

**RESOLUTION NO. 2023 -**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA  
RATIFYING THE SALE OF REAL PROPERTY KNOWN AS APN: 559-118-02  
AND DECLARE THE PROPERTY IS NO LONGER NEEDED FOR CITY PURPOSES  
AND THAT SUCH PROPERTIES ARE EXEMPT UNDER THE SURPLUS LAND ACT.**

**WHEREAS**, the City owns certain real property located at 720 West 23<sup>rd</sup> Street, with Interstate 5 to the east of the site and Bay Marina Drive to its south known as APN: 559-118-02 which is comprised of 1.27 acres; and

**WHEREAS**, the subject property is no longer needed for City purposes and can better serve the City's redevelopment efforts along the San Diego Bay; and

**WHEREAS**, prior to the disposition of this property the Surplus Lands Act requires that the property first be offered to affordable home developers or housing agencies, unless otherwise exempt; and

**WHEREAS**, this property was formerly used in the early 1900's as a municipal and industrial waste disposal site commonly known then as "Burn Dumps"; and

**WHEREAS**, in December 2000 the County Department of Environmental Health ("DEH") was appointed by the State of California to be the administering agency to mitigate the adverse environmental conditions found on the subject property; and

**WHEREAS**, as part of the mitigation process, DEH imposed a deed restriction that runs with the land and binds all future land owners to the conditions of the deed restriction; and

**WHEREAS**, section 4.01 (a) of the deed restriction strictly prohibits residential uses on the subject property; and

**WHEREAS**, the Surplus Lands Act and its corresponding Guidelines exempts certain properties where a validly imposed restriction is placed on the property that prohibits residential development and where such restrictions are imposed by another agency having authority of such matters; and

**WHEREAS**, the subject property qualifies for such exemption due to its environmental conditions and restriction under Surplus Lands Act Exemption Section 103(b)(3)(G); and

**NOW, THEREFORE, THE CITY COUNCIL OF NATIONAL CITY, CALIFORNIA, DOES BE RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:**

**Section 1:** The Findings of Fact are as follows:

1. The subject property was used extensively for municipal and industrial waste disposal throughout the early 1900's where waste was burned and then buried.
2. This waste is largely still buried onsite at shallow depths and would present a danger to the health and safety of long-term residents if residential housing was allowed to occur on the subject property.
3. By deed restriction Document No. 2009-0261358 the DEH under Section 4.01 (a) prohibits residential uses on the subject property.
4. The County of San Diego DEH is not an agency of the City of National City.
5. The Surplus Lands Act and its Guidelines exempts these properties under Surplus Lands Act Guidelines Section 103(b)(3)(G).
6. The subject property conforms to this exemption because of the facts stated in the above Findings of Fact.
7. The subject property is no longer needed or useful for City purposes.
8. Disposing of the subject property will aid in the City's efforts to enhance its Bayfront planning and economic goals.

**Section 2:** Based on the Findings of Fact set forth above, the City Council hereby declares that the property is no longer needed for City use and that the property is exempt under the Surplus Lands Act Guidelines Section 103(b)(3)(G).

**Section 3:** That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED and ADOPTED this 21<sup>st</sup> day of March, 2023

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Ron Morrison, Mayor

ATTEST:

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Shelley Chapel, Interim City Clerk

APPROVED AS TO FORM:

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Barry J. Schultz, City Attorney