns several parcels at the end of Glendora Drive. Carlos and Carol Mendoza, the property owners of 150 Glendora Drive have requested use of one of the City owned parcel (APN 370-095-005) adjacent to their property. They indicated that they would like to purchase the lot(s) adjoining their property. Mr. and Mrs. Mendoza indicated they would like to fence and use the property to expand their backyard, particularly for their children 4-H projects such as beekeeping. They also indicated they have no plans to build any permanent structures.

On May 18, 2011, Council authorized staff to proceed with the potential sale of the property. The property had previously been designated as surplus by the Council. In addition the property is subject to a Release and Compromise Agreement approved by the City Council by Resolution No. 32 (1971). The City (or subsequent owner), upon demand, shall provide a right-of-way to APN 370-140-002, a nine acre property located at the end of Glendora Drive, across City property. The exact location of the easement will be reviewed as part of any development proposal for the nine acre parcel. These parcels must be designated as surplus in accordance with the recently adopted ordinance prior to the City fulfilling their requirement to grant the easement.

The City owned parcels are bordered by residential or residentially zoned property to the east, west, and north. These surplus properties are bordered by City owned open space to the south; however, the terrain makes it difficult to access the City owned open space from Glendora Drive.

A "Notice of Potential Disposal of Public Property" has been mailed, posted and advertised as required under Municipal Code City Real Property Chapter, Section 12.40.060. In addition, an appraisal of the property has been completed by Certified General Real Estate Appraiser Bruce Hahn of Landmark Valuation located in Martinez. The appraisal was consistent with valuations provided on other residentially zoned property appraisals the City has obtained over the last ten years. Vacant residential property with development rights is valued at \$5.00 per square foot.

Vacant residential property without development rights is between \$0.05 and \$0.10 per square foot. The appraisal took into account that a 10-foot future access and utility easement encumbers the property for future use by the adjacent 16 acre property. In summary the value is as follows:

<b>\$31,000</b>	<b>“As Is” Market Value</b>
<b>\$1,000</b>	<b>“As Though Undevelopable” Market Value</b>

The adjacent property owner is interested in purchasing the property as undevelopable.

Staff recommends selling the parcel(s) as undevelopable. Development of the property was attempted previously. The soil conditions were not compatible with this use. The City agreed to a monetary settlement when the original roadway failed. Staff does not think it is prudent to market the property as developable again. Should the Council agree, the Planning Commission must find the sale of the property consistent with the General Plan after which a second public hearing will be scheduled with the Council. The decision by the Council is **not binding** at this time; however, the applicant will continue to accrue expenses to draft documents and reimburse for staff time.

**FISCAL IMPACT:**

There are no financial impacts. Should the Council approve the property transfer documents at a subsequent public hearing and the sale consummate, the City will no longer bear the nominal annual maintenance cost of the property.

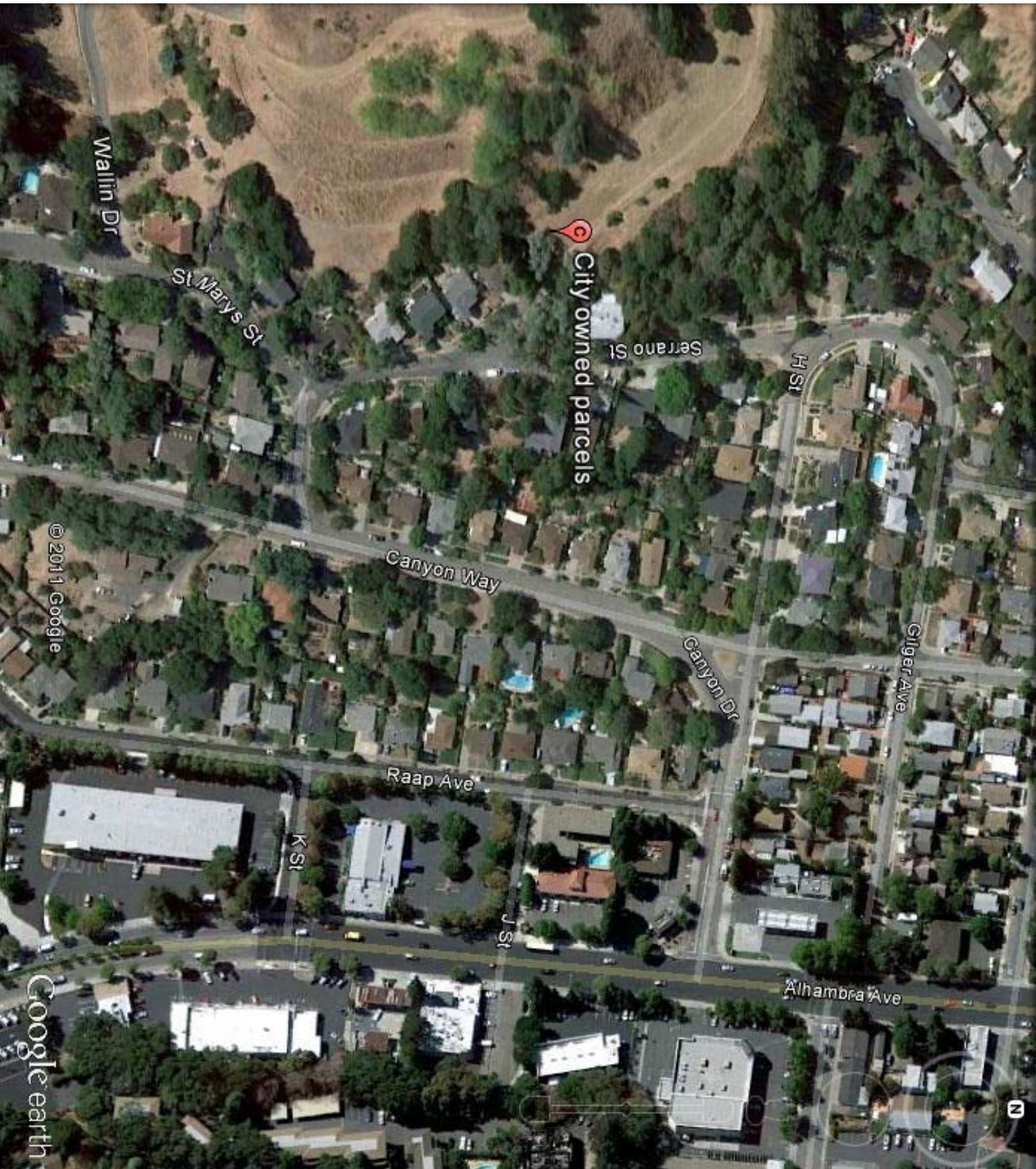
**ACTION:**

Adopt resolution approving the Preliminary and Non-binding determination to dispose of Surplus Property at the end of Glendora Drive by Negotiated Sale.

Attachments:  
Resolution  
Vicinity map

**APPROVED BY:**

  
City Manager



City owned parcels

Wallin Dr

St Marys St

Serrano St

H St

Canyon Way

Canyon Dr

Gilger Ave

Raap Ave

K St

J St

Alhambra Ave

© 2011 Google

Google earth

2

RESOLUTION NO. -11

APPROVING THE PRELIMINARY AND NON-BINDING DETERMINATION TO  
DISPOSE OF SURPLUS PROPERTY AT THE END OF GLENDORA DRIVE  
BY NEGOTIATED SALE

**WHEREAS**, On October 5, 2005 the City Council of the City of Martinez adopted Resolution 105-05 designating the properties with Assessor Parcel Numbers 370-095-001, 002, 003, 004, and 005 as surplus; and

**WHEREAS**, said property is zoned as Group 2, Residential; and

**WHEREAS**, the adjoining property owner of the property commonly known as 150 Glendora Drive has requested the Council consider their lease or purchase of one or more of the surplus properties; and

**WHEREAS**, said adjoining property owner indicate they desire to use the property for non-developable uses; and

**WHEREAS**, on May 18, 2011 the City Council authorized staff to proceed with request to purchase said surplus property; and

**WHEREAS**, the property has been appraised by a Certified General Real Estate Appraiser for a nominal value of \$1,000 "As Though Undevelopable" Market Value and appraisal is available for review in the office of the City Engineer; and

**WHEREAS**, said Council finds that sale of the property, reserving development rights, would be for the common benefit of the citizens of Martinez; and

**WHEREAS**, that the parcel(s), if sold, shall be merged with the buyer's property; and

**WHEREAS**, that the parcel, if sold, shall be subject to a Release and Compromise Agreement approved by the City Council by Resolution No. 32 (1971); and

**WHEREAS**, the disposal of said surplus property is in accordance with City of Martinez Municipal Code section regarding City Real Property, Chapter 12.40, Disposition of City Real Property.

**NOW, THEREFORE, IT BE RESOLVED** that the City Council of the City of Martinez, approve the Preliminary and Non-binding determination to dispose of Surplus Property at the end of Glendora Drive by Negotiated Sale to adjoining property owners and direct staff to

schedule a public hearing to approve the purchase documents subject to the Planning Commission finding the disposal of the property consistent with the Martinez General Plan.

\* \* \* \* \*

**I HEREBY CERTIFY** that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 16th day of November, 2011, by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK  
CITY OF MARTINEZ