

2007-12-247

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**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

FROM: Department of Facilities Management

SUBMITTAL DATE:
December 5, 2007

SUBJECT: Resolution No. 2007-477, Notice of Intention to Purchase Real Property in Unincorporated Area of Riverside County and Resolution 2007-478, Notice of Intent to Reimburse the County of Riverside

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve Resolution No. 2007-477, Notice of Intention to Purchase Real Property located in the Rancho California Area in the unincorporated area the County of Riverside, Accessor's Parcel Number 924-260-006;
2. Approve resolution No. 2007-478, A Resolution of the Board of Supervisors of the County of Riverside Declaring its Intent to Reimburse the County of Riverside for Expenditures on the Acquisition of the subject property obligations to be issued by the County of Riverside and Directing Certain Actions;

(Continued on Page 2)

Robert Field, Director
Department of Facilities Management

RF:BP:cm
11.250

FINANCIAL DATA	Current F.Y. Total Cost:	\$1,815,300	In Current Year Budget:	No
	Current F.Y. Net County Cost:	\$ -0-	Budget Adjustment:	No
	Annual Net County Cost:	\$ -0-	For Fiscal Year:	07/08

SOURCE OF FUNDS: Developer Impact Fees (DIF)	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE .

BY:
Jennifer J. Sargent

County Executive Office Signature

FORM APPROVED COUNTY COUNSEL
BY: JOE S. RANK
DATE: 12/7/07
Departmental Concurrence

Club
C.M. HAN

Policy

Consent

Dept's Recomm.:
Per Exec. Ofc.:

RECOMMENDED MOTION: (Continued)

3. Authorize the Department of Facilities Management to negotiate the purchase of the subject property from the Temecula Public Cemetery District for a price not-to-exceed \$1,756,800;
4. Authorize the Department of Facilities Management to incur typical due diligence and transaction costs not-to-exceed \$58,500; and
5. Authorize the Executive Office to transfer \$58,500 from the General Fund Capital Project Designation account to the Department of Facilities Management (10000-7200400000) to cover various expenditures associated with this land acquisition transaction, including due diligence costs, transaction cost and staff time with any unused funds to be returned to the General Fund.

BACKGROUND: The Department of Facilities Management proposes that the County of Riverside purchase a 21.96 +/- acre site in the Rancho California Area in the unincorporated area of the County of Riverside. The property is located near the intersection of Mesa Road and Glen Oaks Road. A fire station at this location is needed to meet the growing demands of residential development, population growth and to maintain recommended response times.

Due to significant geological characteristics, rock outcroppings, perennial stream channel and impacts to the site in the after condition as a result of construction of the fire station, it was determined that to locate and construct the fire station with least disruption to the environment necessitated the purchase of the entire 21.96 acre site.

Pursuant to the California Environmental Quality Act (CEQA) Article 5, Preliminary Review and Conduct of Initial Study, the Facilities Management Department has determined that an Initial Study is the appropriate level of documentation for the Notice of Intent.

In accordance with CEQA Guidelines Section 15063, the department will conduct the Initial Study to determine if the project may have a significant effect on the environment. It is anticipated that a Mitigated Negative Declaration will be prepared after the Initial Study. The CEQA documentation and findings will be presented to the Board of Supervisors concurrent with the Authorization to Purchase.

(continued)

Department of Facilities Management

Resolution No. 2007-477, Notice of Intention to Purchase Real Property in Unincorporated Area of Riverside County and Resolution 2007-478, Notice of Intent to Reimburse the County of Riverside.

December 5, 2007

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BACKGROUND: (continued)

County Counsel has reviewed and approved Resolution 2007-477, Notice of Intention to Purchase Real Property, and Resolution 2007-478, a Resolution of the Board of Supervisors of the County of Riverside Declaring its Intent to Reimburse the County of Riverside for Expenditures on the Acquisition of a 21.96+/- acre site in the Rancho California Area of Temecula in the Unincorporated Area of the County of Riverside, California. Obligations to be issued by the County of Riverside and Directing Certain Actions, as to legal form.

FINANCIAL DATA: The following summarizes the funding necessary to acquire Assessor's Parcel Number 924-260-006:

Purchase Price:	\$1,756,800
Estimated Title and Escrow Charges	\$ 7,500
Estimated Due Diligence Expense	\$ 35,000
DOFM Real Property Costs	\$ 10,000
Estimated Appraisal Costs	\$ <u>6,000</u>
Total Estimated Acquisition Costs:	\$1,815,300

The Department will return to the Board under separate cover to formalize any necessary budget adjustments related to the purchase of this property.

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3 Resolution No. 2007- 477
4 Notice of Intention to Purchase Real Property
5 In the Rancho California Area of Temecula in the Unincorporated Area
6 of the County of Riverside, California
7 APN 924-260-006

8 BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Supervisors of the
9 County of Riverside in regular session assembled on December 18, 2007, and NOTICE IS
10 HEREBY GIVEN, pursuant to Section 25350 of the Government Code, that this Board at its
11 public meeting on January 15, 2008, at 9:00 a.m. in the meeting room of the Board of
12 Supervisors located on the 1st floor of the County Administrative Center, 4080 Lemon Street,
13 Riverside, California, intends to authorize a transaction in which the County of Riverside will
14 purchase certain real property from Temecula Public Cemetery District located in the Rancho
15 California Area of Temecula in unincorporated area of the County of Riverside State of
16 California, identified by Riverside County Assessor's Parcel Number 924-260-006, more
17 particularly described in Exhibit "A" attached hereto and thereby made a part hereof, consisting
18 of one separate, legal lot of 21.96 acres at a purchase price not-to-exceed one million, seven
19 hundred fifty-six thousand, eight hundred dollars (\$1,756,800), plus miscellaneous escrow
20 closing costs in the approximate amount of seven thousand five hundred dollars (\$7,500).

21 BE IT FURTHER RESOLVED AND DETERMINED that the Department of Facilities
22 Management is to expend approximately fifty-one thousand dollars (\$51,000) to complete due
23 diligence on the property, consisting of a preliminary title report, appraisal costs, a hazardous
24 materials survey and miscellaneous other studies as deemed necessary.

25 BE IT FURTHER RESOLVED AND DETERMINED that the Clerk of the Board of
Supervisors is directed to give notice hereof as provided in Section 6063 of the Government
Code.

BE IT FURTHER RESOLVED AND DETERMINED that the Director of the Department
of Facilities Management, or his designee, is authorized to execute the necessary documents
to complete this purchase of real property.

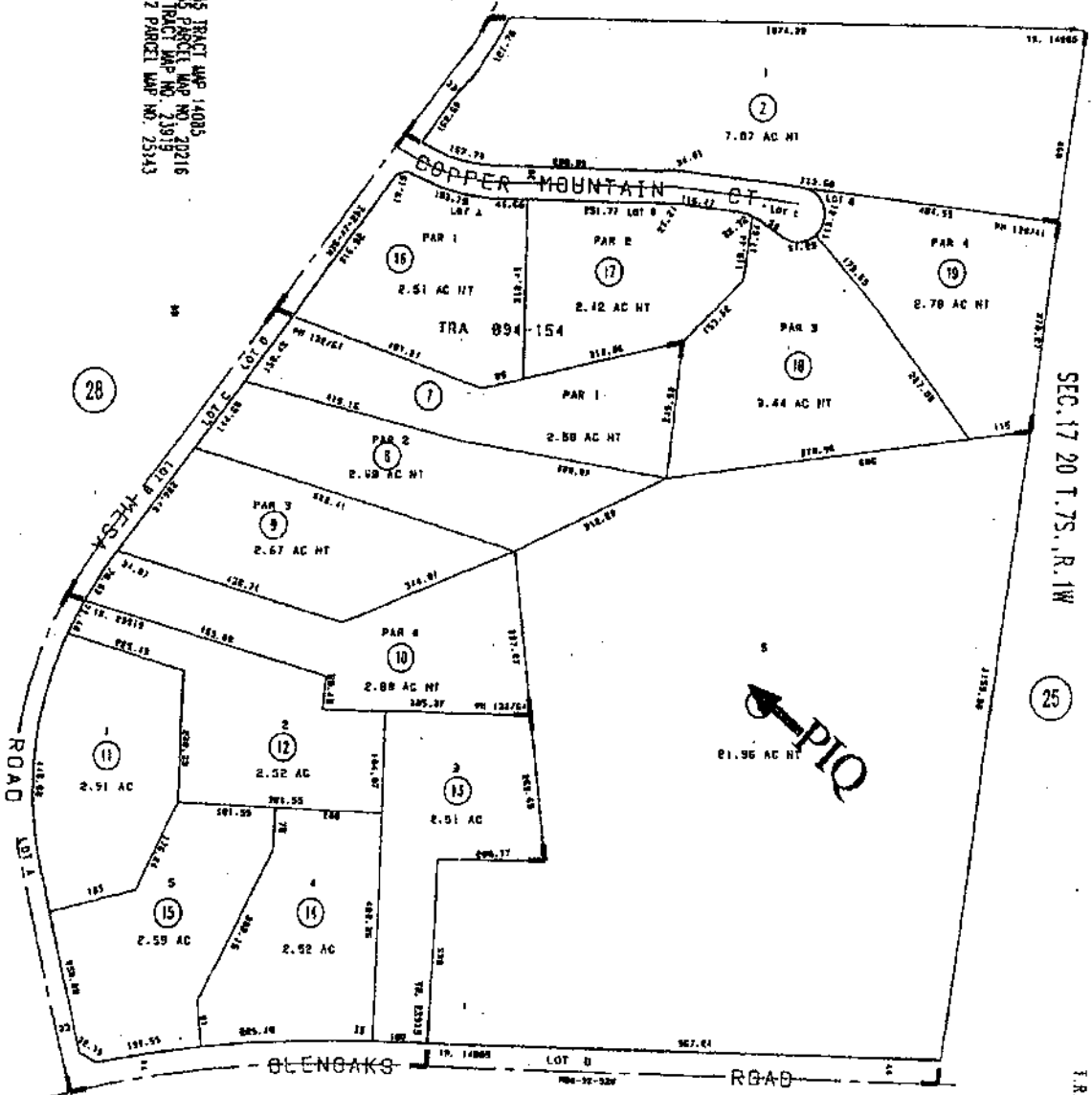
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FORM APPROVED COUNTY COUNSEL
BY:  12/7/07
DATE
JOE S. RANK

EXHIBIT "A"

ASSESSOR'S MAP NO. 924 PG. 26
 RIVERSIDE COUNTY, CALIF.
 924

NO. 199/13-38 TRACT MAP 14005
 PM 13/64-68 PARCEL MAP NO. 20216
 NO. 237/1-2 TRACT MAP NO. 23919
 PM 190/11-12 PARCEL MAP NO. 25143



SEC. 17 20 T. 7S. R. 1W

T.R.A. 094-021 924-26
 05-154 925-17

Sep 1997

REVISIONS	
NO.	DATE
1	10/6/97
2	10/6/97
3	10/6/97
4	10/6/97
5	10/6/97

OCT 06 1997

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RESOLUTION No. 2007- 478

**A RESOLUTION OF THE
BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE
DECLARING ITS INTENT TO REIMBURSE
THE COUNTY OF RIVERSIDE
FOR EXPENDITURES ON THE AQUISION OF
A 21.96 ACRE SITE (APN 924-260-006) IN THE RANCHO CALIFORNIA AREA OF
TEMECULA OF THE COUNTY OF RIVERSIDE, CALIFORNIA
OBLIGATIONS TO BE ISSUED BY
THE COUNTY OF RIVERSIDE AND DIRECTING CERTAIN ACTIONS**

WHEREAS, the County of Riverside (the "County") proposes to undertake acquisition services for The purchase of a 21.96 acres site in the Rancho California Area of Temecula in the unincorporated area of the County of Riverside, California;

WHEREAS, the intent of the County is to issue (or cause a non-profit Public Benefit Corporation to issue) debt to finance the costs of the acquisition purchase price, title and escrow fees, staff expense, due diligence and pre-design of the facilities on a permanent basis (the "Debt"), and to use a portion of the proceeds of such debt to reimburse expenditures made by the County for the acquisition purchase price, title and escrow fees, staff expense, due diligence and pre-design of the facilities prior to the issuance of the Debt;

WHEREAS, this Resolution is intended to be a "declaration of official intent" in accordance with Treasury Regulations United States Income Tax Regulations section 1.150-2, which generally provides that proceeds of tax-exempt debt are not deemed to be expended when such proceeds are used for reimbursement of expenditures made prior to the date of issuance of such debt, unless certain procedures are followed, one of which is a requirement that (with certain exceptions), prior to the payment of any such expenditure, the issuer declares an intention to reimburse such expenditure;

WHEREAS, the County expects to expend funds (other than funds derived from the issuance of bonds) on expenditures relating to acquisition purchase price, title and escrow fees, staff expense, due diligence and pre-design of the facilities prior to the issuance of Debt, which expenditures will be properly chargeable to a capital account under general federal income tax principles; and the County reasonably expects to be reimbursed for such

1 development cost expenditures with the proceeds of the Debt;

2 **WHEREAS**, at the time of the reimbursement, the County will evidence the
3 reimbursement in a writing which identifies the allocation of the proceeds of the Debt to the
4 County, for the purpose of reimbursing the County for the acquisition purchase price, title and
5 escrow fees, staff expense, due diligence and pre-design cost expenditures made prior to the
6 issuance of debt;

7 **WHEREAS**, the County reasonably expects to make the reimbursement allocation no
8 later than eighteen (18) months after the later of (i) the date on which the earliest original
9 expenditure for the Facility is paid or (ii) the date on which such Facility is placed in service (or
10 abandoned), but in no event later than three (3) years after the date on which the earliest
11 original expenditure for the Facility is paid; and

12 **WHEREAS**, it is in the public interest and for the public benefit that the County
13 declares its official intent to reimburse the expenditures referenced herein.

14 **NOW, THEREFORE, BE IT RESOLVED**, by the County of Riverside Board of
15 Supervisors, as follows:

- 16 1. The County will undertake acquisition services for a 21.96 acre site in the Rancho
17 California Area of Temecula in the unincorporated area of County of Riverside.
- 18 2. The County hereby declares it's intent to reimburse itself for (i) costs associated
19 with the development of the facility prior to the date of issuance of the Obligations
20 and (ii) to use a portion of the proceeds of the Obligations for reimbursement to the
21 County for expenditures for the Facility that are paid before the date of issuance of
22 the Obligations.
- 23 3. The County understands that, pursuant to United States Income Tax Regulations
24 section 1.150-2(d), in order for a reimbursement from Obligations for the cost of a
25 portion of the Facility to be deemed spent for federal income tax purposes, such
reimbursement needs to occur no later than 18 months after the later of (i) the date
such expenditure was paid, or (ii) the date the portion of the Facility for which such
expenditure was made is placed in service, but in no event may any such
expenditure being reimbursed be made more than three (3) years after such
expenditure was paid.

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