



COUNTY OF HUMBOLDT

AGENDA ITEM NO.
C-22

For the meeting of: November 14, 2014

Date: October 20, 2014
To: Board of Supervisors
From: John Bartholomew, Treasurer-Tax Collector
Subject: RESOLUTION FOR CHAPTER 8 SALE OF TAX-DEFAULTED PROPERTIES TO THE SHELTER COVE RESORT IMPROVEMENT DISTRICT

RECOMMENDATION(S):

That the Board of Supervisors:

1. Approve Resolution # 14-94 for sale of tax-defaulted properties to the Shelter Cove Resort Improvement District No 1. (Attachment 1)
2. Approve and authorize the 'Agreement to Purchase Tax Defaulted Property' with the Shelter Cove Resort Improvement District No. 1 (Attachment 4)

SOURCE OF FUNDING:

General Fund - All Costs for the Chapter 8 Agreement Sale will be reimbursed by the Shelter Cove Resort Improvement District

DISCUSSION:

Public agencies may purchase tax-defaulted property through a Chapter 8 Agreement Sale pursuant to California Revenue and Taxation (R&T) code provided certain documentation is received in a timely manner and that the agency is qualified to make such a request.

Prepared by: John Bartholomew JB CAO Approval Amy Olsen
 REVIEW: Auditor AC County Counsel MF Human Resources _____ Other _____

TYPE OF ITEM:
 Consent
 Departmental
 Public Hearing
 Other _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
 Upon motion of Supervisor Fennell Seconded by Supervisor Bass
 Ayes Sundborg, Laidacker, Bohn, Fennell, Bass
 Nays _____
 Abstain _____
 Absent _____

PREVIOUS ACTION/REFERRAL:

Board Order No. _____
Meeting of: _____

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: November 14, 2014
By: Kathy Hayes
Kathy Hayes, Clerk of the Board

The Tax Collectors office received Resolution 14-10 (Attachment 2) from the Shelter Cove Resort Improvement District (RID) which objects to the sale of properties scheduled for the Sealed Bid Auction approved by your Board on November 19, 2014. Along with the objection to sale on Resolution 14-10 the Tax Collector's office also received an 'Application to Purchase Tax Defaulted Property from County' (Attachment 3) from the RID.

The receipt of these documents, objecting to the sale of specific properties and requesting purchase of these same properties, required the Tax Collector to confirm that the request was timely, that the properties listed in the application for purchase by the RID are within the jurisdiction of the RID, and that the RID is qualified to make the request. Having confirmed that the documents were in order, received timely, and that the RID is a qualifying entity per R&T codes 3695 and 3695.4, the properties listed on the Application to Purchase and currently scheduled for sale in February shall not be offered at the public sale provided your Board authorizes the Agreement to Purchase Tax-Defaulted Property (Attachment 4) between the County of Humboldt and the RID.

Exhibit A, (Attachment 5) for the 'Agreement', provides the required physical address of the properties and the intended public purpose for these properties as required in a Chapter 8 sale. Because all documentation requirements for a Chapter 8 sale have been met by the RID the Tax Collector recommends approval of the resolution (Attachment 1) and the agreement (Attachment 4) to sell these properties to the RID.

Once approved by your Board the agreement and all supporting documents will be sent to the California State Controller for approval per R&T code 3795.

FINANCIAL IMPACT:

The agreement (Attachment 4) specifies that the RID will pay the minimum bid amount previously approved by your Board for the Sealed Bid Auction properties. All additional costs of the sale including notification of parties of interest and publication costs will be reimbursed by the RID.

Each of these parcels had been through between 2 and 4 Tax Sale Auctions previously with no bids indicating they have little, if any, real value. The net effect of this Chapter 8 Agreement Sale is that the costs for conducting this sale to the RID will be covered, and these properties will become absorbed by the RID; thereby saving significant future staff time through the removal of these previously uncollectable parcels from being billable on the tax roll.

OTHER AGENCY INVOLVEMENT:

Shelter Cove resort Improvement District No. 1

ALTERNATIVES TO STAFF RECOMMENDATIONS:

None; State law requires the Tax Collector to sell tax delinquent parcels at auction with Board of Supervisors approval and to follow statutory requirements when a Chapter 8 sale is requested by a qualified taxing agency.

ATTACHMENTS:

1. **Board Resolution authorizing Chapter 8 Agreement Sale**
2. **Resolution 14-10 from the Shelter Cove Resort Improvement District**
3. **Application to Purchase Tax Defaulted Property**
4. **Agreement to Purchase Tax Defaulted Property**
5. **Exhibit A: Chapter 8 Sale Properties**

ATTACHMENT 1

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of November 14, 2014

RESOLUTION NO. 14-94

RESOLUTION AUTHORIZING THE CHAPTER 8 SALE OF TAX-DEFAULTED PROPERTIES TO THE SHELTER COVE RESORT IMPROVEMENT DISTRICT NO. 1

WHEREAS, the Humboldt County Tax Collector received Resolution 14-10 from the Shelter Cove Resort Improvement District No. 1 (RID) objecting to the sale of 10 tax-defaulted properties within the boundaries of their district; and

WHEREAS, the RID submitted an 'Application to Purchase Tax Defaulted Property from County' for acquiring those 10 tax-defaulted properties within their jurisdiction and submitted the required mission statement and district map; and

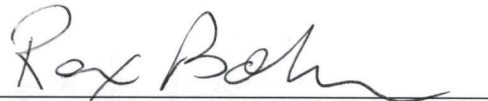
WHEREAS, the RID has been found to be a qualified public agency authorized to request the purchase of tax-defaulted properties within their jurisdiction per Revenue and Taxation (R&T) code 3695 and 3695.4; and

WHEREAS, an 'Agreement to Purchase Tax-Defaulted Property' has been written, agreed to, and signed by the RID, and received back by the Tax Collector along with all required supportive documentation; and

WHEREAS, all documentation once approved by the Board of Supervisors will be further submitted to the California State Controller's Office for final approval per R&T code 3795.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Humboldt County hereby approve and authorize the sale of the tax-defaulted properties to the Shelter Cove Resort Improvement District No. 1 and authorize the Board Chairperson to sign the 'Agreement to Purchase Tax Defaulted Property,' in accordance with the rules governing Chapter 8 sales to public agencies.

Dated: November 14, 2014



REX BOHN, Chair
Humboldt County Board of Supervisors

Adopted on motion by Supervisor Fennell, seconded by Supervisor Bass, and the following vote:

AYES:	Supervisors	Sundberg, Lovelace, Bohn, Fennell, Bass
NAYS:	Supervisors	--
ABSENT:	Supervisors	--
ABSTAIN:	Supervisors	--

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

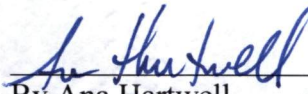
Certified copy of portion of proceedings, Meeting of November 14, 2014

RESOLUTION NO. 14-94

STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my Office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.



By Ana Hartwell

Deputy Clerk of the Board of Supervisors of the
County of Humboldt, State of California

ATTACHMENT 2

RESOLUTION 14-10
OF
RESORT IMPROVEMENT DISTRICT NO. 1 AND SHELTER COVE
SEWER AND OTHER FACILITIES MAINTENANCE DISTRICT NO. 1,
RESOLUTION OF INTENT TO PURCHASE TAX DEFAULTED PROPERTIES

WHEREAS, the Humboldt County Tax Collector will hold a sealed bid auction of tax-defaulted properties on November 19th, 2014 at 2:15 pm; and

WHEREAS, the Resort Improvement District No. 1 (RID) have evaluated and considered Shelter Cove tax-defaulted properties; and

WHEREAS, the RID Board object to the sale of several of the tax-defaulted properties as listed below; and

WHEREAS, the RID Board have reached a consensus that the following properties are best suited for the public purpose of building public infrastructure and/or greenbelt access and use; and

WHEREAS, the RID Board approves a budget of up to \$5,000 to purchase the several tax-defaulted properties and cover any costs associated with conveyance;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Resort Improvement District No. 1 hereby:

1. Approves the RID acquire the following properties:

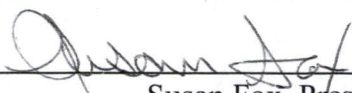
109-061-019-000, 109-171-012-000, 109-221-005-000, 109-251-041-000,
109-261-003-000, 109-261-022-000, 110-071-001-000, 110-071-003-000,
110-151-030-000, 110-251-039-000


2. Appoints the General Manager as agent to submit all documents which may be necessary for the completion of the acquisitions.

APPROVED AND ADOPTED this 16th day of October, 2014 at a Special Meeting of the Board of Directors of the RESORT IMPROVEMENT DISTRICT NO. 1, by the following vote:

AYES: Fox, Caldwell, Fiedler, Harper
NOES: None
ABSENT: Corley
ABSTAIN: None

RESORT IMPROVEMENT DISTRICT NO. 1

By: 
Susan Fox, President
Board of Directors

ATTEST: 
Philip Young, Board Secretary

ATTACHMENT 3

* Application to Purchase Tax-Defaulted Property from County

This application must be completed by an eligible purchasing entity to commence purchase of tax-defaulted property by agreement sale from the county under applicable provisions of the California Revenue and Taxation Code. Complete the following sections and supply supporting documentation. Completion of this application does not guarantee purchase approval.

A. Purchaser Information

1. Name of Organization: RESORT IMPROVEMENT DISTRICT N°1
2. Corporate Structure – check the appropriate box below and provide the corresponding information:
 - Nonprofit – provide Articles of Incorporation
 - Public Agency – provide mission statement (if redevelopment agency or special district, provide jurisdiction map)

B. Purchasing Information

Determine which category the parcel falls under and then check the appropriate box as it relates to the purchasing entity's corporate structure and the intended use of the parcel: (Note: From the six choices, check only one)

Category A: Parcel is currently scheduled for a Chapter 7 tax sale

- Purchase by tax agency/revenue district to preserve its lien
- Purchase by State, county, revenue district, special district, or redevelopment agency for public purpose
- Purchase by nonprofit for low-income housing or to preserve open space

Category B: Parcel is *not* currently scheduled for a Chapter 7 tax sale

- Purchase by taxing agency for public purpose
- Purchase by State, county, revenue district, special district, or redevelopment agency for public purpose
- Purchase by nonprofit for low-income housing or to preserve open space

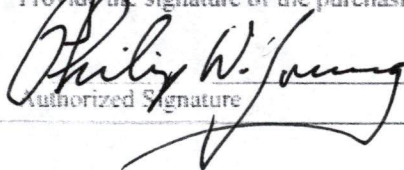
C. Property Detail

Provide the following information. If you need more space for any of the criteria, consolidate the information into a separate "Exhibit" document and attach it to this application:

1. County where the parcel(s) is located: HUMBOLDT COUNTY
2. List each parcel by Assessor's Parcel Number: 109-061-019-000
3. State the purpose and intended use for each parcel: WATER UTILITY ACCESS

D. Acknowledgement Detail

Provide the signature of the purchasing entity's authorized officer


Authorized Signature

GENERAL MANAGER
Title

10/17/14
Date

AGF-16 (SCO 8-16)

* Application to Purchase Tax-Defaulted Property from County

This application must be completed by an eligible purchasing entity to commence purchase of tax-defaulted property by agreement sale from the county under applicable provisions of the California Revenue and Taxation Code. Complete the following sections and supply supporting documentation. Completion of this application does not guarantee purchase approval.

A. Purchaser Information

1. Name of Organization: RESORT IMPROVEMENT DISTRICT N°1
2. Corporate Structure – check the appropriate box below and provide the corresponding information:
 - Nonprofit – provide Articles of Incorporation
 - Public Agency – provide mission statement (if redevelopment agency or special district, provide jurisdiction map)

B. Purchasing Information

Determine which category the parcel falls under and then check the appropriate box as it relates to the purchasing entity's corporate structure and the intended use of the parcel: (Note: From the six choices, check only one)

Category A: Parcel is currently scheduled for a Chapter 7 tax sale

- Purchase by tax agency/revenue district to preserve its lien
- Purchase by State, county, revenue district, special district, or redevelopment agency for public purpose
- Purchase by nonprofit for low-income housing or to preserve open space

Category B: Parcel is *not* currently scheduled for a Chapter 7 tax sale

- Purchase by taxing agency for public purpose
- Purchase by State, county, revenue district, special district, or redevelopment agency for public purpose
- Purchase by nonprofit for low-income housing or to preserve open space

C. Property Detail

Provide the following information. If you need more space for any of the criteria, consolidate the information into a separate "Exhibit" document and attach it to this application:

1. County where the parcel(s) is located: HUMBOLDT COUNTY
2. List each parcel by Assessor's Parcel Number: 109-171-012-000
3. State the purpose and intended use for *each* parcel: GREENBELT ACCESS

D. Acknowledgement Detail

Provide the signature of the purchasing entity's authorized officer

Philip W. Jouney
Authorized Signature

GENERAL MANAGER
Title

10/17/14
Date

AGF-16 (SCO 8-16)

* Application to Purchase Tax-Defaulted Property from County

This application must be completed by an eligible purchasing entity to commence purchase of tax-defaulted property by agreement sale from the county under applicable provisions of the California Revenue and Taxation Code. Complete the following sections and supply supporting documentation. Completion of this application does not guarantee purchase approval.

A. Purchaser Information

1. Name of Organization: RESORT IMPROVEMENT DISTRICT N°1
2. Corporate Structure – check the appropriate box below and provide the corresponding information:
 - Nonprofit – provide Articles of Incorporation
 - Public Agency – provide mission statement (if redevelopment agency or special district, provide jurisdiction map)

B. Purchasing Information

Determine which category the parcel falls under and then check the appropriate box as it relates to the purchasing entity's corporate structure and the intended use of the parcel: (Note: From the six choices, check only one)

Category A: Parcel is currently scheduled for a Chapter 7 tax sale

- Purchase by tax agency/revenue district to preserve its lien
- Purchase by State, county, revenue district, special district, or redevelopment agency for public purpose
- Purchase by nonprofit for low-income housing or to preserve open space

Category B: Parcel is *not* currently scheduled for a Chapter 7 tax sale

- Purchase by taxing agency for public purpose
- Purchase by State, county, revenue district, special district, or redevelopment agency for public purpose
- Purchase by nonprofit for low-income housing or to preserve open space

C. Property Detail

Provide the following information. If you need more space for any of the criteria, consolidate the information into a separate "Exhibit" document and attach it to this application:

1. County where the parcel(s) is located: HUMBOLDT COUNTY
2. List each parcel by Assessor's Parcel Number: 109-221-005-000
3. State the purpose and intended use for *each* parcel: GREENBELT ACCESS

D. Acknowledgement Detail

Provide the signature of the purchasing entity's authorized officer

Philip W. Journey
Authorized Signature

GENERAL MANAGER
Title

10/17/14
Date

AGF-16 (SCO 8-16)

* Application to Purchase Tax-Defaulted Property from County

This application must be completed by an eligible purchasing entity to commence purchase of tax-defaulted property by agreement sale from the county under applicable provisions of the California Revenue and Taxation Code. Complete the following sections and supply supporting documentation. Completion of this application does not guarantee purchase approval.

A. Purchaser Information

- 1. Name of Organization: RESORT IMPROVEMENT DISTRICT N°1
- 2. Corporate Structure – check the appropriate box below and provide the corresponding information:
 - Nonprofit – provide Articles of Incorporation
 - Public Agency – provide mission statement (if redevelopment agency or special district, provide jurisdiction map)

B. Purchasing Information

Determine which category the parcel falls under and then check the appropriate box as it relates to the purchasing entity's corporate structure and the intended use of the parcel: (Note: From the six choices, check only one)

Category A: Parcel is currently scheduled for a Chapter 7 tax sale

- Purchase by tax agency/revenue district to preserve its lien
- Purchase by State, county, revenue district, special district, or redevelopment agency for public purpose
- Purchase by nonprofit for low-income housing or to preserve open space

Category B: Parcel is *not* currently scheduled for a Chapter 7 tax sale

- Purchase by taxing agency for public purpose
- Purchase by State, county, revenue district, special district, or redevelopment agency for public purpose
- Purchase by nonprofit for low-income housing or to preserve open space

C. Property Detail

Provide the following information. If you need more space for any of the criteria, consolidate the information into a separate "Exhibit" document and attach it to this application:

- 1. County where the parcel(s) is located: HUMBOLDT COUNTY
- 2. List each parcel by Assessor's Parcel Number: 109-251-041-000
- 3. State the purpose and intended use for each parcel: GREENBELT ACCESS

D. Acknowledgement Detail

Provide the signature of the purchasing entity's authorized officer

Philip W. Young
Authorized Signature

GENERAL MANAGER
Title

10/17/14
Date

AGF-16 (SCO 8-16)

* Application to Purchase Tax-Defaulted Property from County

This application must be completed by an eligible purchasing entity to commence purchase of tax-defaulted property by agreement sale from the county under applicable provisions of the California Revenue and Taxation Code. Complete the following sections and supply supporting documentation. Completion of this application does not guarantee purchase approval.

A. Purchaser Information

- 1. Name of Organization: RESORT IMPROVEMENT DISTRICT N°1
- 2. Corporate Structure – check the appropriate box below and provide the corresponding information:
 - Nonprofit – provide Articles of Incorporation
 - Public Agency – provide mission statement (if redevelopment agency or special district, provide jurisdiction map)

B. Purchasing Information

Determine which category the parcel falls under and then check the appropriate box as it relates to the purchasing entity's corporate structure and the intended use of the parcel: (Note: From the six choices, check only one)

Category A: Parcel is currently scheduled for a Chapter 7 tax sale

- Purchase by tax agency/revenue district to preserve its lien
- Purchase by State, county, revenue district, special district, or redevelopment agency for public purpose
- Purchase by nonprofit for low-income housing or to preserve open space

Category B: Parcel is *not* currently scheduled for a Chapter 7 tax sale

- Purchase by taxing agency for public purpose
- Purchase by State, county, revenue district, special district, or redevelopment agency for public purpose
- Purchase by nonprofit for low-income housing or to preserve open space

C. Property Detail

Provide the following information. If you need more space for any of the criteria, consolidate the information into a separate "Exhibit" document and attach it to this application:

- 1. County where the parcel(s) is located: HUMBOLDT COUNTY
- 2. List each parcel by Assessor's Parcel Number: 109-261-003-000
- 3. State the purpose and intended use for each parcel: GREENBELT ACCESS

D. Acknowledgement Detail

Provide the signature of the purchasing entity's authorized officer

Philip W. Young
Authorized Signature

GENERAL MANAGER
Title

10/17/14
Date

AGF-16 (SCO 8-16)

* Application to Purchase Tax-Defaulted Property from County

This application must be completed by an eligible purchasing entity to commence purchase of tax-defaulted property by agreement sale from the county under applicable provisions of the California Revenue and Taxation Code. Complete the following sections and supply supporting documentation. Completion of this application does not guarantee purchase approval.

A. Purchaser Information

1. Name of Organization: RESORT IMPROVEMENT DISTRICT N°1
2. Corporate Structure – check the appropriate box below and provide the corresponding information:
 - Nonprofit – provide Articles of Incorporation
 - Public Agency – provide mission statement (if redevelopment agency or special district, provide jurisdiction map)

B. Purchasing Information

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Category A: Parcel is currently scheduled for a Chapter 7 tax sale

- Purchase by tax agency/revenue district to preserve its lien
- Purchase by State, county, revenue district, special district, or redevelopment agency for public purpose
- Purchase by nonprofit for low-income housing or to preserve open space

Category B: Parcel is *not* currently scheduled for a Chapter 7 tax sale

- Purchase by taxing agency for public purpose
- Purchase by State, county, revenue district, special district, or redevelopment agency for public purpose
- Purchase by nonprofit for low-income housing or to preserve open space


C. Property Detail

Provide the following information. If you need more space for any of the criteria, consolidate the information into a separate "Exhibit" document and attach it to this application:

1. County where the parcel(s) is located: HUMBOLDT COUNTY
2. List each parcel by Assessor's Parcel Number: 109-261-022-000
3. State the purpose and intended use for *each* parcel: GREENBELT ACCESS

D. Acknowledgement Detail

Provide the signature of the purchasing entity's authorized officer


Authorized Signature

GENERAL MANAGER
Title

10/17/14
Date

AGF-16 (SCO 8-16)

* Application to Purchase Tax-Defaulted Property from County

This application must be completed by an eligible purchasing entity to commence purchase of tax-defaulted property by agreement sale from the county under applicable provisions of the California Revenue and Taxation Code. Complete the following sections and supply supporting documentation. Completion of this application does not guarantee purchase approval.

A. Purchaser Information

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 - Public Agency – provide mission statement (if redevelopment agency or special district, provide jurisdiction map)

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Category A: Parcel is currently scheduled for a Chapter 7 tax sale

- Purchase by tax agency/revenue district to preserve its lien
- Purchase by State, county, revenue district, special district, or redevelopment agency for public purpose
- Purchase by nonprofit for low-income housing or to preserve open space

Category B: Parcel is *not* currently scheduled for a Chapter 7 tax sale

- Purchase by taxing agency for public purpose
- Purchase by State, county, revenue district, special district, or redevelopment agency for public purpose
- Purchase by nonprofit for low-income housing or to preserve open space

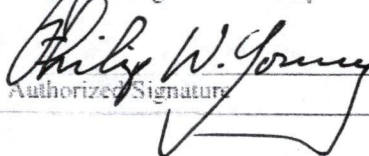
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Provide the following information. If you need more space for any of the criteria, consolidate the information into a separate "Exhibit" document and attach it to this application:

1. County where the parcel(s) is located: HUMBOLDT COUNTY
2. List each parcel by Assessor's Parcel Number: 110-071-001-000
3. State the purpose and intended use for each parcel: GREENBELT ACCESS

D. Acknowledgement Detail

Provide the signature of the purchasing entity's authorized officer


Authorized Signature

GENERAL MANAGER
Title

10/17/14
Date

AGF-16 (SCO 8-16)

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Category B: Parcel is *not* currently scheduled for a Chapter 7 tax sale

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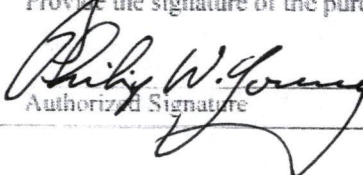
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Provide the following information. If you need more space for any of the criteria, consolidate the information into a separate "Exhibit" document and attach it to this application:

1. County where the parcel(s) is located: HUMBOLDT COUNTY
2. List each parcel by Assessor's Parcel Number: 110-071-003-000
3. State the purpose and intended use for each parcel: GREENBELT ACCESS

D. Acknowledgement Detail

Provide the signature of the purchasing entity's authorized officer



 GENERAL MANAGER
10/17/14
 Authorized Signature Title Date

AGF-16 (SCO 8-16)

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- Purchase by nonprofit for low-income housing or to preserve open space

Category B: Parcel is *not* currently scheduled for a Chapter 7 tax sale

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- Purchase by State, county, revenue district, special district, or redevelopment agency for public purpose
- Purchase by nonprofit for low-income housing or to preserve open space

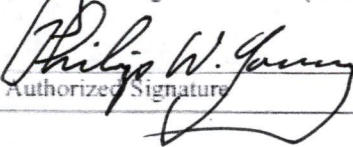
C. Property Detail

Provide the following information. If you need more space for any of the criteria, consolidate the information into a separate "Exhibit" document and attach it to this application:

- County where the parcel(s) is located: HUMBOLDT COUNTY
- List each parcel by Assessor's Parcel Number: 110-151-030-000
- State the purpose and intended use for each parcel: GREENBELT ACCESS

D. Acknowledgement Detail

Provide the signature of the purchasing entity's authorized officer


Authorized Signature

GENERAL MANAGER
Title

10/17/14
Date

AGF-16 (SCO 8-16)

* Application to Purchase Tax-Defaulted Property from County

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C. Property Detail

Provide the following information. If you need more space for any of the criteria, consolidate the information into a separate "Exhibit" document and attach it to this application:

1. County where the parcel(s) is located: HUMBOLDT COUNTY
2. List each parcel by Assessor's Parcel Number: 110-251-039-000
3. State the purpose and intended use for *each* parcel: GREENBELT ACCESS

D. Acknowledgement Detail

Provide the signature of the purchasing entity's authorized officer

Philip W. Young
Authorized Signature

GENERAL MANAGER
Title

10/17/14
Date

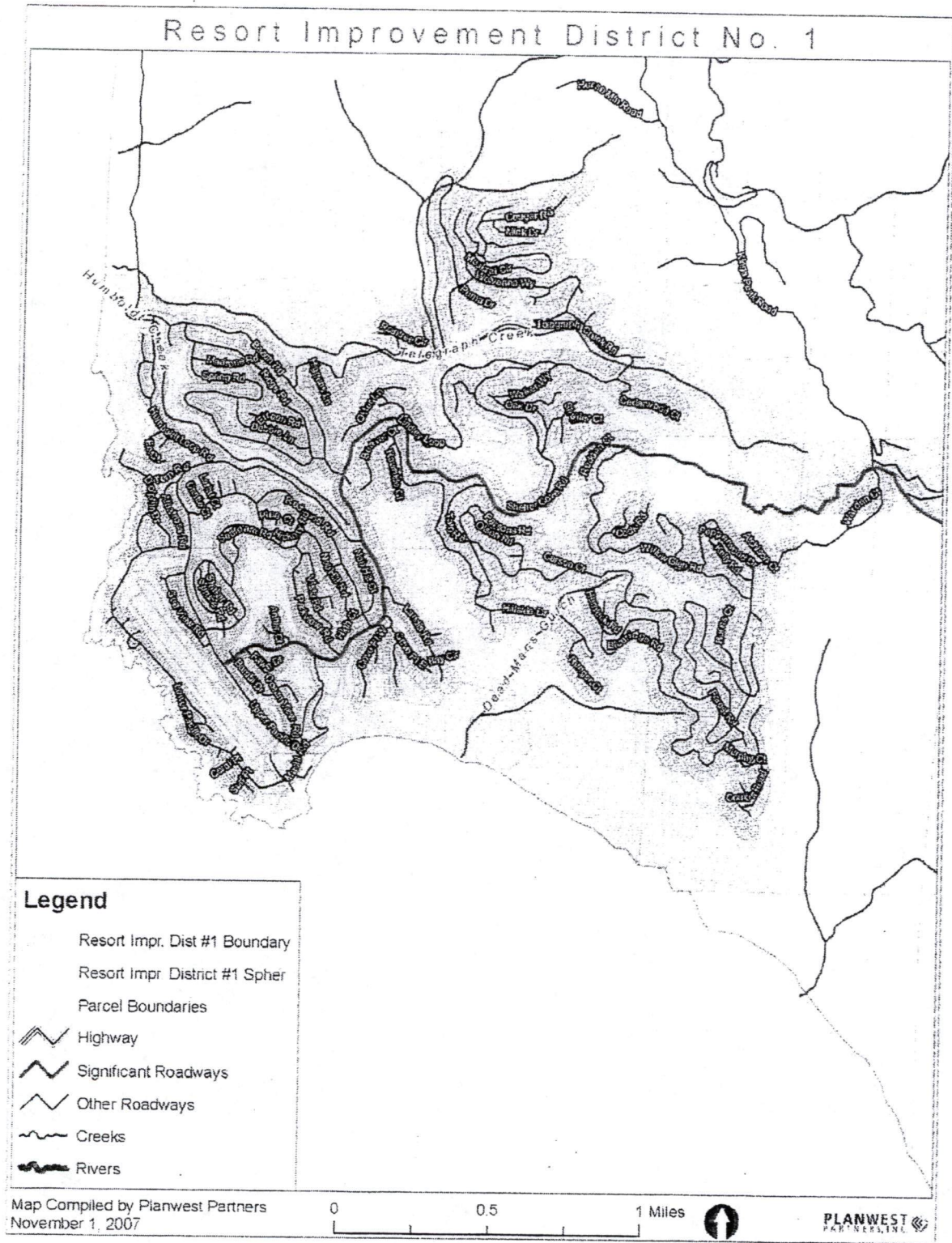
AGF-16 (SCO 8-16)

Resort Improvement District Mission Statement

The Resort Improvement District No. 1 provides reliable electric, water and wastewater utility services, fire protection and emergency medical services, and management of greenbelts and public recreation within Shelter Cove.

Passed 4/15/10

Figure 1. Boundary and Sphere of Influence



ATTACHMENT 4

AGREEMENT TO PURCHASE TAX-DEFAULTED PROPERTY

This Agreement is made this 14th day of November, 2014 by and between the COUNTY OF HUMBOLDT, a political subdivision of the State of California ("COUNTY"), and the RESORT IMPROVEMENT DISTRICT AND OTHER FACILITIES MAINTENANCE DISTRICT NO. 1, in accordance with provisions of California law ("PURCHASER") with reference to the following facts:

RECITALS

A. The real property situated within said county, hereinafter set forth and described in Exhibit "A" of this Agreement, is tax-defaulted and is subject to the power of sale by the tax collector of said county for the nonpayment of taxes, pursuant to provisions of law.

AGREEMENT

In consideration of the mutual promises herein set forth, the parties mutually agree as follows:

1. Payment for Notice. As provided by Section 3800 of the Revenue and Taxation Code, PURCHASER shall pay the cost of giving notice of this Agreement and the cost of publication or posting the Notice of Agreement.
2. Purchase and Evidence of Title. Within twenty-one (21) days from the effective date of this Agreement, PURCHASER also agrees to pay a sum sufficient to redeem the delinquent property taxes pursuant to Revenue and Taxation Code section 3793.1(a) or a reduced price in accordance with section 3793.1(b). The approval and notice process will determine the effective date of the sale and the final purchase price. PURCHASER agrees to pay the amount specified in Exhibit "A" for the properties described in Exhibit "A": Payment shall be by Humboldt County Journal Voucher, cash or certified funds payable to the County Tax Collector. Upon receipt of said sums by the Tax Collector, the Tax Collector shall execute and record a deed conveying title to said property to PURCHASER and after recordation the deeds will be returned to the purchaser by the County Clerk/Recorder.
3. No Representation. COUNTY makes no representation concerning the condition of title to the subject property. Additionally, COUNTY makes no representation concerning the physical condition of the subject property and PURCHASER acknowledges that it is not relying upon any statements or representations of the COUNTY concerning the subject property and is purchasing the subject property in its "as is" condition.

4. Other Expenses. PURCHASER shall pay the other expenses in addition to the purchase price of the property, including but not limited to the cost of proceeding to obtain a clear title to the property, and the expenses incurred in the payment, compromise or other method of removal of any liens or adverse claims against the property.
5. Treated as A Single Transaction. COUNTY shall sell the parcels listed in Exhibit "A" as a single transaction to the PURCHASER in consideration of the receipt of the payments in paragraphs 1. through 3.
6. Redemption. If any of the parcels listed in Exhibit "A" are redeemed prior to the effective date of this agreement, this Agreement shall be null and void as to that parcel. Notwithstanding the foregoing, the Agreement shall be binding and shall remain in full force and effect with respect to any remaining parcel(s).
7. Purchaser's Default. This Agreement shall become null and void and the right of redemption restored upon the PURCHASER'S failure to comply with the terms and conditions of this Agreement prior to the tax deed recordation. The PURCHASER will be required to reimburse the Tax Collector for the costs for providing notice, publication, and actual costs incurred for preparing and conducting the Chapter 8 Agreement Sale if these expenses have already been incurred.
8. Indemnity. The PURCHASER shall indemnify COUNTY from and against any and all liability, loss, costs, damages, fees of attorneys, and other expenses which COUNTY may sustain or incur by reason of a challenge to the validity of the tax-default sale of the property described in Exhibit "A". Pursuant to Section 3809 of the California Revenue and Taxation Code, a proceeding based on alleged invalidity or irregularity of any proceeding instituted can only be commenced within one year after the date of execution of the Tax Collector's deed. Therefore, PURCHASER may find it prudent to delay any improvement on the property for this one-year period.
9. Environmental Condition of Property. The parcels acquired pursuant to this Agreement may contain hazardous wastes, toxic substances, or other substances regulated by federal, state, and local agencies. COUNTY in no way whatsoever assumes any responsibility, implied or otherwise, and makes no representations that the parcels are in compliance with federal, state, or local laws governing such substances. COUNTY in no way assumes any responsibility, implied or otherwise, for any costs or liability of any kind imposed upon or voluntarily assumed by PURCHASER or any other owner to remediate, clean up, or otherwise bring into compliance according to federal, state, or local environmental laws any parcel purchased.
10. CERCLA. COUNTY and PURCHASER agree that, under 42 U.S.C. § 9601(20)(D), the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") expressly excludes local and state governments from clean up liability for properties they acquire as a result of tax delinquencies. Notwithstanding this provision, PURCHASER shall defend, indemnify, and hold harmless COUNTY, its Board of Supervisors, officers, directors, agents, employees and volunteers from and against any and all demands, claims, actions, liabilities, losses, damages, and costs, including reasonable attorneys' fees, arising out of or resulting from the performance of this Agreement, regardless of

whether caused in part by a party indemnified hereunder, including but not limited to allegations that COUNTY and/or COUNTY's officers, directors, agents, employees, or volunteers are liable for costs or other charges related to the remediation, clean up, or other work necessary to bring any parcel purchased under this Agreement into compliance with federal, state, or local environmental laws.

11. Approval by State Controller. Revenue and Taxation Code Section 3795 requires this Agreement to be submitted to and approved by the California State Controller before it becomes final. The Agreement is not in effect until State Controller authorization is received.

The undersigned hereby agree to the terms and conditions of this agreement and are duly authorized to sign for said agencies.

ATTEST:

RESORT IMPROVEMENT DISTRICT
NO. 1 AND SHELTER COVE SEWER
AND OTHER FACILITIES
MAINTENANCE DISTRICT NO.1

By: [Signature]

By: [Signature]

(SEAL)

ATTEST:

BOARD OF SUPERVISORS OF
HUMBOLDT COUNTY

By: [Signature]
Clerk of the Board of Supervisors

By: [Signature]

By: [Signature]
Deputy

By: [Signature]
Chairman

(SEAL)

Pursuant to the provisions of Section 3795 of the Revenue and Taxation Code, the Controller approves the foregoing agreement this _____ day of _____, _____.

JOHN CHIANG,
CALIFORNIA STATE CONTROLLER

By: _____

Exhibit A

The **Resort Improvement District No. 1 and Shelter Cove Sewer and Other Facilities Maintenance District No. 1** have objected to the sale of the following County of Humboldt tax defaulted properties scheduled for Sealed Bid Auction located within the Shelter Cove Districts, and have made a purchase request for those same properties per their Resolution # 14-10:

<u>APN</u>	<u>ADDRESS</u>	<u>Minimum Bid</u>	<u>Public Purpose/ Intended Use</u>
109-061-019-000	198 Rain Tree Circle	\$157.50	Water Utility Access
109-171-012-000	241 Humboldt Loop Rd	\$ 202.50	Greenbelt Access
109-221-005-000	428 Telegraph Creek Rd	\$ 172.50	Greenbelt Access
109-251-041-000	416 Telegraph Creek Rd	\$ 187.50	Greenbelt Access
109-261-003-000	119 Shaller Ct	\$ 217.50	Greenbelt Access
109-261-022-000	911 Telegraph Creek Rd	\$ 187.50	Greenbelt Access
110-071-001-000	172 Willow Glen Rd	\$ 187.50	Greenbelt Access
110-071-003-000	204 Willow Glen Rd	\$ 187.50	Greenbelt Access
110-151-030-000	2354 Toth Rd	\$ 187.50	Greenbelt Access
110-251-039-000	624 Blueridge Rd	\$ 157.50	Greenbelt Access

Signed: _____

Philip W. Young
Philip Young, General Manager, Resort Improvement
District No. 1 & Other Facilities Maintenance District No. 1

Dated: _____

10/27/2014

ATTACHMENT 5

Exhibit A

The Resort Improvement District No. 1 and Shelter Cove Sewer and Other Facilities Maintenance District No. 1 have objected to the sale of the following County of Humboldt tax defaulted properties scheduled for Sealed Bid Auction located within the Shelter Cove Districts, and have made a purchase request for those same properties per their Resolution # 14-10:

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