

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 COMMERCIAL REAL PROPERTY  
LOCATED AT 6850 MORRO ROAD IN THE CITY OF ATASCADERO

The following resolution is hereby offered and read:

**WHEREAS**, the County of San Luis Obispo 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 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 #2015-30 on February 3, 2015, declaring the Morro Road Property to be surplus and not necessary for County use, authorizing payment of a real estate commission, and setting the date of May 5, 2015 for the public auction of the Morro Road Property, with sealed, written sealed bids due by 5:00 PM on May 4, 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 Morro Road Property pursuant to Government Code Section 25526 with the Resolution and notice posted pursuant to Government Code Sections 25528 and 6063 in a newspaper of general circulation published in the County; 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**, 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**, 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 #2015-30, the Chairperson of the Board is authorized to conduct a public auction of the Morro Road Property to the highest qualified bidder. At 1:30 PM, or as soon as possible thereafter as can be placed on the agenda, on May 5, 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 Morro Road Property shall be no less than \$1,362,000 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 Morro Road 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 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.
- 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 Morro Road 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 Morro Road 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 Morro Road 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, less associated sales costs, shall be applied toward the purchase and improvement of a new County library and other County offices at 6555 Capistrano Avenue in Atascadero, in accordance with the First Amendment to Memorandum of Understanding between the Friends of the Atascadero Library and the County of San Luis Obispo dated December 4, 2014, or as future amended.
  4. A Budget Adjustment Request reflecting this sale transaction and reducing an outstanding loan to the County's Capital Project 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: April 20, 2015