IN THE BOARD OF SUPERVISORS

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 2015

PRESENT: Supervisors

ABSENT:

RESOLUTION NO._____

RESOLUTION TO SURPLUS AND SELL COUNTY-OWNED REAL PROPERTY
LOCATED AT 900 MAIN STREET IN THE UNINCORPORATED AREA OF CAMBRIA

The following resolution is hereby offered and read:

WHEREAS, the County of San Luis Obispo currently owns real property at 900 Main Street ("Main Street Property") totaling approximately 9,888 square feet of land with a building of approximately 2,331 square feet zoned Commercial Retail in Cambria, CA, Assessor's Parcel Number 022-251-019; and

WHEREAS, the sale of County property is regulated by Title 3 of the Government Code of the State of California; and

WHEREAS, California State 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, in accordance with Government Code Sections 25526 and 25527, the Board of Supervisors passed and adopted Resolution #2015-9 on January 13, 2015, declaring the Main Street Property to be surplus and not necessary for County use, authorizing payment of a real estate commission, and setting the date of April 21, 2015 for the public auction of the Main Street Property, with sealed, written sealed bids due by 5:00 PM on April 20, 2015; and

WHEREAS, the County has given notices to other government agencies of the availability of this property pursuant to Government Code Section 54220 et. seq. and received no offers to purchase; and

WHEREAS, the Clerk of this Board has given notice of this Board's intention to surplus and sell the Main Street Property pursuant to Government Code Section 25526 with the Resolution posted pursuant to Government Code Section 25528 and notice published pursuant to Government Code Section 6063 in a newspaper of general circulation published in the County; and

WHEREAS, the County Planning Director on October 17, 2013 determined that the County's disposition of the Main Street Property 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 issued a Categorical Exemption citing Section 15312

(a)(b)(2) that the disposition of the Main Street Property will not result in any significant environmental impacts, and said determination was filed on January 29, 2015 and certified as Environmental Determination 13-084; and

WHEREAS, the County Environmental Coordinator issued a Categorical Exemption citing Section 15312 that the granting of an easement on a neighboring parcel, also owned by the County, to facilitate the sale of the Main Street Property will not result in any significant environmental impacts, and said determination was filed on February 20, 2015 and certified as Environmental Determination 14-168, and

WHEREAS, the County Board of Supervisors on May 6, 2014 approved the processing of a Land Use Element / Local Coastal Plan Amendment LRP2013-00015, to change the land use category of the Main Street Property from Public Facilities to Commercial Retail; and

WHEREAS, the County Planning Commission on August 28, 2014 approved Land Use Element / Local Coastal Plan Amendment LRP2013-00015 to change the land use category of the Main Street Property from Public Facilities to Commercial Retail; and

WHEREAS, the California Coastal Commission on December 11, 2014 approved Local Coastal Plan Amendment LCP-3-SLO-14-0839-3 to re-designate the Main Street Property from Public Facilities to Commercial Retail zoning; and

WHEREAS, it is in the public interest to surplus and sell this parcel; and

WHEREAS, the County adopts this Resolution in compliance with Government Code Section 25526.

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 et. al. and Resolution #2015-9, the Chairperson of the Board is authorized to conduct a public auction of the Main Street Property to the highest qualified bidder. At 1:30 PM, or as soon as possible thereafter as can be placed on the agenda, on April 21, 2015 in the chamber of the County Board of Supervisors, New County Government Center, 1055 Monterey Street, San Luis Obispo, the Board will open, examine, and publicly declare the sealed, written bids, then will call for oral bids, and the proposal which is highest shall be finally accepted and the Board shall approve this Resolution to authorize the sale, unless the Board rejects all bids.
2. Said sale shall be upon the following terms and conditions:
    a. The minimum acceptable bid price for the Main Street Property shall be no less than $540,000 and shall be payable in cash through escrow. No oral or written bid below that amount will be considered.
    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 Main Street Property will be sold together in as-is condition, with no repairs or reports provided by the County except a preliminary title report.

e. Included with the property will be an easement of five (5.00) feet in width over the adjacent parcel also owned by the County (APN: 022-251-020), along the southeasterly property line of the Main Street Property to accommodate the encroachment of the southeasterly building eave and to provide surface access to the property. This easement will be granted in the form of an Agreement and Grant of Easement, and will be extinguished upon removal of the encroachment.

f. No conditions of sale will be accepted, including financing conditions.

g. Upon successful close of escrow, a real estate sales commission of three percent (3%) of the selling price, or an amount as otherwise determined by California Government Code Sections 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.

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

i. Title to the Main Street Property shall be transferred in the form of a grant deed. The Title Company shall be selected by the County.

j. The County will convey all right, title and interest which it owns in the Main Street Property and title conveyed shall be subject to all liens and encumbrances, easements, rights of way, taxes and assessments, if any, and deed covenants, conditions and restrictions, whether recorded or not.

k. The County reserves the right to reject any and all bids and to waive irregularities in any bid received. If the successful bidder fails to purchase the Main Street Property, the County reserves the right to take such measures as it deems appropriate to sell the property. The County may, but shall have no obligation to, accept the next highest bid.

3. The net proceeds from this sale shall be applied toward the purchase and improvement of the new Cambria Library at 1043 Main Street in Cambria, in accordance with the Second Memorandum of Understanding between the Friends of the Cambria Library and the County of San Luis Obispo dated November 4, 2014, or as future amended.

4. A Budget Adjustment Request reflecting this sale transaction and payment to reimburse the Cambria Friends of the Library and reduce an outstanding loan to the County's Building Replacement General Fund is hereby authorized. Said Budget Adjustment Request will be finalized by the Auditor – Controller – Treasurer – Tax Collector's Office after net proceeds and costs associated with the sale have been calculated at close of escrow.

5. The County Real Property Manager is hereby authorized to sign the escrow documents related to this sale transaction and all other documents required to close escrow, with the exception of the grant deed.

6. The Chairperson of the Board is hereby authorized to execute a grant deed to be delivered by the County Real Property Manager to the escrow company.

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: March 27, 2015