

412



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

FROM: Economic Development Agency

SUBMITTAL DATE:
January 13, 2016

SUBJECT: Resolution No. 2016-044, Notice of Intention to Purchase Equity Interests in Real Property Located in Banning, District 5 [\$600,000], CIP 100%

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Resolution No. 2016-044, Notice of Intention to Purchase an Equity Interest in Real Property From the Judicial Council of California, Administrative Offices of the Courts, located at 135 North Alessandro Road, City of Banning, County of Riverside, California (Assessor's Parcel Numbers 541-142-013 and 541-145-011);
2. Authorize the Real Estate Division of the Economic Development Agency to negotiate the purchase of certain equity interests contained within 2.179 acres from the Judicial Council of California, Administrative Offices of the Courts (JCC);

(Continued)

Robert Field
Assistant County Executive Officer/EDA

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 600,000	\$ 0	\$ 600,000	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 600,000	\$ 0	\$ 600,000	\$ 0	
SOURCE OF FUNDS: CIP 100%				Budget Adjustment: No	
				For Fiscal Year: 2015/16	

C.E.O. RECOMMENDATION:

REVIEWED BY CIP

Ivan M. Chand

APPROVE

Rohini Dasika

County Executive Office Signature

1/19/2016

MINUTES OF THE BOARD OF SUPERVISORS

FORM APPROVED COUNTY COUNSEL
BY:
DATE: 1/13/16
GREGORY P. PRIAMOS

FISCAL PROCEDURES APPROVED
PAUL ANGULO, CPA, AUDITOR-CONTROLLER
BY:
Susana Garcia-Bocanegra
1/13/16
Deputy Assistant Controller

- A-30
- Positions Added
- 4/5 Vote
- Change Order

Prev. Agn. Ref.: 3-20 of 04/10/07

District: 5

Agenda Number:

3-10

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

Economic Development Agency

FORM 11: Resolution No. 2016-044, Notice of Intention to Purchase Equity Interests in Real Property Located in Banning, District 5 [\$600,000], CIP 100%

DATE: January 13, 2016

PAGE: 2 of 3

RECOMMENDED MOTION: (Continued)

3. Authorize the Economic Development Agency to incur typical due diligence and transaction costs in the amount of approximately \$57,000; and
4. Direct the Clerk of the Board to give notice pursuant to Government Code Section 6063.

BACKGROUND:

Summary

Under the Trial Court Facilities Act of 2002 (Government Code sections 70301 – 70404), the County and JCC (Parties) entered into the transfer and joint occupancy agreements dated April 10, 2007, which provided for the Banning CAC/Courthouse property to be transferred in fee title to the JCC at a future date. The agreements designated this Property as shared use by both Parties, granting each party their proportionate equity interest.

The JCC constructed a new Courthouse facility within close proximity to this location which opened in April, 2015. Under the agreements, the County possesses a first right of refusal for the JCC's equity interest. The County and JCC have been working cooperatively to pursue the disposition of the subject property under the act and agreements. The JCC desires to sell their interests, and the County desires to acquire interests.

By acquiring the JCC's interests in this location, the County benefits through retaining fee title and acquiring full, unrestricted use of the Property to serve the County's current and future needs. Furthermore, the transaction allows for the County to utilize the building in the transition of services in the area. Use of the building in this way will reduce the costs associated with moving and/or relocating County departments in the near and long term.

In preliminary discussions with the JCC and due to the age of the building, the Real Estate Division will pursue this acquisition at land value only, which will include the elimination of the County's obligation to provide Court Parking. The estimated value of the building, improvements and land is \$2,525,000. The appraised land value is solely \$900,000, of which 60.37% (\$543,330.) equity interest pertains to the JCC, and 39.63% (\$356,670.) equity interest pertains to the County. The equity interest purchase price would be the JCC's portion of \$543,330 (60.37%).

Resolution No. 2016-044 has been reviewed and approved as to legal form by County Counsel.

Impact on Citizens and Businesses

This transaction will preserve vital public services in their current location and within close proximity to the new courthouse facility. Additionally, businesses will continue to be patronized by the employees and visitors of these locations. The overall economic impact is the retention of jobs and services which benefit the community as a whole.

(Continued)

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

Economic Development Agency

FORM 11: Resolution No. 2016-044, Notice of Intention to Purchase Equity Interests in Real Property Located in Banning, District 5 [\$600,000], CIP 100%

DATE: January 13, 2016

PAGE: 3 of 3

FINANCIAL DATA:

The following summarizes the funding necessary to acquire JCC's equity interests on Assessor's Parcel Numbers 541-142-013 and 541-145-011:

Purchase Price	\$ 543,330
Estimated Escrow and Closing Charges	\$ 2,994
Advertising Costs	\$ 1,500
Acquisition Administration	\$ 52,176
Total Estimated Acquisition Cost	\$ 600,000

EDA has already covered the costs for due diligence (preliminary title reports, appraisals) and will be reimbursed by the Executive Office. The remaining costs associated with the acquisition will be paid directly by the Executive Office. Any necessary budget adjustments will be brought forward under separate cover seeking authorization to purchase the equity interest in real property. No additional County costs will be incurred as a result of this transaction.

Attachments:

Resolution No. 2016-044

Aerial Image

2
3 **RESOLUTION NO. 2016-044**

4 **NOTICE OF INTENTION TO PURCHASE AN EQUITY INTEREST IN REAL**
5 **PROPERTY FROM THE JUDICIAL COUNCIL OF CALIFORNIA,**
6 **ADMINISTRATIVE OFFICES OF THE COURTS**
7 **LOCATED AT 135 NORTH ALESSANDRO ROAD, IN THE**
8 **CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**
9 (Assessor's Parcel Numbers 541-142-013 and 541-145-011)
10

11 **WHEREAS**, the County of Riverside ("County") currently holds fee title with a
12 shared equity interest with the Judicial Council of California, Administrative Offices of
13 the Courts ("JCC"), collectively, the "Parties," in the existing Banning County
14 Administrative Center/Courthouse ("CAC/Courthouse") and adjacent east parking lot
15 (Offsite Parking), collectively the "Properties," located at 135 North Alessandro Road,
16 in the City of Banning, County of Riverside, State of California, Assessor's Parcel
17 Numbers 541-142-013 and 541-145-011;

18 **WHEREAS**, under the Trial Court Facilities Act of 2002 (Government Code
19 Sections 70301 – 70404), the Parties entered into the Transfer Agreement ("TA") for
20 the Transfer of Responsibility dated April 10, 2007, which provided for the
21 CAC/Courthouse property to be transferred in fee title to the JCC at a future date; and
22 the Parties entered into the Joint Occupancy Agreement ("JOA") for the
23 CAC/Courthouse, setting forth the terms governing the Parties' respective rights and
24 responsibilities regarding their shared possession, occupancy and use of the Real
25 Property and their respective equity rights;

26 **WHEREAS**, the TA and JOA created a shared equity interest in the Properties
27 between the JCC and the County;
28

FORM APPROVED COUNTY COUNSEL
BY: *Synthia M. Gunzel* 1-6-16
DATE
SYNTHIA M. GUNZEL

1 **WHEREAS**, the JCC desires to sell their equity interest in the Properties to the
2 County and the County desires to purchase from the JCC the JCC's equity interest in
3 the Properties; and

4 **WHEREAS**, the potential acquisition would allow for the County to gain
5 possession, full ownership, and for the JCC to forevermore relinquish their equity
6 interest in the Properties; now, therefore,

7 **BE IT RESOLVED, DETERMINED AND ORDERED** by the Board of
8 Supervisors of the County of Riverside in regular session assembled on January 26,
9 2016, and **NOTICE IS HEREBY GIVEN**, pursuant to Section 25350 of the Government
10 Code that this Board at its public meeting on or after March 1, 2016, at 9:00 a.m. in the
11 meeting room of the Board of Supervisors located on the 1st floor of the County
12 Administrative Center, 4080 Lemon Street, Riverside, California, intends to authorize a
13 transaction in which the County of Riverside will purchase certain equity interests in
14 real property from the Judicial Council of California, Administrative Offices of the
15 Courts located 135 North Alessandro Road and the adjacent east parking lot, both in
16 the City of Banning, County of Riverside, State of California, identified with Assessor's
17 Parcel Numbers 541-142-013 and 541-145-011, more particularly described as Exhibit
18 "A," attached hereto and hereby made a part hereof, consisting of approximately 2.179
19 acres, at a purchase price of not-to-exceed \$543,330.

20 **BE IT FURTHER RESOLVED AND DETERMINED** that the Real Estate Division
21 of EDA is expected to expend approximately \$57,000 for typical transaction costs
22 including staff time, title insurance, environmental report, and other due diligence
23 studies of the property.

24 ///

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

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County Administrative Center/Courthouse & Parking Lot Map, Banning

APN's 541-142-013 & 541-145-011



Legend

Notes
Form 11

IMPORTANT Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.



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