



CITY OF MARTINEZ

**CITY COUNCIL AGENDA
November 14, 2012**

TO: Mayor and City Council
FROM: Tim Tucker, City Engineer
SUBJECT: Public Hearing - Serrano Street Area Surplus Property Disposal
DATE: November 8, 2012

RECOMMENDATION:

Adopt Resolution approving the sale and preparation of grant deeds, and merger of City owned surplus properties on Serrano Street (APN 370-094-028; -029 and -031), and vacated Glendora Drive right-of-way to the adjoining property owner (Bunker) and authorizing the City Manager to execute the grant deeds and other documents transferring the surplus parcel subject to City Attorney approval.

BACKGROUND:

The City has received a request from a Mr. Bunker, the new owner of 3758 Serrano Street, to purchase three City owned surplus parcels (APN 370-094-028; -029 and -031) adjacent to his property. The Council has previously approved the sale of the five other surplus parcels in the area that the City obtained as part of a settlement agreement. Mr. Bunker 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. At the September 5, 2012 Public Hearing the neighbor reiterated his support but emphasized the need to assure no development of the property.

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 consistent with the General Plan. On September 5, 2012 the City Council held a public hearing and adopted a non-binding resolution supporting the sale of 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, 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 without development rights is valued between \$0.05 and \$0.10 per square foot. The fair market value was stated in the report as \$1,000 per parcel. It should also be noted that a 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. 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.

FISCAL IMPACT:

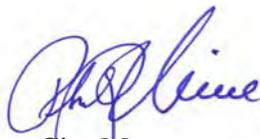
The City’s maintenance liability will be reduced. The adjacent City owned parcels have been assigned a nominal value (without development rights) of \$1,000 each. These parcels are of similar size, condition and value. The total cost for the three parcels would be \$3,000. The applicant has provided 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 sale and preparation of grant deeds, and merger of City owned surplus properties on Serrano Street (APN 370-094-028; -029 and -031), and vacated Glendora Drive right-of-way to the adjoining property owner (Bunker) and authorizing the City Manager to execute the grant deeds and other documents transferring the surplus parcel subject to City Attorney approval.

Attachments:
Vicinity Map
Resolution

APPROVED BY:


City Manager

Attachment



Vicinity Map

RESOLUTION NO. -12

APPROVING THE SALE AND PREPARATION OF GRANT DEEDS AND MERGER OF
CITY OWNED SURPLUS PROPERTIES ON SERRANO STREET
(APN 370-094-028; -029 AND -031), AND VACATED GLENDORA DRIVE
RIGHT-OF-WAY TO THE ADJOINING PROPERTY OWNER (BUNKER) 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) 370-094-028, -029 and -031 as surplus; and

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

WHEREAS, the adjoining property owner (Bunker) of the property commonly known as 3758 Serrano Street 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 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 Planning Commission found the sale of the property consistent with the General Plan; and

WHEREAS, on September 5, 2012 the City Council held a public hearing and adopted a resolution approving a Preliminary and Non-binding determination to the said surplus properties; and

WHEREAS, similar nearby property has been appraised by a Certified General Real Estate Appraiser for a nominal value of \$1,000 per parcel "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 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, 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 approves sale and preparation of grant deeds, and merger of City owned surplus properties on Serrano Street (APN 370-094-028; -029 and -031), and vacated Glendora Drive right-of-way to the adjoining property owner (Bunker) for a total of \$3,000; 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 and previously vacated Glendora Drive, subject to City Attorney approval.

* * * * *

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 an Adjourned Regular Meeting of said Council held on the 14th day of November, 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 NO. 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 Monticitio 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 an Adjourned Regular Meeting of said Council held on the 14th day of November, 2012 by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ