



County of Monterey

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

Board Report

File #: RES 19-189, **Version:** 1

Adopt a resolution to:

- a. Find that the proposed transfer of ownership and conveyance of the subject property (Assessor's Parcel Number [APN] 117-322-006-000) by Quitclaim Deed to the Pajaro/Sunny Mesa Community Services District is: 1) categorically exempt pursuant to the California Environmental Quality Act (CEQA), California Code of Regulations (CCR) CEQA Guidelines Section 15319, and 2) conveyance of said interest is in the public interest and will not substantially conflict or interfere with the use of the property by the County;
- b. Approve and authorize the Resource Management Agency Director to execute a Quitclaim Deed conveying a 5,000-square-foot parcel (APN 117-322-006-000) located on the corner of Florence and Cayetano streets in the unincorporated community of Pajaro, California (commonly known as Cayetano Park) "as is" to the Pajaro/Sunny Mesa Community Services District, for the continued use and maintenance as a community park pursuant to Government Code Section 25526.6.

RECOMMENDATION:

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

- a. Find that the proposed transfer of ownership and conveyance of the subject property (Assessor's Parcel Number [APN] 117-322-006-000) by Quitclaim Deed to Pajaro/Sunny Mesa Community Services District is: 1) categorically exempt pursuant to the California Environmental Quality Act (CEQA), California Code of Regulations (CCR) CEQA Guidelines Section 15319, and 2) conveyance of said interest is in the public interest and will not substantially conflict or interfere with the use of the property by the County;
- b. Approve and authorize the Resource Management Agency Director to execute a Quitclaim Deed conveying a 5,000-square-foot parcel (APN 117-322-006-000) located on the corner of Florence and Cayetano streets in the unincorporated community of Pajaro, California (commonly known as Cayetano Park) "as is" to the Pajaro/Sunny Mesa Community Services District, for the continued use and maintenance as a community park pursuant to Government Code Section 25526.6.

SUMMARY/DISCUSSION:

The 5,000-square-foot tot lot commonly known as the Cayetano Community Park (Assessor's Parcel Number 117-322-006-000), (hereafter, "property") is located on the corner of Florence and Cayetano streets in the unincorporated community of Pajaro, California. The property was deeded to the County of Monterey on February 17, 1941, by the Executor of the Fanny C. Porter Estate for the sole purpose of creating and maintaining a public park or playground. Therefore, any conveyance of said property would require the same restriction.

Government Code Section 25526.6 provides that the Board may authorize a County officer to convey an interest in real property to a public agency upon a finding that the conveyance of said interest is in the public interest and will not substantially conflict or interfere with the use of the property by the County.

Government Code Section 25526.6 states,

Notwithstanding any other provision of law, the board may grant or otherwise convey, or by ordinance, may authorize such county officer or officers as are deemed appropriate, to grant or otherwise convey an easement, license, or permit for use of any real property of the county to

the state, or to any county, city, district, or public agency or corporation, or to any public utility corporation in the manner and upon the terms and conditions as the board or authorized county officer determines or prescribes, upon a finding by the board or authorized county officer that the conveyance is in the public interest and that the interest in land conveyed will not substantially conflict or interfere with the use of the property by the county.

Since 1987, this centrally located property which is near a school bus stop has been a popular place for young children and their families to spend time while waiting for the bus before and after school. In August 2015, a survey of County Park structures found that the equipment at Cayetano Park was unsafe; therefore, Cayetano Park was closed due to safety concerns. On January 22, 2018, the Resource Management Agency completed a full restoration of Cayetano Park at a cost of \$256,000 utilizing Community Development Block Grant (CDBG) funding.

The Pajaro/Sunny Mesa Community Services District (District) previously performed all of the maintenance at Cayetano Park pursuant to an agreement with the County which expired in April 2002. The District has expressed an interest in assuming ownership and maintenance of the Park to benefit the unincorporated community of Pajaro. On March 22, 2018, in lieu of entering into another agreement with the County for long-term maintenance, the District Board of Directors voted to approve acceptance of Cayetano Park if the County was willing to transfer ownership to the District. The District is experienced, capable, equipped and committed to providing ongoing park maintenance services for the subject property and park facilities, estimated at \$6,000 annually, to provide a safe and clean environment for the enjoyment of the Pajaro community.

Ownership of the subject property may be transferred to the District pursuant to Government Code Section 25526.6 which provides that the Board may convey any real property of the County to a district, public agency, or corporation in a manner and upon the terms and conditions as the Board prescribes, upon a finding by the Board that the conveyance is in the public interest and that the interest in land conveyed will not substantially conflict or interfere with the use of the property by the County. Should the District fail to occupy, maintain, or use Cayetano Park for a period of one fiscal year, July 1 through June 30, then said real property shall revert to and vest in the County and its successors and assigns in fee.

California Environmental Quality Act (CEQA) Guidelines Section 15319 of the California Code of Regulations establishes an exemption for annexation to a special district of areas containing existing public structures developed to the density allowed by the current zoning.

Staff requests that the Board find that the transfer of ownership of the subject property is: 1) in the public interest and that the interest in the land conveyed will not substantially conflict or interfere with the use of the property by the County and 2) that such transfer is categorically exempt pursuant to CEQA Guidelines Section 15319 of the California Code of Regulations.

In addition, staff recommends that the Board approve and authorize the Resource Management Agency Director to execute the Quitclaim Deed conveying the subject property and all improvements “as is” to the District for the sole and continued use and maintenance as a community park pursuant to Government Code Section 25526.6.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel has approved the Quitclaim Deed as to form. The District concurs with the terms of the Quitclaim Deed.

FINANCING:

There is no impact to the General Fund as a result of this action. The parcel was a gift to the County, and the 2018 improvements were completed using CDBG funds. County grounds staff provided minimal support at this location consisting of trash pickup. The time saved no longer providing support to this parcel will be redeployed to support other County properties moving forward.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This action supports the Board of Supervisors' Health & Human Services and Infrastructure Strategic Initiatives by ensuring the ongoing maintenance and upkeep of a tot lot/park to afford recreational opportunities in the unincorporated community of Pajaro.

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

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Reviewed by: Melanie Beretti, RMA Property Administration/Special Programs Manager

Approved by: Shawne Ellerbee, RMA Deputy Director of Administrative Services

Approved by: Carl P. Holm, AICP, RMA Director

Attachments:

Attachment A-Location Map

Attachment B-Quitclaim Deed

Attachment C-Government Code Section 25526.6

Attachment D-Draft Resolution

(Attachments are on file with the Clerk of the Board)