

IN THE BOARD OF SUPERVISORS

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ Day _____, 2013

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

**RESOLUTION OF APPROVAL TO SURPLUS AND SELL COUNTY-OWNED REAL
PROPERTY LOCATED 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 the attached sample quitclaim deed, 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, the Estero Area Plan Update, approved by the Board of Supervisors in January 2009, 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 perpetual open space; 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 all the members of the Board of Supervisors declaring the Board's intention to surplus and sell said property; and

WHEREAS, on March 14, 2013, the County Planning Director filed with the County Planning Commission a determination that the County's disposition of the 48 parcels of real property is in conformity with the County General Plan; and

WHEREAS, on April 16, 2013, the Board of Supervisors approved Resolution 2013-72 (hereafter, "Resolution 2013-72"), declaring that the property and all interests to be quitclaimed are not required for County use, and noticing the County's intent to sell the property; and

WHEREAS, the sale of this parcels has been found to be Categorically 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) pursuant to Resolution 2013-72; and

WHEREAS, pursuant to Resolution 2013-72, the Board has set the date of 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 48 parcels of real property by public auction, and that written bids must be received no later than 5:00 PM on May 20, 2013 by the General Services Agency, 1087 Santa Rosa Street, San Luis Obispo, CA 93401; and

WHEREAS, pursuant to Resolution 2013-72, qualified bidders shall be limited to nonprofit organizations whose mission is land conservation with a history of successful land management, and the minimum acceptable opening bid to purchase all 48 parcels shall be Five Thousand Dollars (\$5,000.00); and

WHEREAS, in accordance with Government Code Section 6063, the Clerk of the Board has published notice of the Board's intention to surplus and sell these properties in a newspaper of general circulation in the County; and

WHEREAS, it is in the public interest to surplus and sell these parcels,

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. The Chairperson of the Board of Supervisors is hereby authorized and directed to open sealed bids, conduct the public auction, and execute the quitclaim deed in favor of the highest qualified bidder on behalf of the County of San Luis Obispo. The quitclaim deed shall be prepared and delivered by the County Real Property Manager after the auction to the Clerk of the Board for signature by the Chairperson.

2. Said sale shall be upon the following terms and conditions:

- a. All of the parcels shall be permanently deed-restricted for use as open space by recording the quitclaim deed with deed restriction in the form as shown attached.
- b. The bidder shall present a money order or cashier's check payable to the County of San Luis Obispo for no less than \$5,000 with the bidder's initial bid. Increases in the bid amount above the initial bid may be paid by corporate check immediately upon close of bidding.
- c. The successful bidder shall pay all recording fees, all closing costs including transfer tax, and, if desired, costs of escrow and title insurance.
- d. The County will pay no real estate commission on this sale. All amounts specified herein shall be exclusive of any commission the bidder may elect to pay a broker.
- e. The quitclaim deed must be recorded no later than June 7, 2013.
- f. Bidder must purchase the parcels in an "as is" condition. The County does not and shall not expressly or impliedly warrant marketability of title of the parcels. The County will convey all right, title and interest that it owns in the parcels and title conveyed will be subject to all liens and encumbrances, rights of way and restrictions, whether recorded or not.

3. The County reserves the right to reject any and all bids and to waive irregularities in any bid received.

4. County Real Property Manager is authorized to execute all additional necessary documents necessary to close the transaction.

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: May 3, 2013

**RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:**

Clerk of the Board of Supervisors
County of San Luis Obispo
1055 Monterey Street
San Luis Obispo, CA 93408

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COUNTY BUSINESS-FREE. THIS DOCUMENT PRESENTED FOR RECORDING PURSUANT TO
GOVT. CODE SECTION 27383.

QUITCLAIM DEED (sample)

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

The County of San Luis Obispo, a Public Entity in the State of California

hereby **REMISES, RELEASES AND FOREVER QUITCLAIMS** to


the following described real property in the County of San Luis Obispo, State of California, to
wit:

48 properties as described in Exhibit "A" attached hereto

**THIS QUITCLAIM DEED SHALL BE CONDITIONED UPON THE RESTRICTIONS
DESCRIBED IN EXHIBIT "B" attached hereto and incorporated herein by this reference.**

APN's are listed in Exhibit "A" attached hereto.

COUNTY OF SAN LUIS OBISPO

BY: _____
Chairperson of the Board of Supervisors

Authorized by the Board of Supervisors this
_____ day of _____, 2013.

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN LUIS OBISPO)

On _____, before me, _____ Deputy County
Clerk-Recorder, County of San Luis Obispo, State of California, personally appeared _____
_____, who proved to me on the basis of satisfactory evidence to be the
person whose name is subscribed to the within instrument and acknowledged to me that **he/she**
executed the same in his/her authorized capacity, and that by **his/her** signature on the instrument
the person, or the entity upon of which the person acted, executed the instrument.

I certify under Penalty of Perjury under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

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

By: _____
Deputy County Clerk-Recorder

(SEAL)

EXHIBIT "A"

For County of San Luis Obispo Quitclaim Deed to

APN	Legal Description
064-073-062	Lots 75 and 76 in Block 7 of Morro Rock View Unit No. 2, in the County of San Luis Obispo, State of California, according to map recorded November 8, 1927 in Book 3, at page 93 of Maps in the office of the County Recorder of said County.
064-075-048	<p>In the County of San Luis Obispo, State of California; Lot 22 and those portions of lots 33, 34, 35, 36, 37, 38, 39, 40, 41 in Block 9 of the Morro Rock View Subdivision No. 2, as said lots are shown on the map thereof filed in Book 3 of Maps at page 100, records of said county, erroneously described as page 114 in that certain Tax Deed to Purchaser of Tax-Defaulted Property recorded on March 23, 2005 as Document No. 200522553 in the Office of the Clerk Recorder for the County of San Luis Obispo, lying northeasterly of the following described line: beginning at a point distant N. 35° 21' 08" E., 130.00 feet from engineer's station 148+26.91 B.C. on the center line of the Department of Public Works Survey for State Highway Road V-SLO-56-C as said center line is delineated on the map filed in State Highway Map Book No. 3 at pages 619 to 624, records of said county; thence, northwesterly from a tangent which bears N. 58° 08' 05" W., along a curve to the right with a radius of 2,000 feet through an angle of 21° 41' 31" for a length of 757.19 feet to a point distant radially, N. 53° 31' 43" E., 107.00 feet from engineer's station 156+20 P.O.C. on the above said center line.</p> <p>There shall be no abutter's rights of access appurtenant to the above-described real property in and to the adjacent state freeway. Bearings and distances used herein are based on the California Coordinate System.</p>
064-311-013	Lots 43 and 44 in Block 63 of Morro Strand Unit No. 4, in the County of San Luis Obispo, State of California, according to map recorded January 22, 1929 in Book 3, at page 114 of Maps in the office of the County Recorder of said County.
064-312-043	Lot 66 in Block 61 of Morro Strand Unit No. 4, in the County of San Luis Obispo, State of California, according to map recorded January 22, 1929 in Book 3, at page 114 of Maps in the office of the County Recorder of said County.
064-312-062	Lot 91 in Block 61 of Morro Strand Unit No. 4, in the County of San Luis Obispo, State of California, according to map recorded January 22, 1929 in Book 3, at page 114 of Maps in the office of the County Recorder of said County.
064-312-063	Lot 90 in Block 61 of Morro Strand Unit No. 4, in the County of San Luis Obispo, State of California, according to map recorded January 22, 1929 in Book 3, at page 114 of Maps in the office of the County Recorder of said County.
064-313-013	Lots 16 and 17 in Block 62 of Morro Strand Unit No. 4, the County of San Luis Obispo, State of California, according to map recorded January 22, 1929 in Book 3, at page 114 of Maps in the office of the County Recorder of said County.
064-315-036	Lots 28 and 29 in Block 43 of Morro Strand Unit No. 4, in the County of San Luis Obispo, State of California, according to map recorded January 22, 1929

	in Book 3, at page 114 of Maps in the office of the County Recorder of said County.
064-315-037	Lot 27 in Block 43 of Morro Strand Unit No. 4, in the County of San Luis Obispo, State of California, according to map recorded January 22, 1929 in Book 3, at page 114 of Maps in the office of the County Recorder of said County.
064-322-009	Lot 13 in Block 41 of Morro Strand Unit No. 2, in the County of San Luis Obispo, State of California, according to map recorded December 6, 1928 in Book 3, at page 107 of Maps in the office of the County Recorder of said County.
064-323-004	Lots 18 and 19 in Block 38 of Morro Unit No. 2, in the County of San Luis Obispo, State of California, according to map recorded December 6, 1928 in Book 3, at page 107 of Maps in the office of the County Recorder of said County.
064-332-004	Lots 45, 46, 47, 48, and 49 in Block 59 of Morro Strand Unit No. 4, in the County of San Luis Obispo, State of California, according to map recorded March 13, 1929 in Book 3, at page 118 of Maps in the office of the County Recorder of said County.
064-332-021	Lot 21 in Block 59 of Morro Strand Unit No. 4, in the County of San Luis Obispo, State of California, according to map recorded March 13, 1929 in Book 3, Page 118 of Maps in the office of the County Recorder of said County.
064-332-036	Lots 3 and 4 in Block 59 of Morro Strand Unit No. 4, in the County of San Luis Obispo, State of California, according to map recorded March 13, 1929 in Book 3, Page 118 of Maps in the office of the County Recorder of said County.
064-332-042	Lots 95 and 96 in Block 59 of Morro Strand Unit No. 4, in the County of San Luis Obispo, State of California, according to map recorded March 13, 1929 in Book 3, Page 118 of Maps in the office of the County Recorder of said County.
064-332-066	Lots 104, 105, 106, 107, and 108 in Block 59 of Morro Strand Unit No. 4, in the County of San Luis Obispo, State of California, according to map recorded March 13, 1929 in Book 3, Page 118 of Maps.
064-333-003	Lots 22, 23, 32, and 33 in Block 56 of Morro Strand Unit No. 4, in the County of San Luis Obispo, State of California, according to map recorded March 13, 1929 in Book 3, Page 118 of Maps in the office of the County Recorder of said County.
064-333-014	Lot 4 of Block 56 of Morro Strand Unit No. 4, in the County of San Luis Obispo, State of California, according to map recorded March 13, 1929 in Book 3, Page 118 of Maps in the office of the County Recorder of said County.
064-333-015	Lot 3 in Block 56 of Morro Strand Unit No. 4, in the County of San Luis Obispo, State of California, according to map recorded March 13, 1929 in Book 3, Page 118 of Maps in the office of the County Recorder of said County.
064-333-023	Lot 31 in Block 56 of Morro Strand Unit No. 4, in the County of San Luis Obispo, State of California, according to map recorded March 13, 1929 in Book 3, Page 118 of Maps in the office of the County Recorder of said County.
064-344-003	Lot 69 in Block 42 of Morro Strand Unit No. 4, in the County of San Luis Obispo, State of California, according to map recorded March 13, 1929 in Book 3, Page 118 of Maps in the office of the County Recorder of said County.
064-373-006	Lot 27 in Block 44 of Morro Strand Unit No. 3, in the County of San Luis Obispo, State of California, according to map recorded December 6, 1928 in Book 3, Page 112 of Maps in the office of the County Recorder of said County.

064-373-042	Lots 31 and 32 in Block 44 of Morro Strand Unit No. 3, in the County of San Luis Obispo, State of California, according to map recorded December 6, 1928 in Book 3, Page 112 of Maps in the office of the County Recorder of said County.
064-383-013	Lot 110 in Block 24 of Morro Strand Unit No. 3, in the County of San Luis Obispo, State of California, according to map recorded December 6, 1928 in Book 3, Page 112 of Maps in the office of the County Recorder of said County.
064-383-029	Lot 129 in Block 24 of Morro Strand Unit No. 3, in the County of San Luis Obispo, State of California, according to map recorded December 6, 1928 in Book 3, Page 112 of Maps in the office of the County Recorder of said County.
064-384-008	Lot 68 in Block 24 of Morro Strand Unit No. 1, in the County of San Luis Obispo, State of California, according to map recorded May 21, 1928 in Book 3, Page 105 of Maps in the office of the County Recorder of said County.
064-384-025	Lot 42 in Block 24 of Morro Strand Unit No. 1, in the County of San Luis Obispo, State of California, according to map recorded May 21, 1928 in Book 3, Page 105 of Maps in the office of the County Recorder of said County.
064-391-003	Lots 6 and 7 in Block 28 of Morro Strand Unit No. 2, in the County of San Luis Obispo, State of California, according to map recorded June 20, 1928 in Book 3, Page 107 of Maps in the office of the County Recorder of said County.
064-391-013	Lots 19 and 20 in Block 28 of Morro Strand Unit No. 2, in the County of San Luis Obispo, State of California, according to map recorded June 20, 1928 in Book 3, Page 107 of Maps in the office of the County Recorder of said County.
064-391-047	Lot 73 in Block 28 of Morro Strand Unit No. 2, in the County of San Luis Obispo, State of California, according to map recorded June 20, 1928 in Book 3, Page 107 of Maps in the office of the County Recorder of said County.
064-401-001	Lots 1 and 2 in Block 23 of Morro Strand Unit No. 1, in the County of San Luis Obispo, State of California, according to map recorded May 21, 1928 in Book 3, at page 105 of Maps in the office of the County Recorder of said County.
064-401-002	Lot 3 in Block 23 of Morro Strand Unit No. 1, in the County of San Luis Obispo, State of California, according to map recorded May 21, 1928 in Book 3, at page 105 of Maps in the office of the County Recorder of said County.
064-401-004	Lot 5 in Block 23 of Morro Strand Unit No. 1, in the County of San Luis Obispo, State of California, according to map recorded May 21, 1928 in Book 3, at page 105 of Maps in the office of the County Recorder of said County.
064-401-005	Lots 6 and 7 in Block 23 of Morro Strand Unit No. 1, in the County of San Luis Obispo, State of California, as per map recorded May 21, 1928 in Book 3, at page 105 of Maps in the office of the County Recorder of said County.
064-401-007	Lot 10 in Block 23 of Morro Strand Unit No. 1, in the County of San Luis Obispo, State of California, as per map recorded May 21, 1928 in Book 3, at page 105 of Maps in the office of the County Recorder of said County.
064-401-020	Lot 26 in Block 23 of Morro Strand Unit No. 1, in the County of San Luis Obispo, State of California, as per map recorded May 21, 1928 in Book 3, at page 105 of Maps in the office of the County Recorder of said County.
064-401-021	Lot 27 in Block 23 of Morro Strand Unit No. 1, in the County of San Luis Obispo, State of California, as per map recorded May 21, 1928 in Book 3, at page 105 of Maps in the office of the County Recorder of said County.
064-401-022	Lot 28 in Block 23 of Morro Strand Unit No. 1, in the County of San Luis Obispo, State of California, as per map recorded May 21, 1928 in Book 3, at page 105 of Maps in the office of the County Recorder of said County.
064-401-023	Lot 29 in Block 23 of Morro Strand Unit No. 1, in the County of San Luis Obispo, State of California, as per map recorded May 21, 1928 in Book 3, at page 105 of Maps in the office of the County Recorder of said County.

064-401-040	Lot 49 in Block 23 of Morro Strand Unit No. 1, in the County of San Luis Obispo, State of California, as per map recorded May 21, 1928 in Book 3, at page 105 of Maps in the office of the County Recorder of said County.
064-401-054	Lot 70 in Block 23 of Morro Strand Unit No. 1, in the County of San Luis Obispo, State of California, as per map recorded May 21, 1928 in Book 3, at page 105 of Maps in the office of the County Recorder of said County.
064-402-015	Lot 20 in Block 20 of Morro Strand Unit No. 1, in the County of San Luis Obispo, State of California, as per map recorded May 21, 1928 in Book 3, at page 105 of Maps in the office of the County Recorder of said County.
064-402-032	Lots 36 and 37 in Block 20 of Morro Strand Unit No. 1, in the County of San Luis Obispo, State of California, as per map recorded May 21, 1928 in Book 3, at page 105 of Maps in the office of the County Recorder of said County.
064-402-035	Lots 21 and 22 in Block 20 of Morro Strand Unit No. 1, in the County of San Luis Obispo, State of California, as per map recorded May 21, 1928 in Book 3, at page 105 of Maps in the office of the County Recorder of said County.
064-403-002	Lots 2 and 3 in Block 22 of Morro Strand Unit No. 1, in the County of San Luis Obispo, State of California, as per map recorded May 21, 1928 in Book 3, at page 105 of Maps in the office of the County Recorder of said County.
064-403-003	Lot 4 in Block 22 of Morro Strand Unit No. 1, in the County of San Luis Obispo, State of California, as per map recorded May 21, 1928 in Book 3, at page 105 of Maps in the office of the County Recorder of said County.
064-403-012	Lot 16 in Block 22 of Morro Strand Unit No. 1, in the County of San Luis Obispo, State of California, as per map recorded May 21, 1928 in Book 3, at page 105 of Maps in the office of the County Recorder of said County.
064-403-018	Lots 24 and 25 in Block 22 of Morro Strand Unit No. 1, in the County of San Luis Obispo, State of California, as per map recorded May 21, 1928 in Book 3, at page 105 of Maps in the office of the County Recorder of said County.
TOTAL=48 PARCELS	

END OF EXHIBIT "A".

EXHIBIT “B”

THE FOLLOWING PERPETUAL DEED RESTRICTIONS ARE IMPOSED ON ALL PROPERTIES LISTED IN EXHIBIT “A” OF QUITCLAIM DEED FROM COUNTY OF SAN LUIS OBISPO TO

_____ .

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".