



# COUNTY OF HUMBOLDT

For the meeting of: 7/30/2019

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File #: 19-988

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**To:** Board of Supervisors

**From:** Public Works

**Agenda Section:** Consent

**SUBJECT:**

Proposed Sale of Encroached Area of Assessor Parcel Number 514-181-069 to Stratte-McClure Living Trust

**RECOMMENDATION(S):**

That the Board of Supervisors:

1. Find and declare the encroached area of real property of Assessor Parcel Number 514-181-069 is no longer necessary for the county or other public purposes pursuant to Government Code section 25526.5;
2. Approve the sale of the encroached area of real property to Stratte-McClure Living Trust;
3. Authorize the Chair of the Board to execute a Real Property Purchase and Lot Line Adjustment Agreement;
4. Authorize the Chair of the Board to execute the Notice of Lot Line Adjustment and Certificate of Subdivision Compliance in the presence of a notary;
5. Authorize the Chair of the Board to execute a Grant Deed for the encroached area of real property for the Lot Line Adjustment in the presence of a notary;
6. Authorize and direct Humboldt County Public Works to open Escrow with any title company;
7. Authorize the Director of Public Works to sign all escrow documents, with the exception of the Grant Deed of the encroached area of real property for the Lot Line Adjustment;
8. Direct the Clerk of the Board to return the executed Real Property Purchase and Lot Line Adjustment Agreement, Notice of Lot Line Adjustment and Certificate of Subdivision Compliance, and Grant Deed to Humboldt County Public Works; and
9. Authorize Public Works to return the executed Real Property Purchase and Lot Line Adjustment Agreement, Notice of Lot Line Adjustment and Certificate of Subdivision Compliance, and Grant Deed to the escrow company upon close of escrow.

**SOURCE OF FUNDING:**

General Fund

**DISCUSSION:**

A building permit was issued on October 10, 1971, for the construction of a single-family dwelling

located at 62 Seadrift Lane in Westhaven, APN 514-181-006 (Attachment No. 1 - Vicinity Sketch). Kip Stratte-McClure Trust is the present owner of 62 Seadrift Lane. The County of Humboldt acquired the adjacent lands commonly known as Moonstone Beach by deed dated December 1, 1975. A subsequent survey was performed by the county in April of 1979 indicating an encroachment of a small portion of the dwelling's deck on the bluff edge within the county lands (Attachment No. 2 - Record of Survey). There are no records of any action or adjustments made since this discovery.

The encroached area is on a hill bluff and is unusable by the public for access to Moonstone Beach or for any other recreational purposes. Given the location and site condition of the encroached area and the lack of use by the public, the encroached area is not needed for county or public purposes.

Pursuant to Government Code Section 25526.5, whenever your Board determines that any real property or interest therein belonging to the county is no longer necessary for county or other public purposes, and its estimated value does not exceed twenty-five thousand (\$25,000), your Board may sell, exchange, quitclaim, or convey that real property or interest therein in the manner and upon the terms and conditions approved by your Board.

Staff is requesting that your Board find and declare that the small encroached area is no longer necessary for county or for other public purposes.

Clay Johnson, a design consultant hired by Kip Stratte-McClure Trust, is in the process of obtaining a waiver to a Coastal Developmental Permit to replace the septic system and to remodel the dwelling. A recent survey (Attachment No. 3 - Site Plan) by Clay Johnson of the premises as part of the Coastal Developmental Permit Application confirms the encroachment of a small portion of the dwellings deck and overhang on county property. The Coastal Planner involved with the application is requiring this encroachment be resolved with the county prior to the Coastal Commission review of the Coastal Permit Application.

Clay Johnson has therefore submitted to the Humboldt County Planning Department an Application Form for a Lot Line Adjustment (Attachment No. 4 - Application). As part of Humboldt County Planning Department review of this application, Planning Department requests both owners of the effected Lot Line Adjustment (County of Humboldt and Kip Stratte-McClure Trust) to prepare and sign a Notice of Lot Line Adjustment and Certificate of Subdivision Compliance (Notice) to confirm that the Lot Line Adjustment (LLA) is in conformance with the Subdivision Map Act. Kip Stratte-McClure Trust has provided their signed Notice. (Attachment No. 6 - Kip Stratte-McClure Trust's Notice). Staff has reviewed and confirmed that the proposed lot line adjustment complies with the Subdivision Map Act. Attached is the county's Notice of Lot Line Adjustment for the Chair of the Board of Supervisors to sign in the presence of a notary.

The Humboldt County Public Works Department will be administering a Grant Deed for a Lot Line Adjustment by conveying approximately Six Hundred Fourteen (614) square feet of county land to the adjacent landowner, Kip Stratte-McClure Trust. The conveyance represents the encroached area of the deck and overhang - as shown on the recent survey (Attachment 3 - Site Plan). Clay Johnson, on behalf of the landowner, provided the metes and bounds description and map for the Grant Deed

(Exhibit A - Legal Description and Map). Attached is the Grant Deed for the Chair of the Board of Supervisors to sign in the presence of a notary.

The Humboldt County Public Works Department will be administering a Real Property Purchase and Lot Line Adjustment Agreement for Public Works' estimated staff labor fees of One Thousand Dollars (\$1,000), appraisal fee of One Thousand Two Hundred Fifty Dollars (\$1,250), and purchase price for the encroached area of One Thousand Three Hundred Twenty Dollars (\$1,320) as per Attachment No. 5 - Appraisal) for a grand total of Three Thousand Five Hundred Seventy Dollars (\$3,570). In addition, Kip Stratte-McClure Trust is responsible for any fees and costs that exceeds the estimated fees and costs. Attached is the Real Property Purchase and Lot Line Adjustment Agreement for the Chair of the Board of Supervisors to sign.

Staff recommend that your Board approve this real property sale with signatures of the referenced documents in order to resolve the existing encroachment issue.

FINANCIAL IMPACT:

County Facility Management Labor in the amount of \$1,000 and an Appraisal Fee in the amount of \$1,200 will be reimbursed to Facilities Maintenance (1100162) and Public Works Roads-Administration (1200320). Consideration for the land transfer in the amount of \$1,320 will be deposited into the General Fund (1100888).

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by enforcing laws and regulations to protect residents.

OTHER AGENCY INVOLVEMENT:

Humboldt County Planning Department  
California Coastal Commission

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board may deny approval of the property sale. This is not recommended. If not approved, the encroachment will have to be abated by having the property owner remove the encroachment.

ATTACHMENTS:

Real Property Purchase and Lot Line Adjustment Agreement  
Notice of Lot Line Adjustment and Certificate of Subdivision Compliance (County Property)  
Exhibit A of Notice (Legal Description and Map)  
Grant Deed  
Exhibit A of Grant Deed (Legal Description and Map)  
Attachment No. 1 - Vicinity Sketch  
Attachment No. 2 - Record of Survey  
Attachment No. 3 - Site Plan  
Attachment No. 4 - Application

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Attachment No. 5 - Appraisal

Attachment No. 6 - Kip Stratte-McClure Trust's Notice

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A

Meeting of: N/A

File No.: N/A