

CITY OF CARMEL-BY-THE-SEA

RESOLUTION NO. 2009-33

A RESOLUTION OF NOTICE OF PROPOSED DISCONTINUANCE OF PUBLIC PARK LAND AND SETTING DATE FOR HEARING OF PROTESTS AGAINST SALE OF PUBLIC PARK LAND

WHEREAS, the City proposed as a project the sale of the Flanders Mansion parcel (APN 010-061-005), consisting of an approximately 1.252-acre parcel improved with a single-family residence (hereinafter referred to as "the Property");

WHEREAS, the City Council has, by companion action this day, adopted A Resolution Certifying the Recirculated Final Environmental Impact Report for the Sale of the Flanders Mansion Property;

WHEREAS, the City Council has, by companion actions, passed A Resolution Adopting a Mitigation Monitoring and Reporting Program, Conditions of Sale, Conditions, Covenants and Restrictions to Be Recorded Against the Property, and Conditions of Lease;

WHEREAS, the City Council has, by companion action this day, passed A Resolution Adopting a Statement of Overriding Considerations;

WHEREAS, the City Council has, by companion action this day, passed A Resolution Adopting a Project for Implementation: Sale of Flanders Mansion Parcel with Conservation Easements and Mitigation;

WHEREAS, the City Council has, in its Resolution Adopting a Statement of Overriding Considerations, identified benefits of sale of the Flanders Mansion Property with Conservation Easements and Mitigations;

WHEREAS, the City Council has, in its Resolution adopting a Mitigation Monitoring and Report Program, Conditions of Sale, Conditions, Covenants and Restrictions to Be Recorded Against the Property, and Conditions of Lease, imposed the Mitigation Monitoring and Reporting Program upon the Sale of the Flanders Mansion with Conservation Easements and Mitigation, and required the Mitigation Monitoring and Reporting Program to be recorded against the Property so that it binds the City and all future owners of the property;

WHEREAS, the City Council has, in its Resolution adopting a Mitigation Monitoring and Report Program, Conditions of Sale, Conditions, Covenants and Restrictions to Be Recorded Against the Property, and Conditions of Lease, provided that, if the public vote disapproves a sale of the Property, Mitigation Monitoring and Reporting Program requirements shall be imposed upon any future lease of the Flanders Mansion Property;

WHEREAS, the Mitigation Monitoring and Reporting Program requires rehabilitation of the Flanders Mansion Property, and, as such, the Sale with Conservation Easements and Mitigation would achieve the historic rehabilitation of the Flanders Mansion property;

WHEREAS, the City Council has, by companion action this day, passed A Resolution Adopting a Project for Implementation: Sale of Flanders Mansion Parcel with Conservation Easements and Mitigation, based on the findings and conclusions in the above-referenced Resolutions and the actions taken in them;

WHEREAS, the Sale of the Flanders Mansion with Conservation Easements and Mitigation involves sale of public park land; and

WHEREAS, Government Code sections 38440, *et seq.*, establishes authority and a process for sale of public park land.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY OF CARMEL-BY-THE-SEA DOES:

1. Propose to discontinue and abandon public park land, to wit, the Flanders Mansion parcel (APN 010-061-005), consisting of an approximately 1.252-acre parcel with improvements, in particular, a single-family residence, within the Mission Trail Nature Preserve in the City of Carmel-by-the-Sea, California.

2. Find that the public interest or convenience requires the discontinuance of the use of such land as a public park.

3. Find that the Flanders Mansion property is no longer necessary for the City's use.

4. Declare that the public park land to be discontinued and abandoned is commonly known as the Flanders Mansion property.

5. Propose to sell the Flanders Mansion parcel, subject to conditions of sale and covenants to be recorded to run with the land which will protect, preserve, rehabilitate, and restore the historic home, as more fully described in the Mitigation Monitoring and Reporting Program, Conditions of Sale and the Covenants, Conditions and Restrictions, adopted by companion action this day by A Resolution Adopting a Mitigation Monitoring and Reporting Program, Conditions of Sale, Conditions, Covenants and Restrictions to Be Recorded Against the Property, and Conditions of Lease

6. Find that the land was not acquired by money derived from bonds authorized for park purposes.

7. State that the City Council of the City of Carmel-by-the-Sea intends to call a special election to submit the question of discontinuance of the above-described public park land to the city electors.

8. Notify the public that:

a. During a meeting of the City Council, on June 16, 2009 beginning at 4:30 p.m., the City Council will hear and pass upon protests against the sale of public park land, to wit, the Flanders Mansion property.

b. Protests may be presented orally at that hearing.

c. Any person or persons interested may protest in writing against the proposed abandonment and discontinuance, or to the extent thereof.

d. Any written protests shall be delivered or sent to:

Heidi Burch
City Clerk
CITY OF CARMEL-BY-THE-SEA
City Hall
East Side of Monte Verde Street Between Ocean and Seventh Avenues
P.O. Box CC
Carmel-by-the-Sea, CA 93921

e. Any written protest must be received by the City Clerk no later than the time set for the hearing.

9. Direct City staff to start the process required for selling public park land and provide appropriate notices including this notice of the City's intent to discontinue, abandon and sell parkland, in compliance with the provisions of Government Code section 38440 *et seq.*

10. Direct City staff provide notice of the hearing on protests against sale set for a City Council meeting on June 16, 2009 at 4:30 p.m.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 12th day of May 2009, by the following roll call vote:

AYES: COUNCIL MEMBERS: HAZDOVAC, ROSE, SHARP, TALMAGE
and McCLOUD

NOES: COUNCIL MEMBERS: NONE

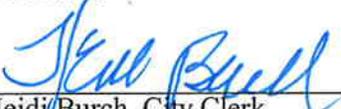
ABSENT: COUNCIL MEMBERS: NONE

SIGNED:



SUE McCLOUD, Mayor

ATTEST:



Heidi Burch, City Clerk