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AND
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MAYOR

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September 28, 2023

Matthew W. Szabo, Chair
Municipal Facilities Committee
200 N. Main Street, Suite 1500
Los Angeles, CA 90012

**REQUEST FOR DIRECT SALE AUTHORIZATION OF TWO OPLA REMNANT
PARCELS LOCATED ADJACENT TO 12019 W. MARSHALL AND 6950 HAZELTINE
APN: 4221-010-900 (CD 11); APN:2216-013-901 (CD2)**

The Department of General Services (GSD) proposes the sale of two remnant parcels (Properties) to their adjoining property owners in accordance with the Own A Piece of Los Angeles (OPLA) program approved by City Council on July 28, 2009, (C.F. 07-1894, Ordinance No. 180834, Exhibit A). The Properties, shown in Exhibit B and Exhibit C, are no longer required for City use and were appraised to determine the estimated fair market values. The proceeds of these sales, after deducting for the cost of escrow and other associated sale costs, will be divided equally with 50 percent deposited into the General Fund and 50 percent into the respective Council District's Real Property Trust Fund.

BACKGROUND

The properties referenced herein are both vacant land which adjoin the proposed purchasers' land. Both parcels are 400 square feet or smaller and neither parcel is suitable for ADU placement. Pursuant to Ordinance 186481, "An ADU may only be created on a lot that contains a proposed or existing dwelling." Additionally, Los Angeles Administrative Code 7.27.1, defines a "remnant" parcel as either having less than the minimum legal residential building lot size or not having record access and, if a parcel possesses either of these characteristics, said parcel would be rendered not suitable to build upon and identified as a "remnant" parcel.

On January 1, 2020, Assembly Bill 1486 (AB-1486) took effect and amended the process for disposing of surplus land. Among other changes, AB-1486 requires that "land shall be declared either 'surplus land' or 'exempt surplus land,' as supported by written findings,



before a local agency may take any action to dispose of it consistent with an agency's policies or procedures.”

As a result of AB-1486, the Municipal Facilities Committee declared these Properties “exempt surplus land” on January 30, 2020, allowing the City to sell these OPLA properties to the adjacent property owners. It has also been determined that these Properties are not within the Santa Monica Mountains Conservancy area and therefore are not subject to LA Ordinance No. 187505.

The direct sale of the Property identified in Exhibit B was approved by the Municipal Facilities Committee on October 27, 2022. However, the adjoining property owner interested in purchasing this Property has changed since that approval. The corresponding Parcel Map has been corrected to properly identify the proposed purchaser. With respect to the Property identified in Exhibit C, GSD is requesting that this Committee find that a direct sale to the adjoining owner is in the best interest of the Public.

In accordance with established City procedures for selling surplus property, the necessary approvals and recommendations were obtained from the appropriate City departments. The Bureau of Engineering, Survey Section or GSD Title Examiner provided or approved the legal description of the Properties and any reservations, easements, rights or exceptions of portions of the real property to be retained by the City. The respective Council Districts have been notified of the proposed sales and concur with the sale of the Properties or otherwise had no objections.

TERMS OF OPLA SALE

These OPLA sales are cash transactions and, upon approval by the Municipal Facilities Committee, GSD will open escrow, receive funds and record the appropriate deeds to close the transactions. The Property is being sold “AS IS, WHERE IS, WITH ALL FAULTS”.

The prospective purchasers will pay recording fees, documentary transfer taxes, other real estate transaction taxes or fees, one-half escrow fees, title insurance, messenger service fees, broker's commissions, if any, legal description fees, if applicable, and personal property taxes where applicable. The purchasers will also be responsible for any survey of the property at his/her expense and will have up to 90 days to close the sale after the date of notification confirming the sale. However, if payments are deferred for more than 60 days after the notice confirming the sale, interest at one percent per month or fraction thereof will be charged for each month or fraction thereof in excess of 60 days.

PROPERTY DESCRIPTION

ADDRESS/APN	LOT SIZE SQUARE FEET	CD	SALE PRICE	PURCHASER/ ADJOINING OWNER	EXHIBIT
Adjacent to 12019 W. Marshall St., APN: 4221-010-900	400	11	\$9,900	Mary Lopez	B
Adjacent to 6950 Hazeltine Blvd, APN: 2216-013-901	250	2	\$1,238	Andrew Malanga	C

FISCAL IMPACT

The sale of these Properties will generate a one-time gross revenue to the City of approximately \$11,138 prior to the payment of the costs of the sales. The net proceeds will be divided equally with 50 percent deposited into the General Fund and the remaining 50 percent to the respective Council District's Real Property Trust Funds.

RECOMMENDATION

That the Municipal Facilities Committee:

1. Determine that the direct sales to the adjoining property owners is in the best interest of the public; and
2. Instruct the Real Estate Services Division of the Department of General Services, with the assistance of the City Attorney, to complete the transaction and deposit 50 percent of the net proceeds into the General Fund 100, Department 40, Revenue Source 5141 and 50 percent to the respective Council District's Real Estate Trust Fund.



Tony M. Royster
General Manager

Attachments: OPLA Ordinance (Exhibit A)

Map of OPLA Property & Adjoining Owner (Exhibit B)

Map of OPLA Property & Adjoining Owner (Exhibit C)

ORDINANCE NO. 180834

An ordinance amending and adding provisions to Article 4 of Chapter 1 of Division 7 of the Los Angeles Administrative Code to provide for implementation of the "Own a Piece of Los Angeles" (OPLA) Program concerning the sale of City-owned remnant surplus properties.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. The first unnumbered paragraph of Section 7.22 of the Los Angeles Administrative Code is amended to read:

Before the Council, or the Municipal Facilities Committee for the direct sale of "remnant" properties, determines that real property proposed for sale is no longer required for the use of the City and that the public interest or necessity require its sale, the proposed sale shall be considered as follows:

Sec. 2. Subsection (a) of Section 7.22 of the Los Angeles Administrative Code is amended to read:

Sec. 7.22. Recommendations Required of City Departments.

(a) The Department of General Services shall determine whether the City owns a salable interest in the real property, shall appraise said real property at its fair market value; and shall recommend a minimum sale price to the Council or the Municipal Facilities Committee, as applicable.

Sec. 3. Subsection (d) of Section 7.22 of the Los Angeles Administrative Code is amended to read:

(d) In cases involving the direct sale of surplus City-owned property, except "remnants" as defined in Section 7.27.1(a), the City Administrative Officer shall review the proposed direct sale and recommend to the Council upon its propriety.

Sec. 4. Subsection (e) is added to Section 7.22 of the Los Angeles Administrative Code to read:

(e) In cases involving direct sales of City-owned "remnants" as defined in Section 7.27.1(a), the Department of General Services shall review the proposed sale, and shall recommend to the Municipal Facilities Committee upon its propriety. Thereafter, the Municipal Facilities Committee may determine that the public interest or necessity require completion of the sale and authorize it, including the immediate opening of

escrow. In the event of such a determination by the Municipal Facilities Committee with respect to the sale of a "remnant" as defined in Section 7.27.1(a), the Municipal Facilities Committee may authorize the execution of a deed or other instrument necessary to effectuate the sale at and for the fair market value of the property as appraised by the Department of General Services, and upon the terms and conditions contained in the document entitled Title Transfer Instructions (Escrow) approved by the City Council and made a part of Council File No. 07-1894. Any substantive deviations from those terms and conditions, as determined by the City Attorney, shall require approval by the City Council by ordinance.

Sec. 5. Section 7.27 of the Los Angeles Administrative Code is amended to read:

Sec. 7.27. Private Sale.

The Council, or the Municipal Facilities Committee in cases involving "remnants" as defined in Section 7.27.1(a), may determine that the public interest or necessity require the sale, conveyance or exchange of real property owned by the City or any City department, of the quitclaiming by the City or by any City department, of any interest in real property without notice of sale or advertisement for bids. In the event of this determination, the City Council may, by ordinance authorize the execution of a deed, contract or other instrument necessary to effect the sale, conveyance, exchange or quitclaim at and for a price or consideration and upon the terms and conditions to be specified in the ordinance; provided, however, that the ordinance shall be subject to the provisions of Sections 252 and 461 of the City Charter. In the event of such a determination by the Municipal Facilities Committee with respect to the sale of a "remnant" as defined in Section 7.27.1(a), the Municipal Facilities Committee may authorize the execution of a deed or other instrument necessary to effectuate the sale at and for the fair market value of the property as appraised by the Department of General Services, and upon the terms and conditions contained in the document entitled Title Transfer Instructions (Escrow) approved by the City Council and made a part of Council File No. 07-1894. Any substantive deviations from those terms and conditions, as determined by the City Attorney, shall require approval by the City Council by ordinance.

Sec. 6. Section 7.27.1 of the Los Angeles Administrative Code is added to read:

Sec. 7.27.1. Sale of Surplus City-Owned Remnant Property.

Notwithstanding any other provision of this Code to the contrary, City-owned "remnants" under the jurisdiction and control of the Department of General Services may be sold by private sale as authorized by Section 7.27, provided all of the following criteria are met:

(a) Each property subject to sale must be a surplus City-owned "remnant". "Remnant" means real property meeting the requirements of Section 7.22 of the Los Angeles Administrative Code which (A) has less than the minimum legal residential building lot size for the jurisdiction in which the parcel is located, or less than 5,000 square feet in area, whichever is less, or (B) has no record access and is less than 10,000 square feet in area; and is not contiguous to land owned by a state or local agency, that is used for park, recreational, open-space, or low- and moderate-income housing purposes, and is not located within an enterprise zone pursuant to Section 7070 of the California Government Code, nor a designated program area as defined in California Government Code section 7082;

(b) The direct sale must be an all cash transaction and the buyer(s) must pay fair market value for the remnant as determined by an appraisal by the Department of General Services;

(c) The buyer(s) must be owners of an "adjoining property." An "adjoining property" is one which shares a common boundary with the remnant subject to sale;

(d) The Department of General Services shall offer the remnant for sale to all adjoining property owners, and utilize a competitive process to select the buyer(s) using price as its criteria;


(e) The terms and conditions of each sale must be those approved by the City Council in the document entitled Title Transfer Instructions (Escrow) and made a part of Council File No. 07-1894, and must be presented by the Department of General Services to the Municipal Facilities Committee for approval, and shall be approved as to form by the City Attorney; and

(f) Any remnant meeting the criteria set forth in California Government Code section 54221(f) must first be offered for sale to the State in accordance with Government Code section 54220, *et seq.*

Sec. 7. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of JUL 28 2009.

JUNE LAGMAY, City Clerk

By  Deputy

Approved AUG 07 2009

 Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By 
ANNETTE R. BOGNA
Deputy City Attorney

Date 7/13/09

File No(s). CF No. 07-1894

DECLARATION OF POSTING ORDINANCE

I, MARIA C. RICO, state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

Ordinance No. 180834 – Amending and adding provisions to Article 4 of Chapter 1 of Division 7 of the L.A.C. to provide for implementation of the “Own a Piece of Los Angeles” (OPLA) Program concerning the sale of City-owned remnant surplus properties - a copy of which is hereto attached, was finally adopted by the Los Angeles City Council on **July 28, 2009**, and under the direction of said City Council and the City Clerk, pursuant to Section 251 of the Charter of the City of Los Angeles and Ordinance No. 172959, on **August 11, 2009** I posted a true copy of said ordinance at each of three public places located in the City of Los Angeles, California, as follows: 1) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; 2) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; 3) one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Copies of said ordinance were posted conspicuously beginning on **August 11, 2009** and will be continuously posted for ten or more days.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this **11th** day of **August 2009** at Los Angeles, California.



Maria C. Rico, Deputy City Clerk

Ordinance Effective Date: **September 20, 2009**

Council File No. **07-1894**



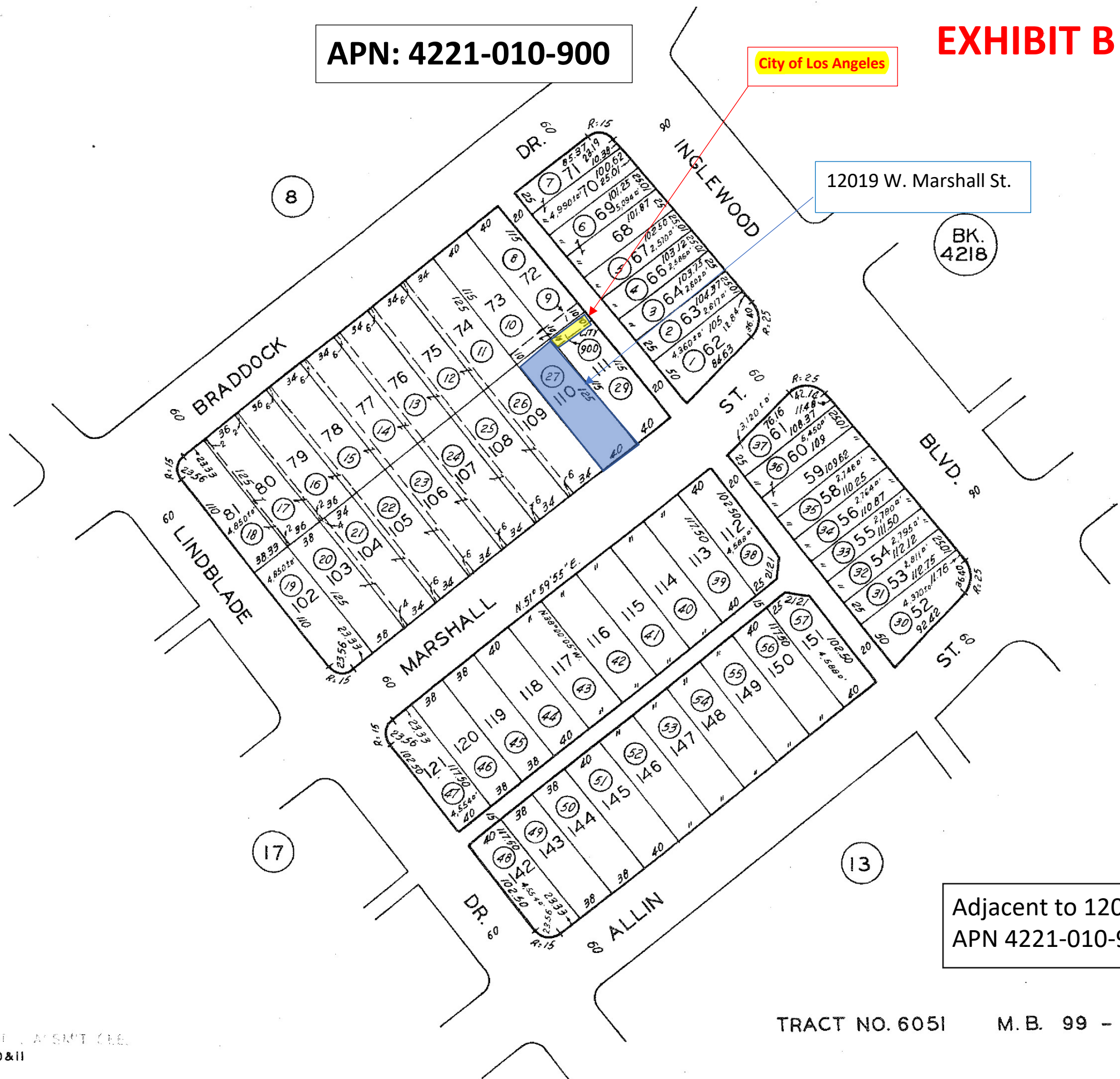
APN: 4221-010-900

EXHIBIT B

City of Los Angeles

12019 W. Marshall St.

BK. 4218



Adjacent to 12019 Marshall St Los Angeles, CA 90230
APN 4221-010-900
CD 11

TRACT NO. 6051 M. B. 99 -

2021

APN: 2216-013-901

EXHIBIT C



MAPPING AND GIS SERVICES SCALE 1" = 80'

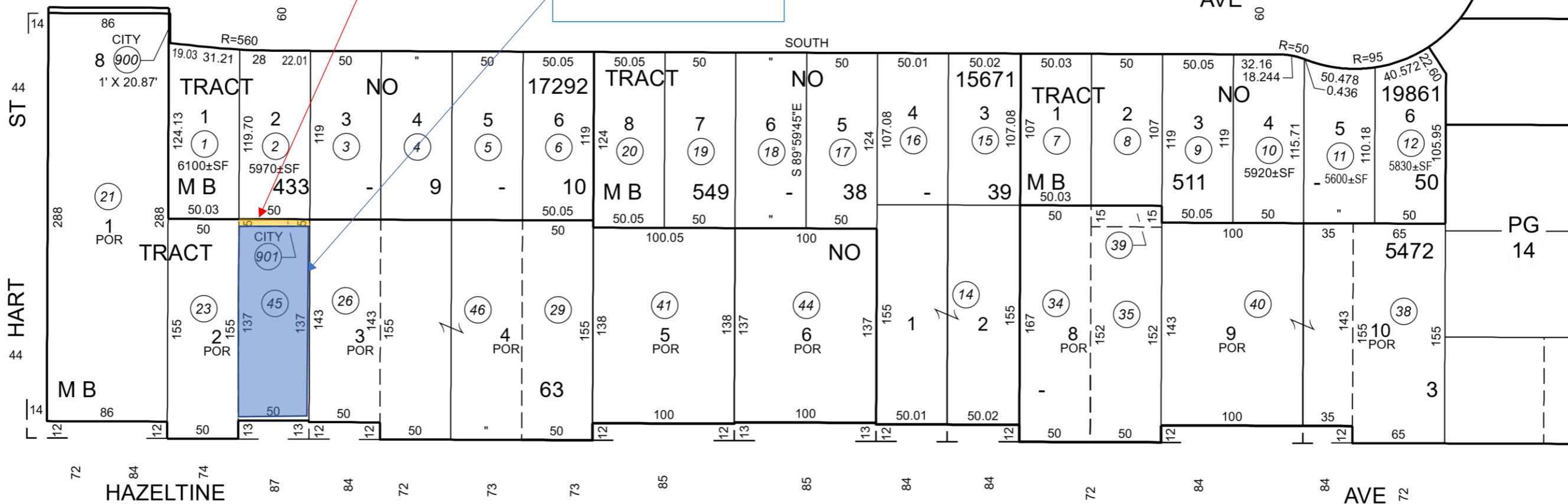
PG 15

City of Los Angeles

6950 Hazeltine Ave.

MURIETTA

AVE 80



HART ST 44

PG 12

PG 14

BK 2217

Adjacent to 6950 Hazeltine Ave., Van Nuys, CA 91405

APN: 2216-013-901

CD 2