

County Of Sonoma Agenda Item Summary Report

Clerk of the Board Use Only
 Meeting Date Held Until
 / / / /
 Agenda Item No: Agenda Item No:
 _____ _____

Department: General Services / Regional Parks

4/5 Vote Required

Contact:
Mike Wagner

Phone:
(707) 565-2463

Board Date:
9/1/2009

Deadline for Board Action:
9/1/2009

AGENDA SHORT TITLE: Determination and sale of surplus property and conditionally exempt surplus land located between Dutton Avenue and Roberts Avenue in Santa Rosa, California.

REQUESTED BOARD ACTION: Resolution declaring certain real property located between Dutton Avenue and Roberts Avenue in Santa Rosa, California (Assessor's Parcel No. 125-121-026), as surplus property and conditionally exempt surplus land pursuant to Government Code Section 54420 *et seq.*, declaring the Board's intention to sell such property, providing for the terms and conditions under which said sale shall be conducted, and setting the date and time for a public auction; and

Direct the Real Estate Manager to: a) coordinate with Clerk to post notice of the adopted Resolution and time and place of public auction, and publish such notice pursuant to Government Code Sections 25528 and 6063; b) obtain a general plan consistency finding from the City of Santa Rosa pursuant to Government Code Section 65402; and c) take any and all steps reasonably required to effect the sale of the property.

CURRENT FISCAL YEAR FINANCIAL IMPACT

EXPENDITURES:

ADDITIONAL FUNDS REQUIRING BOARD APPROVAL:

Estimated Cost	\$0	Contingencies (Fund Name:)	\$0
Amount Budgeted	\$0	Unanticipated Revenue (Source:)	\$0
Other Available Appropriations (Explain Below)	\$0	Other Transfers (Source:)	\$0
Additional Requested	\$0	Additional Funds Requested	\$0

Explanation (if required):

Prior Board Action:

04/07/09 - Authorized sale of surplus property and giving direction to the Director of Regional Parks
 08/28/01 – Declared intent to adopt a resolution of necessity to acquire remaining railroad right-of-way

Alternatives – Results of Non-Approval: Do not sell surplus property. Lola's Market may not expand building footprint which may delay its proposed expansion project. In addition, County may lose opportunity to generate approximately \$66,000 in one-time revenue.

Background:

History. In June, 2007, using eminent domain, the County of Sonoma Regional Parks Department (“County”) acquired the remaining abandoned, former Union Pacific Railroad right-of-way (Assessor’s Parcel No. 125-121-026), located between Dutton Avenue and Roberts Avenue in Santa Rosa (“Property”). The Property was needed in order to construct the West County/Joe Rodota Trail into Santa Rosa. After construction of the trail, certain excess property remained which was not needed for trail development or any other County use (“Surplus Property”) and therefore qualifies as surplus property. The Surplus Property comprises approximately 3,001 sq. ft. of land as shown on the attached map.

Proposed Expansion of Lola’s Market. Ortega Family Properties, LLC (“Ortega”), the owner of adjacent Assessor’s Parcel No. 125-121-021, expressed an interest in purchasing the Property in order to expand the building envelope of Lola’s Market located at 440 Dutton Avenue, Santa Rosa. The City of Santa Rosa has issued a building permit (B09-0826) for the building expansion. The Property historically served as a driveway entrance and vehicle parking for an automotive repair shop.

Surplus Property. The Surplus Property qualifies as exempt surplus land for sale to Ortega because it is less than 5,000 square feet and is contiguous to the Ortega property. Pursuant to Government Code Sections 25526.5 and 54420 *et seq.*, for property valued at less than \$25,000 which also qualifies as exempt surplus land, the Board may sell the property if certain findings are made. Pursuant to this authority, on April 7, 2009, the Board entered into an agreement with Ortega authorizing the sale of the Surplus Property to Ortega, with the understanding that should the Surplus Property be valued in excess of \$25,000, that it would need to be put out to auction pursuant to Government Code Section 25526. On May 29, 2009, the Crocker Company, a licensed real estate appraiser, prepared an appraisal report to assess the fair market value of the Surplus Property. The appraised value is \$66,000. Since the value is greater than \$25,000, by law, the County will hold a public auction with a minimum bid price of \$66,000.

Bids will be solicited through advertising and notice of sale to local real estate brokers. A bid packet, describing the Surplus Property and terms of sale, will be available to prospective purchasers, and a copy of the proposed bid packet is on file with the clerk. The Surplus Property will be offered for sale in an "as-is" condition, and the minimum bid deemed acceptable will be \$66,000. If, during this process, the selected bidder is not an owner of property contiguous to the Surplus Property, the County will not accept the bid unless and until surplus property notice requirements have been followed, and staff has determined that no other eligible entity is interested in acquiring the Surplus Property. At the conclusion of the bid process, staff will return to the Board and make a recommendation where to deposit the sale proceeds.

Recommendation. Based upon the foregoing, staff recommends this Board adopt the attached resolution: (1) declaring certain real property located between Dutton Avenue and Roberts Avenue in Santa Rosa, California (portion of assessor’s Parcel No. 125-121-026), as surplus property and as conditionally exempt surplus land, declaring the Board’s intention to sell such property, providing for the terms and conditions under which said sale shall be conducted, and setting the date and time for a public auction; and (2) directing the Real Estate Manager to: a) coordinate with the Clerk to post notice of the adopted Resolution and time and place of the public auction, and publish such notice pursuant to Government Code Sections 25528 and 6063; b) obtain a general plan consistency finding from the City of Santa Rosa pursuant to Government Code Section 65402; and c) take any and all steps reasonably required to effect the sale of the property.

Attachments: Resolution; Attachment A Map; Attachment B Proposed Bid Packet.

On File With Clerk:

CLERK OF THE BOARD USE ONLY

Board Action (If other than "Requested")

Vote: