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Staff Report

Item # 7

To: Lemoore City Council
From: Holly Smyth, Planning Director
Date: March 2, 2007
Subject: First Reading of Ordinance 2007- 02 Adding Section 8-71-7 to the Lemoore Municipal Code authorizing the dedication of school sites as a condition of approval of residential subdivisions

Discussion:

In order to assist the Lemoore Union Elementary School Districts with the future acquisition of land for elementary school sites, the attached ordinance has been prepared by the City Attorney. The Ordinance would allow a school district to purchase land at the cost the previous purchaser had paid plus improvements to the land, taxes assessed from the date of the school district's offer, and maintenance cost of dedicated land, including interest costs incurred.

The application of the Ordinance will be made as a condition of approval of a tentative map to dedicate to the school district(s) as the City Council deems necessary. The amount of land and the general locations of such school sites will be further delineated in the 2030 General Plan update.

Recommendation:

The Lemoore City Council should, by motion, waive the first reading of Ordinance #2007-02 adding Section 8-71-7 to the Dedications and Reservations section of the Lemoore Municipal Code as presented in order to assist the schools with future land acquisition efforts.

Lemoore...where Character Counts!

ORDINANCE 2007-02

AN ORDINANCE OF THE CITY OF LEMOORE ADDING SECTION 8-71-7 AUTHORIZING THE DEDICATION OF SCHOOL SITES AS A CONDITION OF APPROVAL OF RESIDENTIAL SUBDIVISIONS

The City Council of the City of Lemoore does ordain as follows:

Section 8-71-7 is added to the Lemoore Municipal Code to read:

Section 1. SECTION 8-71-7 SCHOOL SITE DEDICATIONS:

- A. General. As a condition of approval of a tentative map, a subdivider who develops or completes the development of one or more subdivisions within one or more school districts maintaining an elementary school shall dedicate to the school district or districts such lands as the City Council shall deem to be necessary for the purpose of constructing thereon elementary schools necessary to assure the residents of the subdivision adequate public school service. In no case shall the City Council require the dedication of an amount of land which would make development of the remaining land held by the subdivider economically infeasible.
- B. Procedure. The requirement of dedication shall be imposed at the time of approval of the tentative map. If within 30 days after the requirement of dedication is imposed by the City Council, the school district does not offer to enter into a binding commitment with the subdivider to accept the dedication, the requirement shall be automatically terminated. The required dedication may be made any time before, concurrently with, or up to 60 days after the filing of the final map or parcel map on any portion of the subdivision.
- C. Payments to Subdivider for School Site Dedication. The school district shall, if it accepts the dedication, repay to the subdivider or his or her successors the original cost to the subdivider of the dedicated land, plus a sum equal to the total of the following amounts:
 1. The cost of any improvements to the dedicated land since acquisition by the subdivider.
 2. The taxes assessed against the dedicated land from the date of the school district's offer to enter into the binding commitment to accept the dedication.
 3. Any other costs incurred by the subdivider in maintenance of such dedicated land, including interest costs incurred on any loan covering such land.
- D. Option to Repurchase. If the land is not used by the school district, as a school site, within 10 years after dedication, the subdivider shall have the option to repurchase the property from the district for the amount paid therefore.

- E. Recorded Certificate. The school district to which the property is dedicated shall record a certificate with the county recorder in the county in which the property is located. The certificate shall contain the following information:
1. The name and address of the subdivider dedicating the property.
 2. A legal description of the real property dedicated.
 3. A statement that the subdivider dedicating the property has an option to repurchase the property if it is not used by the school district as a school site within 10 years after dedication.
 4. Proof of the acceptance of the dedication by the school district and the date of acceptance. The certificate shall be recorded not more than 10 days after the date of acceptance of the dedication. The subdivider shall have the right to compel the school district to record such certificate, but until such certificate is recorded, any rights acquired by any third party dealing in good faith with the school district shall not be impaired or otherwise affected by the option right of the subdivider.
- F. Exemptions. The provisions of this section shall not apply to a subdivider who has owned the land being subdivided for more than 10 years prior to the filing of the tentative map.

Section 2. The City Clerk is authorized and directed to cause this ordinance or a summary of this ordinance to be published in a newspaper of general circulation published and circulated by the City of Lemoore, within 15 days after its adoption. If a summary of the ordinance is published, then the City Clerk shall cause a certified copy of the full text of the proposed ordinance to be posted in the office of the City Clerk at least five days prior to the Council meeting at which the ordinance is adopted and again after the meeting at which the ordinance is adopted. This ordinance shall become effective 30 days after its adoption.

* * * *

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Lemoore held on March 6, 2007, and was passed and adopted at a regular meeting of the City Council held on March ____, 2007, by the following roll vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

John F. Murray, Mayor

ATTEST:

Nanci C. O. Lima, City Clerk

CERTIFICATE

STATE OF CALIFORNIA

COUNTY OF KINGS

CITY OF LEMOORE

I, Nanci C. O. Lima, City Clerk of the City of Lemoore, do hereby certify the foregoing Ordinance was duly introduced at a Regular Meeting of the City Council of the City of Lemoore held on the 6th day of March, 2007 and passed and adopted at a Regular Meeting of the City Council held on the ____ day of March, 2007.

DATED: _____, 2007

Nanci C. O. Lima, City Clerk