



COUNTY OF HUMBOLDT

Legislation Text

File #: 18-1188, **Version:** 1

To: Board of Supervisors

From: Public Works

SUBJECT:

Notice of Intent to Transfer Property to McKinleyville Community Services District (APN 508-401-066) (4/5 Vote Required)

RECOMMENDATION(S):

That the Board of Supervisors find that the property known as Assessor's Parcel Number (APN) 508-401-066 is not required for County's use; and direct the Clerk of the Board via Public Works Land Use Division to publish in a local newspaper of general circulation on October 17, 2018, a notice of the County's intent to transfer property pursuant to Government Code Section 25365. (See Attachment 1) (4/5 Vote Required)

SOURCE OF FUNDING:

N/A

DISCUSSION:

In 2015, the County of Humboldt accepted a dedication of an unimproved parcel, which is referred to as Assessor's Parcel Number (APN) 508-401-066 (See Attachment 2), from subdivider Central Estates Remainder, LLC. (See Attachment 3) This dedication was irrevocably offered in fee to the county for drainage facilities, public trails and access thereto, and public purposes with the right to convey this parcel to the McKinleyville Community Services District (MCSD) or its successor. The subdivider of the Central Estates subdivision is in the process of conveying the open space/detention parcels to McKinleyville Community Services District. One of the Open Space parcels was conveyed to the county and now needs to be transferred to MCSD; the other parcel is still owned by the developer and will be conveyed to MCSD directly by the subdivider. On March 8, 2018, MCSD accepted an offer from the Humboldt County Department of Public Works to take ownership of APN 508-401-066. (See Attachment 4). MCSD has indicated that they are willing to accept both parcels.

Government Code Section 25365(a) states that the Board of Supervisors may, by a four-fifths vote, convey property to any special district within the county if the property is not required for county use. Government Code Section 25365(c) goes on to state 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. Based on this code, your Board may convey the property known as APN 508-401-066 to MCSD, which is a special district of the State, per Humboldt County Resolution number 70-36.

The proposed transfer of property to MCSD would be conveyed pursuant to Government Code Section 25581, with the express condition that the property be used for park purposes. Furthermore, the conveyance would be made pursuant to Public Resources Code Section 5401, with the express condition that at any time in the future if the park land is developed for non-park purposes, payment shall be made to the county for the property at the then fair market value. In lieu of fair market payment, a comparable property may be conveyed to the county, so that the park land may be replaced.

Should your Board decide in favor of the property transfer, notice of your intended action must be published once in the newspaper at least one week prior to the conveyance. The resolution to convey APN 508-401-066 to MCSD shall be addressed in a separate agenda item on November 6, 2018. The Department supports the conveyance of APN 508-401-066 to MCSD.

FINANCIAL IMPACT:

There is no impact to the General Fund. The requested action conforms to the Board of Supervisors' core goal of creating opportunities for improved safety and health.

OTHER AGENCY INVOLVEMENT:

McKinleyville Community Services District

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board may decide not to transfer the property to MCSD. This action would then result in increased liability and maintenance costs.

ATTACHMENTS:

1. Notice of Intention to Convey Real Property to McKinleyville Community Services District.
2. Assessor Parcel Map Depicting the Subject Property.
3. Book 25 of Maps, Pages 48 through 51.
4. MCSD's Acceptance of the Property.

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A

Meeting of: N/A