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

Tuesday, April 8, 2014

PRESENT: Supervisors Frank R. Mecham, Adam Hill, Caren Ray, Debbie Arnold and Chairperson Bruce S. Gibson

ABSENT: None

RESOLUTION NO.2014-88

FIRST AMENDED RESOLUTION OF INTENTION TO SURPLUS AND SELL
COUNTY-OWNED REAL PROPERTY
IN THE UNINCORPORATED AREA OF CAMBRIA

The following first amended resolution is hereby offered and read:

WHEREAS, the County of San Luis Obispo (the "County") currently owns two irregularly shaped lots at 790 Cornwall Street ("Cornwall Properties") totaling approximately 17,229 square feet of vacant land zoned Commercial Retail in Cambria, CA, Assessor's Parcel Numbers 022-123-003 and 022-123-022 ; and

WHEREAS, the Cornwall Properties were acquired by the County on February 17, 2005 for the purpose of constructing a new Cambria library building; and

WHEREAS, the purchase of the Cornwall Properties included 1.29 water equivalent dwelling units to serve the properties, and the assignment of the water units to the County was approved by the Cambria Community Services District; and

WHEREAS, on November 3, 2009, the County acquired another property, located at 1043 Main Street in Cambria, CA, that was improved with a new building that would serve as a new library at a lower cost than constructing a building on the Cornwall Properties; and

WHEREAS, the Cornwall Properties are no longer necessary for County use; and

WHEREAS, the County and the Cambria Friends of the Library signed a Memorandum of Understanding on September 1, 2009, which was revised and replaced on December 13, 2011, requiring the sale of the Cornwall Properties and the application of the net proceeds toward the acquisition and improvements of the new library; and

WHEREAS, the County has given notices to other government agencies of the availability of these lots pursuant to Government Code Section 54220 et. seq. and no agencies expressed an interest in the properties; and

WHEREAS, Government Code Section 25526 provides that County-owned real property may be sold in accordance with the provisions of said code section after the adoption of a resolution by two-thirds vote of the members of the Board of Supervisors declaring the Board's intention to surplus and sell said property; and

WHEREAS, Government Code Section 25527 provides that the Board may authorize the payment of a real estate commission to a real estate broker who is instrumental in obtaining a proposal; and

WHEREAS, the County Planning Director has determined that the County's disposition of the Cornwall Properties is in conformity with the County's General Plan and said determination was filed with the County Planning

Commission on October 24, 2013; and

WHEREAS, the County Environmental Coordinator has issued a Notice of Exemption from the California Environmental Quality Act, citing Categorical Exemption Section 15312 (a)(b)(2); and

WHEREAS, based on review of a recent comparable sales and an appraisal of the properties, the General Services Agency recommended a minimum bid price of $250,000; and

WHERAS, a public auction was held on April 8, 2014 as authorized in Resolution #2014-5 dated January 7, 2014, and the County received no offers at the minimum bid price of $250,000; 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. Pursuant to Government Code 25526 the Board finds the Cornwall Properties and all interests to be deeded are not required for County use and declares its intent to surplus and sell the properties to the highest qualified bidder, at a minimum bid of $250,000.

2. This Board hereby sets July 8, 2014 AT 1:30 PM, or as soon as possible thereafter, in the chamber of the County Board of Supervisors, New County Government Center, 1055 Monterey Street, San Luis Obispo as the time and place to act on the surplus and sale of the aforementioned real properties. Written sealed bids on the County's bid form must be submitted on or before July 7, 2014 at 5:00 PM to the County of San Luis Obispo, General Services Agency, 1087 Santa Rosa Street, San Luis Obispo, CA 93408, ATTN: Real Property Manager.

3. In addition to the above, said sale shall be upon the following terms and conditions:
   a. The minimum acceptable bid price for the Cornwall Properties shall be no less than $250,000 and shall be payable in cash through escrow.
   b. A nonrefundable deposit of $10,000 payable by cashier's check to the County of San Luis Obispo shall be required with the bid.
   c. Escrow shall close within 45 days following acceptance of the bid by the County Board of Supervisors.
   d. The Cornwall Properties will be sold together in as-is condition, with no repairs or reports provided by the County except a preliminary title report.
   e. No conditions of sale will be accepted, including financing conditions, except that the sale will be subject to the approval of the assignment of 1.29 water equivalent dwelling unit by the Cambria Community Services District to the purchaser at the purchaser's sole cost.
   f. Upon successful close of escrow, a real estate sales commission of three (3) percent of the selling price, or an amount as otherwise determined by California Government Code Section 25531 and

25532, shall be payable from the proceeds of sale to a selling licensed real estate broker who is instrumental in obtaining the offer to purchase, provided that the name of the broker and rate is identified at the time of the bid.

g. County and purchaser shall pay their own customary closing costs for San Luis Obispo County.

h. Title to the Cornwall Properties shall be transferred in the form of a grant deed.

4. The Clerk of this Board is directed to give notice of this Board's intention to surplus and sell these real properties pursuant to Government Code Section 25526, with the resolution to be posted by the Clerk pursuant to Government Code Section 25528, and the attached Notice of Intention to Sell to be published by the Clerk pursuant to Government Code 6063 in a newspaper of general circulation published in the County.

5. The net proceeds from this sale shall be applied toward the purchase and improvement of the new Cambria library at 1043 Main Street in accordance with the Memorandum of Understanding between the Friends of the Cambria Library and the County of San Luis Obispo dated December 13, 2011.

Upon motion of Supervisor Ray, seconded by Supervisor Chairperson Gibson, and on the following roll call vote, to-wit:

AYES: Supervisors Ray, Chairperson Gibson, Mecham, Hill and Arnold

NOES: None

ABSENT: None

ABSTAINING: None

The foregoing resolution is hereby adopted:

Bruce S. Gibson

Chairperson of the Board of Supervisors

ATTEST:

Julie L. Rodewald
Clerk of the Board of Supervisors
By: */s/Sandy Currens*
Deputy Clerk

APPROVED AS TO FORM AND LEGAL EFFECT
Rita L. Neal
County Counsel

BY: */s/Shannon Matuszewicz*
Deputy County Counsel

DATE: March 17, 2014

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

I, **JULIE L. RODEWALD**, County Clerk of the above entitled County, and Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Supervisors, and now remaining of record in my office.

Witness, my hand and seal of said Board of Supervisors this 14th day of April, 2014.

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

By: Sandy Currens
Deputy Clerk

NOTICE OF INTENTION TO SURPLUS AND SELL
COUNTY-OWNED REAL PROPERTY IN THE
UNINCORPORATED AREA OF CAMBRIA

Notice is hereby given, pursuant to California Government Code section 6063 that the County of San Luis Obispo intends to sell two adjacent parcels at 790 Cornwall Street in Cambria totaling approximately 17,229 square feet of vacant land zoned Commercial Retail, APNs #022-123-003 and #022-123-022, to the highest bidder. The lots will be sold together and will include 1.29 water units, subject to approval of the assignment of the water units by the Cambria Community Services District.

A written bid must be on the County's bid form. A bid form and a description of the lots are available in the office of the County General Services Agency, 1087 Santa Rosa Street, San Luis Obispo, CA 93408. The minimum bid price is set at $250,000. All sealed bid forms are due to the General Services Agency located at the above-referenced address on or before Monday, July 7, 2014 at 5:00 PM. The County Board of Supervisors intends to conduct an auction of said real property at a regular meeting of said Board occurring in the Board Chambers, New County Government Center, 1055 Monterey Street, San Luis Obispo, at 1:30 PM, or as soon as possible thereafter, on Tuesday, July 8, 2014. The sealed bid forms will be presented at the Board of Supervisors meeting and oral bids will be called for before the final acceptance of any proposal.

For information or to obtain a bid form, please call County Real Property Services at 805-781-5200 or by fax to (805) 781-1364 or by e-mail to lvanfleet@co.slo.ca.us or iwarren@co.slo.ca.us.

DATE: April 14, 2014

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

By: */s/Sandy Currens*_____,
Deputy Clerk-Recorder