

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:
Prepared on: September 21, 2005
Department: General Services
Budget Unit: 063
Agenda Date: October 25, 2005
Placement: Administrative
Estimate Time:
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Bob Nisbet, Director
General Services Department

STAFF CONTACT: Ronn Carlentine, SR/WA (568-3073)
Real Estate Services

SUBJECT: Option Agreement for Purchase of Excess Land from the State of California,
Department of Transportation (05-SB-01 PM 21.9 Caltrans Parcel 2267-01-01)
Fourth Supervisorial District
Real Estate Services Folio No. 003491

Recommendations:

That the Board of Supervisors:

- a). Approve and authorize the Chair to execute the Option Agreement For Purchase of Excess Land From the State of California, Department of Transportation between the State of California, Department of Transportation (Caltran's) and the County of Santa Barbara to acquire that certain excess land (15.35 acres) identified as Caltran's Parcel 2267-01-01 at the Northeast corner of the intersection of Burton Mesa and Harris Grade Road (Old Route 1), in Lompoc, in the amount of \$120,000.00, and with the transaction scheduled to close approximately 90 days after execution of the Option to Purchase.
- b). Adopt the Notice and Resolution of Intent to Purchase Real Property from Caltran's and set the date of December 13, 2005 for acceptance of Caltran's Director's Deed DD 002267-01-01 and which states the acquired property shall be used for public purposes (Clerk: 2/3 vote required).

Alignment with Board Strategic Plan:

The recommendation(s) are primarily aligned with our organizational values regarding economy in government and with actions required by law or by routine business necessity.

Executive Summary and Discussion:

The Fire and Sheriff Departments have been occupying a 5 acre county owned parcel at 749 Burton Mesa Blvd., in Lompoc, for its Fire Station 51 and Sheriff Substation facility. The State Department of Transportation has offered to sell the subject Parcel in accordance with Sections 54220 through 54227 of the Government Code. On behalf of the Fire and Sheriff Departments, General Services Department has initiated "due diligence" and open discussions with the State Department of Transportation (Caltrans) on the purchase

Subject: Option Agreement For Purchase of Excess Caltrans Land
& Resolution of Intent
Fourth Supervisorial District
Real Property Folio No. 003491
Date: October 25, 2005
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of Caltrans excess land located at Harris Grade and Burton Mesa Intersection instead of improving and developing their existing Fire/Sheriff facility.

The State Department of Transportation (Caltrans) has offered the County of Santa Barbara several surplus properties for sale prior to Caltrans offering them to the open market. The Fire and Sheriff Departments are interested in purchasing one of the surplus properties which is located at the Harris Grade and Burton Mesa Intersection. On behalf of the Fire and Sheriff Departments, General Services has inspected the site and will be performing several environmental fatal flaw studies on the site. Although additional studies and due diligence must be performed, the subject property is suitable for the new Fire/Sheriff facility. This is a sale of excess land from Caltrans and any future development will be handled by a Mitigated Negative Declaration for such development. The proposed location will assist the County within its commitment to provide essential services to the Lompoc Valley.

The new Caltrans excess land is suitable for Fire and Sheriff Departments programs and services. The subject Parcel is owned by the State Department of Transportation (Caltrans). The excess land is not listed with a Broker, but instead it is being processed for sale by Caltrans Excess Land Division. The subject Parcel is approximately 15 acres. The fair market value and purchase price is \$120,000.

Mandates and Service Levels:

No change in programs or service levels.

Fiscal and Facilities Impacts:

Certificate of Participation funding was approved for this project on March 8, 2005. Funds for the purchase of the subject Parcel are available in Fund 0030 Department 063, Account 8700, Program: 1930, Project: 8657 and summarized on page D-116 of the Santa Barbara County Operating Plan Proposed Budget 2005-2006 Fiscal Year.

Special Instructions: After Board action, distribute as follows:

- | | |
|-----------------------------------|-----------------------------|
| 1. Original Option Agreement | Clerk of the Board Files |
| 2. Duplicate Option Agreement | Real Estate Services Office |
| 3. Cert. Copy of Option Agreement | Real Estate Services Office |
| 4. Original Resolution | Clerk of the Board Files |
| 5. Copy of Resolution | Real Estate Services Office |
| 6. Minute Order | Real Estate Services Office |

NOTE: Clerk, the certified copy of the Option Agreement will be used by Real Estate Services to obtain a Policy of Title Insurance. **Clerk**; please publish the attached Resolution declaring the County's intention of purchasing an interest in real property, once a week for three (3) weeks and provide proof of publication to Ronn Carlentine in Real Estate Services.

Project: Caltran's Excess Land Sale
Fire & Sheriff Facility at Burton Mesa
Folio: 003491
APN: N/A - Parcel 2267-01-01
DD-002267-01-01
Agent: RC

**OPTION AGREEMENT FOR PURCHASE OF EXCESS LAND
FROM THE STATE OF CALIFORNIA, DEPT OF TRANSPORTION
(Director's Deed DD 002267-01-01)**

We, the undersign buyer, hereby offer to purchase from the State of California, Department of Transportation (hereinafter Caltrans), the land identified as Parcel 2267-01-01 (DD-002267-01-01), shown on the Map attached hereto for the sum of One Hundred Twenty Thousand Dollars \$120,000.00.

Enclosed herewith, in the form of a cashier's check, is a purchase deposit, equal to ten percent (10%) of the purchase price, in the amount of Twelve Thousand Dollars (\$12,000.00) made payable to the Department of Transportation.

The balance of the purchase price shall be paid within ninety (90) days from the date of this Option to Purchase.

This agreement is for a direct sale to a public agency (Buyer) and is subject to State Regulations governing direct sales to governmental agencies. Buyer agrees that sale of land shall be for a public use and generally at fair market value. **Please Note – The governing body of the public agency must provide a resolution that states the excess land will be used for public purposes. “Public purposes” means the preponderant area of the property shall be substantially for government, as opposed to proprietary, functions. The intended specific use of the property shall be stated in the resolution. A copy of the resolution shall be submitted with the resume package to the California Transportation Commission (CTC) for approval.**

Buyer and State agree that if any buyer fails to complete this purchase for any reason: (1) State shall be released from obligation to sell the property to the remaining buyer, if any: (2) State shall retain the deposit actually paid.

Caltrans reserves the right to reject this offer at any time prior to the approval of the sale by the CTC. In the event of rejection of this offer, all money deposited with the State shall be refunded to buyer without interest.

It is understood that this offer to purchase vests no right, title, interest or equity, including the right to possession, in or to said real property until the sale has been approved by the CTC in the manner provided by law, and a Director's Deed has been executed, recorded, and delivered to the undersigned.

All sales are subject to the approval of the CTC. In the event the CTC fails to approve this sale or the State cancels the sale, the State will notify the buyer immediately and there will be no costs incurred by the State for such cancellation and all funds deposited with the State shall be refunded to buyer without interest.

It is expressly understood by all parties that the right, title and interest in the property to be conveyed shall not exceed that vested in the State of California and that no Policy of Title Insurance will be furnished or escrow fees paid by the State in this transaction.

This Agreement is not assignable in whole or in part, either by operation of law or otherwise, without the prior written consent of the State of California.

All notices or payments herein provided to be given or which may be given, by either party to the other, shall be made in writing and addressed as follows:

Buyer

County of Santa Barbara
General Services Department
Support Services Division
1105 Santa Barbara Street
Santa Barbara, CA 93101
(805) 568-3078

Seller

Department of Transportation
Right of Way – Excess Land Branch
Attn: Patrick Pittarelli
50 Higuera Street
San Luis Obispo, CA 93401
(805) 549-3317

Project: Caltran's Excess Land Sale
Fire & Sheriff facility at Burton Mesa
Folio: 003491
APN: N/A - Parcel 2267-01-01
DD-002267-01-01
Agent: RC

IN WITNESS WHEREOF, County of Santa Barbara and State of California, Department of Transportation has executed this Option Agreement For Purchase of Excess Land and the purchase property shall be vested in the COUNTY OF SANTA BARBARA, and the terms and conditions of the offer are accepted subject to the approval of the California Transportation Commission.

"COUNTY"
COUNTY OF SANTA BARBARA

ATTEST:
MICHAEL F. BROWN
CLERK OF THE BOARD

By: _____
Chair, Board of Supervisors

By: _____
Deputy Clerk

Date: _____

APPROVED AS TO FORM:
STEPHEN SHANE STARK
COUNTY COUNSEL

APPROVED AS TO ACCOUNTING FORM:
ROBERT W. GEIS, CPA
AUDITOR-CONTROLLER

By: _____
Deputy

By: _____
Deputy

APPROVED:

APPROVED:

By: _____
Ronn Carlentine, SRWA
Real Property Manager

By: _____
Ray Aromatorio, ARM, AIC
Risk Program Administrator

ACCEPTANCE:

The terms and conditions of the above offer are hereby accepted subject to the approval of the CTC.
Receipt of \$12,000.00 is hereby acknowledged.

By: _____

Patrick C. Pittarelli
Department of Transportation
Central Region Right of Way

(Date)

BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

In the Matter of Purchasing Fee)
Ownership of Caltran's Excess)
Land Know as Parcel 2267-01-01)
Two Thirds Vote Required)

**NOTICE AND RESOLUTION OF
INTENTION TO PURCHASE
REAL PROPERTY**

Resolution No. _____

WHEREAS, the State of California, Department of Transportation (hereinafter the "OWNER") is the fee owner of that certain excess land, in the unincorporated area of the County of Santa Barbara, and more particularly described as Caltran's Parcel 2267-01-01 (hereinafter the "Property"), consisting of approximately 15.35 acres, and located at the Northeast corner of Burton Mesa Road and Harris Grade in the Lompoc area; and

WHEREAS, Pursuant to Sections 54220 through 54227 of the Government Code, the OWNER hereby offers to sell the Property and directs the sale of excess land to the COUNTY and is subject to State Regulations governing direct sales to governmental agencies; and

WHEREAS, COUNTY desires to purchase the Property and agrees that the sale of excess land shall be for a public use; and

WHEREAS, the COUNTY and OWNER have entered into an Option Agreement For Purchase of Excess Land From the State of California, Department of Transportation for the purpose of purchasing the Property; and

WHEREAS, both parties agree that it is in their best interests to enter into a contract for COUNTY to purchase the Property;

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Government Code Section 25350 the Board of Supervisors of the County of Santa Barbara, State of California does hereby find, determine and order as follows:

1. The above recitals are true and correct.
2. The Santa Barbara County Board of Supervisors does hereby declare its intention to accept the Director's Deed for fee simple interest in the Property, in the unincorporated area of the County of Santa Barbara, and more particularly described as Caltran's Parcel 2267-01-01, consisting of approximately 15.35 acres, and shown on Exhibit "A" attached hereto and made a part hereof.
3. It is in the public interest to proceed with the purchase of the Property.
4. That the person selling the Property is:
State of California, Department of Transportation

5. That the purchase price to be paid by the COUNTY for the Property is: \$120,000.00.
6. That the purchase of the Property shall be used for public purposes, and its intended use will consist of a combined County of Santa Barbara Fire and Sheriff Station.
7. That notice of the intention of the Board of Supervisors to accept the Director's Deed to the Property be given by publishing a notice once a week, for three (3) weeks prior to the Board's meeting to consummate said acceptance, in the Lompoc Record, a newspaper of general circulation, which is printed and published in the County of Santa Barbara, State of California.
8. That the Santa Barbara County Board of Supervisors will meet in the meeting room of said Board at 105 East Anapamu Street, 4th Floor, in the City of Santa Barbara, County of Santa Barbara, State of California, on _____, 2005 to consummate the purchase by accepting the Director's Deed to the Property.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2005, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

COUNTY OF SANTA BARBARA

ATTEST:
MICHAEL F. BROWN
CLERK OF THE BOARD

CHAIR, BOARD OF SUPERVISORS

By: _____
Deputy

APPROVED AS TO FORM:
STEPHEN SHANE STARK
COUNTY COUNSEL

APPROVED AS TO ACCOUNTING FORM:
ROBERT W. GEIS, CPA
AUDITOR-CONTROLLER

By: _____

By: _____