

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA AUTHORIZING THE PLACEMENT OF A MEASURE ON THE NOVEMBER 2013 GENERAL ELECTION BALLOT TO OBTAIN VOTER APPROVAL TO EXCHANGE 14,564 SQUARE FEET OF MACKENZIE PARK PROPERTY FOR 12,511 SQUARE FEET OF THE ADJACENT U.S. ARMY RESERVE CENTER PROPERTY, AS REQUIRED BY CITY CHARTER SECTION 520.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

SECTION 1. The City of Santa Barbara hereby acknowledges the terms and conditions of that certain Land Lease between the City of Santa Barbara (City) and the United States of America (USA), dated December 12, 1961, and ending on December 11, 2060, in which the City leased to the USA approximately 14,564 square feet (0.33 acre) of City land now known as MacKenzie Park, adjacent to the U.S. Army Reserve Center, located at 3237 State Street.

SECTION 2. The City of Santa Barbara hereby acknowledges the terms and conditions of that certain Lease between the Secretary of the Army (U.S. Army) and the City of Santa Barbara (City), beginning on December 12, 1961, and ending on December 11, 2060, in which the U.S. Army leased to the City a portion of the U.S. Army Reserve Center property, consisting of approximately 12,511 square feet (0.287 acre) of land, for the purpose of allowing City to widen now-existing State Street fronting the U.S. Army Reserve Center.

SECTION 3. The City of Santa Barbara, as provided in the Land Lease with the USA, and as provided in the Lease with the U.S. Army, hereby authorizes the placement of a measure on the November 2013 municipal ballot to seek voter approval for a bilateral fee title exchange of City's approximately 14,564 square feet (0.33 acre) of MacKenzie Park for the U.S. Army's approximately 12,511 square feet (0.287 acre) of the U.S. Army Reserve Center, including that portion of such land now underlying the frontage of State Street and a portion of MacKenzie Park.

SECTION 4. The City of Santa Barbara hereby declares the approximately 14,564 square feet (0.33 acre) portion of MacKenzie Park, as described in the Land Lease with the USA, to be excess and eligible for bilateral fee title exchange for the approximately 12,511 square feet (0.287 acre) portion of U.S. Army Reserve Center property, as described in the Lease with the U.S. Army, subject to voter approval of the proposed initiative on the November 2013 municipal ballot, and subject to required reservation(s) of any required easements for existing City water lines and sewer lines located on the affected portion of MacKenzie Park, if any exist.

SECTION 5. The City of Santa Barbara acknowledges that on April 24, 2013, the Parks and Recreation Commission of the City of Santa Barbara received a report and recommends that the proposed measure to authorize the bilateral fee exchange of the portion of MacKenzie Park be placed on the November 2013 ballot to seek voter approval.

SECTION 6. The City of Santa Barbara hereby acknowledges that the City's Land Lease with USA and the U.S. Army's Lease with City have established that the values of the affected lease and exchange portions of MacKenzie Park and U.S. Army Reserve Center are equal and that in accordance with each the Land Lease and the Lease, no additional appraisals or monetary considerations for the respective portions to be exchanged are necessary.

SECTION 7. The City of Santa Barbara hereby declares the placement this measure upon the ballot and potential exchange of the subject real property to be exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guideline Section 15312.

SECTION 8. The City of Santa Barbara hereby acknowledges that, due to the obligations set forth in each the existing Land Lease with USA and the existing Lease with U.S. Army, there is no additional requirement in this specific case to provide written notice nor to solicit response by other potentially interested parties that may desire to purchase or lease the affected excess portion of MacKenzie Park, as otherwise provided by Section 54222 of Article 8 of Chapter 5 of the California Government Code.

SECTION 9. If the proposed ballot measure is approved by the voters, the City of Santa Barbara hereby authorizes the preparation, and subsequent execution by the City Administrator, subject to review by the Public Works Director as to content, and subject to review and approval by the City Attorney as to form, of all necessary deeds, ordinances, resolutions, and documents required to implement the bilateral fee title exchange of the respective portions of MacKenzie Park and U.S. Army Reserve Center, as provided in each the Land Lease with the USA and the Lease with the U.S. Army.