



Monterey County

Item No.

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: RES 21-102

June 22, 2021

Introduced: 6/7/2021

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Resolution

Adopt a Resolution to:

- a. Approve the Quitclaim Deed and Transfer Agreement between the County and the City of Salinas, a California Charter City, for the conveyance of an approximately 2,180 square foot vacant lot off of Garfield Circle within the City of Salinas' jurisdictional limits, identified as Assessor's Parcel Number 253-192-015, pursuant to Government Code Section 25365 (4/5th vote required);
- b. Subject to formal approval of this Resolution by the California Department of Housing and Community Development within thirty (30) days of the County's adoption and full execution of this Resolution, authorize the Public Works, Facilities, & Parks Director to execute the Quitclaim Deed, the Transfer Agreement, and any related documents needed to complete the transaction, including, but not limited to, any future amendments to the Agreement subject to the review and approval of the Office of the County Counsel;
- c. Find the subject parcel to be transferred is exempt surplus land pursuant to Government Code sections 54221(f)(1)(B)(i) and 54221(f)(1)(D)(E); and
- d. Find that the subject parcel transfer is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15312.

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RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a resolution to:

- a. Approve the Quitclaim Deed and Transfer Agreement between the County and the City of Salinas, a California Charter City, for the conveyance of an approximately 2,180 square foot vacant lot off of Garfield Circle within the City of Salinas' jurisdictional limits, identified as Assessor's Parcel Number 253-192-015, pursuant to Government Code Section 25365 (4/5th vote required);
- b. Subject to formal approval of this Resolution by the California Department of Housing and Community Development within thirty (30) days of the County's adoption and full execution of this Resolution, authorize the Public Works, Facilities, & Parks Director to execute the Quitclaim Deed, the Transfer Agreement, and any related documents needed to complete the transaction, including, but not limited to, any future amendments to the Agreement subject to the review and approval of the Office of the County Counsel;
- c. Find the subject parcel to be transferred is exempt surplus land pursuant to Government Code sections 54221(f)(1)(B)(i) and 54221(f)(1)(D)(E); and
- d. Find that the subject parcel transfer is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15312.

SUMMARY/DISCUSSION:

The subject parcel, identified as Assessor's Parcel Number (APN) 253-192-015, hereafter referred to as "the Parcel," to be transferred to the City of Salinas via Quitclaim Deed, is an approximately

2,180-square foot vacant parcel located off of Garfield Circle within the City of Salinas' jurisdictional limits.

The Parcel was created via residential subdivision known as Tract No. 580 Unit No. 1 Northridge Estates, as evidenced by final Record of Survey Map recorded on November 13, 1968, Volume 9 Page 66, owned and developed by Kelswan, Inc. within County jurisdictional limits for the purpose of providing future access to a parcel outside the subdivision limits known as APN 253-192-016. On November 12, 1968, the Board of Supervisors for the County of Monterey accepted on behalf of the public all parcels of land offered for dedication by Kelswan, Inc., along with the Parcel as evidenced by Corporation Grant Deed recorded on November 13, 1968, Reel 580 Page 1107, recorded as document no. 23539.

The Parcel and the surrounding associated residential subdivision were annexed into the City of Salinas' jurisdictional boundaries via City of Salinas Ordinance 1568, approved by the State of California on July 31, 1974, as required by the Subdivision Map Act. It was determined that neither the City of Salinas, nor the County have records reflecting the formal transfer of ownership of the Parcel from the County to the City of Salinas, likely due to a transactional oversight, and a formal transfer of title is needed to accommodate the City of Salinas' desired future use or disposal of the Parcel.

It was the County's understanding that the Parcel was transferred to the City when the formal 1974 annexation of the residential subdivision was completed; however, it was discovered that the Parcel was required to be deeded in order to complete a formal transfer of ownership. It was also the County's understanding that the City of Salinas recognized having ownership and control of the Parcel as evidenced by: 1) Monterey County Treasurer-Tax Collector's Office document indicating that the City has historically been paying the annual property tax assessments; 2) 2004 City document indicating that the City, as property owner of the Parcel, authorized an encroachment permit to an adjacent property owner (APN 253-192- 003) to use the Parcel under certain conditions; and 3) 2020 City document indicating that the City, as property owner, requested that the adjacent property owner (APN 253-192-003) remove vehicles and/or unauthorized improvements from the Parcel.

Government Code 25365 authorizes the Board of Supervisors, by four-fifths vote, to transfer any real property or interest therein to a city within the respective county without complying with other provisions of the Government Code if the property is not required for county use. The Public Works, Facilities, & Parks Director, as authorized by the Board, will execute all real property transfer agreements, quitclaim deeds, and other necessary transfer documents to complete the Parcel conveyance. The Public Works, Facilities & Parks Department Real Property section will oversee and coordinate the transaction process.

The Parcel is considered exempt surplus land, pursuant to Government Code section 54221(f)(1)(B) (i), due to the parcel's square footage being less than 5,000 square feet. The Parcel is also considered exempt surplus land, pursuant to Government Code section 54221(f)(1)(D)(E) because the proposed transfer is to a local agency for their future use or disposal and the grantee, the City of Salinas, being an owner of an adjacent property, commonly referred to as the street improvements at Garfield Circle, Salinas, California. The sale of surplus land is exempt from the California Environmental Quality Act

(CEQA) pursuant to CEQA Guidelines section 15312 pertaining to surplus government property sales.

Approval and execution of the Quitclaim Deed will officially place the subject Parcel, APN 253-192-015, under the ownership of the City of Salinas, and the title will properly reflect that the County no longer owns any rights to the subject parcel.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel-Risk Manager has approved the Transfer Agreement and the Quitclaim Deed as to form. California Department of Housing and Community Development has given pre-approval of Staff’s findings concerning the Surplus Lands Act exemptions.

FINANCING:

Staff time to prepare this report, attachments, public notice, and to execute the Transfer Agreement and Quitclaim Deed is included in Fiscal Year 2020-2021 Adopted Budget, Fund 001, Appropriation Unit RMA006. Publication costs associated with the public notice is not anticipated to exceed \$500.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This action correlates to the Infrastructure initiative adopted by the Board of Supervisors by supporting consistent development and property ownership.

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

Prepared by: Ivo N. Basor, Management Analyst (831) 796-6427

Reviewed by: George K. Salcido, Real Property Specialist

Approved by: Lindsay Lerable, Chief of Facilities

Approved by: Randell Y. Ishii, MS, PE, TE, PTOE, Director of Public Works, Facilities, & Parks 

Attachments:

- Attachment A-Location Map
 - Attachment B-Draft Resolution
 - Attachment C-Quitclaim Deed
 - Attachment D-Transfer Agreement
 - Attachment E-Last Seven Years of Property Tax Bills for APN 253-192-015
 - Attachment F-2004 City of Salinas document indicating property ownership and control
 - Attachment G-2020 City of Salinas document indicating property ownership and control
 - Attachment H-Government Code Section 25365
 - Attachment I-Government Code Section 54221
- (Attachments are on file with the Clerk to the Board)