

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

101



FROM: Economic Development Agency / Facilities Management

SUBMITTAL DATE:
September 8, 2011

SUBJECT: Resolution No. 2011-226, Notice of Intention to Exchange County - Owned Real Property in the City of Banning

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Resolution No. 2011-226, Notice of Intention to Exchange County Owned Real Property in the City of Banning, County of Riverside, Assessor's Parcel Number 543-160-015, consisting of the transfer of a single-family residence on .87 acres with Eloise Allen, Trustee of the Decedent's Trust ("B" Trust) of the Allen Family Trust dated April 2, 1992 (Allen Trust). In exchange for this property, Allen Trust will grant to the County of Riverside, the Real Property located in the City of Banning, Assessor's Parcel Numbers 543-170-006, 543-170-011 and 543-170-012, consisting of 8.06 acres of vacant land;

(Continued)

Lisa Brandl for

Robert Field
Assistant County Executive Officer/EDA
By Lisa Brandl, Managing Director

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2011/12

COMPANION ITEM ON BOARD OF DIRECTORS AGENDA: No

SOURCE OF FUNDS: N/A	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input checked="" type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

BY: *Jennifer L. Sargent*

County Executive Office Signature Jennifer L. Sargent

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

Prev. Agn. Ref.: 3.38 of 7/1/08; 3.47 of 7/29/08

District: 5

Agenda Number:

3.12

revised 8/20/11
Reviewed by
CIP TEAM
Serena Chen

FORM APPROVED COUNTY COUNSEL
BY: *Synthia M. Gunzel*
DATE: *8/30/11*
Departmental Concurrence
SYNTHIA M. GUNZEL

RECOMMENDED MOTION: (Continued)

2. Direct the Clerk of the Board to give notice as provided in Section 6061 of the Government Code; and
3. Approve the recapture of expenditures of \$31,350 by the Real Estate Division of the Economic Development Agency to complete the due diligence on the property consisting of appraisals, title reports, hazardous material study, staff labor, legal review and other miscellaneous expenses.

BACKGROUND:

On June 19, 2006, the Board of Supervisors received a report regarding the need to increase the capacity of the county's jail system. The report recommended adding 400 to 600 beds to the Larry Smith Correctional Facility. The increase in bed capacity necessitate the purchase of additional property to provide for increased parking capacity and to create a buffer zone between the facility and the adjacent neighborhood.

For the past several years, the Real Estate Division of the Economic Development Agency (EDA/RE) has been involved in the acquisition of several parcels, including Assessor's Parcel Number 543-160-015. The parcel is improved with a single-family residence on approximately .87 acres. The Board approved this purchase identified by Minute Order 3.47 on July 29, 2008. Escrow closed August 27, 2008.

Pursuant to Government Code Section 25365, the County may exchange real property or any interest therein, belonging to the County with any person, if the property or interest therein to be conveyed is not required for county use and the property to be acquired is needed for county use. This exchange may be upon the terms and conditions as are agreed upon and without complying with any other provisions of the Government Code. The value of the private real property exchanged shall be equal to or greater than 75% of the value of the county property offered in the exchange. The cash added to balance the transaction shall not be greater than 25% of the value of the county property proposed for exchange. The County intends to convey the fee simple interest in real property located in the City of Banning, County of Riverside, Assessor's Parcel Number 543-160-015, in exchange for the fee simple interests in real property, Assessor's Parcel Numbers 543-170-006, 543-170-011 and 543-170-012, by Grant Deeds with Eloise Allen, Trustee of the Decedent's Trust ("B" Trust) of the Allen Family Trust dated April 2, 1992. The Allen Trust has agreed to convey these parcels in exchange for the County's parcel with the Allen Trust contributing \$31,350.00 to bring the exchange transaction into compliance with the Government Code Section 25365. No other consideration shall be paid by either party.

The proposed exchange of county-owned property for the land owned by Allen Trust would be of great benefit to the County, since the Allen Trust parcels are contiguous to the Larry Smith Correctional Facility. As a result, the larger site will permit the County to continue its expansion of the Larry Smith Correctional Facility.

Resolution No. 2011-227, Authorization to Exchange County Owned Real Property in the City of Banning, will be submitted to the Board on October 4, 2011 for approval.

The Resolution has been approved as to form by County Counsel.

FINANCIAL DATA: (Commences on Page 3)

Economic Development Agency/Facilities Management
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FINANCIAL DATA:

This is a property transfer with the other party contributing \$31,350, which will be used to offset staff time and actual costs incurred by the Economic Development Agency, Real Estate Division.

LEGAL DESCRIPTION

The land referred to herein is situated in the State of California, County of Riverside, City of Banning, and described as follows:

THAT PORTION OF LOT 82 OF BANNING COLONY LANDS, IN THE CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 3 PAGE 149 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING ON THE SOUTH LINE OF WESLEY STREET AT THE NORTHWEST CORNER OF SAID LOT 82; THENCE EAST 90.00 FEET ON SAID SOUTH LINE TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 350.00 FEET, PARALLEL WITH THE WEST LINE OF SAID LOT 81 TO THE WESTERLY PROLONGATION OF THE SOUTH LINE OF THE LAND CONVEYED TO JOHN B. NELSON, ET UX, BY DEED RECORDED AUGUST 22, 1970 AS INSTRUMENT NO. 79020 OF OFFICIAL RECORDS; THENCE EAST ON SAID PROLONGATION OF THE SOUTHWEST CORNER OF SAID LAND CONVEYED TO JOHN B. NELSON, ET UX; THENCE NORTH ON THE WEST LINE OF SAID LAND TO THE SOUTH LINE OF THE NORTH 212.00 FEET ON SAID LOT 81; THENCE WEST ON LAST SAID SOUTH LINE TO A LINE OF LOT 81; THENCE NORTH 212.00 FEET ON SAID PARALLEL LINE TO THE SOUTH LINE OF SAID LOT 81; THENCE WEST 95.00 FEET ON LAST SAID SOUTH LINE TO THE TRUE POINT OF BEGINNING.

(End of Legal Description)

EXHIBIT "A"

EXHIBIT "C"

All that certain real property situated in the County of Riverside, State of California, described as follows:

The West 315 feet of Lot 90 of Banning Colony Lands, in the County of Riverside, State of California, in the Map of Part of Banning Colony Lands, as shown on Map on file in Book 3, Page(s) 149, of Maps, San Diego County Records, and further shown on Map on file in Book 5, Page(s) 186, Riverside County Records.

Excepting that portion granted to the County of Riverside by document recorded June 26, 1934 in Book 176, Page 409 of Official Records.

Assessor's Parcel Number:

543-170-006

EXHIBIT "E"

All that certain real property situated in the County of Riverside, State of California, described as follows:

The West 315 feet of Lot 98 of Banning Colony Lands, in the County of Riverside, State of California, in the Map of Part of Banning Colony Lands, as shown on Map on file in Book 3, Page(s) 149, of Maps, San Diego County Records, and further shown on Map on file in Book 5, Page(s) 186, Riverside County Records.

Excepting that portion granted to the County of Riverside by document recorded June 26, 1934 in Book 176, Page 409 of Official Records.

Assessor's Parcel Numbers:

543-170-011 and 543-170-012

