

CITY OF YUBA CITY  
STAFF REPORT

**Date:** June 3, 2014

**To:** Honorable Mayor & Members of the City Council

**From:** Parks and Recreation Department

**Presentation By:** Brad McIntire, Parks & Recreation Director

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**Subject:** Abandonment of parkland designation on approximately 15.2 acres of City Owned Property between Live Oak Boulevard and Clark Avenue

**Recommendation:** Adopt a Resolution declaring City Council's intention to abandon an intended park for City-owned property located between Live Oak Blvd. and Clark Avenue, north of the City's Water Treatment Plant and setting a time for a public hearing thereon

**Fiscal Impact:** Possible sale of property

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**Purpose:**

Determine the future of use of City-owned property located between Live Oak Blvd and Clark Ave.

**Background:**

In 1994, 14.5 acres of the above mentioned property were purchased by the City. The Acquisition Agreement stated that the City's "current intention" in 1994 was to utilize the property as an appropriate public facility use such as a community park. An adjacent 1.5 acres were purchased in 1998. Please refer to attachment A.

In 1994, Northridge Park was built. It is 4.5 acre park with play features, a walking path and open space for active recreation and is south of the subject property.

The 2004 General Plan update did not designate the subject property as parkland. Rather its land use designation was low density residential.

In 2005, approximately 5 acres of the property was used to construct a detention pond by the City.

October 25, 2013 staff received a letter from Axel Karlshoej Properties inquiring about the property which had been identified as a potential location for a new Twin Rivers Charter School.

February 2014, the City issued a Request for Proposals for development of the City owned property. The only response the City received was from Axel Karlshoej Properties.

In order for the City to consider selling a portion or all of the property, certain steps must be taken.

### **Analysis:**

Government Code Section 38501 provides that if property has been purchased by a city for park purposes that the property may be abandoned and then sold if the City Council finds that the property has not been used by the public for park purposes, that no consideration had been paid for the property except by the city, that no public funds have been expended to improve the property as a park and that all or any portion of the property is not appropriate, convenient or necessary for park purposes. All of these conditions apply to the subject property.

Before abandoning and possibly selling such property, Section 38503 requires that the City Council adopt a resolution of intention describing the property proposed to be abandoned and setting a time for a public hearing for the city council to hear any objections to the proposed abandonment. Following the public hearing, if the City Council determines that the park use for the property is to be abandoned then the property may be sold.

The area surrounding the subject property is currently well served by existing parks. Northridge Park is 4.5 acres with play features, a walking path and open space for active recreation (adjacent to the subject property) and the Feather River Parkway is on the other side of the levy (east of the subject property).

There are areas of the City that are currently in need of neighborhood parks. The General Plan identified certain areas (see Attachment B). Staff will be working with the City's Parks and Recreation Commission to evaluate these areas of the City that are underserved and develop a plan that addresses where future parks should be ideally located.

### **Next Steps:**

If Council approves the Resolution, staff will publish the Resolution once a week for three successive weeks in a newspaper and post a copy of the Resolution along the boundaries of the Property.

On July 9<sup>th</sup>, the Parks and Recreation Commission will be discussing the abandonment of subject property, and considering how the proceeds from the sale might be used for the benefit of underserved areas in the community.

On July 15<sup>th</sup>, Council will hold a public hearing to determine abandonment of subject property.

On or after July 15<sup>th</sup> the City Council would be able to consider sale of subject property.

### **Fiscal Impact:**

Possible sale of property.

### **Alternatives:**

Do not adopt a Resolution declaring City Council's intention to abandon the property and retain the property.

**Recommendation:**

Adopt a Resolution declaring City Council's intention to abandon the intended park for the City-owned property located between Live Oak Blvd. and Clark Avenue, north of the City's Water Treatment Plant and setting a time for a public hearing thereon.

Attachments:

- A: Map of subject property
- B: General Plan Current/Future Park Map

Prepared By:

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Brad McIntire  
Parks & Recreation Director

Submitted By:

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Steven C. Kroeger  
City Manager

Reviewed By:

Finance \_\_\_\_\_  
City Attorney \_\_\_\_\_

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY  
DECLARING ITS INTENTION TO ABANDON THE INTENDED PARK FOR THE  
CITY-OWNED PROPERTY LOCATED BETWEEN LIVE OAK BOULEVARD  
AND CLARK AVENUE, NORTH OF THE CITY'S WATER TREATMENT  
PLANT, AND SETTING A TIME FOR A PUBLIC HEARING THEREON**

WHEREAS, by Resolution No. 94-089, the City Council of the City of Yuba City approved an Acquisition Agreement dated August 15, 1994 and purchased approximately 14.5 acres of real property located between Live Oak Blvd. and Clark Avenue, north of the City's Water Treatment Plant and by Resolution No. 98-069, the City Council of the City of Yuba City approved an Acquisition Agreement dated September 16, 1998 and purchased approximately 1.5 acres of real property adjacent to the 14.5 acres. Said properties are hereby collectively referred to as the "Property" and are described as follows:

**Parcel 1**

That parcel of land as described in the Grant Deed from Parmjit K. Brar to the City of Yuba City, a Municipal Corporation and filed in the Office of the County Recorder of Sutter County, California on January 8, 1996 at document number 199600186.

TOGETHER WITH:

**Parcel 2**

That parcel of land as described in the Grant Deed from Odie Nancy Basari to the City of Yuba City, a Municipal Corporation and filed in the Office of the County Recorder of Sutter County, California on October 29, 1998 at document number 199816814.

WHEREAS, said August 15, 1994 Acquisition Agreement stated the City's current intention in 1994 was to utilize the 14.5 acres as a community park; and,

WHEREAS, in 1998 the City Council had stated that the City intended to use the 1.5 acres for a future community park; and,

WHEREAS, said Property has never been used for park purposes, no consideration has been paid for the Property except by the City, and no public funds have been expended to improve the Property as a park; and,

WHEREAS, in 1994 Northridge Park was constructed and is a 4.5 acre park adjacent to said Property; and,

WHEREAS, in 2005, approximately 5 acres of the Property were dedicated and developed as a storm water detention pond.

**NOW, THEREFORE, THE CITY COUNCIL HEREBY FINDS AND RESOLVES THAT:**

The recitals above are express findings and determinations by this Council and, pursuant to California Government Code Section 38501, the City Council finds that said Property is not necessary for park purposes and declares its intent to abandon the intended park for the Property.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF YUBA CITY THAT:

Pursuant to California Government Code Section 38503 this Council hereby sets July 15, 2014 at 6:00 p.m., or as soon thereafter as the matter may be heard, in the Yuba City Council Chambers, City Hall, 1201 Civic Center Boulevard, Yuba City, California, as the time and place for a public hearing when the City Council will hear and consider any objections to the proposed abandonment of the intended park for the Property.

BE IT FURTHER RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF YUBA CITY THAT:

The City Clerk is hereby instructed and directed to publish this Resolution once a week for three successive weeks in a newspaper of general circulation in the City prior to the date set herein for the public hearing. Said City Clerk is further instructed to post a copy of this Resolution in at least four conspicuous places, not more than 100 feet apart, along the boundaries of the Property.

The foregoing Resolution was duly and regularly introduced, passed and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on June 3, 2014, by the following vote:

AYES:

NOES:

ABSENT:

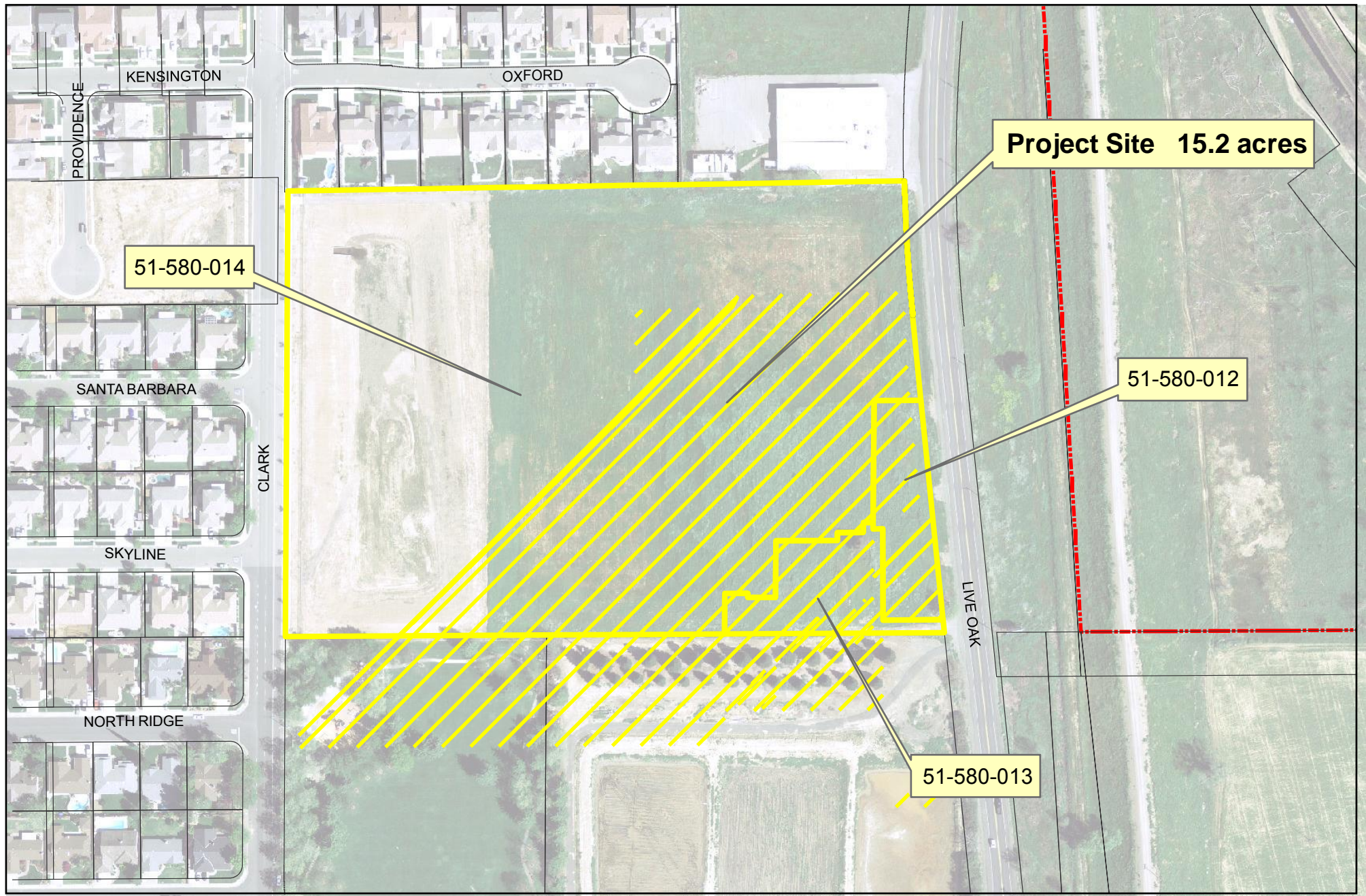
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Kash Gill, Mayor

Attest:

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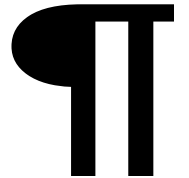
Terrel Locke, City Clerk



## 15.2 City owned acreage - property disposition

assessor parcel numbers 51-580-012, -013, -014

1 inch = 200 feet





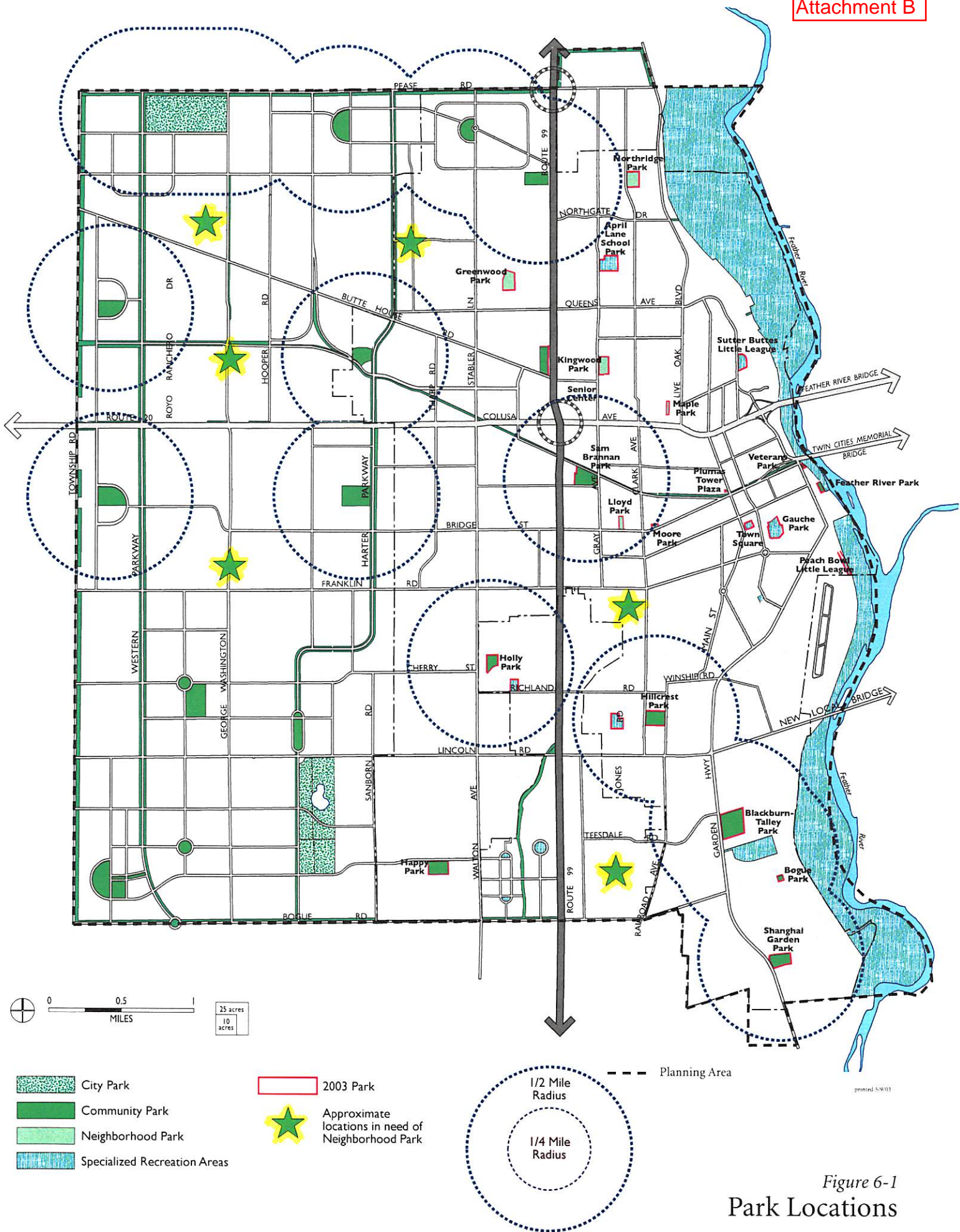


Figure 6-1  
Park Locations