



COUNTY OF HUMBOLDT

Legislation Text

File #: 18-1055, **Version:** 1

To: Board of Supervisors

From: Public Works

SUBJECT:

Resolution to Quitclaim Real Property from County of Humboldt to City of Fortuna (APN 201-021-003 and Remainder Identified on Assessor's Map Book 40, Page 34 as "Hum Co. for Street")

RECOMMENDATION(S):

That the Board of Supervisors adopt and authorize the Chair of the Board of Supervisors to execute the attached Resolution to Quitclaim Real Property from County of Humboldt to City of Fortuna (APN 201-021-003 with its remainder identified on Assessor's Map Book 40, Page 34 as "HUM. CO. FOR STREET") for Property Transfer and Quitclaim Deed (Attachment 1); direct the Clerk of the Board to record the executed Resolution for Property Transfer and return a copy to the Public Works Land Use Division; approve and authorize the Chair of the Board of Supervisors to execute the attached Quitclaim Deed (Attachment 2) and direct the Clerk of the Board to return the original executed Quitclaim Deed to the Land Use Division staff for recording and further processing; and authorize the Public Works Director, Thomas K. Mattson, to execute any other documents needed to complete the property conveyance.

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 40, page 34 as "HUM. CO. FOR STREET", (APN 201-021-003 with its remainder, Attachment 3) 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 4)

Research by the department 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 5) 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 deed on December 24, 1968, following the completion of the Rohner Creek channel realignment project. The transfer of APN 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. The notice of intention was published in the Times Standard newspaper on November 7, 2018 (Attachment 6) The county no longer maintains any drainage facilities within the properties and they are located entirely within Fortuna's drainage improvement project reach. APN 201-011-006 and APN 201-021-003 with its remainder are located within Fortuna's incorporated boundary, as annexed prior to the property purchase as shown on the California

Board of Equalization Detail 14, circa 1957. (Attachment 7)

Humboldt County Department of Public Works Environmental Services Division has determined this property transfer will support preservation of open space and restoration, restoration of habitat, and improvement of drainage. (Attachment 8)

The City of Fortuna has conducted a general plan conformance review pursuant to Government Code section 65402 and has approved the proposed conveyance. (Attachments 9 and 10)

Both Humboldt County Department of Public Works and The City of Fortuna agree that conveying the County's property discussed herein by quitclaim deed to Fortuna is the best option for both parties. The Department of Public Works staff has prepared a Quitclaim Deed which will convey the title of, and relinquish all County interest in, the properties to Fortuna. (Attachment 2)

Prepared by: Jared Fisher, Real Property Agent 707.445.7205

FINANCIAL IMPACT:

There is no impact to the General Fund. The requested action conforms with the Board of Supervisors' Core Role of providing for and maintaining infrastructure.

OTHER AGENCY INVOLVEMENT:

City of Fortuna

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board may withhold approval of and 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. Resolution to Quitclaim Real Property from County of Humboldt to City of Fortuna.
2. Quitclaim Deed.
3. Assessor Maps showing the subject properties.
4. Fortuna City Council April 3, 2017 Minutes to Accept Parcels from the County.
5. Grant Deed Conveying APN 201-021-003 and its Remainder to the County of Humboldt.
6. Published Notice of Intention to Convey Real Property to the City of Fortuna.
7. California Board of Equalization detail 14, circa 1957.
8. CEQA Exemption.
9. City of Fortuna 2018-10-23 Planning Commission Agenda Item
10. City of Fortuna 2018-10-23 Planning Commission Minutes

PREVIOUS ACTION/REFERRAL:

Board Order No.: C-20

Meeting of: November 6, 2018