

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

(1) DEPARTMENT General Services Agency	(2) MEETING DATE 11/4/2014	(3) CONTACT/PHONE Machelle Vieux 781-5200	
(4) SUBJECT Submittal of a resolution approving the transfer of County-owned land located in Avila Beach Community Park to the Avila Beach Community Services District to accommodate expansion of the Central Coast Aquarium and acceptance of a utilities easement to provide irrigation water for the park. District 3.			
(5) RECOMMENDED ACTION It is recommended that the Board: 1. Adopt the resolution transferring land at Avila Beach Community Park to the Avila Beach Community Services District and authorize the Chair to sign, by 4/5 vote; 2. Approve the quitclaim deed; 3. Approve the Certificate of Acceptance for the Utilities Easement Deed; and 4. Direct the Clerk of the Board to record the Quitclaim Deed and Utilities Easement Deed.			
(6) FUNDING SOURCE(S) N/A	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? N/A
(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 checked="" type="checkbox"/> Deed and Certificate of Acceptance			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A <input type="checkbox"/> 4/5 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>5/7/2002, 9/18/2012</u>	
(17) ADMINISTRATIVE OFFICE REVIEW Emily Jackson			
(18) SUPERVISOR DISTRICT(S) District 3			

County of San Luis Obispo



TO: Board of Supervisors

FROM: General Services Agency/ Mabelle Vieux, 781-5200

DATE: 11/4/2014

SUBJECT: Submittal of a resolution approving the transfer of County-owned land located in Avila Beach Community Park to the Avila Beach Community Services District to accommodate expansion of the Central Coast Aquarium and acceptance of a utilities easement to provide irrigation water for the park. District 3.

RECOMMENDATION

It is recommended that the Board:

1. Adopt the resolution transferring land at Avila Beach Community Park to the Avila Beach Community Services District and authorize the Chair to sign, by 4/5 vote;
2. Approve the quitclaim deed;
3. Approve the Certificate of Acceptance for the Utilities Easement Deed; and
4. Direct the Clerk of the Board to record the Quitclaim Deed and Utilities Easement Deed.

DISCUSSION

On May 7, 2002, the County transferred a 0.12-acre parcel of land at Avila Beach Park on San Juan Street in Avila Beach (see Location Map, Attachment 1) at no cost to the Avila Beach Community Services District (ABCSD), which the ABCSD leased for one dollar a year to the Avila Beach Sea Life Center. The Avila Beach Sea Life Center is now known as the Central Coast Aquarium (Aquarium). The deed restricted the land to be used "as specified in the Avila Beach Specific Plan adopted October 17, 2000 which identified a portion of the park area as a location for a future community building that could be used to house the proposed marine research institute or other community facility." Title to the land reverts to the County in the event the property ceases to be used as specified.

The Aquarium has operated since 1994 and offers the opportunity for all people, especially children, to learn about marine science. The Aquarium's mission is to cultivate a community that is dedicated to ocean stewardship through education, engagement, and action by providing forums and other forms of ocean education for schools and the general public. The Aquarium has continued to grow in popularity and has recognized a need to expand in order to provide a better experience for youth and adults in viewing marine sea creatures and improved learning facilities for school classes, individuals, and tourist groups.

The County Parks and Recreation Commission supported the MOU to transfer the property at their meeting on June 28, 2012. The area of Avila Beach Community Park needed for the expansion consists of approximately 0.2 acres of landscaped area (a portion of the County's parcel, APN 076-212-007) which would not significantly reduce the recreational use of the park's open space. On September 18, 2012, the Board of Supervisors approved the Memorandum of Understanding for Avila Beach Sea Life Center Expansion (Attachment 2- MOU) with the ABCSD and the Aquarium, defining the steps leading up to the County's transfer of land for the Aquarium's expansion and showing the area of land to be transferred on page 4 of the MOU. All steps outlined in the MOU have been completed, including the lot line adjustment, preparation of the deeds, environmental determination, and determination of general plan conformity.

California Government Code, Section 25365, permits the County to transfer this surplus real property to the ABCSD with a four-fifths vote of the Board. The Resolution (Attachment 3) authorizes the Chair of the Board to sign the Quitclaim Deed (Attachment 4) that will transfer ownership of the land from the County to the ABCSD and will reserve an easement for the

County's landscape irrigation lines. The Resolution also authorizes the Chair to sign the Certificate of Acceptance (Attachment 5) for a Utilities Easement Deed from ABCSD to the County that allows the County to maintain its landscape irrigation pipelines and equipment on the land owned by the ABCSD. Legal notice of the intention to transfer the land was published in accordance with California Government Code, Section 6061. ABCSD will amend their lease with the Aquarium to add the land to the lease site after the property transfer is completed. Ownership of the land may revert to the County if the Aquarium expansion is not completed within five years from the date of transfer. The Quitclaim Deed will contain a deed restriction stating the following:

"This quitclaim deed shall be conditioned upon use of the property as specified in the Avila Beach Specific Plan adopted October 17, 2000 which identified a portion of the park area as a location for a future community building that could be used to house the proposed marine research institute or other community facility. Said title shall revert to the County in the event that the property ceases to be used as specified above. In the event that the property is not improved with an expansion of the existing marine research institute within five years of the recordation of this Quitclaim Deed, said property shall revert to the County upon demand of the County,"

OTHER AGENCY INVOLVEMENT/IMPACT

The MOU was approved by the Aquarium on June 22, 2012. The MOU was endorsed by the County Parks and Recreation Commission on June 28, 2012, and approved by the ABCSD on July 25, 2012 and the County on September 18, 2012. The County Subdivision Review Board approved the lot line adjustment on February 3, 2014. The County Environmental Coordinator determined on February 13, 2014 that the transfer of the land is categorically exempt from the California Environmental Quality Act based on Section 15312 (a)(b)(2). The County Planning Director filed a Determination of General Plan Conformity with the Planning Commission on March 27, 2014. ABCSD approved the Certificate of Acceptance of the Quitclaim Deed and approved the Utilities Easement Deed on October 14, 2014. The Clerk of the Board has published the legal notice of the Board's intention to transfer County the land in accordance with CA Government Code section 6061. County Counsel has reviewed the deeds as to form and legal effect.

FINANCIAL CONSIDERATIONS

The land is being transferred by the County to the ABCSD at no cost to the ABCSD, and the land is being leased by the ABCSD at the rate of one dollar per year to the Aquarium. All costs related to the expansion of the Aquarium, including permitting, surveying, design, construction, and maintenance, will be paid by the Aquarium. The County Parks budget may see a nominal decrease in operating costs related to watering and maintenance of the landscaping that was located on the land that is being transferred.

RESULTS

Approval of the resolution will result in the County deeding land in Avila Beach Park to the ABCSD for the purpose of leasing it for a dollar per year to the Central Coast Aquarium to allow an expansion of the Aquarium's facility and programs. This action will increase the public's opportunity to learn about marine science and ocean stewardship, and is consistent with the county wide goal of a Livable Community.

ATTACHMENTS

1. Location Map
2. MOU
3. County Resolution Authorizing Transfer
4. ABCSD Resolution with Quitclaim Deed
5. Utilities Easement Deed and Certificate of Acceptance