

RESOLUTION NO. 7288

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDLANDS
DECLARING ITS INTENTION TO ABANDON PROPERTY ACQUIRED
FOR PURPOSES OF A PUBLIC PARK

WHEREAS, the Municipal Park Abandonment Law of 1939 (Government Code Section 38501 et seq.) (the "Park Abandonment Law") authorizes the legislative body of a city to abandon all or any portion of a park and sell the land if the legislative body finds that any portion of the purported park has not been used for park purposes, that only the city has paid consideration for the land, that no public funds have been expended to improve the land as a park, and that the land purchased for park purposes is not appropriate, convenient, or necessary for park purposes; and

WHEREAS, the Park Abandonment Law requires that the legislative body of the city adopt a resolution of intention describing the park, or the portion of the park, the legislative body proposes to be abandoned and setting a time to take final action at least thirty (30) days after the adoption of the resolution of intention; and

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

WHEREAS, the legislative body of the city must meet, and hear and pass on objections to the abandonment of all or a portion of the park, but the proceedings shall terminate if the legislative body sustains any objection pursuant to Government Code Section 38505; and

WHEREAS, in 1912, and in consideration of the City's payment of One dollar (\$1.00), the City of Redlands ("City") purchased approximately 5.1 acres of vacant land for park purposes (the "Original Park Property"), and no other entity provided consideration for the City's purchase of 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, in 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, 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, it is the recommendation of City staff that the Severed Property is not appropriate, convenient, or necessary for future park purposes based on the City's existing inventory of property available to the City for additional park development; and

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

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

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

Section 2. The City Council declares its intention to abandon the Severed Property, which is legally described in Exhibit "A" and depicted in Exhibit "B," which exhibits are attached hereto and made a part hereof.

Section 3. This abandonment proceeding is conducted pursuant to the Municipal Park Abandonment Law of 1939 (Government Code section 38501 et seq.).

Section 4. The City Council hereby designates its regular City Council meeting of September 3, 2013, at 6:00 p.m., or as soon thereafter as the matter may be heard, as the date and time to hear and consider abandonment of the Severed Property for park purposes. At that time, the City Council shall consider all public comments written and oral in support of and opposed to the proposed action.

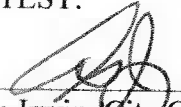
Section 5. The City Clerk is hereby directed to publish this Resolution as notice of the time and place of hearing in accordance with Sections 6063 and 38504 of Government Code which require publications of this Resolution once a week for three successive weeks in a newspaper of general circulation, and the City staff is directed to conspicuously post no less than four copies of this Resolution no less than one hundred (100) feet apart along the boundaries of the Severed Property.

ADOPTED, SIGNED AND APPROVED this 2nd day of July, 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 duly adopted by the City Council at a regular meeting thereof, held on the 2nd day of July, 2013, by the following vote:

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



Sam Irwin, 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.