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

Tuesday, February 3, 2015

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

ABSENT: None

RESOLUTION NO.2015-30

RESOLUTION OF INTENTION TO SURPLUS AND SELL
COUNTY-OWNED COMMERCIAL REAL PROPERTY
IN THE CITY OF ATASCADERO

The following resolution is hereby offered and read:

WHEREAS, the County of San Luis Obispo (the "County") currently owns real property at 6850 Morro Road ("Morro Road Property") totaling approximately 0.75 acres of land zoned Commercial Retail in the city of Atascadero, CA, formerly known as Assessor's Parcel Numbers 030-282-027 and 030-282-033; and

WHEREAS, the Morro Road Property includes an existing commercial building totaling approximately 8,221 square feet; and

WHEREAS, the Morro Road Property was originally two separate parcels purchased by the County on July 23, 1987 for the purpose of constructing a new Atascadero library building; and

WHEREAS, on December 29, 2010, the County purchased another property, located at 6555 Capistrano Avenue ("Capistrano Property") in the city of Atascadero, CA, which was improved with a building to serve various County departments, including a new library; and

WHEREAS, the new Atascadero Library was opened at the Capistrano Property on June 7, 2014; and

WHEREAS, the Morro Road Property is no longer necessary for County use; and

WHEREAS, quitclaim deeds from the City of Atascadero recorded June 1, 2010 and from Stanford University recorded February 4, 2011 removed a reversionary clause that would have prevented the sale of the Morro Road Property; and

WHEREAS, the County and the Friends of the Atascadero Library ("Atascadero Friends") signed a Memorandum of Understanding on November 9, 2010 ("2010 MOU"), which was subsequently amended by a First Amendment to Memorandum of Understanding dated December 4, 2014 ("First MOU Amendment"); and

WHEREAS, the 2010 MOU and First MOU Amendment requires the sale of the Morro Road Property, with credit of the net proceeds, less associated sales costs, toward the purchase and improvements of the

Capistrano Property; and

WHEREAS, the County has given notices to other government agencies of the availability of the Morro Road Property pursuant to Government Code Section 54220 et. seq., and no agencies expressed an interest in the property; 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 City of Atascadero determined that the County's disposition of the Morro Road Property is in conformity with the City's General Plan and said determination was filed with the City Planning Commission on October 7, 2014; and

WHEREAS, the Atascadero City Council on December 9, 2014 certified a Negative Declaration 2104-0008 and Initial Study regarding the Morro Road Property; and

WHEREAS, the Atascadero City Council on December 9, 2014 approved General Plan Amendment 2014-0029 to change the General Plan Designation from Public Facilities to General Commercial; and

WHEREAS, the Atascadero City Council on December 9, 2014 approved Lot Merger 2014-0013 to join the Morro Road Property (APNs 030-282-027 and 030-282-033) into one parcel, with a new Assessor's Parcel Number pending; and

WHEREAS, the Atascadero City Council on January 13, 2015 approved a zoning change of the Morro Road Property from Commercial Professional/PD-3 and Public Facilities to Commercial Retail/PD-3; and

WHEREAS, based on review of recent comparable sales and an appraisal of the Morro Road Property, the General Services Department recommends a minimum bid price of $1,362,000; and

WHEREAS, it is in the public interest to surplus and sell the Morro Road Property.

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 Morro Road Property and all interests to be deeded are not required for County use and declares its intent to surplus and sell the Morro Road Property to the highest qualified bidder, at a minimum bid of $1,362,000.

2. This Board hereby sets May 5, 2015 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

property. Written sealed bids on the County's bid form must be submitted on or before May 4, 2015 at 5:00 PM to the County of San Luis Obispo, General Services Department, 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 Morro Road Property shall be no less than $1,362,000 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 bid acceptance by the County Board of Supervisors.
   d. The Morro Road Property will be sold 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.
   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 Sections 25531 and 25532, shall be payable from the proceeds of sale to a licensed real estate broker who is instrumental in obtaining the offer to purchase, provided that the name of the broker and commission 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 Morro Road Property shall be transferred in the form of a grant deed.
   i. Included with the Morro Road Property will be a non-exclusive easement of twenty-four (24.00) feet in width over the adjacent parcel on Atascadero Avenue, APN 030-282-032, to accommodate ingress and egress access to benefit the Morro Road Property, unless the purchaser of both properties is the same party and the close of escrow is concurrent.

4. The Clerk of this Board is directed to give notice of this Board's intention to surplus and sell this real property 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 Section 6063 in a newspaper of general circulation published in the County.

5. The net proceeds from this sale, less associated sales costs, shall be applied toward the purchase and improvement of the Capistrano Property in accordance with the Memorandum of Understanding between the Friends of the Atascadero Library and the County of San Luis Obispo dated November 9, 2010 and amended December 4, 2014, or as future amended.

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

AYES: Supervisors Hill, Gibson, Compton, Arnold and Chairperson Mecham
NOES: None
ABSENT: None
ABSTAINING: None

The foregoing resolution is hereby adopted:

Frank R Mecham

Chairperson of the Board of Supervisors

ATTEST:

TOMMY GONG
Clerk of the Board of Supervisors

By: Sandy Currons
Deputy Clerk

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

By: */s/Shannon G. Matuszewicz*
Deputy County Counsel

DATE: January 20, 2015

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

I, **TOMMY GONG**, 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 on March 31, 2015.

TOMMY GONG,
County Clerk and Ex-Officio Clerk of the Board of Supervisors

By: Sandy Currons
Deputy Clerk

NOTICE OF INTENTION TO SURPLUS AND SELL
COUNTY-OWNED COMMERCIAL REAL PROPERTY
IN THE CITY OF ATASCADERO

Notice is hereby given, pursuant to California Government Code section 6063, that the County of San Luis Obispo intends to sell real property at 6850 Morro Road in Atascadero totaling approximately 0.75 acres of land zoned Commercial Retail, formerly known as APNs 030-282-027 and 030-282-033, to the highest bidder. The property will be sold as-is and will include an existing commercial building totaling approximately 8,221 square feet.

A written bid must be on the County's bid form. A bid form and a description of the parcel 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 $1,362,000**. All sealed bid forms are due to the General Services Department located at the above-referenced address on or before Monday, May 4, 2015 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, May 5, 2015. 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 805-781-5206 or fax to (805) 781-1364 or e-mail to lvanfleet@co.slo.ca.us or to sdragomir@co.slo.ca.us.

DATE: March 31, 2015

TOMMY GONG, County Clerk-Recorder
and Ex-Officio Clerk of the Board of Supervisors

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