

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT General Services Agency		(2) MEETING DATE 7/9/2013		(3) CONTACT/PHONE Janette D. Pell, General Services Agency Director 805-781-5200	
(4) SUBJECT Request to approve Resolution and Quitclaim Deed to relinquish the County's interest in road and utility easements on a 6.0 acre vacant parcel on Buckley Road near Broad Street in San Luis Obispo. District 3.					
(5) RECOMMENDED ACTION It is recommended that the Board: 1. Adopt a Resolution to quitclaim two public road and public utility easements. 2. Execute a Quitclaim Deed to relinquish the County's interest in the easements. 3. Instruct the Clerk to deliver the Quitclaim Deed to the County Real Property Manager to be delivered to the title company for recordation.					
(6) FUNDING SOURCE(S) n/a		(7) CURRENT YEAR FINANCIAL IMPACT \$0.00		(8) ANNUAL FINANCIAL IMPACT \$0.00	
(9) BUDGETED? Yes					
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ___) <input type="checkbox"/> Board Business (Time Est. ___)					
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A					
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) n/a				(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: n/a <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached		(15) BUSINESS IMPACT STATEMENT? No		(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A Date: <u>11/20/2012</u>	
(17) ADMINISTRATIVE OFFICE REVIEW					
(18) SUPERVISOR DISTRICT(S) District 3 -					

# County of San Luis Obispo



TO: Board of Supervisors

FROM: General Services Agency  
Janette D. Pell, General Services Agency Director  
805-781-5200

DATE: 7/9/2013

SUBJECT: Request to approve Resolution and Quitclaim Deed to relinquish the County's interest in road and utility easements on a 6.0 acre vacant parcel on Buckley Road near Broad Street in San Luis Obispo. District 3.

## **RECOMMENDATION**

It is recommended that the Board:

1. Adopt a Resolution to quitclaim two public road and public utility easements.
2. Execute a Quitclaim Deed to relinquish the County's interest in the easements.
3. Instruct the Clerk to deliver the Quitclaim Deed to the County Real Property Manager to be delivered to the title company for recordation.

## **DISCUSSION**

The County of San Luis Obispo acquired a 3.49 acre parcel of vacant land on Buckley Road near Broad Street in San Luis Obispo (APN 076-063-033) on January 13, 2012 (see Location Map, Attachment #1). The County's parcel is located east of a 6.0 acre parcel of vacant land owned by Buckley Pacific, LLC ("Buckley Pacific"). The Board of Supervisors approved a request to relinquish an easement on the Buckley Pacific property on November 20, 2012, when the property was owned by Central Coast Engineering, Inc.

Two additional easements were recorded on Buckley Pacific's property for the purposes of public road and public utilities in 1997 by the prior owner, Central Coast Engineering, Inc. (see Attachments #2). The easements had been requested by Strasbaugh Corporation, the owner to the west of Buckley Pacific's property. They were not a condition of approval by County Planning and Building for development of Strasbaugh property.

Although the easements are stated to be for "public" road and "public" utility purposes, no offer to dedicate has been granted nor requested by County Public Works. The easements, therefore, are not public, but are instead private road and utility easements. The two easements are in the same location on Buckley Pacific's property, along the east and south property boundaries. The second easement (document #1997-040096 dated July 30, 1997) was recorded to correct an oversight in the first easement that failed to state the width of the easement (document #1997-038161 dated July 22, 1997). A drawing of the easement location is shown in Attachment #3 (see blue cross-hatched area).

Buckley Pacific desires to remove the easement from their property in order to improve their options for development of their land. First American Title Company has advised that all property owners located adjacent to the easement must quitclaim their interest in the easement before the easement can be eliminated. Quitclaim deeds from the other adjacent property owners have been recorded. In order for the County to release their interest in the easement, the value of the easement to the County and to the public needed to be determined. A number of factors were evaluated to determine whether the two easements could provide value to the County. The following summarizes the findings of the evaluation:

- Access: Buckley Pacific hired a traffic engineer to perform a sight access evaluation to determine if access onto Buckley at this location complies with the County's stopping sight distance criteria. The line of sight analysis at the posted speed limit of 55 miles per hour determined that this location would not meet the County's standard. County Public Works confirmed that the location of this easement would not be approved by them for access onto Buckley Road.
- Internal Circulation: The language of the easement was evaluated by County Counsel to determine if the easement could be used to provide additional internal traffic circulation to the County's parcel. County Counsel advises that the stated purpose of a "public road" in the easement wording is inconsistent with use of the easement for internal circulation to serve the County's parcel alone.
- Electricity: Electricity is not located in Buckley Road. Pacific Gas and Electric confirms that the property is currently served by power lines entering the property from the south. The County would not use the easement for electrical lines.
- Water: Water service is not located in Buckley Road. The appraisal states that the County's property is served by two water wells, one which serves as irrigation and the other for domestic use. The County would not use the easement for water lines.
- Telephone/Cable: The appraisal states that the County's property is currently served by telephone service from the south. Phone service is also available in Buckley Road. Even if the County elected to serve the parcel from Buckley Road, the easement location would not be used because it would add length and cost to the project.
- Gas: Gas service is located in Buckley Road. The County would not, however, locate gas service in the easement area.
- Public Benefit: This easement creates a private road rather than a public road because it has been created without an offer of dedication. County Public Works confirms that access onto Buckley Road at this location would not be a safe location. As for public utilities, use of the easement area would serve private development only and would not provide a larger public benefit.

In summary, after a thorough analysis of any potential use for the easements, staff has determined that they are of no value to the public or to the County's adjacent parcel. Staff recommends adoption of the attached Resolution that approves the quitclaim of the two easements.

#### **OTHER AGENCY INVOLVEMENT/IMPACT**

County Counsel has reviewed the Resolution and the Quitclaim Deed as to form and legal effect and has interpreted the potential uses allowed by the easement language. The County Environmental Coordinator has determined that this transaction is exempt under the California Environmental Quality Act (CEQA) under provisions of the Public Resources Code Section 21080 (b)(1) and State CEQA Guidelines Section 15061 (b)(3). County Public Works has confirmed that the location of the easements cannot be used for access to Buckley Road. County Planning and Building have confirmed that the easements were not a condition of approval for the Strasbaugh Corporation property, to which the easements had been granted. Approval of the Federal Aviation Administration (FAA) is not required for this transaction because the County's parcel is not included in the property inventory that secures FAA Grant Assurances.

#### **FINANCIAL CONSIDERATIONS**

Buckley Pacific has paid to the County a \$545 review fee and a \$5,000 deposit toward General Services staff costs, as stated in the County's fee schedule for Easements. The unused portion of the deposit will be refunded to Buckley Pacific upon recordation of the Quitclaim Deed and closure of the file. No additional costs to the County aside from approximately \$3,000 in General Services staff costs have been incurred, most of which is paid by the review fee and deposit. The easement has been determined to be of no value to the County, and no payment for the easement relinquishment is required from Buckley Pacific. The evaluation done by staff shows that the two easements do not provide a value or benefit to the County and therefore no additional payment is necessary.

## **RESULTS**

Approval of the Resolution and execution of the Quitclaim Deed will relinquish the County's interest in two easements on property located adjacent to County-owned land on Buckley Road in San Luis Obispo. The easements have been determined to be of no value to the County's property or to the public. This action contributes to the Communitywide result of a Well Governed Community.

## **ATTACHMENTS**

1. Location Map
2. Easements to be Relinquished
3. Location of Easements
4. Resolution
5. Quitclaim Deed