

# IN THE BOARD OF SUPERVISORS

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

\_\_\_\_\_ Day \_\_\_\_\_, 2013

**PRESENT: Supervisors**

**ABSENT:**

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF INTENTION TO SURPLUS AND SELL  
COUNTY-OWNED REAL PROPERTY IN THE UNINCORPORATED  
AREA OF CAYUCOS TO A QUALIFIED LAND CONSERVANCY**

The following Resolution is hereby offered and read:

**WHEREAS**, the County of San Luis Obispo currently owns 48 parcels of land zoned Rural Lands, ranging in size from approximately 0.04 to 0.23 acres and collectively totaling approximately 3.89 acres, located in the Cayucos hillside subdivisions of Morro Rock View and Morro Strand as listed in Exhibit “A”, and

**WHEREAS**, these parcels were acquired by the County through the property tax default process (Chapter 8, Part 6, Division 1 of the Revenue and Taxation Code) and through donation; and

**WHEREAS**, the Morro Rock View and Morro Strand subdivisions were created in the 1920’s and the properties are each less than the current minimum lot size of one acre in Rural Lands zoning; and

**WHEREAS**, these subdivisions are located outside of the Cayucos Urban Reserve Line in an area designated as a Geologic Studies Area with no developed access roads or utilities; and

**WHEREAS**, in accordance with the Estero Area Plan Update, approved by the Board of Supervisors in January 2009, County policy identifies the hills above Cayucos as part of the Highway 1—Cayucos Critical Viewshed in order to protect views of this scenic coastal area as seen from Highway 1, public beaches, and the ocean; and

**WHEREAS**, in accordance with the same Estero Area Plan Update, County policy regarding these lots shall include pursuing agreements with non-profit conservation organizations to maintain the properties in open space; and

**WHEREAS**, County Counsel has determined that the preferred agreement in order to reduce County's liability for these properties is a transfer of fee title to a land conservancy; and

**WHEREAS**, these parcels are not necessary for County use; and

**WHEREAS**, Government Code Section 25526 et. seq. provides that County-owned real property may be sold in accordance with the provisions of said code sections after the adoption of a resolution by two-thirds vote of the members of the Board of Supervisors declaring the Board's intention to surplus and sell said property; and

**WHEREAS**, the County Planning Director has determined that the County's disposition of said real property is in conformity with the County General Plan and said determination was filed with the County Planning Commission on March 14, 2013; and

**WHEREAS**, the County Environmental Coordinator recommends that the Board find this sale to be Categorical Exempt pursuant to the California Environmental Quality Act (CEQA) (Public Resources Codes, Section 21000 et seq.), as implemented by the State CEQA Guidelines, California Code of Regulations, Section 15312 (a)(b)(3); and

**WHEREAS**, in order to maintain the properties in open space in accordance with the January 2009 Estero Area Plan Update, the General Services Agency recommends that qualifying bidders be limited to nonprofit organizations whose mission is land conservation with a history of successful land management; and

**WHEREAS**, the General Services Agency recommends that the minimum opening bid for the properties be established at Five Thousand Dollars (\$5,000.00), which is an amount sufficient to reimburse County staff costs related to the transfer of these properties and pay the County's surplus and sale fee of One Thousand Dollars (\$1,000.00); and

**WHEREAS**, pursuant to California Government Code 54222, the properties were offered to the State Resources Agency, which did not express an interest in acquiring the properties; and

**WHEREAS**, it is in the public interest to surplus and sell these parcels to a qualified land conservancy,

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** by the Board of Supervisors of the County of San Luis Obispo, State of California as follows:

1. Pursuant to Government Code 25526 the Board finds these properties and all interests to be quitclaimed are not required for County use.
2. Pursuant to Government Code 25526 the Board declares its intention to surplus and sell these real properties (approximately 3.89 acres) to the highest qualified bidder and that qualified bidders shall be limited to nonprofit organizations whose mission is land conservation with a history of successful land management.
3. The Board finds this surplus and sale project to be a Categorically Exempt pursuant to the CEQA, (Public Resources Codes, Section 21000 et seq.), as implemented by the State CEQA Guidelines, California Code of Regulations, Section 15312 (a)(b)(3).
4. Said sale shall be upon the following terms and conditions:
  - a. Lots shall be permanently deed-restricted for use as open space by recording the deed restriction as shown in Exhibit "B" with the quitclaim deed.
  - b. The accepted bid price shall be no less than Five Thousand Dollars (\$5,000), payable to the County of San Luis Obispo with the written or oral bid.
  - c. County does not expressly or impliedly warrant marketability of title.
  - d. County shall pay no real estate commission or other costs of sale.
  - e. The quitclaim deed shall be recorded no later than June 7, 2013.
5. The Clerk of this Board is directed to give notice of this Board's intention to surplus and sell real property pursuant to Government Code Section 25526 with notice given pursuant to Government Code Sections 25528 and 6063 in a newspaper of general circulation published in the County, as attached.
6. This Board hereby sets May 21, 2013 at 9:00 AM, or as soon as possible thereafter, in the chamber of the Board of Supervisors, County Government Center, 1055 Monterey Street, San Luis Obispo as the time and place to act on the surplus and sale of the aforementioned real property. Written bids must be received no later than 5:00 PM on May 20, 2013 to the General Services Agency, 1087 Santa Rosa Street, San Luis Obispo, CA 93401.

Upon Motion of Supervisor \_\_\_\_\_, seconded by  
Supervisor \_\_\_\_\_, and on the following roll call vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing Resolution is hereby adopted.

\_\_\_\_\_  
Chairperson of the Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL

County Counsel

By: Sharon G. Matuszewicz  
Deputy County Counsel

Date: April 1, 2013

**NOTICE OF INTENTION TO SURPLUS AND SELL  
COUNTY-OWNED REAL PROPERTY IN THE  
UNINCORPORATED AREA OF CAYUCOS  
TO A QUALIFIED LAND CONSERVANCY**

Notice is hereby given, pursuant to California Government Code section 6063 that the County of San Luis Obispo intends to sell 48 parcels of County-owned real property in the Cayucos hillside subdivisions of Morro Strand and Morro Rock View, collectively totaling approximately 3.89 acres, to the highest qualified bidder. Qualified bidders must be nonprofit organizations whose mission is land conservancy with a history of successful land management. These lots are smaller than the minimum buildable lot size and have no developed roads or utilities. They will be perpetually deed-restricted for use as Open Space.

A description of said real property is on file in the office of the County General Services Agency located at 1087 Santa Rosa Street, San Luis Obispo. The minimum bid price is set at \$5,000. All sealed bids are due to the County General Services Agency located at the above referenced address on or before Monday, May 20, 2013 at 5:00 PM. The County Board of Supervisors intends to conduct the auction of said real property at a regular meeting of said Board occurring in the board Chambers, County Government Center, 1055 Monterey Street, San Luis Obispo, at 9:00 AM, or as soon as possible thereafter, on Tuesday, May 21, 2013. The sealed bids will be presented at the Board of Supervisors meeting and oral bids will be called for before the final acceptance of any written proposal.

To request a listing of the lots and a bid form, please contact Linda Van Fleet at the County of San Luis Obispo at (805) 781-4688, or e-mail [lvanfleet@co.slo.ca.us](mailto:lvanfleet@co.slo.ca.us), or fax your request to (805) 781-1364.

DATE: \_\_\_\_\_

**JULIE L. RODEWALD**, County Clerk-Recorder  
and Ex-Officio Clerk of the Board of Supervisors

By: \_\_\_\_\_,  
Deputy Clerk-Recorder

### Exhibit "A"

	APN	TOWN	ADDRESS	EST. ACRES
1	064073062	CAYUCOS	0 Morro Ave	0.10
2	064075048	CAYUCOS	0 Cayucos Ave	0.23
3	064311013	CAYUCOS	0 Ramona Ave	0.09
4	064312043	CAYUCOS	0 Alta Vista Ave	0.06
5	064312062	CAYUCOS	0 Ramona Ave	0.05
6	064312063	CAYUCOS	0 Ramona Ave	0.06
7	064313013	CAYUCOS	0 Alhambra Circle Dr	0.08
8	064315036	CAYUCOS	0 Wing Ave	0.12
9	064315037	CAYUCOS	0 Wing Ave	0.06
10	064322009	CAYUCOS	0 Farnham Ave	0.04
11	064323004	CAYUCOS	0 Farnham Ave	0.08
12	064332004	CAYUCOS	0 Gilbert Ave	0.20
13	064332021	CAYUCOS	0 Gilbert Ave.	0.08
14	064332036	CAYUCOS	0 Chula Vista Dr	0.10
15	064332042	CAYUCOS	0 Keaton Blvd	0.20
16	064332066	CAYUCOS	0 Buena Vista Ave	0.23
17	064333003	CAYUCOS	0 Keaton Blvd	0.20
18	064333014	CAYUCOS	0 Keaton Blvd	0.06
19	064333015	CAYUCOS	0 Keaton Blvd	0.06
20	064333023	CAYUCOS	0 Barrymore Ave	0.04
21	064344003	CAYUCOS	0 Barrymore Ave	0.06
22	064373006	CAYUCOS	0 Gilbert Ave	0.06
23	064373042	CAYUCOS	0 Gilbert Ave	0.12
24	064383013	CAYUCOS	0 Keaton Blvd	0.06
25	064383029	CAYUCOS	0 Keaton Blvd	0.06
26	064384008	CAYUCOS	0 Barrymore Ave	0.04
27	064384025	CAYUCOS	0 Beecher Ave	0.04
28	064391003	CAYUCOS	0 Beecher Ave	0.10
29	064391013	CAYUCOS	0 Hubbard Ave	0.12
30	064391047	CAYUCOS	0 Morgan Ave	0.04
31	064401001	CAYUCOS	0 Novarro Ave	0.06
32	064401002	CAYUCOS	0 Novarro Ave	0.04
33	064401004	CAYUCOS	0 Novarro Ave	0.06
34	064401005	CAYUCOS	0 Novarro Ave	0.10
35	064401007	CAYUCOS	0 Novarro Ave	0.05
36	064401020	CAYUCOS	0 Novarro Ave	0.04
37	064401021	CAYUCOS	0 Novarro Ave	0.04
38	064401022	CAYUCOS	0 Novarro Ave	0.04
39	064401023	CAYUCOS	0 Novarro Ave	0.04
40	064401040	CAYUCOS	0 Keaton Blvd	0.06
41	064401054	CAYUCOS	0 Keaton Blvd	0.11
42	064402015	CAYUCOS	0 Gilbert Ave	0.04
43	064402032	CAYUCOS	0 Novarro Ave	0.04
44	064402035	CAYUCOS	0 Gilbert Ave	0.10
45	064403002	CAYUCOS	0 Garbo Ave	0.07
46	064403003	CAYUCOS	0 Garbo Ave	0.04
47	064403012	CAYUCOS	0 Garbo Ave	0.04
48	064403018	CAYUCOS	0 Chaney Ave	<u>0.08</u>

Approx. Total Acres      3.89

**EXHIBIT “B”  
Perpetual Deed Restriction**

**THE FOLLOWING ACTIONS ARE PROHIBITED:**

- (A) The construction, creation, or erection of any building or structure, road, billboard, recreational vehicle park or campground on the property, except for minimum support facilities, parking, fencing, trails, or signs reasonably necessary for the appropriate use of the property consistent with these restrictions or to protect public health and safety and natural resources.
- (B) Activities that materially alter, impair, disturb, or diminish the scenic value of the property, except as allowed in Paragraph (A) and subject to proper permitting.
- (C) Grading activities or the removal of native vegetation except as part of a restoration or resource management plan or as allowed in Paragraph (A) above and subject to proper permitting.
- (D) Use of the property for activities other than passive recreation or educational and scientific uses and activities. Examples of passive recreation include, but are not limited to, hiking, hang gliding, and paragliding.
- (E) The use of motor vehicles on the property, except to the extent strictly necessary for the following purposes:
  - (1) for maintenance and management of the property and its natural resources
  - (2) for use of certain designated areas authorized by Grantee for passive recreational activities. Such designated areas shall not violate the provisions of Sections (A)-(D).
  - (3) for use by emergency or other vehicles necessary for public safety
  - (4) to address emergency conditions or situations, including fire management measures or flood and drainage control measures as reasonably necessary and which are required to be

performed by an agency with jurisdiction over the property.

- (5) to maintain or repair existing utility lines, pipes, and structures located on or under the property pursuant to a recorded easement, map, or other legal instrument.

Grantor shall not hold Grantee liable for unauthorized vehicular access provided Grantee has taken reasonable measures to prevent such access.

- (F) The transfer of development rights or credits related to the property.
- (G) Use of the property as security for any debt.
- (H) The sale or transfer of any interest in the property without the express written approval of the Board of Supervisors of the County of San Luis Obispo.

In the event the property is used for any restricted purpose as described in this deed, then the County of San Luis Obispo, without paying any compensation for any improvements to the property and without making any compensation or incurring any liability for damages or losses of any kind, shall have the power to terminate all right, title, and interest in the property granted by this deed to Grantee and its heirs, assigns, and successors. Immediately upon such a termination, Grantee or its heirs, assigns, or successors shall forfeit all rights or title to the property, and the property shall revert to the County. The County shall then transfer ownership of the properties to another land conservancy approved by the County Board of Supervisors, and such approval shall not be unreasonably withheld. In the event that no qualified land conservancy can be identified, title to the property shall remain in the County.

In the event that Grantee ceases to exist as an entity, Grantee may transfer title to these parcels to another land conservation agency, subject to the written approval of the Board of Supervisors of the County of San Luis Obispo. Such approval shall not be unreasonably withheld. If no other agency can be identified or if County does not approve the proposed agency, Grantee shall transfer title to County of San Luis Obispo, subject to acceptance of the deed by the County Board of Supervisors and without payment by County of any compensation for improvements to the property and without payment by County of any compensation or incurring any liability for damages or losses of any kind.

END OF EXHIBIT "B".