

**NOTICE OF SPECIAL MEETING
COMMUNITY DEVELOPMENT AND RESOURCES COMMISSION
OF THE CITY OF ATWATER**

NOTICE IS HEREBY GIVEN that a special meeting of the Community Development and Resource Commission of the City of Atwater will be held on **Thursday, January 4, 2018, at 5:30 PM**, or as soon thereafter, as may be held. This meeting will be held in the City Council Chambers located at 750 Bellevue Road, Atwater, California.

AGENDA

A. SPECIAL MEETING-CALL TO ORDER:

B. PLEDGE OF ALLEGIANCE:

C. INVOCATION:

D. ROLL CALL:

Brice ____, Dash ____, Daugherty ____, McWatters ____, Murphy III ____,

Vacant ____, Warchol ____

E. PUBLIC COMMENT: Citizens wishing to address the Community Development and Resources Commission of the City of Atwater regarding only the items on the agenda may do so when the item is read for consideration. Please state your name and address or community of residence and keep your comments to five minutes or less. Under the provisions of the California Government Code, the Community Development and Resources Commission may not discuss or take action on any item that is not on the agenda.

F. BUSINESS:

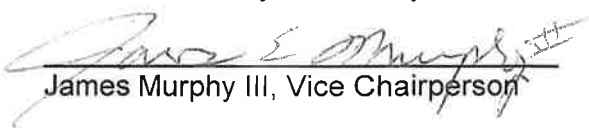
Authorizing Sale of Property located at 1550 Shaffer Road

RECOMMENDATION:

1. Adopting Resolution No. CDRC 049-18 making determination that the location, purpose and extent of the disposition of the conveyance of the Property proposed by the City conforms to the City's General Plan; and
2. Make the recommendation that the City Council approve the sale of the Property consistent with the General Plan Land Use Designation and Zoning Code requirements; and
3. Authorizing and directing the Interim City Manager to execute any necessary documents on behalf of the City.

G. ADJOURNMENT:

Dated this 3rd day of January, 2018


James Murphy III, Vice Chairperson

**AUTHORIZING SALE OF PROPERTY LOCATED AT 1550 SHAFFER
ROAD**

RECOMMENDATION:

It is recommended that the Commission consider:

1. Adopting Resolution No. CDRC 049-18 making determination that the location, purpose and extent of the disposition of the conveyance of the Property proposed by the City conforms to the City's General Plan; and
2. Make the recommendation that the City Council approve the sale of the Property consistent with the General Plan Land Use Designation and Zoning Code requirements; and
3. Authorizing and directing the Interim City Manager to execute any necessary documents on behalf of the City.

BACKGROUND:

In September 2011, the City purchased 1550 Shaffer Road with Neighborhood Stabilization Program (NSP) income near the end of our grant, with the intent to rehabilitate the unit and then sell it to an income qualified family. The City was contracted with a sub recipient to assist in the management of the project and negotiating the bid for rehab. Only one (1) bid was received, and the State was not happy with a sole source and delayed the process and unfortunately the construction was not completed prior to the grant expiration. At the end of the term, any uncommitted funds were to be returned to the State. The property has been sitting for a couple of years and has become a blight to the neighborhood.

The property is a 1,248 square foot, three-bedroom, two-bathroom single family home with a 441 square foot garage, situated on 0.14 acres, plus or minus of land based on county record. The property is a single story, ranch style home. The property's zoning allows building up to 35 feet. The property is currently zoned to the Low Density residential (R-1) zoning district, and is located across the street from Shaffer Elementary School.

ANALYSIS:

Because the City must return the uncommitted funds in the amount of \$66,006 to the State, it was determined to be in the City's best interest to sell property to repay the State. On October 14, 2017 the City published a notice inviting sealed bids for the purchase of the Property. On November 6, 2017 the City opened bids for the sale of the Property. On December 11, 2017 the City Council adopted Resolution No. 3003-17 (EXHIBIT "A") ratifying its intent to convey and conveying property owned by the City located at 1550 Shaffer road, City of Atwater, Merced County, California (Assessor's Parcel No. 004-084-

011). The City intends to enter into a Purchase and Sale Agreement (“PSA”) with Antonio V. Avila, Dario Avila and Cesar Avila (“Avila”) to convey the Property in exchange for Avila’s paying the purchase price of One Hundred Twenty Thousand and 00/100 Dollars (\$120,000.00) (“Purchase Price”) for the Property (EXHIBIT “B”).

Staff is requesting the CDRC make the determination that the location, purpose and extent of the disposition of the conveyance of the Property proposed by the City conforms to the City’s General Plan, and refer this item to the City Council for approval of the transfer of the property consistent with the General Plan Land Use Designation and Zoning Code requirements, and make the recommendation that the City Council approve the sale of the Property consistent with the General Plan Land Use Designation and Zoning Code requirements.

The Purchase and Sale Agreement has been reviewed by Legal, the Interim City Manager and the Finance Department has reviewed the fiscal impact.

FISCAL IMPACT:

There is no fiscal impact. The City will need to repay the State \$66,006 and the remaining revenue from the sale of the property will be deposited into the General Fund.

CONCLUSION:

This staff report is submitted for City Council consideration and possible action.

Respectfully submitted,

/s/ Lori Waterman

Lori Waterman
Interim Community Development Director



**CITY COUNCIL
OF THE
CITY OF ATWATER**

RESOLUTION NO. 3003-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATWATER RATIFYING ITS INTENT TO CONVEY AND CONVEYING PROPERTY OWNED BY THE CITY LOCATED AT 1550 SHAFFER ROAD, CITY OF ATWATER, MERCED COUNTY, CALIFORNIA (ASSESSOR'S PARCEL NO. 004-084-011)

WHEREAS, the City is the owner of that certain real property located at 1550 Shaffer Road in the City of Atwater, Merced County, California (Assessor's Parcel No. 004-084-011) ("Property"), more particularly described in Exhibit "A" attached hereto and made a part of this Resolution; and

WHEREAS, at a City Council meeting in or about June, 2017, pursuant to Government Code § 37350, the City affirmed its intent to convey the Property for the common benefit of its citizens; and

WHEREAS, on or about June, 2017, the City Council directed staff to publish notice inviting sealed cash bids for sale of the Property; and

WHEREAS, on October 14 and 21, 2017, the City published a notice inviting sealed bids for the purchase of the Property; and

WHEREAS, on November 6, 2017, the City opened bids for the sale of the Property; and

WHEREAS, the City intends to enter into a Purchase and Sale Agreement ("PSA") with Antonio V. Avila, Dario Avila and Cesar Avila ("Avila") to convey the Property in exchange for Avila's paying the purchase price of One Hundred Twenty Thousand and 00/100 Dollars (\$120,000.00) ("Purchase Price") for the Property; and

WHEREAS, Government Code §§ 37420 – 37430 authorize the City to dispose of property; and

WHEREAS, Government Code § 37421 provides that when the City finds that the public interest and convenience require the conveyance of City property, the City may adopt a resolution stating such finding and intention to convey the property; and

WHEREAS, has substantially complied with the requirements under Government Code § 37422 providing that the City shall fix a time for hearing protests to the property conveyance, provide for publication of notice of hearing, fix the time when the City will take final action regarding the property conveyance and contain an accurate description of the property to be conveyed; and

WHEREAS, the City desires to take final action regarding entering into a PSA for the conveyance of the Property upon payment from Avila of the Purchase Price.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Atwater does hereby ratify the actions taken between September 2017 – November 2017 to provide notice to citizens of the City of Atwater of its intention to convey the real property located at 1550 Shaffer Road in the City of Atwater (Assessor's Parcel No. 004-084-011); and

NOW THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of Atwater as follows:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. CEQA. The entering into a PSA for the conveyance of the Property to Avila through this Resolution does not commit the City to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act. The City Clerk is authorized and directed to file a Notice of Exemption with the appropriate official of the County of Merced, California, within five (5) days following the date of adoption of this Resolution.

Section 3. Findings. The City finds that the public interest and convenience require conveyance of the Property to Avila in exchange for payment of the Purchase Price for the Property.

Section 4. Protests. The City has not received any protests regarding the conveyance of the Property to Avila, or the City has received protests regarding such conveyance, and has overruled such protests by four-fifths vote of its members, and may proceed with the conveyance of the Property to Avila.

Section 5. Final Action. The City approves the entering into a PSA, substantially in the form attached hereto as Exhibit "B", with Avila for the conveyance of the Property in exchange for Avila's payment of the Purchase Price for the Property.

Section 6. Implementation. Upon the Community Development and Recourses Committee making the finding that disposition of the Property conforms with Government Code § 65402(a), the Mayor is authorized to sign and record any documents, and to take any other actions as necessary to execute a PSA and convey the Property to Avila.

Section 7. Certification; Effectiveness. The City Clerk shall certify to the adoption of this Resolution. This Resolution shall become effective immediately upon its adoption.

The foregoing resolution is hereby adopted this 11th day of December, 2017.

**AYES:
NOES:
ABSENT:**

APPROVED:

JAMES E. PRICE, MAYOR

ATTEST:

**DON HYLER, III
CITY CLERK**



**COMMUNITY DEVELOPMENT
AND RESOURCES COMMISSION
OF THE CITY OF ATWATER**

RESOLUTION NO. CDRC 049-18

**A RESOLUTION OF THE COMMUNITY DEVELOPMENT AND
RESOURCES COMMISSION MAKING DETERMINATION OF
CONFORMITY FINDINGS AS REQUIRED UNDER
CALIFORNIA GOVERNMENT CODE SECTION 65402(a) AND
RECOMMENDING THAT THE CITY COUNCIL SELL
PROPERTY OWNED BY THE CITY OF ATWATER LOCATED
AT 1550 SHAFFER ROAD, ATWATER, CALIFORNIA**

WHEREAS, the City of Atwater ("City") is the owner of that certain real property consisting of approximately 0.14 acres of land, generally located at 1550 Shaffer Road, in the City of Atwater, State of California, Assessor's Parcel No. 004-084-011 ("Property"); and

WHEREAS, the City desires to sell the property by grant deed; and

WHEREAS, Government Code § 65402(a) provides that if a general plan or part thereof has been adopted, then no real property shall be disposed of if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such disposition have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof, and that the planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the City Council; and

WHEREAS, this Property was reviewed pursuant to the guidelines of the California Environmental Quality Act ("CEQA") and determined to be Categorically Exempt pursuant to Section 15061(b)(3): "Review for Exemption" of the California Environmental Quality Act Guidelines. The acquisition of the Property is exempt from review under CEQA because the purchase of the Property will not have a significant effect on the environment since no plans for the use of the Property is proposed. The subject action only relates to the sale of the property by the City of Atwater. Further environmental review will be conducted at such time as the purchaser determines how to utilize and develop the Property; and

WHEREAS, on January 4, 2018, the Community Development and Resources Commission of the City of Atwater conducted a meeting, duly noticed pursuant to the California Ralph M. Brown Act, on the disposition of the Property; and

- b. It is recommended by the Community Development and Resources Commission of the City of Atwater that the City Council approve the sale of the Property consistent with the General Plan Land Use Designation and Zoning Code requirements.

The foregoing resolution is hereby adopted this 4th day of January, 2018.

AYES:

NOES:

ABSENT:

APPROVED:

GARY BRICE, CHAIRMAN

ATTEST:

LORI WATERMAN, ACTING SECRETARY