

NAPA COUNTY RESOLUTION NO. _____

**RESOLUTION OF THE NAPA COUNTY BOARD OF SUPERVISORS,
STATE OF CALIFORNIA, DECLARING LEASABLE PROPERTY AT THE
NAPA COUNTY AIRPORT TO BE EXEMPT SURPLUS LAND**

WHEREAS, Napa County (“County”) operates an airport facility in conformance with the Airport Improvement Program Grant Assurances of the Federal Aviation Administration of the U.S. Department of Transportation by and through the Department of Public Works, General Services Division; and

WHEREAS, the County is responsible for the safe and secure operation of the airport, and to account for changes in the present and future needs of aviation users and businesses through state and federal oversight of master planning processes; and

WHEREAS, the County, through its stewardship of its airport, provides infrastructure, facilities, and real property for other public and private entities to conduct aeronautical activities and provide transportation services; and

WHEREAS, the County has received and is still receiving federal grants for improvements at the airport (e.g., Federal Aid to Airport Program Grant No. 8-06-0162-01, Airport Improvement Program Grant Nos. 3-06-0162-27 and 3-06-0162-46), which require that the County use airport property only for aviation-related uses, and restrict the use of airport property such that housing, recreation, and other non-aviation uses are prohibited or otherwise infeasible; and

WHEREAS, the County provides for the use of the airport by businesses and users in part by leasing land and conveying the opportunity to construct, own, and use their own facilities over the term of their leases; and

WHEREAS, the Airport Master Plan identifies leasable property at the airport, which corresponds with Assessor Parcel Numbers 057-050-009-000, 057-050-011-000, 057-090-063-000, and 057-090-064-000 (“Leasable Property”); and

WHEREAS, the Surplus Land Act (“SLA”), California Government Code sections 54220 et seq., is intended to make a local agency’s land, that is no longer needed for the local agency’s use, available for affordable housing, park and recreation, or open-space purposes by requiring local agencies to send written notices of availability to various parties and agencies unless the surplus land is “exempt surplus land;” and

WHEREAS, exempt surplus land includes “surplus land that is subject to valid legal restrictions that are not imposed by the local agency and that would make housing prohibited, unless there is a feasible method to satisfactorily mitigate or avoid the prohibition on the site,” pursuant to Government Code section 54221(f)(1)(G); and

WHEREAS, the grant assurances imposed on the airport as a condition of the receipt of federal funds are valid legal restrictions that are not imposed by the local agency within the meaning of Government Code section 54221(f)(1)(G), there is no feasible method to satisfactorily mitigate or avoid the restrictions in the grant assurances to allow the Leasable Property to be used for affordable housing, park and recreation, or open-space purposes, and such uses would violate these grants assurances;

NOW, THEREFORE, BE IT RESOLVED by the Napa County Board of Supervisors as follows:

1. The foregoing recitals are true and correct and hereby incorporated herein.
2. The Leasable Property is or will be used for aviation-related purposes in accordance with the grant assurances imposed on the airport as a condition of the receipt of federal funds.
3. The Leasable Property is hereby declared to be “exempt surplus land” pursuant to Government Code section 54221(f)(1)(G) based on the facts and reasons set forth in this Resolution, and therefore the SLA does not apply to the sale or lease of the Leasable Property.

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THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Napa County Board of Supervisors, State of California, at a regular meeting of the Board held on the 6th day of December, 2022, by the following vote:

AYES:	SUPERVISORS	_____

NOES:	SUPERVISORS	_____
ABSTAIN:	SUPERVISORS	_____
ABSENT:	SUPERVISORS	_____

NAPA COUNTY, a political subdivision of the State of California

By: _____
 RYAN GREGORY, Chair
 Napa County Board of Supervisors

APPROVED AS TO FORM Office of County Counsel By: <u>Thomas C. Zeleny</u> Interim County Counsel Date: <u>November 30, 2022</u> PL Doc. No. 84307	APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS Date: _____ Processed By: _____ Deputy Clerk of the Board	ATTEST: NEHA HOSKINS Clerk of the Board of Supervisors By: _____
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