



CITY COUNCIL AGENDA REPORT

MEETING DATE: MARCH 15, 2004

ITEM NUMBER:

SUBJECT: CONSIDERATION OF POSSIBLE SALE OF CERTAIN FAIRVIEW PARK PROPERTY

DATE: MARCH 4, 2004

FROM: PUBLIC SERVICES DEPARTMENT/ADMINISTRATION

PRESENTATION BY: WILLIAM J. MORRIS, DIRECTOR OF PUBLIC SERVICES

FOR FURTHER INFORMATION CONTACT: WILLIAM J. MORRIS AT 714-754-5343

RECOMMENDATION:

Direct staff to send the attached letter (Attachment 1) requesting approval from the Orange County Board of Supervisors for sale of a portion of Fairview Park. Staff will provide an updated status report no later than September 2004.

BACKGROUND:

At the meeting of January 20, 2004, City Council received a report (Attachment 2), which provided a status of the possible sale of a portion of Fairview Park, north of the Fairview flood control channel and west of Placentia Avenue. This report also provided an estimate of the time and cost involved in the sale of the property.

An informational memo (Attachment 3) was also provided to City Council, dated January 15, 2004, conveying a copy of the original Fairview Park Purchase Agreement. This Agreement contains several conditions relative to any subsequent sale of the property by the City.

At the meeting of January 20, 2004, City Council continued consideration of the sale of the property due to a heavy meeting agenda. At that time, Council established no certain date for the return of this item for review.

ANALYSIS:

On February 4, 2004, staff met with the property owners on the south side of Swan Drive, west of Placentia Avenue. Approximately 15 residents attended this meeting. A number of subjects were discussed at this meeting, including the time schedule and costs required to effectuate any sale.

All attendees at the neighborhood meeting were generally in agreement with the series of events that must take place prior to any sale of the property. This series of events is a part of the January 20, 2004, staff report (Attachment 2). One of the first items of work on this list is to request that the Orange County Board of Supervisors allow the City to sell the subject property, and to allow the City to retain the proceeds for further purchase of new park property elsewhere. This front-end approval will allow for funds to subsequently be spent on the project, whether by the City or the property owners, without fear of denial from the County. Staff would then proceed to the next item of work on the list, which would be for the homeowners to form a legally recognized association.

Staff has drafted a letter to be sent to the Orange County Department of Harbors, Beaches, and Parks, which would request authorization from the Orange County Board of Supervisors to sell, lease, or otherwise dispose of the subject property while retaining the proceeds (Attachment 1).

ALTERNATIVES CONSIDERED:

City Council could direct staff to discontinue work on this item.

FISCAL REVIEW:

No funds have been budgeted for any of the items of work that are necessary to effectuate the sale of this property.

LEGAL REVIEW:

The City Attorney's office, and counsel for the County of Orange, has determined that the City can only sell the property with the approval of the Orange County Board of Supervisors.

CONCLUSION:

Staff has developed a list of work items, which must take place in order for City Council to consider the sale of park property at the northerly end of Fairview Park, west of Placentia Avenue. One of the first items of work is to obtain approval from the Orange County Board of Supervisors.

Staff has drafted a letter (Attachment 1), which would initiate the process of approval by the Orange County Board of Supervisors.

William J. Morris
Director of Public Services

Marc R. Puckett
Director of Finance

Tom Wood
Acting City Attorney

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Attachments: [1 – Draft Letter to Orange County Harbors, Beaches, and Parks](#)
[2 – Agenda Report from Council Meeting of January 20, 2004](#)
[3 – Informational Memo to City Council Dated January 15, 2004](#)

Distribution: City Manager
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