

IN THE BOARD OF SUPERVISORS

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

January 14, 2020

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION TO PURCHASE REAL PROPERTY LOCATED IN THE UNINCORPORATED AREA OF THE COUNTY SITUATED BETWEEN MORRO BAY AND CAYUCOS

The following Resolution is hereby offered and read:

WHEREAS, Chevron Land and Development Company, a Delaware corporation, is the fee simple owner of certain real property located in the unincorporated area situated between Morro Bay and Cayucos, APN 073-092-052, consisting of approximately 258.47 acres (hereinafter, the "Subject Property"), more particularly described in Exhibit "A", which is attached to this Resolution and hereby incorporated by reference; and

WHEREAS, County of San Luis Obispo Parks & Recreation Department is interested in the County acquiring the Subject Property for the purpose of obtaining acreage for a park, coastal access, and a trail connecting Morro Bay and Cayucos as identified in the County General Plan's Parks and Recreation Element; and

WHEREAS, the County of San Luis Obispo Board of Supervisors approved a resolution of intent to acquire the subject property on December 17, 2019; and

WHEREAS, as required by Government Code section 25350, a notice of the Board's intention to acquire the property was published in a newspaper containing a description of the property, the price, the vendor and a statement of the time the Board will meet to consummate the acquisition; and

WHEREAS, a resolution to acquire the Subject Property is now required to complete the action; and

WHEREAS, the acquisition amount of the Subject Property is \$3,750,000, which is supported by a fair market evaluation determined by an independent real estate appraiser and confirmed by staff

and contingent on a close of escrow no later than April 30, 2020 unless the Subject Property is not vacant at the close of escrow and the County elects to extend the closing date; and

WHEREAS, the purchase of the Subject Property has been negotiated between the Trust for Public Land (TPL), the Land Conservancy of San Luis Obispo (LCSLO) and Chevron with the intention of directing the transfer of title from Chevron to the County of San Luis Obispo.

WHEREAS, LCSLO and Chevron executed an Agreement for Purchase and Sale of Real Estate with respect to the Subject Property on December 26, 2019 (Attachment 3 - Agreement for Purchase and Sale of Real Estate); and

WHEREAS, the Agreement for Purchase and Sale of Real Estate will be assigned to the County upon close of escrow; and

WHEREAS, funding of the acquisition includes grants from the Wildlife Conservation Board (WCB), the California Coastal Conservancy, the California Natural Resources Agency (CNRA) and private funding; and

WHEREAS, the County of San Luis Obispo has already programmed \$50,000 for Right-of-Way acquisition for the Morro Bay to Cayucos Connector Trail that can also be used toward this acquisition funded by the State Highway Account/Surface Transportation Program (SHA/STP) to contribute towards the acquisition and anticipated closing costs of the Subject Property; and

WHEREAS, on December 17, 2019, the Board of Supervisors authorized the Director of the Parks and Recreation Department to sign for all necessary documents related to the WCB and CNRA grants; and

WHEREAS, the California Coastal Conservancy requires a resolution authorizing the Director of the Parks and Recreation Department to sign all necessary documents to receive the grant funds and such a resolution is being submitted concurrently with this Resolution to Purchase Real Property; and

WHEREAS, Central Services Real Property Services is coordinating with LCSLO regarding the sale transaction including the escrow process; and

WHEREAS, the County Department of Planning & Building has completed a General Plan Conformity report and the County Environmental Coordinator has reviewed the project and determined that it is exempt from the requirements of the California Environmental Quality Act; and

WHEREAS, County Parks & Recreation will manage the property as part of the County Park System; and

WHEREAS, County Counsel has reviewed and approved the Resolution and the Agreement for

Purchase and Sale of Real Estate as to form and legal effect; and

WHEREAS, the property will primarily be managed as open space and has two rental income agreement opportunities that can provide sufficient income to offset the operational costs of the property with no General Fund support anticipated; and

WHEREAS, future operational costs of the proposed Morro Bay to Cayucos Connector Trail will come to the Board with the proposed approval of that project at some point in the future when funding for construction of that project has been identified; and

WHEREAS, the acquisition of the Subject Property will serve the best interests of the public.

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. The purchase price of the Subject Property is Three Million Seven Hundred & Fifty Thousand Dollars (\$3,750,000), with the County contributing \$50,000 towards the purchase of the Subject Property.
2. The Board hereby instructs the Chairperson to execute the attached Certificate of Acceptance.
3. The Board hereby authorizes the County Real Property Manager to take such further action as may be necessary to complete the sale and transfer of the Subject Property, including but not limited to, signing escrow, the assignment agreement, and other documents that are required to complete and close this transaction according to the terms and conditions of the fully executed Purchase Agreement.

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:

WADE HORTON
Ex-Officio 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

DATE: January 3, 2020

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by Grant Deed from the Chevron Land and Development Company (Grantor(s)) to the County of San Luis Obispo (Grantee) is hereby accepted by order of the County San Luis Obispo Board of Supervisors, pursuant to authority conferred by Board Resolution adopted on January 14, 2020. The Grantee hereby consents to the recordation adopted thereof by its duly authorized officer.

Dated: _____

By: _____
CHAIRPERSON OF THE BOARD OF SUPERVISORS

Exhibit A
Legal Description

Real property in the unincorporated area of the County of San Luis Obispo, State of California, described as follows:

(Certificate of Compliance 2011-014549)

All that portion of Lot 39 of the Rancho Moro y Cayucos In the County of San Luis Obispo, State of California as said Lot is designated according to the map of the subdivision of said Rancho filed in Book A, at Page 160 of Maps In the office of the Recorder for said County, conveyed to Standard Oil Company of California by Indenture dated June 12, 1930, filed in Book 78, at Page 400 of Official Records In the office of the Recorder for said County, lying northerly of the center line of Toro Creek Road and its westerly prolongation to the Pacific Ocean as described in that Corporate Grant Deed between, Pacific Finance Corporation, Grantor, and Standard Oil Company of California, Grantee, recorded August 21, 1929, filed in Book 70, at Page 497 of Official Records in the office of the Recorder for said County;

Excepting therefrom that portion conveyed to the State of California (for Cayucos Forest Fire Station, Division of Forestry) by agreements dated August 29, 1960, filed In Book 1113, at Page 432 of Official Records, and dated February 5th 1962, filed in Book 1179, at Page 2 of Official Records In the office of the Recorder for said County;

Also Excepting therefrom that portion conveyed to the State of California (for Highway) by Corporate Grant Deed recorded October 26, 1960, filed in Book 1090, at Page 258 of Official Records and Corporate Grant Deed recorded October 26, 1960, filed in Book 1090, at Page 263 of Official Records in the office of the Recorder for said County.

APN: 073-092-052