



# COUNTY OF HUMBOLDT

## Legislation Text

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**File #:** 18-1046, **Version:** 1

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**To:** Board of Supervisors

**From:** Public Works

**SUBJECT:**

Notice of Intent to Convey Real Property from Humboldt County Flood Control District to City of Fortuna (APN 201-011-006) (4/5 Vote Required)

**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); find that the property known as Assessor's Parcel Number (APN) 201-001-006 is not required for HCFCD's use; direct the Clerk of the Board of Supervisors via Public Works Land Use Division to publish on November 7, 2018, a notice of the HCFCD's intent (Attachment 1) to convey property pursuant to Government Code sections 25365 (4/5 Vote Required) and 6061; 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 2) 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) for the city's Rohner Creek Flood Control, Seismic and Habitat Improvements Project. The City of Fortuna's City Council voted to accept the parcels on April 3, 2017. (Attachment 3)

Research by the Public Works 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 12<sup>th</sup> 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 4) 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. 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 201-011-006 to the City of Fortuna and recommends that HCFCD's 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 HCFCF's property to City of Fortuna. This action would result in increased liability to HCFCF and the county by retaining an encumbered property.

**ATTACHMENTS:**

Attachment 1 - Notice of Intent

Attachment 2 - Assessor Map of Subject Parcel

Attachment 3 - 2017-4-3 Fortuna City Council Regular Meeting Agenda

Attachment 4 - Grant Deed Conveying APN 201-011-006

Attachment 5 - CEQA Notice of Exemption

Attachment 6 - City of Fortuna 2018-10-23 Planning Commission Agenda Item

Attachment 7 - City of Fortuna 2018-10-23 Planning Commission Minutes

**PREVIOUS ACTION/REFERRAL:**

Board Order No.: N/A

Meeting of: N/A