

**RESOLUTION NO. 2023-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA AUTHORIZING  
THE ACQUISITION OF APN 006-181-011 ON SUNNY AVENUE**

WHEREAS, the City of Eureka is proposing to acquire an approximately 2.1-acre (93,218 square-foot) property, known as APN 006-181-011 on Sunny Avenue, located on the east side of Sunny Avenue, approximately 155 feet south of Myrtle Avenue; and

WHEREAS, the subject property adjoins City-owned 1310 Myrtle Avenue to the north, and adjoins recently acquired City-owned 1429 Sunny Avenue to the south; and

WHEREAS, most of the property is mapped as wetland in the U.S. Fish and Wildlife Service's National Wetlands Inventory, with potential uplands on the southwestern corner of the property; and

WHEREAS, the property adjoins parcels which align with the planned Bay to Zoo Trail, and the City intends to preserve the lowland/wetland area and potentially enhance as mitigation for the Bay to Zoo Trail, and any upland area may be used for other City facilities, projects or housing in the future; and

WHEREAS, Title 15, Chapter 152, of the Eureka Municipal Code, Section 152.01 specifies the Planning Commission must advise and recommend to the City Council the acquisition, use, or disposition of all city owned real property, and on May 8, 2023, the Planning Commission found the proposed acquisition exempt from CEQA and in conformance with the City of Eureka's 2040 General Plan; and

WHEREAS, the City Council of the City of Eureka has considered the advice of the Planning Commission and the recommendation of staff and determined as follows:

1. The anticipated use of the site is to provide suitable land for mitigation for wetland impacts resulting from development of the Bay to Zoo Trail (which is a public use) on the lowland portion of the property, and any upland area may be used for other City facilities, projects or housing in the future.
2. The use of the site for mitigation for the Bay to Zoo Trail is compatible with the residential and open space uses on and surrounding the property.
3. The acquisition furthers a number of 2040 General Plan goals and policies related to preserving, protecting, and restoring surface water resources, natural open spaces and wetlands, as well as supporting trails, recreation, tourism, and public access and therefore conforms with the City of Eureka 2040 General Plan.
4. The decision by the City Council to acquire this real property is a discretionary action subject to environmental review in accordance with the California Environmental Quality Act (CEQA).

5. Pursuant to CEQA Guidelines Section 15061(b)(3), where it can be seen with certainty there is no possibility the acquisition itself may have a significant effect on the environment, the project can be found exempt from further CEQA review.
6. When mitigation or other projects are proposed for the site in the future, those projects would be subject to separate CEQA analysis.

NOW THEREFORE, BE IT RESOLVED, the City Council of the City of Eureka does hereby authorize and direct the purchase of the real property known as APN 006-181-011 on Sunny Avenue for the sale price of \$38,000.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the 16<sup>th</sup> day of May, 2023 by the following vote:

AYES: COUNCILMEMBERS  
NOES: COUNCILMEMBERS  
ABSENT: COUNCILMEMBERS

\_\_\_\_\_  
Kim Bergel, Mayor of the City of Eureka

*Attest:*

\_\_\_\_\_  
Pamela J. Powell, City Clerk

*Approved as to Administration:*

*Approved as to form:*

\_\_\_\_\_  
Miles Slattery, City Manager

\_\_\_\_\_  
Autumn Luna, City Attorney