



## Legislation Details (With Text)

**File #:** 24-0738 **Version:** 1

**Type:** Agenda Item **Status:** Approved

**File created:** 4/10/2024 **In control:** Board of Supervisors

**On agenda:** 5/21/2024 **Final action:** 5/21/2024

**Title:** Chief Administrative Office, Facilities and Parks Divisions, recommending the Board adopt and authorize the Chair to sign Resolution 081-2024 authorizing the County to declare that the Diamond Springs Park property, identified by Assessor's Parcel Number 331-400-002, located at 3447 Clemenger Drive, Diamond Springs, is exempt surplus land per Government Code Sections 54220-54234.

FUNDING: N/A

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Reso Routing Sheet.pdf, 2. B - Reso - 3447 Clemenger.pdf, 3. Executed Resolution 081-2024

Date	Ver.	Action By	Action	Result
5/21/2024	1	Board of Supervisors	Approved	Pass

Chief Administrative Office, Facilities and Parks Divisions, recommending the Board adopt and authorize the Chair to sign Resolution **081-2024** authorizing the County to declare that the Diamond Springs Park property, identified by Assessor's Parcel Number 331-400-002, located at 3447 Clemenger Drive, Diamond Springs, is exempt surplus land per Government Code Sections 54220-54234.

**FUNDING:** N/A

### DISCUSSION / BACKGROUND

In December 2023, the Board formally accepted property from the Marshall Foundation for Community Health for the purpose of developing the Diamond Springs Community Park. The Property was conveyed and dedicated to the County by the Marshall Foundation on the express condition that the Property be used for the development of recreational and park facilities. The deed for this Property restricts use of the Property to recreational and park purposes. The Boys and Girls Club of El Dorado County Western Slope was identified as a community partner to run programs at the site.

The deed also includes a reversionary clause authorizing a transfer of the Property to the Boys and Girls Club should the County fail to commence construction of the park project within a certain time period. The Boys and Girls Club seeks to acquire the Property now to facilitate the construction and operation of recreational and park facilities. The Boys and Girls Club, a nonprofit organization, has a robust fundraising program which is intended to be used to leverage funding for development of the park.

Per Government Code Sections 54220-54234, the Surplus Land Act, prior to taking any action to dispose of property, the land must be declared as either surplus or exempt surplus land. A Resolution

must be adopted by the Board and provided to the California Department of Housing and Community Development (HCD) for their concurrence. HCD will have 30 days to review the Resolution prior to the County's relinquishment of the property to the Boys and Girls Club. The Property is exempt surplus land pursuant to California Government Code section 54221(J)(i) as a validly restricted surplus land with legal restrictions prohibiting housing on the Property that are not imposed by the County.

These actions are not subject to the California Environmental Quality Act (CEQA) because they are activities that are excluded from the definition of a project by Public Resources Code Section 21065 and CEQA Guidelines Section 15378. The transferring of the property does not have the potential of resulting in a direct physical damage to the environment or reasonably foreseeable indirect physical change in the environment.

### **ALTERNATIVES**

The Board could choose not to adopt this Resolution; however, the County will be unable to transfer the land to the Boys and Girls Club.

### **PRIOR BOARD ACTION**

22-0064 - January 04, 2022 - Supervisor Thomas recommended the Board accept the donation of property for the purpose of developing a Sports Complex in the community of Diamond Springs.

22-0099 - January 25, 2022 - Board accepted the donation of property and authorized the Chair to sign the dedication agreement.

23-0148 - March 7, 2023 - Board approved and authorized the Chair to sign an amendment to the agreement to extend the due date to complete the CEQA process to December 31, 2023, and made changes to the reversion provision as requested by the Foundation.

23-2024 - December 12, 2023 - Board approved and certified the Final Environmental Impact Report (FEIR) for the Diamond Springs Community Park, formally accepted the donation of the property, authorized the Chair to sign the Certificate of Acceptance, and directed staff to move the Project forward.

23-0312 - February 27, 2024 - Board authorized the Chief Administrative Officer, or designee, to enter into negotiations with the Boys and Girls Club for the property identified by Assessor's Parcel Number 331-400-002, located at 3447 Clemenger Drive, Diamond Springs for the purpose of developing a park in Diamond Springs.

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel

### **CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

### **FINANCIAL IMPACT**

There is no fiscal impact with declaring this property exempt surplus. The property was donated at no cost to the County. Once the land is declared exempt surplus, staff will enter into negotiations with the Boys and Girls Club and return to the Board with a draft agreement for the transfer of the

property. The agreement may have a financial impact that will be identified in that future staff report.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

The Clerk of the Board will obtain the Chair's signature on the original Resolution.

**STRATEGIC PLAN COMPONENT**

N/A

**CONTACT**

Laura Schwartz, Assistant Chief Administrative Officer