

IN THE BOARD OF SUPERVISORS

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

..... Day, 20.....

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

**RESOLUTION AUTHORIZING THE SALE OF
COUNTY OWNED REAL PROPERTY TO AN ADJACENT PROPERTY OWNER
IN THE UNINCORPORATED AREA OF CAYUCOS**

The following Resolution is hereby offered and read:

WHEREAS, the County of San Luis Obispo currently owns a parcel of vacant real property that was acquired through tax default consisting of approximately 3,000 square feet (APN 064-331-036), located at 3074 Gilbert Avenue in the unincorporated area of the Cayucos hillsides (“Gilbert Property”); and

WHEREAS, the Gilbert Property is located within the Urban Reserve Line, as that term is used in the San Luis Obispo County Estero Area Plan, but is not currently buildable due to the lack of a developed road or utilities; and

WHEREAS, the Gilbert Property is located in a geologic study area; and

WHEREAS, this parcel of land is not required for County use; and

WHEREAS, the sale of the Gilbert Property to an adjacent property owner with a requirement for lot merger has been determined by the San Luis Obispo County Planning Director to be consistent with the San Luis Obispo County General Plan; and

WHEREAS, Magda Fichter, Trustee of the Magda Fichter Trust Under Agreement Dated

March 15, 2005, owns the adjacent property to the north and has requested to purchase the Gilbert Property for the sum of \$7,000, subject to the merger of the property with her adjacent property; and

WHEREAS, Government Code section 25526.5 allows the County Board of Supervisors to convey surplus property valued up to \$25,000, and not required for County use in the manner and upon terms and conditions herein provided; and

WHEREAS, all other adjacent property owners have been notified of the opportunity to purchase this property provided that it is voluntarily merged with their own; and

WHEREAS, no other property owners have expressed an interest in purchasing this property; and

WHEREAS, the Gilbert Property has been appraised by a State Board of Equalization certified appraiser from the County Assessor's Office; and

WHEREAS, the sales price of \$7,000 is no less than the fair market value of the property based on the appraisal; and

WHEREAS, the proposed sale has been determined by the County Planning Director to be in conformity with the San Luis Obispo County General Plan and the determination was filed with the County Planning Commission on March 14, 2013; and

WHEREAS, the County Environmental Coordinator has determined that this transaction is categorically exempt from the California Environmental Quality Act (CEQA) because the sale does not have the potential for causing a significant effect on the environment, per CEQA Guidelines, section 15312 (a)(b)(3);

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 section 25526.5 the Board finds the property (APN 064-331-036) located at 3074 Gilbert Avenue in the unincorporated area of the Cayucos hillsides and all interests to be quitclaimed are not required for County use.
2. The Board finds this project is categorically exempt from CEQA, per CEQA Guidelines, Section 15312 (a)(b)(3).
3. Said sale is upon the following terms and conditions:
 - A. The amount of \$7,000 (Seven Thousand Dollars) has been paid by the purchaser and is accepted as fair compensation.

- B. Conveyance shall be by means of a Quitclaim Deed from the County of San Luis Obispo.
- C. The Clerk of the Board is directed to deliver the Quitclaim Deed to the County Real Property Manager.
- D. The purchaser shall merge the parcel with the purchaser's adjacent lot immediately following the recordation of the Quitclaim Deed.
- E. The County Real Property Manager is directed to record the Quitclaim Deed and the merger agreement upon approval of the voluntary merger application by the County Department of Planning and Building, no later than September 9, 2013.
- F. County does not expressly or impliedly warrant marketability of title.
- G. All closing costs shall be paid by Buyer.

4. The Chairperson of the Board of Supervisors is hereby authorized to execute the Quitclaim Deed in favor of Magda Fichter, Trustee of the Magda Fichter Trust Under Agreement Dated March 15, 2005 on behalf of the County of San Luis Obispo.

5. The County Real Property Manager is hereby authorized to execute all additional necessary documents in order to complete this sale 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: July 19, 2013