

November 13, 2019

VIA E-MAIL AND FIRST CLASS MAIL

Tanya Sukhija-Cohen, Esq.
Hadsell, Stormer, Renick & Dai, LLP
128 N. Fair Oaks Ave.
Pasadena, CA 91103

Re: **OCCORD v. City of Garden Grove, et al.**

Dear Ms. Sukhija-Cohen:

We are in receipt of your November 1, 2019 correspondence where you seek responses to various questions pertaining to the City of Garden Grove's Willowick Golf Course property generally pertaining to the City's compliance with the Surplus Land Act. Though the City is not legally required to respond, the following responses are provided as a professional courtesy. Please note that we decline to comment upon the summary of the Surplus Land Act procedures that occupy much of your correspondence. Instead, we respond to your specific inquiry as follows:

1) Has the City withdrawn the Request for Proposals (RFP) for the Willowick Property it issued on April 29, 2019? If not, does the City intend to do so and when?

The City has not withdrawn the RFP. As stated in our October 9, 2019 letter, it has been put on hold indefinitely.

2) Has the City informed the developers who submitted proposals in response to the RFP that it will not consider any disposition of the Willowick Property prior to January 1, 2020?

In response to inquiries about the status of the RFP process, the City has indicated that it is on hold due to the substantial modifications effectuated by AB 1486. Based on this information, various entities have offered alternative proposals that could lead to a disposition prior to December 31, 2019. This is a recent, unanticipated development. The City has received various unconditional offers to acquire the land prior to January 1, 2020. The City is analyzing these new proposals, and may dispose of the property prior to January 1, 2020 if it finds that the price is acceptable and the disposition is for the common benefit of its constituents.

3) Has the City sent a written offer to sell or lease the Willowick Property to all entities it is required to send such notice to under section 54222?

No. As stated in our previous correspondence, section 54222 does not currently apply to the Willowick Golf Course. The City's interpretation of the Surplus Lands Act (SLA) was recently

acknowledged in an analogous matter: *Uplift Inglewood v. Coalition v. City of Inglewood, et al.*, Los Angeles Superior Court Case No. 172771 [finding, for example, “if all City-owned land subject to potential disposition is ‘surplus,’ then there would be no need for the legislature to have defined ‘surplus land.’”]

(a) If so, which entities did the City send notice to and when? Please provide a copy of all notices sent.

Not applicable.

(b) If the City already sent such notices, have any entities expressed interest in buying or leasing the Willowick Property in response to the notice? Which ones and when? Please provide a copy of all such responses.

Not applicable.

(c) If the City has not sent notice to any entities as required by section 54222, does the City intend to send such notice? When and to whom?

As stated above, Section 54222 does not currently apply to the Willowick Golf Course. The City is still evaluating how it will comply with Section 54222 for any land it intends to dispose of after AB 1486 takes effect on January 1, 2020. Because the statute is unclear, the City intends to contact the California Department of Housing and Community Development (HCD) for direction, and for the list of entities required to be sent notices.

4) How does the City intend to comply with the requirement under section 54223 that it engage in good faith negotiations with any entity that expresses interest in the land?

Section 54223 does not currently apply to the Willowick Golf Course. The City is still evaluating how it will comply with Section 54223 for land it intends to dispose of after AB 1486 takes effect on January 1, 2020 and has not yet developed procedures. The City intends to seek direction from HCD as it develops procedures.

5) What role if any will the City of Santa Ana play with regard to (1) sending out notice to those entities specified by section 54222 and (2) engaging in good faith negotiations regarding the sale or lease of the land in response to any expression of interest?

None. Garden Grove is the owner of the property. Santa Ana has no ownership interest in the property.

6) Please identify all steps the City will take prior to finalizing any disposition of the Willowick Property, e.g., staff recommendations, City Council votes, etc.


In the event the City determines to dispose of the Willowick Golf Course, the City will comply with the applicable requirements of State law pertaining to transfers of real property ownership interests. The Garden Grove City Council must authorize the sale or lease of real property owned by the City. The City Council only takes action at public meetings pursuant to which notice has been provided in accordance with the Ralph M. Brown Act.

7) What steps will the City commit to take to provide a transparent process for the disposition of the Willowick Property and to ensure meaningful input from communities and residents affected by its redevelopment?

As stated above, if the City decides to dispose of the Willowick Golf Course, it will comply with the applicable requirements of State law. Before redeveloping the property, the City or any future owner or lessee of the Willowick Golf Course would process any development plan per the procedures established under the regulatory authority of the City of Santa Ana.

Respectfully,

WOODRUFF, SPRADLIN & SMART
A Professional Corporation


OMAR SANDOVAL
Garden Grove City Attorney

cc: Scott C. Stiles, City Manager
Lisa Kim, Assist. City Manager/Economic & Community Dev. Dir.