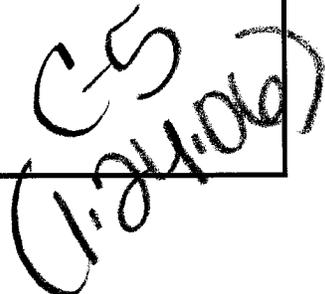


**xCOUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT General Services		(2) MEETING DATE January 24, 2006		(3) CONTACT/PHONE Duane P. Leib (805)781-5200		lvf	
(4) SUBJECT Request to approve a Resolution to Surplus and Sell County-Owned Real Property located on Taft Avenue in Cayucos to the highest qualified bidder who is an adjacent landowner.							
(5) SUMMARY OF REQUEST Approval of the attached Resolution will authorize the surplus and sale of certain real property, APN 064-042-052 in Cayucos, to the highest qualified bidder who is an adjacent landowner.							
(6) RECOMMENDED ACTION The Department of General Services recommends your Board approve the attached Resolution authorizing the Chairperson to conduct the auction and execute said Resolution, Quitclaim Deed, and Purchase Agreement.							
(7) FUNDING SOURCE(S) 1130700000		(8) CURRENT YEAR COST \$5,155		(9) ANNUAL COST N/A		(10) BUDGETED? <input type="checkbox"/> YES <input type="checkbox"/> N/A <input type="checkbox"/> NO	
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): County Counsel, County Planning, Cayucos Fire Protection District							
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____							
(13) SUPERVISOR DISTRICT(S) 1st, 2nd, 3rd, 4th, 5th, All				(14) LOCATION MAP <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A			
(15) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. 15 min _____) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)				(16) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A			
(17) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A				(18) BUDGET ADJUSTMENT REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A			

(19) ADMINISTRATIVE OFFICE REVIEW	
	
	



COUNTY OF SAN LUIS OBISPO

Department of general services

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO, CALIFORNIA 93408 • (805) 781-5200

DUANE P. LEIB, DIRECTOR

TO: BOARD OF SUPERVISORS

**FROM: *D. Leib*
DUANE P. LEIB, GENERAL SERVICES DIRECTOR**

DATE: JANUARY 24, 2006

**SUBJECT: REQUEST TO APPROVE A RESOLUTION TO SURPLUS AND SELL
COUNTY-OWNED REAL PROPERTY LOCATED ON TAFT AVENUE IN
CAYUCOS TO THE HIGHEST QUALIFIED BIDDER WHO IS AN
ADJACENT LANDOWNER.**

RECOMMENDATION

The Department of General Services recommends your Board approve the attached Resolution authorizing the Chairperson to conduct the auction and execute said Resolution, Quitclaim Deed, and Purchase Agreement.

DISCUSSION

The County of San Luis Obispo currently owns a parcel of land approximately 4,000 square feet in size at the end of Taft Street in Cayucos, abutting Highway One, APN 064-042-052. This parcel was created by Resolution of the Board of Supervisors on July 24, 2001 from the merger of remnant parcels and an abandoned street end. The property is zoned Residential Single Family and is not in an area which is under a building moratorium.

On November 23, 2004 in Resolution #2004-375, this property was declared to be surplus by the Board of Supervisors and the intent to sell was approved. The County's minimum bid price was established at \$240,000 based upon an independent appraisal. On the date of the auction, February 8, 2005, the County received no bids. The Board directed staff to research options for marketing the property, and on May 10, 2005, the Board authorized staff to return with a resolution to re-advertise the surplus and sale of this property with a new minimum bid price after review of a topographical survey and soils report.

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The soils report indicated the necessity for extensive foundation work and retaining walls for the current site. The topographical survey showed the physical constraints of the small site and steep topography, as well as the difficulties of developing Taft Street. Taft Street is a narrow, split-level dirt road that has not been improved to County standards nor accepted into the County's road system for maintenance. The purchaser of this property will need to provide CDF access to the property and to create a fire truck turn-around. The shape and topography of the lot and of Taft Avenue do not allow for the creation of a fire truck turnaround within the current boundaries of the street and the lot.

In reviewing the topographical survey with the Cayucos Fire Protection District, they have determined that they will not support development of this property in its current configuration as a potential residential homesite. It is their recommendation that the project will be better designed and will allow for improved fire safety if it can be sold to an adjacent landowner who can then do a lot-line adjustment or an easement to provide improved access. County Planning could support a lot line adjustment that increases the size of the County's parcel but keeps the adjacent parcel at least 6,000 square feet. Both adjacent property owners have parcels that exceed 6,000 square feet in size.

On November 22, 2005 in accordance with Government Code section 25526 et.seq., the County Board of Supervisors approved Resolution 2005-381 stating its intention to sell this surplus property to the highest qualified bidder who is an adjacent landowner and publishing notice of today's auction date. Based on the high costs of developing this property, the minimum opening bid will be \$100,000. The winning adjacent landowner will be required to increase the size of the property through a lot line adjustment.

The Resolution to Surplus and Sell this property authorizes the Board of Supervisors to conduct an auction today, with bidders limited to adjacent landowners. All sealed proposals that have been received shall, in public session, be opened, examined, and declared by the Board. Of the proposals submitted which conform to all terms and conditions specified in the Resolution of Intent to Surplus and Sell, and which are made by responsible bidders who are adjacent landowners, the proposal which is the highest shall be finally accepted, unless a higher oral bid is accepted or the Board rejects all bids.



Before finally accepting any written proposal, the Board calls for oral bids. If, upon the call for oral bidding, any qualified adjacent landowner offers to purchase the property upon the terms and conditions specified in the Resolution for a price exceeding, by at least 5 percent, the highest written proposal which is made by a responsible person, such highest oral bid shall be finally accepted.

OTHER AGENCY INVOLVEMENT

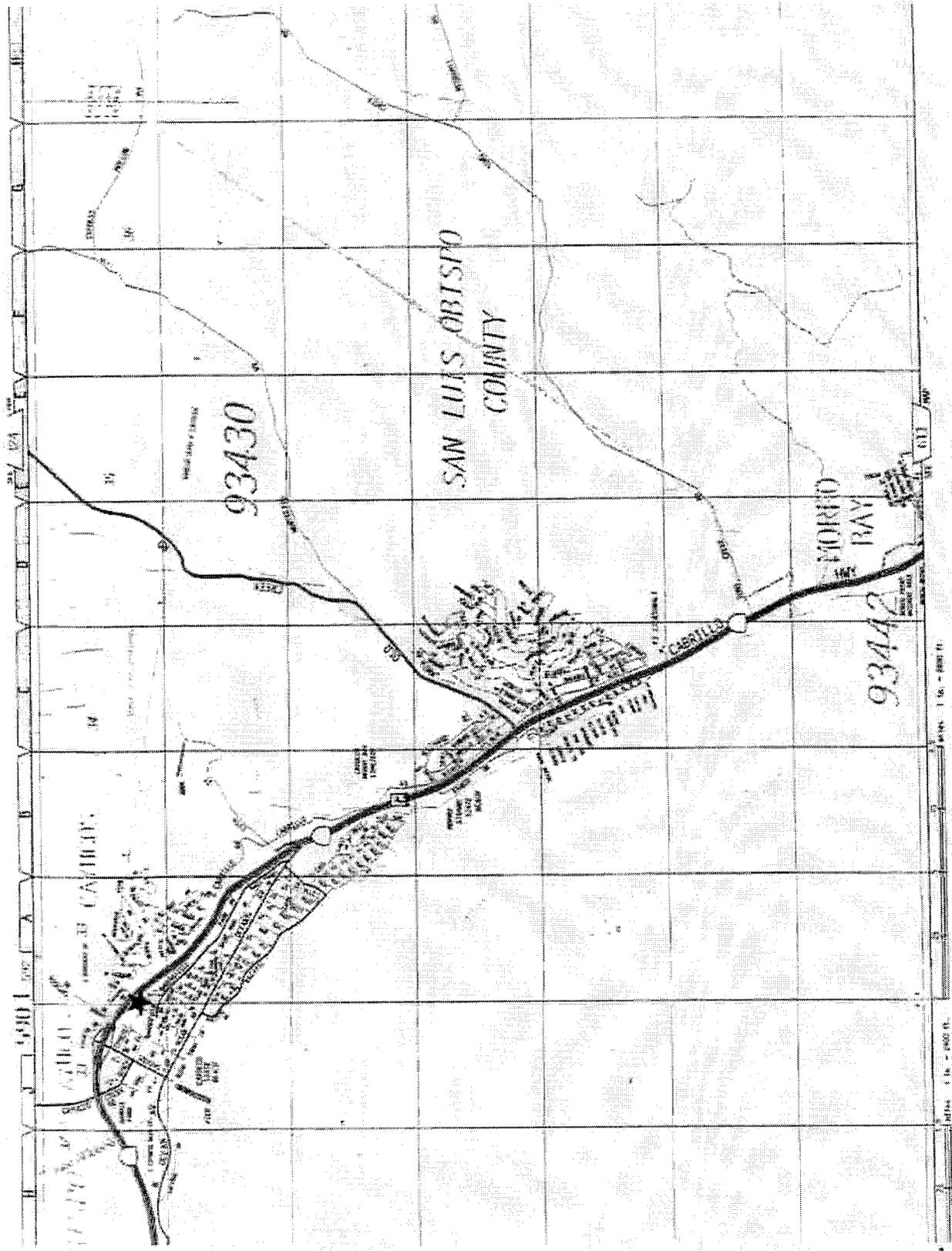
County Planning Department has determined that the proposed disposition of property is in conformance with the General Plan of the County of San Luis Obispo. The County Board of Supervisors has declared, based on the recommendation of the County Environmental Coordinator, that the sale of this property is Categorically Exempt pursuant to the California Environmental Quality Act. The Cayucos Fire Protection District has reviewed the topography of Taft Avenue and the County's property and has recommended sale to an adjacent landowner in order to create a more accessible project for fire safety. County Counsel has reviewed and approved the Resolution as to form and legal effect.

FINANCIAL CONSIDERATION

The cost of marketing the property of approximately \$800 for signage, classified advertising, and mailings was paid last fiscal year. The additional \$5,155 in costs for the topographic survey and soils report have been paid from the General Services budget for professional services. Aside from staff time, there are no other expected costs to market the property to adjacent landowners. The sales price shall be deposited to the Department of General Services, Real Property Services 1130700000, Account #4550190 Sale of Real Property, and the \$825 Surplus and Sale Fee shall be deposited to Real Property Services 1130700000, Account #4550000 Other Revenue.

RESULTS

Approval of the attached Resolution authorizes your Board to act on the surplus and sale of certain real property, APN 064-042-052 in Cayucos, auctioning the property to the highest qualified bidder who is an adjacent landowner and authorizing the Chairperson to sign the Quitclaim Deed and Purchase Agreement. It also authorizes the County Real Property Manager to execute all additional documents to complete the transaction, as specified in the Purchase Agreement.



VICINITY MAP

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I.P. PER (RI)
NOTHING FOUND.
AREA HAS BEEN
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SURVEYOR'S STATE

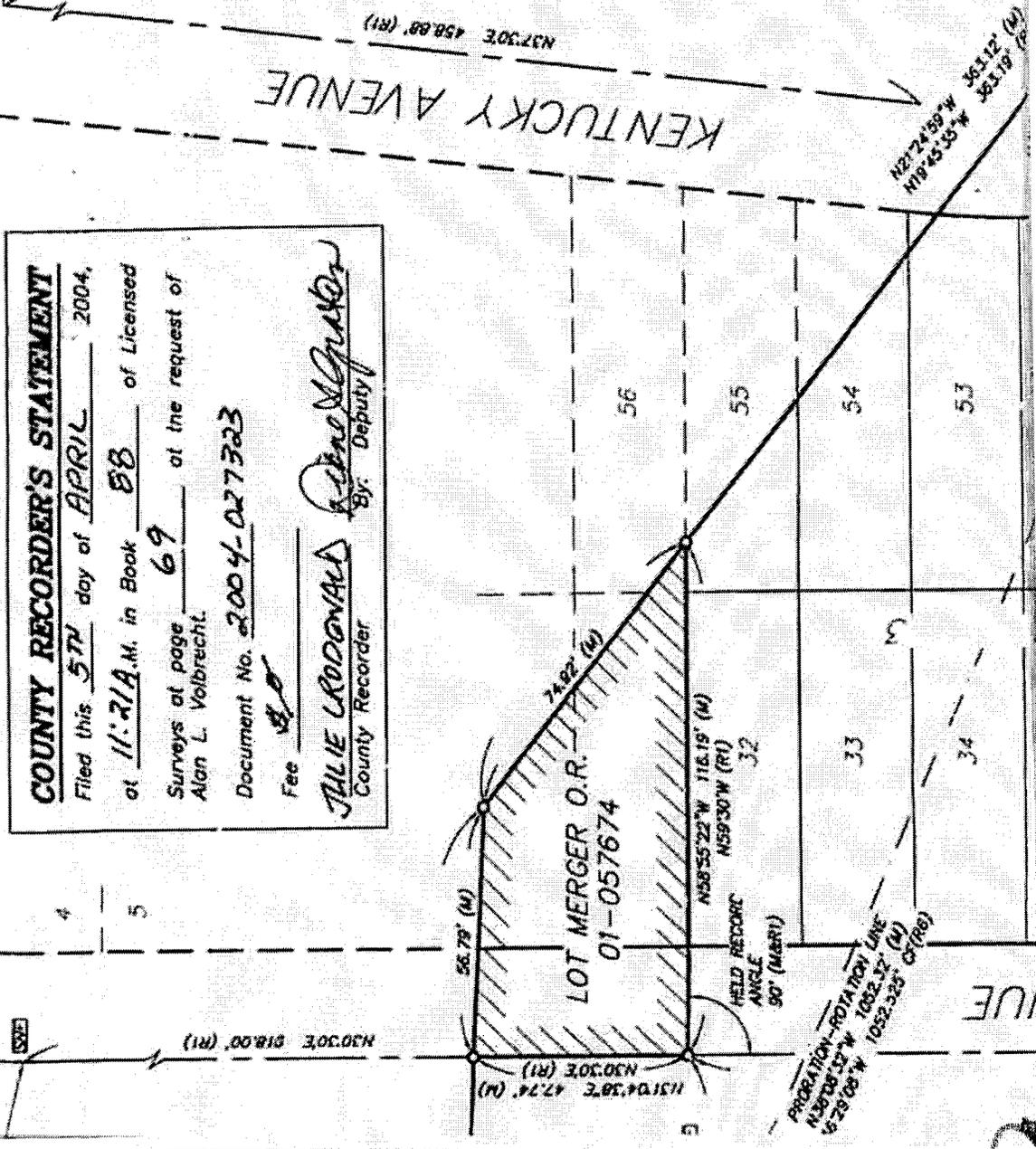
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Alan L. Volbrecht 3/24/04
ALAN L. VOLBRECHT
L.S. 5201 exp. 6-30-07

COUNTY SURVEYOR

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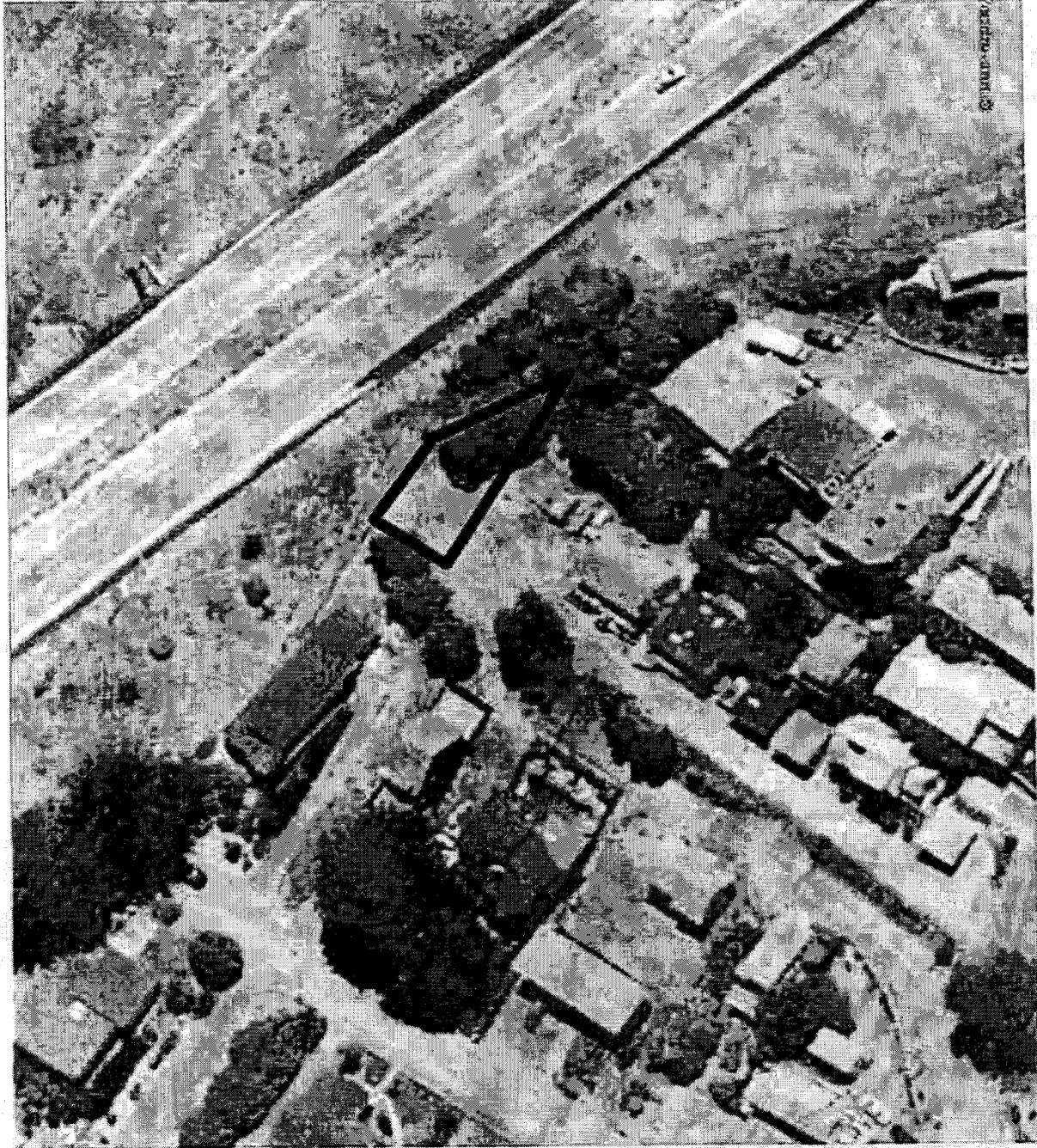
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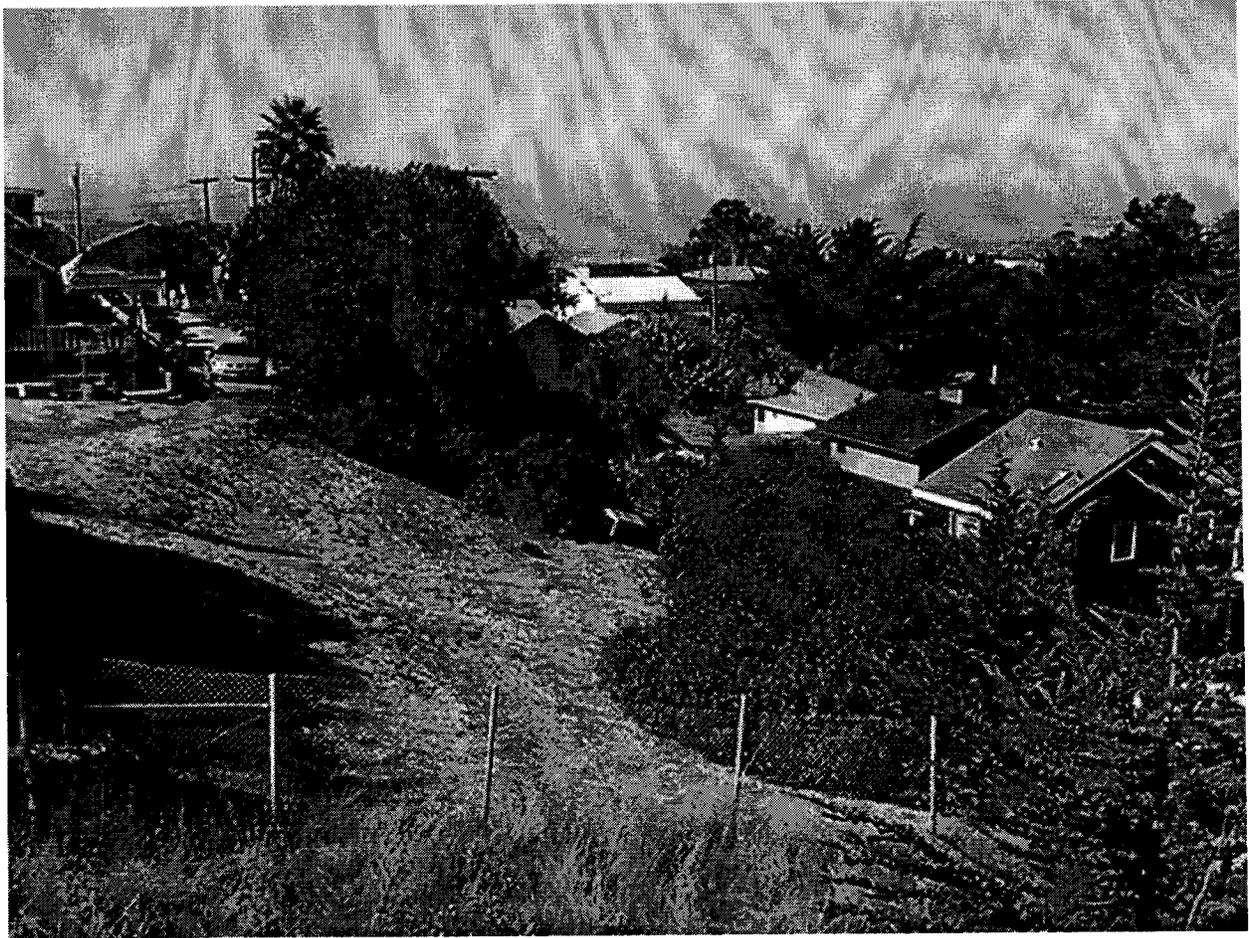
COUNTY RECORDER'S STATEMENT
Filed this 5TH day of APRIL 2004,
at 11:21 A.M. in Book 88 of Licensed
Surveys at page 69 at the request of
Alan L. Volbrecht.
Document No. 2004-027323
Fee \$8.00
JULIE RODONALD
County Recorder
By: *Alan L. Volbrecht* Deputy

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APN 064-042-052
PROPERTY LINES ARE APPROXIMATE



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IN THE BOARD OF SUPERVISORS

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ Day _____, 2006

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION TO SURPLUS AND SELL COUNTY-OWNED REAL PROPERTY LOCATED ON TAFT AVENUE IN CAYUCOS TO AN ADJACENT LANDOWNER

The following Resolution is hereby offered and read:

WHEREAS, the County of San Luis Obispo currently owns a parcel of land, zoned residential single family, approximately 4,000 square feet in size at the end of Taft Street in Cayucos, abutting Highway One, Assessor's Parcel Number 064-042-052; and

WHEREAS, this parcel was created by Resolution of the Board of Supervisors on July 24, 2001 from the merger of remnant parcels and an abandoned street end; and

WHEREAS, this parcel is not necessary for County use; and

WHEREAS, in accordance with Government Code section 25526, Resolution No. 2005-381 stating County's intention to surplus and sell this property by auction to an adjacent landowner on January 24, 2006 with a minimum bid price of \$100,000 was approved by the Board of Supervisors on November 22, 2005, and

WHEREAS, Resolution No. 2004-375, approved by the Board of Supervisors on November 23, 2004 following the recommendation of the County Environmental Coordinator, found this sale to be Categorical Exempt pursuant to the California Environmental Quality Act (CEQA) (Public Resources Codes, Section 21000 et seq.), as implemented by the State CEQA Guidelines, California Code of Regulations, Section 15312: Class 12; and

WHEREAS, the County Planning Department has determined that the County's disposition of said real property is in conformity with the County General Plan; and

WHEREAS, in accordance with Government Code section 25528, public notice of this sale has been published; and

WHEREAS, it is in the public interest to surplus and sell this parcel,

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California as follows:

1. Pursuant to Government Code 25363 the Board finds the property and all interests to be quitclaimed are not required for County use.
2. Said sale is upon the following terms and conditions:
 - a. Qualified bidders are limited to adjacent landowners.
 - b. The accepted bid price shall be payable in cash after approval of the County Board of Supervisors and execution of a Purchase Agreement.

- c. Conveyance shall be by means of a Quitclaim Deed from the County of San Luis Obispo to the Purchaser.
- d. County does not expressly or impliedly warrant marketability of title.
- e. Purchaser shall pay a non-refundable surplus and sale fee of \$825.00 to the County of San Luis Obispo in addition to the purchase price.
- f. Purchaser will process a lot line adjustment with their adjacent lot prior to re-selling the lot or applying for a building permit.

3. The Chairperson of the Board of Supervisors is hereby authorized and directed to conduct the public auction and execute the Purchase Agreement and Quitclaim Deed on behalf of the County of San Luis Obispo.

4. County Real Property Manager is authorized and directed to deliver the executed Quitclaim Deed to the winning bidder upon receipt of a cashier's check in the amount of the finally accepted bid or to deposit said deed into escrow with instruction that the deed may not be recorded until buyer's total funds have been placed in escrow and all terms and conditions of escrow have been satisfied.

5. County Real Property Manager is authorized to execute all additional necessary documents according to the terms and conditions of the fully executed Purchase Agreement.

6. The amount of the sales price shall be deposited to the Department of General Services, Real Property Services 1130700000, Account # 4550190 Sale of Real Property, and the \$825 Surplus and Sale fee shall be deposited to Real Property Services 1130700000 Other Revenue, Account #4550000.

Upon Motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing Resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: Rob Aral
Deputy County Counsel

Date: 1/4/06

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