

877



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

FROM: Economic Development Agency / Facilities Management

SUBMITTAL DATE:
September 12, 2013

SUBJECT: Ordinance Amendment No. 598.7, an Ordinance of the County of Riverside Amending Ordinance No. 598 to Establish Procedures and Delegating Authority for Acquisition and Disposition of Real Property

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Ordinance No. 598.7, establishing procedures and delegating authority for acquisition and disposition of real property.

BACKGROUND: (Commences on Page 2)

Robert Field
Assistant County Executive Officer/EDA

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:	2013/14

COMPANION ITEM ON BOARD AGENDA: No

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

C.E.O. RECOMMENDATION:

APPROVE

BY:
Jennifer L. Sargent

County Executive Office Signature

FORM APPROVED COUNTY COUNSEL
BY:
PATRICIA MUNROE
DATE: 9/12/13

Department's Concurrence:

Consent
 Policy

 Consent
 Policy

Prev. Agn. Ref.: 3.4 of 12/9/97; 3.5 of 4/27/04; 3.16 of 12/17/12; 3-31 of 9/10/13 | **District:** All | **Agenda Number:** 3-33

BACKGROUND:

Ordinance No. 598.7 consolidates the delegation of authorities that the Board of Supervisors has statutory authority to grant to a county officer(s) for the acquisition and disposition of real property interests. The county officers designated within the ordinance are responsible for handling real estate transactions on behalf of the County. Establishing these procedures and delegations of authorities will simplify the process and decrease the costs associated with processing such documents. The Department of Facilities Management (DOFM) merged into the Economic Development Agency (EDA) and as a result, the real estate division is now included within EDA. The Director of DOFM became the Assistant County Executive Officer for the Economic Development Agency. This ordinance and corresponding resolutions and policies have been amended to reflect this change and provide for appropriate delegation and proper designees.

Ordinance No. 598.7 is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility the activity in question may have a significant effect on the environment. The County's approval of this proposed ordinance does not create any reasonably foreseeable physical change in the environment because the ordinance is not site-specific. Any real estate transactions conducted pursuant to this ordinance will be done in compliance with CEQA.

On September 10, 2013, Ordinance 598.7 was introduced as agenda item 3-31.

This ordinance has been approved as to form by County Counsel.

1 ORDINANCE NO. 598.7

2
3 AN ORDINANCE OF THE COUNTY OF RIVERSIDE
4 AMENDING ORDINANCE NO. 598
5 AUTHORIZING CONVEYANCE OF REAL PROPERTY
6

7 The Board of Supervisors of the County of Riverside ordains as follows:

8 Section 1. Ordinance No. 598 is amended in its entirety to read as follows:

9
10 “ORDINANCE NO. 598

11
12 AN ORDINANCE OF THE COUNTY OF RIVERSIDE
13 ESTABLISHING PROCEDURES AND DELEGATING AUTHORITY
14 FOR DISPOSITION OR ACQUISITION OF REAL PROPERTY
15

16 Section 1. PURPOSE. To establish alternative procedures for the disposition and
17 acquisition of real property and to delegate to an appropriate county officer, such as the Assistant County
18 Executive Officer of the Economic Development Agency, the Managing Director, the Assistant Director
19 of Real Estate Division, the Assistant Director of Aviation Division, or any other county officer charged
20 by the Board with the responsibilities and duties of managing any County Property, the authority to
21 execute certain documents affecting or conveying interests in real property belonging to or to be acquired
22 by the County of Riverside, including airport property. The delegation of authorities established in this
23 ordinance shall transfer to any equivalent successor county officer positions to the positions named
24 herein.

25 Section 2. AUTHORITY. This ordinance is adopted pursuant to California
26 Government Code sections 25538, 25539, 25526.5, 25526.6, 25350 and 25350.60 which authorizes board
27 of supervisors to establish alternative procedures and delegate to an appropriate county officer the
28 authority to negotiate and execute certain real property documents, acquire real property or dispose of and

1 conduct sales of County property.

2 Section 3. DEFINITIONS. The following words and phrases, whenever used in this
3 ordinance, shall be construed as defined in this section. Any words and phrases not specifically defined
4 herein shall have the meaning as they are defined in Riverside County Ordinance No. 803.

- 5 a. Airport Property. Any County property that was acquired for airport
6 purposes or designated as part of an airport within the County of
7 Riverside, whether or not any portion thereof is actually used for
8 airport or aeronautical purposes.
- 9 b. County Property. Any real property, buildings and facilities
10 belonging to the County of Riverside, whether such property is
11 within the unincorporated or incorporated territory of the County.
- 12 c. Conveyance Documents. Documents that transfer or convey real
13 property, or any interest thereof, to another, such as purchase and
14 sales agreements, conveyance or exchange agreements and deeds.
- 15 d. Delegate. A county officer working as an Assistant County
16 Executive Officer, a Managing Director or an Assistant Director,
17 each of the County of Riverside Economic Development Agency or
18 a county officer charged by the Board with the responsibility and
19 duties of managing County property.
- 20 e. Disposition. To dispose of, alienate, relinquish, or part with
21 ownership of any interest in real property by conveyance or transfer.
- 22 f. Easement. A interest in real property that creates a right to enter and
23 use land possessed by another in a way that would constitute a
24 trespass absent the easement. Easements are classified as either
25 appurtenant (benefiting and transferable with a certain real property
26 interest) or in gross (personal to the grantee). An easement may be
27 transferable. Unless otherwise specified, an easement is presumed to
28 be permanent and non-exclusive.

- 1 g. Fee Simple. An estate in land, a form of freehold ownership.
- 2 h. Highway Purposes. The intended use, passing or repassing of any
- 3 public highway, road, street, avenue, alley, lane, drive, way, place
- 4 court, or trail, by the public to the full, unobstructed and
- 5 uninterrupted enjoyment of the entire width of the layout for that
- 6 intention.
- 7 i. Public Party. The State of California, a county, city, district, public
- 8 agency or corporation, or public utility corporation.
- 9 j. Sale. The process of effecting the disposition of an interest in real
- 10 property, including but not limited to, the solicitation and acceptance
- 11 of bids, negotiation of an agreement with mutual assent and
- 12 consideration, final approval by the Board and consummation of a
- 13 transaction.
- 14 k. Surplus County Property. Any County property that has been
- 15 determined to be no longer necessary for the County's use or other
- 16 public purposes.

17 Section 4. ALTERNATIVE PROCEDURES FOR DISPOSITION OF SURPLUS
18 COUNTY PROPERTY. The Board of Supervisors hereby establishes the alternative procedures to the
19 general procedures required by sections 25526 to 25535 of the Government Code and authorizes the
20 delegate to conduct proposed sales of surplus County property pursuant to the alternative procedures
21 specified at Government Code section 25538 or 25539, or pursuant to any other applicable statutory
22 authority, and conducted in a manner that complies with all requirements stated therein.

23 Section 5. DISPOSITION OF INTERESTS IN REAL PROPERTY WITH
24 ESTIMATED VALUATION OF \$25,000 OR LESS. Following a determination by the Board of
25 Supervisors that all or any portion of interests in real property belonging to the County is not needed for
26 County or other public purposes, the delegate is hereby authorized to execute the sale, exchange,
27 quitclaim or conveyance of any County property interest with an estimated value of twenty five thousand
28 dollars (\$25,000) or less, provided that a notice of intention that the delegate will execute the sale is

1 posted in a public place for five working days prior to effecting the transfer. The delegate may sell,
2 exchange, quitclaim or convey any County property interest pursuant to this section in the manner and
3 upon the terms and conditions approved by the delegate without complying with any of the statutory
4 requirements referenced in Section 4 of this ordinance.

5 Section 6. DISPOSITION OF AN EASEMENT INTEREST IN COUNTY
6 PROPERTY TO A PUBLIC PARTY. Pursuant to Government Code section 25526.6 and
7 notwithstanding any other provision of the law, the delegate is hereby authorized to grant or otherwise
8 convey an easement interest in real property belonging to the County to a public party in the manner and
9 upon the terms and conditions as the delegate determines or prescribes, upon a finding by the Board or the
10 delegate that the conveyance is in the public interest and that the interest in land conveyed will not
11 substantially conflict or interfere with the use of the property by the County.

12 Section 7. DISPOSITION OF AIRPORT PROPERTY. In addition to the provisions
13 set forth in this ordinance, any grants or conveyances of airport property, or any real property interest
14 thereof, shall also include the following:

- 15 a. Shall be in accordance with all applicable Federal, State or local
16 regulations with respect to conveyance of airport property.
- 17 b. Shall be administered in accordance with the regulations and
18 requirements of the Federal Aviation Administration (FAA), as well
19 as the Grant Assurances associated with any applicable FAA grants
20 or other agreements.
- 21 c. Shall include on any conveyance document, applicable federally
22 required terms, conditions or limitations that were placed on the
23 airport property when the County acquired such properties or
24 received federal funding for the airport property.

25 Section 8. DISPOSITION OF COUNTY PROPERTY ACQUIRED FOR HIGHWAY
26 PURPOSES. The County may sell or exchange any real property acquired by the County for highway
27 purposes whenever the Board determines that such real property, or any interest therein, is no longer
28 necessary for those purposes, with the recommendation of the Director of Transportation and in the

1 manner and upon the terms and conditions approved by the Board, in accordance with the requirements of
2 Streets and Highways Code section 960. The conveyance shall be executed on behalf of the County by
3 the Chairman of the Board and money received for the real property shall be paid into the county treasury
4 to the credit of any fund designated by the Board which is available for highway purposes.

5 Section 9. PURCHASE OF REAL PROPERTY BY COUNTY WITH VALUATION
6 OF MORE THAN \$150,000. Any purchase of real property that is needed or desired, including any
7 water right or other interest therein, with a purchase price that exceeds one hundred fifty thousand dollars
8 (\$150,000) shall not be made by the County unless a notice of intention of the Board to make the
9 purchase the real property is published in the county pursuant to Government Code section 6063. The
10 notice shall contain a description of the property, the price, the seller, and the time the purchase shall be
11 consummated. A purchase of real property by settlement of an action in eminent domain or the
12 acquisition of any real property or any interest therein for the uses and purposes of county highways does
13 not require the statutory notice of intention to be made by the Board or the delegate regardless of the
14 purchase price.

15 Section 10. ACQUISITION OF INTERESTS IN REAL PROPERTY WITH
16 VALUATION OF \$150,000 OR LESS FOR THE COUNTY BY PURCHASE OR GIFT. The delegate is
17 hereby authorized to perform all necessary acts to approve and accept for the County the acquisition of
18 interests in real property with a valuation of the real property not to exceed one hundred fifty thousand
19 dollars (\$150,000) pursuant to the provisions of Government Code section 25350.60, and provided that:

- 20 a. The Board of Supervisors has made an in principle approval
21 submitted by the department needing or requesting the acquisition of
22 real property interest that is intended to be used for a public
23 structure, facility or other public improvement (a Project).
- 24 b. The funding for the Project is budgeted and available.
- 25 c. An appraisal has been obtained that has determined the fair market
26 value of the real property interest to be acquired.
- 27 d. If required, the appropriate planning agency has made a finding of
28 general plan conformance prior to acquisition of the property.

- e. A list of the real property interests acquired under this delegated authority shall be provided on an annual basis to the Board of Supervisors to receive and file.
- f. The delegation of authority granted in this Section 10 shall expire five years from the effective date of Ordinance No. 598.7.

Section 11. GENERAL PROVISIONS. The following requirements shall apply to any of the procedures established and delegation of authorities granted in this ordinance.

- a. Any real property transaction deemed a “project” under the California Environmental Quality Act (CEQA) shall be conducted in compliance with CEQA.
- b. Any of the documents associated with the real property transactions shall have been approved as to form by county counsel.
- c. Nothing in this ordinance limits, restricts or prohibits the County from following the procedures provided in the Government Code (commencing with section 54220).
- d. The acquisition or disposition of real property, or any interest therein, must be done in compliance with Government Code section 65402.

Section 12. SEVERABILITY. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.”

1 Section 2. This ordinance shall take effect thirty (30) days after its adoption.

2
3 BOARD OF SUPERVISORS OF THE
4 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

5 By: _____
6 John J. Benoit, Chairman
7 Board of Supervisors

8 Clerk of the Board:
9 Kecia Harper-Ihem
10 Clerk of the Board

11 By: _____
12 Deputy

13 Approved as to Form:
14 September __, 2013

15 By: 
16 Patricia Munroe
17 Deputy County Counsel



NOTICE OF EXEMPTION

August 6, 2013

Project Name: County of Riverside, Amendment of Ordinance 598.7

Project Number: FM04107200174/Ordinance 598.7

Project Location: County-wide

Description of Project: Ordinance No. 598.7 consolidates the delegation of authorities that the Board of Supervisors has statutory authority to grant to a county officer(s) for the acquisition and disposition of real property interests. The county officers designated within the ordinance are responsible for handling real estate transactions on behalf of the County. Establishing these procedures and delegations of authorities will simplify the process and decrease the costs associated with processing such documents. The Department of Facilities Management (DOFM) merged into the Economic Development Agency (EDA) and as a result, the real estate division is now included within EDA. The Director of DOFM became the Assistant County Executive Office for the Economic Development Agency. This ordinance and corresponding resolutions and policies have been amended to reflect this change.

Ordinance No. 598.7 is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility the activity in question may have a significant effect on the environment. The County's approval of this proposed ordinance does not create any reasonably foreseeable physical change in the environment because the ordinance is not site-specific. Any real estate transactions conducted pursuant to this ordinance will be done in compliance with CEQA.

Name of Public Agency Approving Project: County of Riverside, Economic Development Agency

Name of Person or Agency Carrying Out Project: County of Riverside, Economic Development Agency

Exempt Status: California Environmental Quality Act (CEQA) Guidelines, General Rule Exemption Section 15061

Reasons Why Project is Exempt: The project is exempt from the provisions of CEQA specifically by CEQA Guidelines:

- Section 15061 (b) (3)- With certainty, there is no possibility that the amendment of Ordinance 598.7 will have a significant effect on the environment.

Signed:  **Date:** _____

Rob Field, Assistant County Executive Officer/EDA
County of Riverside, Economic Development Agency