

RESOLUTION NO. 2024-02

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE RANCHO MURIETA COMMUNITY SERVICES DISTRICT DECLARING CERTAIN PROPERTY EXEMPT SURPLUS LAND UNDER THE SURPLUS LAND ACT

WHEREAS, the Surplus Land Act (the “Act”), codified in California Government Code Section 54220 et seq., defines “surplus land” as land owned in fee by any local agency for which the local agency’s governing body takes formal action in a regular public meeting declaring that the land is surplus and is not necessary for the agency’s use;

WHEREAS, effective January 1, 2020, Assembly Bill 1486 amended the Act to require the Rancho Murieta Community Services District (the “District”) to formally declare District-owned properties as “surplus land” or “exempt surplus land” prior to taking actions to dispose of such properties;

WHEREAS, the Act states that any property described under section 54221(f)(1) qualifies as exempt surplus land;

WHEREAS, section 54221(f)(1)(N) of the Act states that real property that is used by a district for the district’s use, as expressly authorized in subdivision (c) of section 54221, is exempt surplus land;

WHEREAS, Section 54221(c)(2)(B)(i) of the Act provides that in the case of a local agency, that is a district whose primary mission or purpose is not supplying the public with a transportation system, “agency’s use” may include “commercial or industrial uses or activities, including nongovernmental retail, entertainment, or office development” or may “be for the sole purpose of investment or generation of revenue” provided that the District’s governing body takes action in a public meeting declaring that the use of the site will “[d]irectly further the express purpose of agency work or operations”;

WHEREAS, the District’s Board of Directors previously authorized the acquisition of Assessor's Parcel No. 073-0190-107, more particularly described in Exhibit A (hereinafter "Property");

WHEREAS, the Property is the site of the facility commonly known as the pedestrian bridge, which is constructed of wood and spans over the Cosumnes River;

WHEREAS, portions of the Property are within the high-water marks of the Cosumnes River and are subject to the rights of the State and public;

WHEREAS, the District’s use of the Property is limited to the ingress and egress of its staff and customers;

WHEREAS, Government Code section 61000 et seq. entails that a community services district possesses the authority to complete the acts necessary to provide governmental functions to unincorporated areas of the state;

WHEREAS, the District has determined that the continued maintenance and insuring of the Property, compounded by its limited use to the District, requires the expenditure of ratepayer funds that could be otherwise utilized in providing governmental functions to its clients;

WHEREAS, the District has established that the resulting consideration attained by the transfer of the Property, and with it relinquishment of the bridge's maintenance and insurance obligations, will be utilized to directly further the express purpose of the District's work or operations and constitutes "agency's use" within the meaning of section 54221(c) of the Act;


WHEREAS, Section 54222.3 of the Act provides that the District may dispose of property declared exempt surplus land without further regard to the requirements of the Act.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Rancho Murieta Community Services District as follows:

1. The Board of Directors hereby declares that the Property is exempt from the Act as exempt surplus land pursuant to Government Code sections 54221(f)(1)(N) and 54221(c)(2)(B)(i), based on the findings contained in this Resolution; namely, that the consideration from the disposal of the Property will be realized by the District, who owns the Property in fee, and will be utilized to directly further the express purpose of the District's work or operations.
2. The Board of Directors authorizes and directs the General Manager and District legal counsel to take such other actions as necessary or appropriate to comply with the Act.


PASSED AND ADOPTED by the Board of Directors of the Rancho Murieta Community Services District on the 21st day of February, 2024, by the following vote:

AYES: Booth, Butler, Jenco, Maybee, Pohll
NOES: None
ABSTAIN: None
ABSENT: None



Timothy E. Maybee
President of the Board of Directors

Attest:



Amelia Wilder
Secretary of the Board of Directors

EXHIBIT A

Property Legal Description

The Land situated in the State of California, County of Sacramento, and described as follows: A portion of Parcel 7 as shown on that "Amended Parcel Map-Amending Map filed in Book 117, Parcel Maps, Page 15" filed in Book 123 of Parcel Maps, at Page 26 in the Office of the Recorder of Sacramento County, California described as follows: Beginning at a point from which a 3/4" iron pipe at the centerline intersection of De La Cruz Drive and Granlee Lane as said intersection is shown on the "Plat of Rancho Murieta Unit No. 6" filed in Book 213 of Maps at Page 6, Sacramento County Records bears North 12° 56' 25" East 417.25 feet to a point on the Northerly line of said Parcel 7 and the centerline of Granlee Lane as shown on said "Plat of Rancho Murieta Unit 6", and along said centerline, North 15° 05' 46" West 156.70 feet; Thence from said point of beginning South 12° 12' 16" East 20.00 feet; Thence South 77° 47' 44" West 130.91 feet; Thence South 14° 17' 37" East 340.83 feet; Thence North 75° 42' 23" East 50.00 feet; Thence South 14° 17' 37" East 67.49 feet to a point on the Northerly line of an Easement Quitclaim Deed to Rancho Murieta Community Services District recorded in Book 20040924, Page 1234, Sacramento County Records; Thence along said Northerly line and along the arc of a curve to the left having a radius of 300.00 feet, through a central angle of 19° 26' 56", said arc being subtended by a chord of South 85° 03' 21" West 101.35 feet; Thence continuing along said Northerly line and along the arc of a curve to the left having a radius of 300.00 feet, through a central angle of 16° 39' 24", said arc being subtended by a chord of South 67° 00' 11" West 86.91 feet; Thence continuing along said Northerly line South 58° 40' 29" West 67.03 feet; Thence leaving said Northerly line North 14° 17' 37" West 95.09 feet; Thence North 75° 42' 23" East 75.00 feet; Thence North 14° 17' 37" West 404.15 feet; Thence North 77° 47' 44" East 151.91 feet; Thence South 12° 12' 16" East 30.00 feet; Thence North 77° 47' 44" East 106.63 feet; Thence South 12° 12' 16" East 20.00 feet to the point of beginning.

APN: 073-0190-107