



# COUNTY OF HUMBOLDT

For the meeting of: 11/6/2018

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File #: 18-1050

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To: Board of Supervisors

From: Public Works

SUBJECT:

Notice of Intent Quitclaim Real Property from County of Humboldt to City of Fortuna (APN 201-021-003 and Remainder Identified on Assessor's Map Book 040, Page 341 As "Hum Co. for Street") (4/5 Vote Required)

RECOMMENDATION(S):

That the Board of Supervisors find that the property known as Assessor's Parcel Number (APN) 201-021-003 with its remainder identified on Assessor's Map Book 040, Page 341 as "HUM. CO. FOR STREET" is not required for county use; and direct the Clerk of the Board via Public Works Land Use Division to publish in the Times Standard Newspaper on November 7, 2018, a notice of the County of Humboldt's intent (Attachment 1) to convey property pursuant to Government Code sections 25365 (4/5 Vote Required) and 6061.

SOURCE OF FUNDING:

N/A

DISCUSSION:

The City of Fortuna approached Humboldt County Department of Public Works staff requesting a permanent easement over the county's property, Assessor's Parcel Number (APN) 201-011-006 and 201-021-003 with its remainder parcel identified on Assessor's map book 040, page 341 as "HUM. CO. FOR STREET", (APN 201-021-003 with its remainder, Attachment 2) for the city's Rohner Creek Flood Control, Seismic and Habitat Improvements Project. The City of Fortuna's City Council voted to accept the parcel on April 3, 2017. (Attachment 3)

Research by the Public Works staff determined that APN 201-021-003 with its remainder were purchased for the county's Rohner Creek channel realignment project in the mid 1960's. The property was conveyed per grant deed recorded in the office of the Humboldt County Recorder, in volume 3694 of Official Records, page 417, on July 10, 1962. (Attachment 4) The Board of Supervisors granted Fortuna a Temporary Construction Easement and Permanent Stream Corridor Drainage Easement in 2015, enabling Fortuna's drainage improvement project to proceed while property transfer documents were prepared.

The county also purchased a parcel, APN 201-011-006, for the same Rohner Creek channel realignment project; this parcel is located to the west of APN 201-021-003 with its remainder, on the west side of 12th Street. This property was conveyed per grant deed recorded on October 30, 1962. This property was then conveyed from the County of Humboldt to the Humboldt County Flood Control District per grant on December 24, 1968, following the completion of the Rohner Creek channel realignment project. The transfer of parcel 201-011-006 shall be addressed by the Governing Board of the Humboldt County Flood Control District in a separate agenda item.

Pursuant to Government Code Section 25365, the Board may, by a four-fifths vote, convey to the City of Fortuna the real property belonging to the county, as the real property is not required for the county's use. Such a conveyance requires publication of a notice of intention and a four-fifths vote of the Board of Supervisors. If a decision is made to convey the property, a notice of intent must be published once in a newspaper at least one week prior to the conveyance (Attachment 1).

In addition, the City of Fortuna has conducted a general plan conformance review pursuant to Government Code section 65402 and has approved the proposed conveyance (Attachments 6 & 7).

The Public Works department supports the conveyance of APN 201-021-003, with its remainder, to the City of Fortuna and

recommends that your Board reconvenes on the topic during the scheduled meeting on December 4, 2018.

**FINANCIAL IMPACT:**

There is no impact to the General Fund. The requested action conforms with the Board of Supervisors' Core Role of improving the safety of the City of Fortuna by reducing the likelihood of flooding in the immediate area.

**OTHER AGENCY INVOLVEMENT:**

City of Fortuna.

**ALTERNATIVES TO STAFF RECOMMENDATIONS:**

The Board may not convey title of the county's property to City of Fortuna. This action would result in increased liability to the county by retaining an encumbered property.

**ATTACHMENTS:**

1. Notice of Intention to Convey Real Property to the City of Fortuna.
2. Assessor Map showing the subject property.
3. Fortuna City Council April 3, 2017 Minutes to Accept Parcels from the County.
4. Grant Deed Conveying APN 201-021-003 from The County of Humboldt to The Humboldt County Flood Control District.
5. CEQA Notice of Exemption.
6. City of Fortuna 2018-10-23 Planning Commission Agenda Item.
7. City of Fortuna 2018-10-23 Planning Commission Minutes.

**PREVIOUS ACTION/REFERRAL:**

Board Order No.: N/A

Meeting of: N/A