



COUNTY OF HUMBOLDT

Legislation Text

File #: 18-1054, **Version:** 1

To: Board of Supervisors

From: Public Works

Agenda Section: Departmental

SUBJECT:

Resolution to Quitclaim Real Property from Humboldt County Flood Control District to City of Fortuna (APN 201-011-006)

RECOMMENDATION(S):

That the Board of Supervisors adjourn as the Humboldt County Board of Supervisors; convene as the Governing Board of the Humboldt County Flood Control District (HCFCD); adopt and authorize the Chair of the Governing Board to execute the attached Resolution to Quitclaim Real Property from HCFCD to City of Fortuna (APN 201-011-006) for Property Transfer and Quitclaim Deed (Attachment 1); direct the Clerk of the Board of Supervisors 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 Governing Board to execute the attached Quitclaim Deed (Attachment 2); and direct the Clerk of the Board of Supervisors to return the original executed Quitclaim Deed to the Land Use Division staff for recording and further processing; authorize the Public Works Director, Thomas K. Mattson, to execute any other documents needed to complete the property conveyance; adjourn as the Governing Board of the Humboldt County Flood Control District; and reconvene as the Humboldt County Board of Supervisors.

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 (Attachment 3) 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) 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 201-011-006 was transferred to the county for the 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 in the office of the Humboldt County Recorder, in volume 709 of Official Records, page 535 on October 30, 1962.

(Attachment 5) This property was then conveyed from the County of Humboldt to the Humboldt County Flood Control District (HCFCD) per grant deed recorded in the office of the Humboldt County Recorder, in volume 986 of Official Records, page 77, on December 24, 1968, following the completion of the Rohner Creek channel realignment project.

Research by the department staff determined APN 201-021-003 with its remainder had been conveyed per grant deed to the county on July 10, 1962 and remains the county's property. The transfer of APN 201-021-003 with its remainder shall be addressed by the Board of Supervisors in a separate agenda item.

Pursuant to Government Code Section 25365, the Governing Board may, by a four-fifths vote, convey to the City of Fortuna the real property belonging to HCFCD, as the real property is not required for HCFCD's use. Such a conveyance requires publication of a notice of intention and a four-fifths vote of the Governing Board.

The notice of intention was published in the Times Standard newspaper on November 7, 2018. (Attachment 6) The HCFCD no longer maintains any drainage facilities within the property and the property is located entirely within Fortuna's drainage improvement project reach. APN 201-011-006 is 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. 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).

FINANCIAL IMPACT:

The parcel known as APN 201-011-006 is in a floodway within the City of Fortuna. Should this transfer be approved, the city would be responsible for improving drainage and maintaining drainage facilities. This parcel is not suitable for commercial or residential development as Rohner Creek runs through the parcel. This transfer will release the county from liability of an encumbered property and will assist the City of Fortuna in carrying out a \$3.1 million Rohner Creek widening and habitat improvement project. 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 and facilitating public/private partnerships to solve problems.

OTHER AGENCY INVOLVEMENT:

City of Fortuna

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board may withhold approval of and not convey title of HCFCD's property to City of Fortuna. This action

would result in increased liability to HCFCD and 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 Map showing the subject property.
4. Fortuna City Council April 3, 2017 Minutes to Accept Parcels from the County.
5. Grant Deed Conveying APN 201-011-006 from the County of Humboldt to the Humboldt County Flood Control District.
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.: I-3

Meeting of: November 6, 2018