

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 RESIDENTIAL MULTI-FAMILY REAL PROPERTY  
LOCATED AT 6907 AND 6925 ATASCADERO AVENUE 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 6907 Atascadero Avenue and 6925 Atascadero Avenue (collectively, “Multi-Family Property”) totaling approximately 15,675 square feet of land zoned Residential Multifamily-20 in the city of Atascadero, CA, known as Assessor’s Parcel Numbers 030-282-018 and 030-282-032; and

**WHEREAS**, the Multi-Family Property includes an older single-family dwelling of approximately 1,539 square feet with significant deferred maintenance, previously used for storage by the former Atascadero Library; 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 #2015-29 on February 3, 2015, declaring the Multi-Family 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 Multi-Family 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 Multi-Family 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 Multi-Family 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 Mulit-Family Property; and

**WHEREAS**, the Atascadero City Council on December 9, 2014 approved General Plan Amendment 2014-0029 to change the General Plan Designation of APN 030-282-018 from Public Facilities to High Density Residential; and

**WHEREAS**, the Atascadero City Council on January 13, 2015 approved a zoning change of APN 030-282-018 from Public to Residential Multifamily-20; 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 #2015-29, the Chairperson of the Board is authorized to conduct a public auction of the Multi-Family 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 Multi-Family Property shall be no less than \$198,000 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 Multi-Family Property will be sold together in as-is condition, with no repairs or reports provided by the County except a preliminary title report.
  - e. Reserved from the deed to APN 030-282-018 will be a non-exclusive easement of twenty-four (24.00) feet in width along the southeasterly property line to accommodate ingress and egress access to the adjacent property, formerly APN 030-282-033, 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 Multi-Family 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 Multi-Family 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 Multi-Family 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 office 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