

RESOLUTION NO. 7300

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDLANDS
AUTHORIZING THE ABANDONMENT OF PROPERTY ACQUIRED
FOR PURPOSES OF A PUBLIC PARK

WHEREAS, in 1912, the City of Redlands ("City") purchased approximately 5.1 acres of vacant land for park purposes (the "Original Park Property"); and

WHEREAS, in the 1930s, Highway 99 (Redlands Boulevard) was constructed and bisected the Original Park Property, resulting in the creation of an approximately 1.37 acre parcel (the "Severed Property") north of Highway 99; and

WHEREAS, historical documentation that has been reviewed by the City shows that commercial oil storage tanks and associated facilities had been constructed and installed on the Severed Property at least since 1938; and

WHEREAS, additional historical documentation demonstrates that, through the late 1970s, the City continued commercial use of the Severed Property by leasing the oil storage tanks and associated facilities for use by Conrock Co.; and

WHEREAS, although the City acquired the Original Park Property with the intent of constructing park facilities thereon and has since done so, and operates the Original Park Property as a public park, in contrast, the Severed Property has been historically used by the City and others for commercial purposes not related to the park uses on the Original Park Property, and no park improvements have been constructed on the Severed Property; and

WHEREAS, pursuant to Government Code Section 65402, on June 11, 2013, the Planning Commission of the City determined that the abandonment and possible sale of the Severed Property would not be inconsistent with the City of Redlands General Plan;

WHEREAS, on July 2, 2013, the City Council adopted Resolution No. 7288 stating the City Council's intention to abandon the Severed Property and established the City Council meeting date of September 3, 2013, at 6:00 p.m., or as soon thereafter as the matter may be heard, as the date and time for the public hearing to hear public comment and consider abandonment of the Severed Property for park purposes; and

WHEREAS, the resolution of intention was published for three consecutive weeks in a newspaper of general circulation and at least four copies of the resolution of intention were posted not more than one hundred (100) feet apart along the boundaries of the Severed Property pursuant to Government Code Section 38504; and

WHEREAS, on September 3, 2013, the City Council held the public hearing to consider all public comments, written and oral, in support of and opposed to the proposed action; and

WHEREAS, the City Council must hear and pass on objections to the abandonment of the Severed Property, but the proceedings shall terminate if the City Council sustains any objection pursuant to Government Code Section 38505;

NOW, THEREFORE, be it resolved by the City Council of the City of Redlands as follows:

Section 1. All facts set forth in the recitals of this Resolution are true and correct, and this Resolution is based on the information set forth in the reports to the City Council dated July 2, 2013, and September 3, 2013, as well as any information submitted to or considered by the City Council during its deliberations on this matter.

Section 2. All objections to the abandonment of the Severed Property are overruled, and the Severed Property is deemed not appropriate, convenient or necessary for park purposes.

Section 3. The Severed Property has never been used by the City for Park purposes, no consideration has been paid for the Severed Property except by the City, and no public funds have been expended to improve the Severed Property as a park.

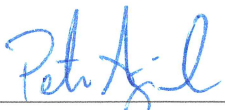
Section 4. The City abandons the Severed Property for park purposes, depicted in Exhibit "A" and legally described in Exhibit "B," which exhibits are attached hereto and made a part hereof.

Section 5. This abandonment proceeding is conducted pursuant to the Municipal Park Abandonment Law of 1939 (Government Code Section 38501 et seq.).

Section 6. This City Council authorizes and directs City staff to proceed with the possible sale of the Severed Property pursuant to the terms and conditions of the Ground Lease with Option to Purchase, dated June 18, 2013, between the City of Redlands and Property One, LLC.

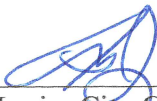
Section 7. This City Council further determines that the approval of this Resolution is exempt from review under the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15061(b)(3) which provides that CEQA applies only to projects which have the potential for causing a significant effect on the environment. This City Council finds that it can be seen with certainty that there is no possibility that the approval of this Resolution may have a significant effect on the environment.

ADOPTED, SIGNED AND APPROVED this 3rd day of September, 2013.



Peter Aguilar, Mayor

ATTEST:



Sam Irwin, City Clerk

I, Sam Irwin, City Clerk of the City of Redlands, hereby certify that the foregoing resolution was adopted by the City Council at a regular meeting thereof held on the 3rd day of September, 2013 by the following vote:

AYES: Councilmembers Foster, Gardner, Gilbreath; Mayor Aguilar
NOES: None
ABSTAIN: Councilmember Harrison
ABSENT: None



City Clerk

EXHIBIT "A"



Aerial Photo of Subject Property

**EXHIBIT
"B"**

Legal Description

For APN/Parcel ID(s): 0171-022-13

All those portions of the Southwest Quarter of Block 28, The North Half of Block 29, and Park Avenue, vacated by Resolution No. 315 Adopted March 17, 1915 by the Board of Trustees of the City of Redlands, of Barton Ranch, in the City of Redlands, County of San Bernardino, State of California, as shown by map on file in Book 6, page 19 of Maps, in the office of the county recorder of said county., lying south of the right of way of the Southern California Railway Company (San Bernardino Branch of the Atchison, Topeka & Santa Fe Railroad) and lying northeasterly of Redlands Boulevard (formerly West Central Avenue) as established by Final Judgment in Condemnation in Superior court, San Bernardino County, Case No. 36900, a certified copy thereof recorded August 31, 1938 in book 1292, page 402, Official Records.

Excepting therefrom that portion conveyed to the Gregory Fruit Company, a Corporation, by deed recorded December 22, 1910 in book 469, page 69 of Deeds.

Also except therefrom that portion conveyed to Standard Oil Company, a Corporation, by deed recorded March 2, 1911 in book 472, page 184 of Deeds.