

1 **RESOLUTION NO. 2022-R\_\_\_\_\_**

2  
3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER  
4 CITY DECLARING CITY OWNED PROPERTY, AS DESCRIBED  
5 HEREIN, TO BE EXEMPT SURPLUS LAND PURSUANT TO  
6 CALIFORNIA GOVERNMENT CODE SECTION 54221(f)(1)(B) AND  
7 AUTHORIZING CITY STAFF TO TAKE RELATED ACTIONS.

8 WHEREAS, the City and 3727 Robertson, LLC, a California limited liability  
9 company (the "Developer") have entered into a Disposition and Development Agreement (as  
10 amended from time to time, the "DDA"), relating to, among other things, the retention by the  
11 Developer of certain real property now owned by the Developer at 3727 Robertson Boulevard  
12 and referred to in the DDA as the "Developer Parcel", the conveyance to the Developer by the  
13 City of certain real property now owned by the City at 3725 Robertson Boulevard and referred  
14 to in the DDA as the "City Parcel", and the development, operation and use of the Developer  
15 Parcel and the City Parcel as one property, pursuant to the terms and requirements of the  
16 DDA, including the development and use of the Affordable Housing Units as defined in the  
17 DDA; and

18 WHEREAS, the Surplus Land Act (the "Act") requires a local agency to declare  
19 certain properties as either "surplus land" or "exempt surplus land" before taking action to  
20 dispose of those properties; and

21  
22 WHEREAS, California Government Code Section 54221(f)(1)(B) of the Act  
23 defines "exempt surplus land", in part, as surplus land that is less than 5,000 square feet in  
24 area and is not contiguous to land owned by a state or local agency that is used for open-  
25 space or low- and moderate-income housing purposes, provided that the surplus land is sold  
26 to an owner of contiguous land; and

1           WHEREAS, as the City Parcel (at 1,020 square feet in area) is less than 5,000  
2 square feet in area, is not contiguous to land owned by a state or local agency that is used for  
3 open-space or low- and moderate-income housing purposes, and would be sold to the  
4 Developer, who is the owner of contiguous land (the Developer Parcel), the City Parcel  
5 qualifies as “exempt surplus land” as defined in California Government Code Section  
6 54221(f)(1)(B) of the Act; and  
7

8           WHEREAS, California Government Code Section 54222.3 of the Act provides  
9 that “This article shall not apply to the disposal of exempt surplus land as defined in Section  
10 54221 by an agency of the state or any local agency”; and

11           WHEREAS, the City desires to declare the City Parcel as “exempt surplus land”.

12           NOW, THEREFORE, the City Council of the City of Culver City, DOES HEREBY  
13 RESOLVE as follows:

14           SECTION 1. The foregoing recitals are true and correct and are a substantive  
15 part of this Resolution.  
16

17           SECTION 2. The City hereby declares the City Parcel as “exempt surplus land”  
18 as defined in California Government Code Section 54221(f)(1)(B) of the Act. The City Parcel  
19 is less than 5,000 square feet in area, not contiguous to land owned by a state or local agency  
20 that is used for open-space or low- and moderate-income housing purposes and is intended  
21 to be sold to a contiguous property owner. The City Parcel is 1,020 square feet in area and is  
22 to be sold to the Developer, who is the owner of contiguous land (Developer Parcel).  
23

24           SECTION 3. The City Council hereby authorizes and directs the City Manager  
25 of the City, or designee, to administer the City’s obligations, responsibilities, and duties to be  
26 performed pursuant to this Resolution and all documents, instruments, and agreements  
27 required by and for the sale and transfer of the City Parcel to the Developer.  
28

1 SECTION 4. If any provision of this Resolution or the application of any such  
2 provision to any person or circumstance is held invalid, then such invalidity shall not affect  
3 other provisions or applications of this Resolution that can be given effect without the invalid  
4 provision or application, and to this end the provisions of this Resolution are severable. The  
5 City Council declares that it would have adopted this Resolution irrespective of the invalidity of  
6 any particular portion of this Resolution.  
7

8 SECTION 5. This Resolution shall take effect upon the date of its adoption.  
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10  
11 APPROVED AND ADOPTED, this \_\_\_\_ day of \_\_\_\_\_, 2022.  
12

13 \_\_\_\_\_  
14 DR. DANIEL LEE, Mayor

15 ATTEST:

15 APPROVED AS TO FORM:

16  for

17 \_\_\_\_\_  
18 JEREMY BOCCHINO, City Clerk

17 \_\_\_\_\_  
18 HEATHER BAKER, City Attorney