



COUNTY OF HUMBOLDT

Legislation Text

File #: 18-1196, **Version:** 1

To: Board of Supervisors

From: Public Works

SUBJECT:

Resolution to Quitclaim Real Property (APN 508-401-066) from the County of Humboldt to the McKinleyville Community Services District (4/5 Vote Required)

RECOMMENDATION(S):

That the Board of Supervisors find that county owned property known as Assessor's Parcel Number (APN) 508-401-066 is not required for county use; adopt and authorize the Chair to execute the attached Resolution for Transfer of Property to McKinleyville Community Services District (MCSD) (Attachment 2); approve and authorize the Chair to execute the attached Quitclaim Deed (Attachment 3); approve and authorize the Chair to execute the attached Transfer Agreement (Attachment 4); direct the Clerk of the Board to return the original executed Quitclaim Deed, Resolution for Property Transfer, and Transfer Agreements to the Department of Public Works, Land Use Division staff for further processing, retaining copy of the same with meeting records; and authorize the Director of Public Works to execute the Escrow Instructions, disclosure statements, and any other documents needed to complete the property transfer. (Attachment 4) (4/5 Vote Required)

SOURCE OF FUNDING:

N/A

DISCUSSION:

In 2015, Central Estates Remainder, LLC. had dedicated APN 508-401-066 in fee to the County of Humboldt for drainage facilities, public trails, and access thereto, and for public purposes with the right to convey to the McKinleyville Community Services District (MCSD). (Parcel I, Attachment 5) In early 2018, the MCSD had shown interest in accepting fee title to APN 508-401-066.

On October 16, 2018, your Board directed the Clerk of the Board to publish a Notice of Intention to Transfer Property to MCSD. The Notice was published in a local newspaper of general circulation on October 17, 2018. (See Attachment 1)

Government Code (GC) section 25365 authorizes the Board of Supervisors to transfer property to any special district, such as MCSD, if the property is not required for county use. Such a transfer requires approval of the Planning Commission and a four-fifths vote of the Board of Supervisors.

The Public Park Preservation Act of 1971 states that if the transferred property is utilized for any non-park purposes, MCSD would be required to pay sufficient compensation for the land, or transfer comparable property to the county in order to replace the park land lost to the change in land use. (Public Resources Code section 5401.) MCSD intends to use the property for park and recreation use, and has agreed to these conditions as stated in the Transfer Agreement (Attachment 4). It is by this agreement that your Board may transfer the park property without abandonment, pursuant to GC section 25581.

Department of Public Works (Department) staff has prepared a resolution authorizing the property transfer to MCSD through supporting documents: the agreement for the transfer of the property, escrow instructions, and a Quitclaim Deed which includes reservations pursuant to both GC section 25581 and Public Resources Code section 5401. These are being presented here to your Board for approval and authorization. Escrow is being closed through Fidelity National Title as determined in the Transfer Agreement and Escrow Instructions for APN 508-401-066.

FINANCIAL IMPACT:

Transferring responsibility of this property to MCSD will result in a savings of \$1,500 annually for the expenses associated to the

maintenance needs previously performed by the county. 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.

ATTACHMENTS:

1. Publication of Notice of Intention to Transfer Property to McKinleyville Community Services District.
2. Resolution for Transfer of Property to McKinleyville Community Services District.
3. Quitclaim Deed.
4. Transfer Agreement and Escrow Instructions for APN 508-401-066, in duplicate.
5. Subdivision Map

PREVIOUS ACTION/REFERRAL:

Board Order No.: 18-1188

Meeting of: October 16, 2018