

<h1 style="margin: 0;">County Of Sonoma</h1> <h2 style="margin: 0;">Agenda Item</h2> <h3 style="margin: 0;">Summary Report</h3>			<p style="font-size: small; margin: 0;">Clerk of the Board Use Only</p> <p style="font-size: x-small; margin: 0;">Meeting Date Held Until</p> <p style="font-size: x-small; margin: 0;">/ / / /</p> <p style="font-size: x-small; margin: 0;">Agenda Item No: Agenda Item No:</p> <p style="font-size: x-small; margin: 0;">_____</p>
Department: General Services / Regional Parks			<input type="checkbox"/> 4/5 Vote Not Required
Contact: Mike Wagner	Phone: (707) 565-2463	Board Date: 9/29/2009	Deadline for Board Action:
<p>AGENDA SHORT TITLE: Sale of surplus property and conditionally exempt surplus land located between Dutton Avenue and Roberts Avenue in Santa Rosa, California</p> <p>REQUESTED BOARD ACTION: Resolution authorizing the General Services Director, or his Deputy or other designee, to execute a Real Property Sales Agreement, Grant Deed and such other documents as may be necessary to dispose of certain surplus real property located between Dutton Avenue and Roberts Avenue, Santa Rosa, California (portion of Assessor's Parcel No. 125-121-026).</p>			
CURRENT FISCAL YEAR FINANCIAL IMPACT			
<u>EXPENDITURES:</u>		<u>ADDITIONAL FUNDS REQUIRING BOARD APPROVAL:</u>	
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): Proceeds of sale (approximately \$66,000) will be deposited into the General Fund.			
Prior Board Action: 09/01/09 – Resolution declaring subject property as surplus property and conditionally exempt surplus land; declaring intention to sell property, providing for terms of sale, and directing the Real Estate Manager to take steps to effect sale. 04/07/09 – Authorized sale of surplus property and gave 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 of which the property is a park.			
Alternatives – Results of Non-Approval: Do not sell surplus property. 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”). County park mitigation fees were used to acquire the Property. The property was needed in order to construct the West County/Joe Rodota Trail into Santa Rosa. After construction of the trail, approximately 3,001 sq. ft. of excess property remained (“Surplus Property”), which was not needed for trail development or any other County use, and therefore qualifies as surplus property.

Proposed Expansion of Lola’s Market / Potential Purchaser. Ortega Family Properties, LLC (“Ortega”), the owner of adjacent Assessor’s Parcel No. 125-121-021, expressed an interest in purchasing the Surplus 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 Surplus Property historically served as a driveway entrance and vehicle parking for an automotive repair shop. If Lola’s or any other adjacent property owner were to purchase the Surplus Property as described below, certain requirements of the government code are waived, as described more particularly below.

Surplus Property. The Surplus Property qualifies as exempt surplus land for sale to the highest bidder because it is less than 5,000 square feet in area; provided, however, that it is sold to an adjacent property owner. 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 without first offering it to other governmental agencies, 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 8, 2009, the Crocker Company, a licensed real estate appraiser with an MAI designation, prepared an appraisal report to assess the market value of the Surplus Property. The appraised value was \$66,000. On September 1, 2009, the Board of Supervisors declared the Surplus Property as surplus, declared its intention to sell the Surplus Property, set the date and time for a public auction, and directed the Real Estate Manager to obtain a general plan consistency finding from the City of Santa Rosa. Since the market value of the Surplus Property is greater than \$25,000, the Real Estate Manager held a public auction, in conformance with Government Code Section 25526, on September 23, 2009, with a minimum bid price of \$66,000. Bids were due to the Real Estate Manager no later than September 23, 2009 at 2:00 p.m.

Successful Bidder. In the interest of moving the disposition of the Surplus Property forward, staff prepared this report with recognition that the results of the auction are pending. For that reason this report does not include the name of, or the amount bid by, the highest responsive and responsible bidder. Staff will submit the bid results and all relevant information to the Clerk on or before the date the Board of Supervisors considers this matter. Provided the Board decides to award the bid in accordance with the bid results, staff will finalize the Real Property Sales Agreement and other closing documents such that they reflect the name of and amount bid by the successful bidder.

Recommendation. Because the Board of Supervisors declared the Surplus Property as in fact surplus, and because the successful bidder will have complied with all of the terms of the public auction, staff recommends the Board adopt the attached Resolution, authorizing the General Services Director, or his Deputy or other designee, to execute a Real Property Sales Agreement, Grant Deed and such other documents as may be necessary to dispose of certain surplus real property located between Dutton Avenue and Roberts Avenue, Santa Rosa, California (portion of Assessor’s Parcel No. 125-121-026). In addition, staff recommends that the proceeds of the sale be deposited back into the West County Trail capital project, which can be used for future trail improvements.

Attachments: Resolution, Map

On File With Clerk: Copy of Real Property Sales Agreement

CLERK OF THE BOARD USE ONLY

Board Action (If other than “Requested”)

Vote:

Supporting maps are on file at:

County of Sonoma Board of Supervisors Office
575 Administration Drive, Room 100A
Santa Rosa, CA 95403

They can be viewed and/or copies requested during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday. Call (707) 565-2241 for more information.