

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 2014

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE TRANSFER OF
COUNTY-OWNED REAL PROPERTY IN THE UNINCORPORATED AREA
OF AVILA BEACH TO THE AVILA BEACH COMMUNITY SERVICES DISTRICT

The following resolution is hereby offered and read:

WHEREAS, the County of San Luis Obispo (the “County”) owns Avila Beach Park on San Juan Street in Avila Beach, CA, zoned Recreation, Assessor’s Parcel Number 076-212-007; and

WHEREAS, on May 7, 2002, the County transferred approximately 0.12 acres of land in Avila Park at no cost to the Avila Beach Community Services District (ABCSD) with a deed restriction that the property would 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” (“ABCSD Property”); and

WHEREAS, the ABCSD leases the ABCSD Property for the sum of one dollar per year to the Avila Beach Sea Life Center, now known as the Central Coast Aquarium (the “Aquarium”), whose mission is to cultivate a community that is dedicated to ocean stewardship through education, engagement, and action; and

WHEREAS, the Aquarium desires to expand their current facility and has requested that the ABCSD acquire additional County-owned land to accommodate their expansion; and

WHEREAS, the County owns approximately 0.2 acres of landscaped area within Avila Beach Park (“the Property”) that could accommodate the Aquarium’s expansion without significantly reducing the recreational use of the park’s open space by the public; and

WHEREAS, the County, the ABCSD, and the Aquarium signed a Memorandum of Understanding dated September 18, 2012 that outlined the steps necessary to transfer the Property; and

WHEREAS, Government Code Section 25365 permits the County to transfer real property to various public agencies within the County, including the ABCSD, with a four-fifths vote of the Board of Supervisors, if the property or interest to be transferred is not required for county use; and

WHEREAS, the County Subdivision Review Board approved the lot line adjustment to create a separate lot for the Property on February 3, 2014; and

WHEREAS, a Determination of General Plan Conformity was received and filed by the Planning Commission on March 27, 2014, stating that the transfer of the Property conforms to the County’s General Plan; and

WHEREAS, the County Environmental Coordinator determined on February 13, 2014 that the transfer of the Property is categorically exempt for the California Environmental Quality Act, citing Categorical Exemption Section 15312 (a)(b)(2); and

WHEREAS, the ABCSD approved and signed the Utilities Easement Deed and the Certificate of Acceptance for the Quitclaim Deed for the Property; and

WHEREAS, legal notification of this action has been published by the Clerk of the Board in accordance with California Government Code section 6061;

WHEREAS, the Property is not required for County use and it is in the public interest to transfer ownership of this land to the ABCSD to accommodate the expansion of the Central Coast Aquarium:

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 25365 the Board finds the Property and all interests to be deeded are not required for County use and declares its intent to transfer the Property to the ABCSD by Quitclaim Deed, reserving therefrom an easement for the County's landscape irrigation system.
2. The Quitclaim Deed shall contain a deed restriction stating, "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,"
3. The Chairperson of the Board is hereby instructed to sign the Quitclaim Deed and the Certificate of Acceptance for the Utilities Easement Deed.
4. The Clerk of this Board is directed to record the Quitclaim Deed and Utilities Easement Deed.

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

BY: _____
Deputy Clerk

APPROVED AS TO FORM AND LEGAL EFFECT
RITA L. NEAL
County Counsel

By: Sharon G. Matuszewicz
Deputy County Counsel

Dated: October 17, 2014