

RESOLUTION NO. 2026-XXXX

RESOLUTION 2026-XXXX A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS DECLARING CERTAIN LEASEHOLD INTERESTS IN REAL PROPERTY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 222-170-38-00 TO BE SURPLUS PURSUANT TO AND AS DEFINED BY THE SURPLUS LAND ACT, AUTHORIZING THE ISSUANCE OF A NOTICE OF AVAILABILITY OF SUCH LEASEHOLD INTERESTS, AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE A LONG-TERM LEASE OR SIMILAR ARRANGEMENT AND ASSOCIATED DOCUMENTS FOR DISPOSITION OF SUCH PROPERTY INTERESTS IN ACCORDANCE WITH APPLICABLE LAW

WHEREAS, the City of San Marcos ("City") is the fee owner of certain vacant real property located on Santa Barbara Drive identified as Assessor's Parcel Number 222-170-38-00 which measures about 41.85 acres ("Property"); and

WHEREAS, in accordance with Resolution 2015-8140 and 2021-8919, the Property was dedicated to the City with the expressed purpose of providing City park, recreation, and similar public enjoyment opportunities; and

WHEREAS, the Property has remained undeveloped since its dedication due to the significant costs that would be entirely borne by the City associated with development of the site and anticipated long-term maintenance costs, for which the City has not identified funding within its current long-range financial planning horizon in order to independently develop a community-scale recreational facility on the Property in accordance with the site's General Plan and zoning designation, as well as the expressed intent at the time of dedication of the same; and

WHEREAS, the Property is designated and zoned for park and recreational purposes within the City's adopted General Plan, the Heart of the City Specific Plan, and the City's Zoning Ordinance; and

WHEREAS, the Surplus Land Act (Gov. Code, § 54220 *et seq.*), requires that before a local agency takes any action to sell or enter into a long-term lease for its property, it must declare to property to be "exempt surplus land" or "surplus land;" and

WHEREAS, "surplus land" means land owned in fee simple 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; and

WHEREAS, the City Council of the City of San Marcos finds that a public-private partnership and/or similar long-term lease of the Property would facilitate development of the Property consistent with the General Plan and zoning designation and original dedication more expeditiously than municipal development; and

WHEREAS, the City Council of the City of San Marcos therefore desires to utilize a public-private partnership and/or similar long-term lease to facilitate the development and operation of park, recreation, and similar public enjoyment opportunities on the Property consistent with the City's adopted General Plan, the Heart of the City Specific Plan, and the City's Zoning Ordinance, and the dedication to the City; and

WHEREAS, although the City desires to retain fee interest in the Property as well as the General Plan and zoning designations for the same, and does not intend to invoke the

provisions of Government Code sections 38440, et seq., relating to the abandonment or disposal of park property, pursuant to Government Code Section 54221(b), the City Council of the City of San Marcos believes that the terms and provisions of the Surplus Land Act and associated California Department of Housing and Community Development Guidelines mandate that leasehold interests in the Property be declared surplus interests not necessary for the City's intended use in order to facilitate a joint use and/or long term lease, which does not fall into any category for "exempt surplus land."

WHEREAS, pursuant to Section 15312 of the State California Environmental Quality Act ("CEQA") Guidelines, the declaration is exempt from review under the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of San Marcos as follows:

1. The foregoing recitals are true and correct and are incorporated herein by reference as though set forth at this point.
2. The City Council hereby finds and declares leasehold interests in the Property, identified as Assessor's Parcel Number 222-170-38-00, to be surplus as defined by the Surplus Land Act pursuant to Government Code section 54221(b), as well as (d)(1)(B), and as described in this Resolution.
3. The City Manager, or designee, is authorized to issue a notice of availability for the Property interest consistent with this Resolution, to send the notice of availability to the entities designated in the Surplus Land Act ("Designated Entities"), to negotiate with any Designated Entities who respond to the notice of availability, and otherwise follow the procedures of the Surplus Land Act applicable to the land and complete all procedural requirements required under the Surplus Land Act.
4. In in the event the Surplus Land Act process results in a proposed disposition to a Designated Entity, the City Manager or designee is authorized to negotiate terms of a public-private partnership and/or similar long-term lease and associated documents consistent with this Resolution for the Property, and return the same to the City Council for consideration and action.
5. In in the event the Surplus Land Act process does not result in a proposed disposition to a Designated Entity, provided the Surplus Land Act requirements are followed and the California Department of Housing and Community Development is apprised and concurs, the City Manager or designee is authorized to negotiate terms of a public-private partnership and/or similar long-term lease and associated documents consistent with this Resolution for the Property, and return the same to the City Council for consideration and action.
6. The declaration of leasehold interests in the Property as surplus does not constitute a "project" as defined under Section 15378 of the California Environmental Quality Act Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000 – 15387), and is therefore not subject to environmental review pursuant to Guidelines Section 15060(c)(3); however, any subsequent development of the Property would be further reviewed pursuant to CEQA and other applicable laws.

PASSED, APPROVED, and ADOPTED by the City Council of the City of San Marcos, California, on the 28th of July, 2026, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

Rebecca D. Jones, Mayor
City of San Marcos

ATTEST:

Phillip Scollick, City Clerk
City of San Marcos

Exhibit(s):
Exhibit A – Aerial Vicinity Map