



CITY OF MARTINEZ

**CITY COUNCIL AGENDA
March 21, 2012**

TO: Mayor and City Council

FROM: Philip Vince, City Manager

SUBJECT: Public Hearing to Consider the Adoption of a Resolution Authorizing the Addition of the Property Located at 610 Court Street to the City’s Inventory of Real Property

DATE: March 21, 2011

RECOMMENDATION:

Hold a public hearing to consider a resolution authorizing the addition of the property located at 610 Court Street to the City’s Inventory of Real Property and conditionally declaring said property surplus and in excess of the City’s foreseeable needs pursuant to Martinez Municipal Code Section 12.40.030.

BACKGROUND:

In 2005 the City Council adopted Ordinance 1321 establishing a policy for the disposition of real property owned by the City. Ordinance 1321 is codified as Chapter 12.40 of the Martinez Municipal Code. Section 12.40.030 requires the preparation of an inventory of real property owned by the City. The inventory must identify which City owned property is deemed to be in excess of the City’s foreseeable needs and therefore surplus.

As the Council is aware, the City began the property disposition process relating to 630 Court Street, the City owned building immediately adjacent to 610 Court Street in February of 2008. The 630 Court Street Building was added to the City’s inventory, declared to be in excess of the City’s foreseeable needs and the Council approved a process to directly negotiate the sale of that property at that time.

The City is in the process of purchasing the property at 610 Court Street with the desire to control the reuse and rehabilitation of the important 600 block of Court Street. Ownership and control of 610 Court will permit the City to plan more effectively for the re-use of the 600 block and expand the options available for development of this key area of the downtown.

In order to ultimately accomplish this goal, both the properties at 630 and 610 Court Street would need to go through the City’s property disposition procedures as set forth in Chapter 12.40. Although the property at 630 Court Street was added to the inventory of real property and declared to be in excess of the City’s foreseeable needs in 2008 and disposition authorized relating thereto, the property at 610 Court Street has yet to be added to the inventory.

The property at 610 Court should now be added to the list in compliance with Section 12.40.030. The property at 610 Court will not be needed for future municipal needs, but is an important property to the City's overall goal of effective re-use of the 600 block of Court Street. The addition of the property to the City's inventory and declaration that the property is in excess of the City's foreseeable needs is contingent upon the final sale of the property to the City.

Addition of the property at 610 Court Street to the City's inventory is not a final step in the City's disposition process. Pursuant to Section 12.40.040 through 12.40.080, the City will still need to take the following steps prior to disposing of either 630 or 610 Court Street.

- Receive City Manager's report pursuant to MMC Section 12.40.040 and adopt a resolution preliminarily determining that disposition of said properties is for the common benefit of the citizens of Martinez, required by the public interest and convenience and in compliance with applicable law and authorize the City Manager to commence the process of disposition of the properties at 610 and 630 Court Street by negotiated sale. It is currently anticipated that this action will take place at the City Council meeting of April 4, 2012.
- Hold a public hearing on any final disposition of 630 and 610 Court Street. At this meeting the City Council would consider any purchase and sale agreement for the properties, any use restrictions and other controls relating to such things as maintenance and architectural modifications relating to the properties. This public hearing is currently noticed and scheduled for April 18, 2012.

FISCAL IMPACT:

There are no fiscal costs associated with adding the property at 610 Court Street to the City's inventory.

ACTION:

Motion to adopt a resolution authorizing the addition of the property located at 610 Court Street to the City's Inventory of Real Property and conditionally declaring said property surplus and in excess of the City's foreseeable needs pursuant to Martinez Municipal Code Section 12.40.030.

Attachments: Proposed Resolution
MMC Chapter 12.40

RESOLUTION NO. -12

RESOLUTION AUTHORIZING THE ADDITION OF THE PROPERTY AT 610 COURT STREET TO THE CITY'S REAL PROPERTY INVENTORY CONTINGENT UPON ITS PURCHASE BY THE CITY AND DECLARING THAT THE PROPERTY AT 610 COURT STREET IS IN EXCESS OF THE CITY'S FORESEEABLE NEEDS IN ACCORDANCE WITH MARTINEZ MUNICIPAL CODE SECTION 12.40.030

WHEREAS, the City of Martinez purchased 630 Court Street From the County of Contra Costa in 2005 and added the property to the City's Real Property Inventory in 2008, declaring that the property at 630 Court Street was surplus an in excess of the City's foreseeable needs. The City has since said time marketed the property at 630 Court street for rehabilitation and reuse; and

WHEREAS, the City of Martinez has entered into a Purchase and Sale Agreement with the County of Contra Costa for the Property located at 610 Court Street (immediately next door to 630 Court Street) and comprising the remainder of the 600 block of Court Street; and

WHEREAS, Section 12.40.030 of the Martinez Municipal Code requires the preparation of an inventory of real property owned by the City. The inventory must identify which City owned property is deemed to be in excess of the City's foreseeable needs and therefore surplus; and

WHEREAS, Pursuant to Section 12.40.030 the City did duly notice a Public Hearing for the Consideration of the addition of the property at 610 Court Street to the City's Inventory of Real Property and declaration of same to be in excess of the City's foreseeable needs and therefore surplus; and

WHEREAS, The City Council did hold said public hearing and did consider all evidence submitted at or prior to said public hearing relating to said action; and

WHEREAS, the City has no immediate plans for the use of 610 Court Street but recognizes that ownership and control of 610 Court will permit the City to plan more effectively for the re-use of the 600 block and expand the options available for development of this key area of the downtown; and

WHEREAS, On December 13, 2011, by the adoption of Resolution PC 11-12, the Planning Commission of the City of Martinez determined that the acquisition and disposition of 610 Court Street was consistent with the General Plan.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby find that the purchase of 610 Court Street will not have a significant effect on the environment and that it has been determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15301, in that it is not proposed that the acquisition involve any expansion of the building or change in use from that currently permitted under the existing General Plan and zoning regulations applicable to the property.

BE IT FURTHER RESOLVED that the City Council does hereby authorize of the addition of the property at 610 Court Street to the City's Real Property Inventory contingent upon its purchase by the City in accordance with Martinez Municipal Code and determines that the property at 610 Court Street is surplus and in excess of the City's foreseeable needs in accordance with MMC section 12.40.030

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 21st day of March, 2012, by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ

MARTINEZ MUNICIPAL CODE TITLE 12 – CITY REAL PROPERTY

12.40.030 - Inventory of City Real Property.

To comply with California Government Code Section 50569, on or before October 31 of each year, the City Manager shall cause to be prepared an annual inventory of real property owned by the City. That inventory shall also identify which City-owned real property, if any, is deemed to be in excess of the City's foreseeable needs. Such inventory and identification shall be submitted to the City Council for review and approval. The City Council's hearing on the proposed inventory and identification (collectively "inventory") shall be noticed in accordance with California Government Code Sections 65091 and 65092, except that:

- A. The notice described in California Government Code Section 65091(a)(3) shall be mailed to all owners of real property as shown on the latest equalized assessment roll within 300 feet of each of the properties identified in the inventory;
- B. The notice shall be published pursuant to California Government Code Section 65091(a)(4)(A); and
- C. As to those properties identified as being in excess of the City's foreseeable needs, the notice shall specify an address (if one exists) and assessor's parcel number (if one exists) and include a locator map showing the subject property; and
- D. The notice shall specify the date, time and location of the public hearing.

Notwithstanding the foregoing, in the event the proposed inventory or proposed amended inventory identifies at least 5 separate parcels, the City may forego mailing the notice pursuant to subsection A above; provided that, in all cases, the notice specified in subsection A above shall be mailed to all owners of real property as shown on the latest equalized assessment roll within 300 feet of each of the properties identified in the inventory as being in excess of the City's foreseeable needs. The materials described above shall be made available for inspection and copying by the public at least 10 days prior to the Council's noticed hearing on the inventory. The inventory described above may be amended at any time by the City Council provided that the notice and hearing requirements specified above are first complied with. If the inventory proposed to be submitted by the City Manager to the City Council for approval pursuant to this Section does not identify any pieces of real property or does not add any real property to the previously approved inventory, or does not change the designation as to whether or not any property on the previously approved inventory is surplus, then no notice need be given prior to the submission of the inventory to the Council for approval other than is otherwise required by the Ralph M. Brown Act.

(Ord. 1321 C.S. § 2 (part), 2005.)