

**CITY OF CARMEL-BY-THE-SEA  
CITY COUNCIL**

**RESOLUTION NO. 2023-042**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA  
AFFIRMING COMPLIANCE WITH THE STATE SURPLUS LANDS ACT FOR THE SCOUT  
HOUSE**

WHEREAS, the City of Carmel-By-The-Sea ("City") complies with the general laws of the State of California, including the Surplus Property Land Act; and

WHEREAS, the City is owner in fee simple of that certain real property in Monterey County commonly known as the Scout House, located at the northeast corner of Mission Street and Eighth Avenue, Carmel-By-The-Sea, California, (a portion of APN number 010-143-001) (the "Property"); and

WHEREAS, under the Surplus Property Land Act, Government Code Sections 54220-54233 ("Act"), surplus land is land owned in fee simply by a public agency for which the public agency's governing board takes formal action in a regular public meeting declaring the land is surplus and not necessary for the agency's use; and

WHEREAS, under the Act, land is exempt surplus property if it is necessary for an agency's use if the land is being used, or is planned to be used pursuant to a written plan adopted by the public agency's governing body, for the public agency's work or operations, including use "for the sole purpose of investment or generation of revenue;" and

WHEREAS, the Property is currently being used by the City; and

WHEREAS, the City intends to continue to use the Property for the purpose of generation of revenue pursuant to a Lease Agreement to be entered into with a Lessee pursuant to which the Lessee will make needed renovations to the Property and make the Property available for the City's periodic use; and

WHEREAS, by entering into the Lease Agreement with Lessee and adopting this Resolution, the City is adopting a written plan for the ongoing use of the Property as required to demonstrate existing and planned "use" of the Property under the Act, rendering the Property exempt surplus land under the Act; and

WHEREAS, under the Act, land is exempt surplus property if it is necessary for an agency's use if the land is being used, or is planned to be used pursuant to a written plan adopted by the agency's Board of Directors, for agency work or operations, including use "for the sole purpose of investment or generation of revenue;" and

WHEREAS, the accompanying staff report provides supporting information upon which the declaration and findings set forth in this Resolution are based.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF  
CARMEL-BY-THE-SEA AS FOLLOWS:**

**Section 1.** The above recitals are true and correct and are a substantive part of this Resolution.

**Section 2.** The City Council hereby declares that the Scout House Property is exempt surplus land for the purposes of the California Surplus Lands Act (Government Code Section 54220 et seq.) because it is presently being “used” and is “intended to be used” by the City for other public uses and continues to be necessary for the City’s use. The basis for this declaration is that the City intends to use the Property pursuant to the Lease Agreement for the purpose of generation of revenue for the City.

**Section 3.** The City Council hereby declares that the use of the Property will directly further the express purpose of City work and operations.

**Section 4.** The City Council hereby adopts the written plan described in this Resolution and in the accompanying staff report for the ongoing use of the Property as required to demonstrate existing and planned “use” of the Property under the Act.

**Section 5.** This Resolution has been reviewed with respect to the applicability of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) (“CEQA”). City staff has determined that the proposed actions do not constitute a “project” as defined by the CEQA. Adoption of this Resolution does not have the potential for resulting in either a direct physical change on the environment or a reasonably foreseeable indirect physical change on the environment. Prior to commencing renovations of the Property contemplated by the Lease Agreement, the City will complete all necessary reviews in accordance with CEQA.

**Section 6.** The City Clerk is directed to provide a copy of this Resolution to the California Department of Housing and Community Development for its review.

**Section 7.** The officers and staff of the City are hereby authorized, jointly and severally, to do all things which they may deem necessary or proper to effectuate the purposes of this Resolution, and any such actions previously taken are hereby ratified and confirmed.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 4<sup>th</sup> day of April 2023, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

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Dave Potter  
Mayor

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Nova Romero, MMC  
City Clerk