



CITY OF MARTINEZ

**CITY COUNCIL AGENDA
September 5, 2012**

TO: Mayor and City Council

FROM: Tim Tucker, City Engineer

SUBJECT: A Preliminary and Non-binding Determination of sale of Glendora Drive and Serrano Street Surplus Property

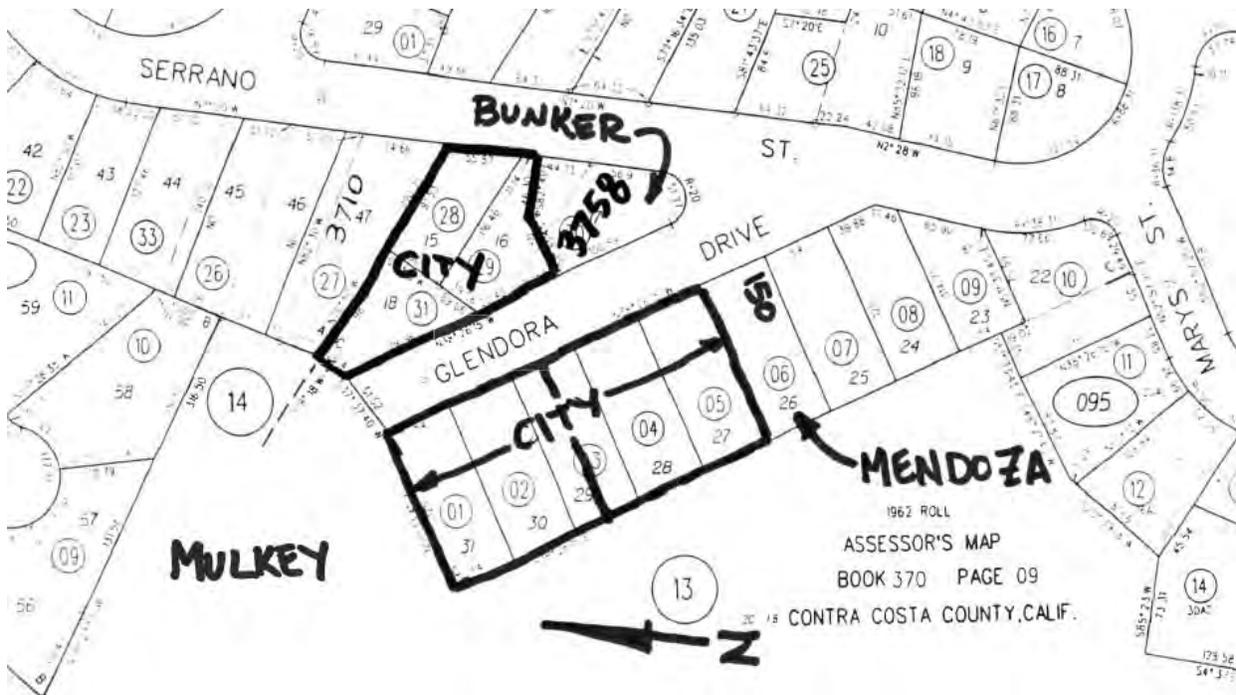
DATE: August 29, 2012

RECOMMENDATION:

After taking public testimony, adopt resolution approving the Preliminary and Non-binding determination to dispose of Surplus Property near the Glendora Drive and Serrano Street intersection.

BACKGROUND:

The City owns eight parcels fronting on Glendora Drive and Serrano Street. On October 5, 2005, the City declared these parcels surplus. The City Council has previously approved the sale of the five lots along the western side of Glendora Drive for \$1,000 per parcel along with the summary vacation of the unimproved section of Glendora Drive.



The City has received a request from Mr. Bunker, the new owner of 3758 Serrano Street, to purchase the remaining three lots (APN 370-094-028; -029 and -031) adjacent to his property. He has indicated he is willing to purchase the property “as-is” without development rights. Staff has written and spoken with the property owner of 3710 Serrano Street located on the opposite side of the City parcels. He indicates he has no interest in the property and is supportive of the purchase by his new neighbor. He has indicated the property under ownership of the City has not been maintained and he believes it poses a fire danger during the dry summer months. The City owned parcels are bordered by residential or residentially zoned property on all sides.

On June 20, 2012, Council authorized staff to precede with the potential sale the property. On August 14, 2012, the Planning Commission made a finding that the sale of the property is consistent with the General Plan. 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 AP# 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.

A “Notice of Potential Disposal of Public Property” has been mailed, and advertised as required under Municipal Code City Real Property Chapter, section 12.40.060. In addition an appraisal of similar nearby 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 valued between \$0.05 and \$0.10 per square foot.

Mr. Bunker is interested in purchasing the property as undevelopable at \$1,000 per parcel. It should also be noted that slide exists on one or more of the three parcels. The slide was stabilized by the City with a buttressing retaining wall many years ago.

Staff recommends selling the parcels “as-is” and as undevelopable, to which Mr. Bunker has agreed. 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. 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. Should the Council approve the attached resolution a second and final public hearing will be scheduled.

FISCAL IMPACT:

The City’s maintenance liability will be reduced. The adjacent City owned parcels have been assigned a nominal value (without development rights) of \$1,000 each. These parcels are of similar size, condition and value. The total cost for the three parcels would be \$3,000. The applicant has provided a cash deposit to cover staff time processing the request. Additional funds will be required to draft the purchase agreement, deeds, merger of parcels and related expenses.

ACTION:

Adopt resolution approving the Preliminary and Non-binding determination to dispose of Surplus Property near the Glendora Drive and Serrano Street intersection by Negotiated Sale.

Attachment: Resolution

APPROVED BY:



City Manager

RESOLUTION NO. -12

APPROVING THE PRELIMINARY AND NON-BINDING DETERMINATION TO DISPOSE OF SURPLUS PROPERTY NEAR THE GLENDORA DRIVE AND SERRANO STREET INTERSECTION 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 370-094-028; -029 and -031 as surplus; and

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

WHEREAS, the adjoining property owner of the property commonly known as 3758 Serrano Street has requested the Council consider purchase of the three surplus properties; and

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

WHEREAS, on June 20, 2012, the City Council authorized staff to proceed with request to purchase said surplus property; and

WHEREAS, on August 14, 2012, the City of Martinez Planning Commission made a finding that the sale is consistent with the City's General Plan; and

WHEREAS, similar nearby 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 parcels, 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 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.

* * * * *

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 5th day of September, 2012 by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ