

RESOLUTION NO. 2024-056

RESOLUTION OF THE CITY COUNCIL OF CITY OF PALM DESERT DECLARING PURSUANT TO GOVERNMENT CODE SECTION 54221 THAT REAL PROPERTY OWNED BY THE CITY LOCATED AT THE TERMINUS OF EXPLORER DRIVE IS EXEMPT SURPLUS LAND, AND FINDING THAT SUCH DECLARATION IS NOT A PROJECT SUBJECT TO ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, the City of Palm Desert (the “City”) is the owner in fee simple of that certain real property described in Exhibit “A”, attached hereto and incorporated herein, known as a right of way portion of the terminus of Explorer Drive which property is approximately 0.13 acres or 5,821 square feet in size and is located within the City of Palm Desert (“Property”); and

WHEREAS, the Property is less than one half acre in area, or 21,780 square feet, and it is not contiguous to land owned by a state or local agency that is used for open-space or low- and moderate-income housing purposes; and

WHEREAS, the City no longer has any use for the Property; and

WHEREAS, the Surplus Land Act, Government Code sections 54220 *et seq.* (as amended, the “Act”), applies when a local agency disposes of “surplus land,” as that term is defined in Government Code section 54221; and

WHEREAS, the Property is “surplus land” under the Act, because it is land owned in fee simple by the City for which the City Council will take formal action (in the form of adoption of this resolution) in a regular public meeting declaring that the land is surplus and is not necessary for the City’s use; and

WHEREAS, the Property may be declared exempt surplus land if it is less than one-half acre in area and it is not contiguous to state or local agency property used for open-space or low- or moderate-income housing (Government Code section 54221(f)(1)(B)); and

WHEREAS, none of the characteristics listed under Government Code section 54221(f)(2) apply to the Property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Palm Desert as follows:

SECTION 1. The above recitals are true and correct and are a substantive part of this Resolution and findings of the City Council.

SECTION 2. The City Council hereby finds that (i) the Property is no longer necessary for the City’s use, (ii) the Property is smaller than one-half acre in area because it is approximately 0.13 acres or 5,821 square feet in area, and (iii) the

Property is not contiguous to land owned by a state or local agency that is used for open-space or low- and moderate-income housing purposes. Furthermore, none of the characteristics listed under Government Code section 54221(f)(2) apply to the Property.

SECTION 3. The City Council therefore declares that the Property is exempt surplus land pursuant to section 54221(f)(1)(B) of the Act.

SECTION 4. This Resolution has been reviewed with respect to the applicability of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) (“CEQA”). City staff has determined that the mere designation of the Property as exempt surplus and authorization for the City Manager to comply with the Act do not qualify as a “project” as defined in State CEQA Guidelines section 15378. First, Section 15378 defines a project as an activity that “has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” (State CEQA Guidelines, § 15378(a).) Here, the action is to declare the Property as exempt surplus, which will not result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Accordingly, the action is not a “project” subject to CEQA. (State CEQA Guidelines, § 15060(c).) Second, Section 15378 explicitly excludes from its definition of “project” the following: “organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.” (State CEQA Guidelines, § 15378(b)(5).) The action to designate the Property as exempt surplus land constitutes an organizational or administrative activity that will not result in a physical change in the environment, and it therefore is not subject to CEQA. This Resolution does not constitute a binding commitment to any particular use of the Property.

SECTION 5. The City Manager or designee is hereby authorized and directed to send a copy of this Resolution to the California Department of Housing and Community Development in accordance with the requirements of Section 400(e) of the SLA Guidelines.

SECTION 6. If any section, subsection, paragraph, sentence, clause or phrase of this Resolution is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Resolution.

SECTION 7. Effective Date. This Resolution shall take effect immediately upon this adoption.

ADOPTED ON JULY 11, 2024

KARINA QUINTANILLA
MAYOR

ATTEST:

ANTHONY J. MEJIA
CITY CLERK

I, Anthony J. Mejia, City Clerk of the City of Palm Desert, hereby certify that Resolution No. 2024-056 is a full, true, and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Desert on July 11, 2024, by the following vote:

AYES: HARNIK, KELLY, NESTANDE, TRUBEE, AND QUINTANILLA
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE
RECUSED: NONE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Palm Desert, California, on _____.

ANTHONY J. MEJIA
CITY CLERK

Exhibit A

Property Description

