



CITY OF MARTINEZ

**CITY COUNCIL AGENDA
June 27, 2012**

TO: Mayor and City Council
FROM: City Engineer
SUBJECT: Glendora Drive Area Surplus Property Disposal
DATE: June 20, 2012

RECOMMENDATION:

Adopt Resolutions:

1. Approving the sale and preparation of grant deeds, lot line adjustment and merger of City owned surplus properties on Glendora Drive (Assessor Parcel Nos. 370-095-001, 002, 003, 004 and 005), to the adjoining properties and authorizing the City Manager to execute the grant deeds and other documents transferring the surplus parcel subject for City Attorney approval; and
2. Summarily Vacating Glendora Drive fronting City surplus property, Assessor Parcel Nos. 370-095-001, 002, 003, 004 and 005 reserving development rights and private access and utility easement; and the merger of City surplus property, Assessor Parcel No. 370-094-028, 029 and 031.

Provide direction to staff regarding the potential sale of the remaining three surplus properties, Assessor Parcels 370-095-028, 029 & 031, near the intersection Glendora Drive and Serrano Street with the adjoining property located at 3758 Serrano.

BACKGROUND:

The City owns eight parcels near the intersection of Glendora Drive and Serrano Street. The parcels have previously been designated as surplus by the Council. The City received a request from Carlos and Carol Mendoza, the property owners of 150 Glendora Drive to purchase one or more of the City owned parcel on Glendora Drive adjacent to their property. They 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 the Council authorized staff to precede with the potential sale the property. 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 AP# 370-140-002 (Mulkey), a nine acre property located at the end of Glendora Drive. The exact location of the easement will be reviewed as part of any development proposal for the nine acre parcel but it will likely encroach onto the City parcels.

On November 16, 2011 the Council held a public hearing and the Council adopted a resolution approving a Preliminary and Non-binding determination to sell five surplus properties at the end of Glendora Drive.



Glendora Parcels:

The Mendoza's own the lot abutting lot to the south of the City owned parcels (APN 370-095-006). The Mulkey's own the nine acre parcel to the north of the City owned parcels. **These property owners request to split the five parcels between themselves for the appraised price of \$1,000 per lot.** The property would be deeded "as is" with development rights reserved by the City. The Mendoza's proposed parcels will be encumbered with a private access easement pursuant to the Release and Compromise Agreement approved by the City Council by Resolution No. 32 (1971 Series).

Glendora Drive Summary Vacation:

Staff proposes the Council approve a summary vacation of Glendora Drive along the frontage of the City owned parcels subject to the approval of the sale of the City properties. This section of road is unimproved. The Glendora Drive right-of-way has not been used for its intended purpose for well beyond the minimum five-year period required by statute (Streets and Highways Code section 8333.) A private access easement would be reserved for the Mulkey property as discussed above. Eventually this area will have a private driveway constructed once the Mulkey property is developed. This section of Glendora Avenue would be deeded and merged with the adjoining properties. Staff proposes to merge the remaining three parcels (Assessor Parcel Nos. 370-095-028, 029 & 031) so that there will not be a land-locked City owned parcel.

Assessor Parcels 370-095-028, 029 & 031

The property at 3758 Serrano Street was recently purchased by a Mr. James Bunker. He has approached the City to purchase the remaining three surplus parcels. Staff has discussed this proposal with the adjoining property at 3710 Serrano Street. He indicated no interest in the property and strongly supports the purchase by Mr. Bunker. He indicated the property is poorly maintained and feels the property is a fire hazard. Upon hearing this, Mr. Bunker took it upon himself to abate the property. Staff requests the Council provide direction to staff on whether to proceed with the sale of the parcels in a similar manner as the other five surplus lots on Glendora Drive.

FISCAL IMPACT:

The City will receive the appraised value of \$8,000 for each parcel and be reimbursed for all processing costs should the Council agree to sell the parcels for the appraised price. In addition the City will no longer be burdened with the maintenance liability of the properties.

ACTION:

- A. Resolution approving the sale and preparation of grant deeds, lot line adjustment and merger of City owned surplus properties on Glendora Drive (Assessor Parcel Nos. 370-095-001, 002, 003, 004 and 005), to the adjoining properties and authorizing the City Manager to execute the grant deeds and other documents transferring the surplus parcel subject to City Attorney approval; and
- B. Resolution approving summarily vacating Glendora Drive fronting City surplus property, Assessor Parcel No. 370-095-001, 002, 003, 004 and 005 reserving development rights and private access and utility easement; and the merger of City surplus property, Assessor Parcel Nos. 370-094-028, 029 and 031; and
- C. Provide direction to staff regarding the potential sale of the remaining three surplus properties near the intersection Glendora Drive and Serrano Street with the adjoining property located at 3758 Serrano.

Attachment:
Resolutions

APPROVED BY:


City Manager

RESOLUTION NO. -12

APPROVING THE SALE AND PREPARATION OF GRANT DEEDS, LOT LINE ADJUSTMENT AND MERGER OF CITY OWNED SURPLUS PROPERTIES ON GLENDORA DRIVE (ASSESSOR PARCEL NO. 370-095-001, 002, 003, 004 AND 005), TO THE ADJOINING PROPERTIES AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT DEEDS AND OTHER DOCUMENTS TRANSFERRING THE SURPLUS PARCEL SUBJECT TO CITY ATTORNEY APPROVAL

WHEREAS, On October 5, 2005 the City Council of the City of Martinez adopted Resolution 105-05 designating the properties with Assessor Parcel Numbers (APN) 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 owners of the property commonly known as APN 370-094-006 and APN 370-140-002 has requested the Council consider purchase of one or more of the surplus properties; and

WHEREAS, said adjoining property owners 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 buyers' 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 On November 16, 2011 the City Council held a public hearing and adopted a resolution approving a Preliminary and Non-binding determination to sell five surplus properties at the end of Glendora Drive; 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, BE IT RESOLVED by the City Council of the City of Martinez Approving the sale and preparation of grant deeds, lot line adjustment and merger of City owned surplus properties on Glendora Drive (Assessor Parcel No. 370-095-001, 002, 003, 004 and 005), to the adjoining properties; and

BE IT FURTHER RESOLVED by the City Council that the City Manager is authorized to execute the grant deeds and other documents transferring the surplus parcels, subject to City Attorney approval, to the adjoining properties for the appraised value.

* * * * *

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 27th day of June, 2012, by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ

RESOLUTION NO. -12

SUMMARILY VACATING GLENDORA DRIVE FRONTING CITY SURPLUS PROPERTY, ASSESSOR PARCEL NOS. 370-095-001, 002, 003, 004 AND 005 RESERVING DEVELOPMENT RIGHTS AND PRIVATE ACCESS AND UTILITY EASEMENT; AND THE MERGER OF CITY SURPLUS PROPERTY, ASSESSOR PARCEL NOS. 370-094-028, 029 AND 031

WHEREAS, the City Council of the City of Martinez finds that it is the best interest of the City to vacate a portion of Glendora Avenue subject to the purchase of certain City owned surplus property identified as Assessor Parcel Nos. (APN) 370-095-001, 002, 003, 004 and 005; and

WHEREAS, the portion of Glendora Avenue to be vacated is more precisely described as follows:

The Point of Beginning being the most northerly corner of lot 31 of the Monticito Park Subdivision filed September 8, 1938 in Book 22 of Maps page 673 (22 M 673), Contra Costa County Recorder's Office, thence North 37° 37' 40" West, 51.52 feet to the west corner of lot 18 (22 M 673); thence along the northwest boundary of Glendora Drive south 38° 26' 15" east, 280.59 feet, to the beginning of a curve on lot 17 (22 M 673) concaving to the left with a radius of 20 feet, thence leaving said lot 17 south 51° 33' 45" west, 20 feet, thence south 38° 26' 15" 1.82 feet, more or less, being a point 30 feet north 51° 33' 45" east from the most northerly point of lot 26 (22 M 673), thence south 51° 33' 45" west to the most northerly point of lot 26 (22 M 673), thence north 38° 26' 15" west 270 feet along the southeast boundary of Glendora Drive to the Point of Beginning; and

WHEREAS, a utility and private access easement shall be reserved to serve the parcel identified as APN 370-140-002 as described in the Release and Compromise Agreement approved by the City Council by Resolution No. 32 (1971) recorded June 7, 1971 in Book 6399 of Official Records, page 527, Contra Costa County Recorder's office; and

WHEREAS, the Summary Vacation is subject to the merger of City owned parcels identified as 370-094-028, 029 and 031 so as not to create land locked parcels; and

WHEREAS, the Summary Vacation is subject to the finding by the Planning Commission as being consistent with the City's General Plan; and

WHEREAS, the Summary Vacation is made under Chapter 4, Article 1 of the Streets and Highways Code Section 8300 et seq.; and

WHEREAS, that the segment of Glendora Avenue right-of-way proposed to be vacated has not been used for the purpose for which it was dedicated in excess of five consecutive years immediately preceding this resolution date in accordance with Streets and Highways Code Section 8300.(a); and

WHEREAS, the Summary Vacation is categorically exempt from CEQA; and

WHEREAS, the area vacated can only be used for private yard and recreation use, private roadway and utilities and other non-developable uses and strictly prohibits the construction of buildings and structures; and

WHEREAS, the summary vacation shall become effective, and the segment of Glendora Drive described above is no longer a City street, upon adoption of this resolution, the finding of General Plan Consistency and concurrently with the recording of the deeds for the purchase of parcels Assessor Parcel Nos. (APN) 370-095-001, 002, 003, 004 and 005.

NOW THEREFORE, IT BE RESOLVED by the City Council of the City of Martinez, Summarily Vacating Glendora Drive fronting City surplus property, Assessor Parcel No. 370-095-001, 002, 003, 004 and 005 reserving private access and utility easement.

BE IT FURTHER RESOLVED by the City Council of the City of Martinez, that the City Manager is authorized to execute the merger of City surplus Property, Assessor Parcel Nos. 370-094-028, 029 and 031.

* * * * *

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 27th day of June, 2012 by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ