

ORDINANCE NO. 2297

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, CALLING FOR A SPECIAL ELECTION ON WHETHER TO DISCONTINUE USE OF SUNSET FIELD AS A PUBLIC PARK

WHEREAS, the City of West Covina ("City") owns a parcel of property within the southwesterly quadrant of Sunset Avenue and Cameron Avenue, adjacent to the Walnut Creek flood control channel, more particularly described in Exhibit A to this Ordinance, (the "Park Parcel");

WHEREAS, the City owns an easement to allow park parking, which easement is more particularly described on Exhibit B to this Ordinance (the "Parking Easement");

WHEREAS, the City owns easements over two parcels to allow access to and from Sunset Field, and which easements are more particularly described on Exhibit C to this ordinance (the "Access Easements") (the Park Parcel, the Parking Easement and the Access Easements are collectively referred to in this Ordinance as "Sunset Field");

WHEREAS, Sunset Field currently contains two baseball fields and related facilities;

WHEREAS, Sunset Field is underutilized when compared to other sports facilities in the City, largely because of its location;

WHEREAS, if the City were to sell Sunset Field, the City Council has determined that it shall place such sale proceeds into the City's Park Acquisition Fund, and use such funds to acquire and improve park land that would be utilized more;

WHEREAS, the City Council desires to follow the procedures of Article 2 of Chapter 9 of Part 2 of Division 3 of Title 4 of the California Government Code (Sections 38440-38462, "Article 2"), to allow for the eventual sale of Sunset Field, with the placement of the proceeds of any such sale into the City's Park Acquisition Fund;

WHEREAS, the City Council reaffirms its intent to place all proceeds of any sale of Sunset Field into the City's Park Acquisition Fund;

WHEREAS, funds within the Park Acquisition Fund may only be used to acquire or develop park lands, and not for operating expenses;

WHEREAS, the City did not pay for Sunset Field from funds obtained from a special assessment, bond, or any federal or state grant, nor was the land acquired via dedication pursuant to the Subdivision Map Act;

WHEREAS, if the electorate votes to abandon Sunset Field as parkland, the City Council intends to sell Sunset Field for fair market value to Queen of the Valley Hospital for expansion of the hospital's facilities, provided such a sale would serve the public interest;

WHEREAS, on April 19, 2016, the City Council adopted a Resolution 2016-34 to declare that the public interest or convenience requires the discontinuance of Sunset Field as a public park/sports field and the intent to call a special election to submit the question of discontinuance to the city electors;

WHEREAS, the City has provided all notice legally required to allow the City Council to vote on this Ordinance;

WHEREAS, the City Council conducted a noticed public hearing consistent with the requirements of Government Code 38440 et seq., has heard and passed upon all protests received at or before the hearing; and

WHEREAS, the City Council conducted a noticed public hearing consistent with the requirements of Government Code 38440 et seq. No written protests were received at or before the hearing; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA ORDAINS AS FOLLOWS:

SECTION 1. Recitals. The recitals stated above are correct.

SECTION 2. Calling Election. That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the City of West Covina, California, on Tuesday, November 8, 2016, a Special Municipal Election for the purpose of submitting the following question to the Electorate of the City of West Covina:

"Shall the City of West Covina abandon Sunset Field as a public park, to allow the land to be sold to Queen of the Valley Hospital to expand the hospital's emergency room and provide additional critical medical services, with millions of dollars in sale revenues to be placed into the City's Park Acquisition Fund and used only to acquire and improve new parkland in the City?"	YES
	NO

SECTION 3. That the text of the complete measure is attached as Exhibit D.

SECTION 4. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 5. That the City Clerk is authorized, instructed and directed to coordinate with the County of Los Angeles Registrar-Recorder/County Clerk to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 6. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same

day when the polls shall be closed, pursuant to Election Code § 10242, except as provided in § 14401 of the Elections Code of the State of California.

SECTION 7. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 8. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 9. Direction to Staff. The City Council directs as follows:

- a. The City Clerk shall certify as to the adoption of this ordinance and shall cause the summary thereof to be published within fifteen calendar (15) days of the adoption and shall post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk in accordance with Government Code section 36933
- b. City staff is directed and authorized to take all prudent actions to effect the purposes of this ordinance.

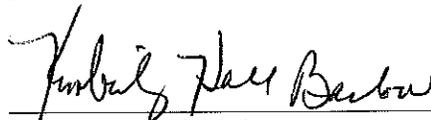
SECTION 10. The actions provided for herein and the associated election resolutions are categorically exempt from CEQA analysis under CEQA Guidelines section 15061(b)(3) because the activity does not authorize any physical change in the environment.

SECTION 11. Consistent with Government Code 36937(a), as an ordinance relating to an election, this ordinance shall become effective immediately upon adoption.

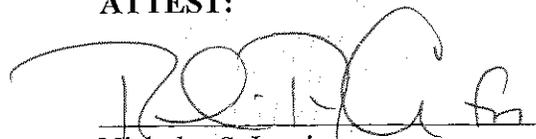
PASSED, APPROVED AND ADOPTED on this 21st day of June, 2016.


James Toma
Mayor

APPROVED AS TO FORM:

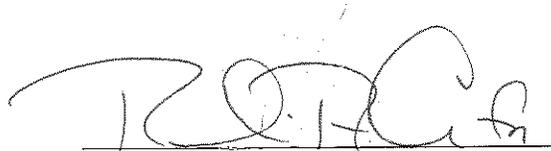

Kimberly Hall Barlow
City Attorney

ATTEST:


Nickolas S. Lewis
City Clerk

I, NICKOLAS S. LEWIS, CITY CLERK of the City of West Covina, California, do hereby certify that the foregoing Ordinance was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the 7th day of June, 2016. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 21st day of June, 2016, by the following vote:

AYES: Johnson, Warshaw, Toma
NOES: None
ABSENT: Spence, Wu
ABSTAIN: None

A handwritten signature in black ink, appearing to read 'N. Lewis', written over a horizontal line.

Nickolas S. Lewis
City Clerk

EXHIBIT A

LEGAL DESCRIPTION OF PARCEL COMMONLY REFERRED TO AS SUNSET FIELD

Parcel 3 of Parcel Map 12870, per map recorded in Book 122, Pages 68 and 69 of Parcel Maps on file in the office of the County Recorder of said County.

Parcel Number 8468-016-910

EXHIBIT B

LEGAL DESCRIPTION OF THE PARKING EASEMENT

(Easement recorded via document 98-4313989 on March 17, 1998 in the Los Angeles County Recorder's office)

AN EASEMENT FOR PARKING PURPOSES OVER THE FOLLOWING DESCRIBED REAL PROPERTY IN THE COUNTY OF LOS ANGELES:

THAT PORTION OF PARCEL 2 OF PARCEL MAP NO. 17372, IN THE CITY OF WEST COVINA COUNTY OF LOS ANGELES, STATE OF CALIFORNIA PER BOOK 184 PAGES 39 AND 40 OF PARCEL MAPS ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; LYING NORTHEASTERLY OF THE NORTHWESTERLY LINE OF PARCEL 3 OF SAID PARCEL MAP.

EXHIBIT C

LEGAL DESCRIPTION OF THE ACCESS EASEMENTS

(Easement recorded via document 98-431399 on March 17, 1998 in the Los Angeles County Recorder's office)

AN EASEMENT FOR ACCESS PURPOSES OVER THE FOLLOWING DESCRIBED REAL PROPERTY IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA:

THOSE PORTIONS OF LOT 129 OF E.D. BALDWIN'S FOURTH SUBDIVISION PER MAP BOOK 8 PAGE 186 OF MAPS AND PARCEL 1 OF PARCEL MAP NO. 1327 AND PARCELS 2, 3, AND 4 OF PARCEL MAP NO. 17372 IN THE CITY OF WEST COVINA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA PER BOOK 21 PAGE 12 AND BOOK 184 PAGES 39 AND 40, RESPECTIVELY, OF PARCEL MAPS ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; DESCRIBED AS FOLLOWS:

PARCEL 1.

A STRIP OF LAND 30.00 FEET WIDE, THE CENTERLINE BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE MOST SOUTHERLY CORNER OF SAID PARCEL 1; THENCE NORTH 41°-25'-00" EAST, ALONG THE SOUTHEASTERLY LINE OF SAID PARCEL 1, AND ITS NORTHEASTERLY PROLONGATION, 1,294.23 FEET TO THE MOST NORTHERLY CORNER OF SAID PARCEL 3.

PARCEL 2.

A STRIP OF LAND 100.00 FEET WIDE, THE NORTHERLY LINE BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE MOST NORTHERLY CORNER OF SAID PARCEL 3; THENCE NORTH 48°-34'-54" W. ALONG THE NORTHWESTERLY PROLONGATION OF THE NORTHEASTERLY LINE OF SAID PARCEL 3, A DISTANCE OF 200.00 FEET.

EXHIBIT D

FULL TEXT OF MEASURE ____

CITY OF WEST COVINA

The People of the City of West Covina do ordain as follows:

The City of West Covina shall cease using and abandon Sunset Field, APN 8468-016-910, West Covina, California, as a public park and sports field, to allow the land to be sold to Queen of the Valley Hospital to expand the hospital's emergency room and provide additional critical medical services. All of the sales proceeds from sale of Sunset Field shall be placed into the City's Park Acquisition Fund. These funds may be used only to acquire and develop new parkland in the City of West Covina.