



COUNTY OF HUMBOLDT

Legislation Details (With Text)

File #: 21-754 **Version:** 1 **Name:**
Type: Resolution **Status:** Passed
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On agenda: 7/13/2021 **Final action:** 7/13/2021
Title: Convey Property in the Southwest Quadrant of the Interchange of Loleta Drive and State Highway 101 to Loleta Community Services District (4/5 Vote Required)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Staff Report, 2. Attachment 1 - Project Vicinity and Proposed Property Boundary maps, 3. Attachment 2 - Resolution to convey property from County of Humboldt to Loleta Community Services District, 4. Attachment 3 - Transfer Agreement for County-owned excess right of way, 5. Attachment 4 - Grant Deed, 6. Attachment 5 - Notice of Intention and Notice of Publication, 7. Attachment 6 - Notice of Planning Commission Decision and Record of Action, 8. Attachment 7 - Notice of Exemption, 9. Executed Grand Deed.pdf, 10. Executed Transfer Agreement.pdf, 11. Resolution 21-71.pdf, 12. Recorded Resolution 21-71.pdf

Date	Ver.	Action By	Action	Result
7/13/2021	1	Board of Supervisors	approved	Pass

To: Board of Supervisors

From: Public Works

Agenda Section: Consent

SUBJECT:

Convey Property in the Southwest Quadrant of the Interchange of Loleta Drive and State Highway 101 to Loleta Community Services District (4/5 Vote Required)

RECOMMENDATION(S):

That the Board of Supervisors:

1. Find that property described in Exhibit A and shown in Exhibit B of the attached Resolution is no longer needed by county;
2. Adopt and authorize the Chair of the Board to execute the attached Resolution to Convey Property to Loleta Community Services District (Attachment 2);
3. Approve and authorize the Chair of the Board to execute the attached Transfer Agreement (Attachment 3);
4. Approve and authorize the Chair of the Board to execute the attached Grant Deed (Attachment 4); and
5. Direct the Clerk of the Board to return the original executed Grant Deed, Resolution for Property Conveyance, and Transfer Agreement to the Land Use Division staff for further

processing, retaining a copy of the same with meeting records.

SOURCE OF FUNDING:

N/A

DISCUSSION:

Loleta Community Services District (LCSD) approached Humboldt County Department of Public Works staff with a request to convey approximately 0.8 acres of excess right of way adjacent to Loleta Drive, east of the town of Loleta, to LCSD (Attachment 1). LCSD currently owns and operates a 225,000-gallon redwood water storage tank, constructed in 1972, which serves as the only public water storage for the entire community of Loleta. The tank is in poor condition with significant leaks and is currently operating at 50% capacity. It does not meet current seismic standards, and it does not have sufficient capacity to meet the community's fire suppression needs.

The existing tank is located on Assessor Parcel Number 309-042-025, which is owned by LCSD. Access to the site is from the Highway 101 southbound onramp through an encroachment permit with the California Department of Transportation (Caltrans). Caltrans has indicated that if the tank is replaced on the same property, they will not renew the encroachment permit because it is unsafe to access the property from a highway onramp. Additional access locations have been investigated, but the costs involved in developing alternative access to the site are prohibitive.

Relinquishment No. 436 recorded in Volume 761 of Official Records, page 56, on November 8, 1963, Humboldt County Records, conveyed property to Humboldt County at the interchange of State Highway 101 and Loleta Drive. The county acquired approximately 3.4 acres of property on the west side of the highway via this relinquishment from Caltrans. Of this property, only about 0.6 acres is occupied by Loleta Drive, while the remaining land on both the north and south sides of the road is considered to be excess right of way. Loleta Community Services District has requested the conveyance of approximately 0.8 acres of property on the south side of Loleta Drive. The area proposed for conveyance to Loleta Community Services District is shown on the attached Project Vicinity map and the Proposed Property Boundary map (Attachment 1).

Government Code section 25365(a) states that the Board of Supervisors may, by a four-fifths (4/5) vote, convey property to any special district within the county if the property is not required for county use. Government Code section 25365(c) states that unless the agencies are governed by the same County Board of Supervisors, the transferring Board of Supervisors shall publish a notice of its intended action, pursuant to Government Code section 6061. The Notice of Intent was published in the *Times Standard* on July 4, 2021, and along with the Notice of Publication is attached (Attachment 5). Based on this code section, your Board may convey the property to Loleta Community Services District as described and shown in the attached Grant Deed (Attachment 4). The Grant Deed contains language which limits the use to water tanks or related community services district functions. Should the property be sold or used for alternate purposes, Loleta Community Services District must either pay the county the fair market value of the property at the time of the sale or change in use or reconvey the property to the county in good condition.

The Planning Commission met on April 15, 2021, and reviewed Application Number PLN-2021-17081 for the conveyance of approximately 0.8 acres of real property from the County to Loleta Community Services District to construct two (2) new water tanks to replace their existing water storage tank. All permits required for the decommission of the existing tank, and the development, installation and operation of the new water tanks shall be sought under a separate and future application. The project site is located in the coastal zone. The California Coastal Commission stated in an email that any necessary permits would come from the county in this area. The project was approved on April 15, 2021, by Record of Action GPC21-001 (Attachment 6).

The proposed vacation has been reviewed by the Environmental Services Division for compliance with the California Environmental Quality Act and has been determined to be exempt from further review of environmental impacts (Attachment 7).

LCSD originally included a turnout area adjacent to Loleta Drive in the requested conveyance, approximately 0.8 acres of real property. County staff determined that this area should remain in the ownership of the county, so the conveyance area was revised to exclude the turnout. The revised parcel size is 0.6 acres.

Department of Public Works staff has prepared a resolution authorizing the property conveyance to Loleta Community Services District (Attachment 2) through supporting documents for the 0.6 acres of real property: the transfer agreement (Attachment 3) for the conveyance of the property and a Grant Deed (Attachment 4). These are being presented here to your Board for approval and authorization.

The Public Works Department supports approval of the resolution for property conveyance and subsequent deeded conveyance.

FINANCIAL IMPACT:

There is no impact to the General Fund. Loleta Community Services District has paid \$5,000 for county staff time and associated costs and has agreed to cover any costs over and above that amount.

The transfer includes a stipulation that should the parcel be used for any non-community services district related purpose, Loleta Community Services District shall pay the county for the value of the land, valued by fair market comparison at the time of the repurposing, or transfer to county its own sufficient, equivalent and unsullied property. At this time, staff estimates the value of the property to be fifty thousand dollars (\$50,000).

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by creating opportunities for improved safety and health .

OTHER AGENCY INVOLVEMENT:

Loleta Community Services District

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board may decide not to convey the property to Loleta Community Services District. This action would result in Loleta Community Services District potentially not being able to construct new water tanks, thereby ensuring a safe public water supply for the Loleta community.

ATTACHMENTS:

1. Project Vicinity and Proposed Property Boundary maps
2. Resolution for Conveyance of Property to Loleta Community Services District.
3. Transfer Agreement for County-owned excess right of way.
4. Grant Deed
5. Notice of Intent and Notice of Publication
6. Notice of Planning Commission Decision and Record of Action
7. Notice of Exemption

PREVIOUS ACTION/REFERRAL:

Board Order No.: TBD

Meeting of: June 29, 2021

File No.: TBD