

FORM APPROVED COUNTY COUNSEL 4/7/16
 BY: GREGORY P. PRIAMOS DATE

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

343



FROM: Economic Development Agency

SUBMITTAL DATE:
 August 10, 2016

SUBJECT: Public Hearing for the Bid Opening and Oral Bidding for the Sale of Real Property located in the City of Banning, County of Riverside, State of California; Resolution No. 2016-132, Acceptance of the Highest Bid and Authorization to Sell Real Property; Approval Offer and Agreement to Purchase Real Property; CEQA Exempt; District 5 [\$30,000] 100% Sale Proceeds

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15312 (a)(b)(3) Sale of Surplus Government Property Exemption; Section 15061 (b)(3), General Rule or "Common Sense" Exemption;
2. Conduct a public hearing on August 23, 2016, to open written bids and call for oral bidding for certain real property located in the City of Banning, Riverside County, State of California, Assessor's Parcel Number 543-140-018;

(Continued)

Robert Field

Robert Field
 Assistant County Executive Officer/EDA

Departmental Concurrence

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 30,000	\$ 0	\$ 30,000	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	
SOURCE OF FUNDS: 100% Sale Proceeds				Budget Adjustment: No	
				For Fiscal Year: 2016/17	

C.E.O. RECOMMENDATION:

APPROVE

BY: *Rohini Dasika*
 Rohini Dasika

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Prev. Agn. Ref.: _____ District: 5 Agenda Number: _____

9-2

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

Economic Development Agency

FORM 11: Public Hearing for the Bid Opening and Oral Bidding for the Sale of Real Property located in the City of Banning, County of Riverside, State of California; Resolution No. 2016-132, Acceptance of the Highest Bid and Authorization to Sell Real Property; Approval Offer and Agreement to Purchase Real Property; CEQA Exempt; District 5 [\$30,000] 100% Sale Proceeds

DATE: August 10, 2016

PAGE: 2 of 3

RECOMMENDED MOTION: (Continued)

3. At the close of the public hearing accept one bid or reject all bids, and/or continue the matter for further consideration;
4. Acceptance of Highest Bid, Authorization to Sell and Approval of Agreement – Optional Motions for the Board’s Selection:
 - a. In the event that the Board desires to accept the highest bid, adopt Resolution No. 2016-132 Authorization to Sell Real Property located in the City of Banning, County of Riverside, State of California; Approval of Offer and Agreement to Purchase Real Property, Assessor’s Parcel Number 543-140-018 to authorize the sale and approve the agreement with the successful bidder to move forward with the sales transaction;
OR
 - b. In the event that no bids are received or the Board rejects all bids, the Board authorizes EDA – Real Estate to continue to market the subject Property for sale and return to the Board for consideration of any reasonable offer.
5. If an offer is accepted by the Board of Supervisors during the public hearing, reimburse the Real Property Real Estate Division of the Economic Development Agency in an amount not to exceed \$30,000 from proceeds of the accepted offer;
6. Authorize the Sale Proceeds to be deposited into the General Fund Sub-Fund 11183; and
7. Direct the Clerk of the Board to submit the Notice of Exemption to the County Clerk for posting within five days of approval of this project.

BACKGROUND:

Summary

On July 12, 2016, the Board of Supervisors adopted Resolution No. 2016-131, Declaration of Surplus Real Property and Notice of Intention to Set Public Hearing for the Sale of Real Property Located in the City of Banning, County of Riverside, State of California, declaring the real property to be surplus property and invited bids to acquire the Property at the date set for the bids to be reviewed and considered by the Board. The property identified by Assessor’s Parcel Number 543-140-018 consists of 0.30 acres or 13,068 square feet of improved land, and contains a 1,458 square feet single family residence having four bedrooms, two bathrooms and a two-car garage. It is located at 484 Wesley Street in Banning, Riverside County.

The minimum bid shall be \$140,000, which is based on a recent appraisal conducted on the property. For efficiency in the public bidding process, after all the bids, both written and oral, have been reviewed and considered by the Board, the Board may choose to accept the highest bid, authorize to sell the real property, approve the agreement for the purchase and sale of the property and direct the Chairman of the Board to execute the agreement and the deed at the close of the public hearing. In the event that no bids are received or the Board desires to reject all bids reviewed and considered, the Board may authorize the Economic Development Agency – Real Estate Division (EDA) to continue to market this Property for sale. If a party is interested in purchasing the Property, the Real Estate Division will work to form the submitted bid terms into a Purchase and Sale Agreement, and shall be submitted to the Board for its review and consideration on whether to accept the proposal.

(Continued)

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

Economic Development Agency

FORM 11: Public Hearing for the Bid Opening and Oral Bidding for the Sale of Real Property located in the City of Banning, County of Riverside, State of California; Resolution No. 2016-132, Acceptance of the Highest Bid and Authorization to Sell Real Property; Approval Offer and Agreement to Purchase Real Property; CEQA Exempt; District 5 [\$30,000] 100% Sale Proceeds

DATE: August 10, 2016

PAGE: 3 of 3

BACKGROUND:

Summary (Continued)

Pursuant to the California Environmental Quality Act (CEQA), the Sale was reviewed and determined to be categorically exempt from CEQA under State CEQA Guidelines Sections 15061 (b)(3) General Rule Exemption and 15312 (a)(b)(3) – Surplus Government Property Sales. The proposed project is the sale of real property that is no longer needed for the use by or purposes of the County does not have significant value for wildlife habitat or other environmental purposes, and the use of the property has not changed since the time of use by the County.

Resolution No. 2016-132, the Offer and Agreement to Purchase Real Property have been approved as to form by County Counsel.

Impact on Citizens and Businesses

The estimated net proceeds from this disposition will be used for the demolition of two County owned residential structures deemed beyond repair, located on two separate properties that are adjacent to the Smith Correctional Facility. The sale will also eliminate the County’s on-going maintenance and risk obligations and return the property to private use and tax rolls. The completion of this buffer zone will benefit the community that surrounds this County facility.

SUPPLEMENTAL:

Additional Fiscal Information

The Real Estate Division of the Economic Development Agency will be reimbursed for any and all costs associated with the sale of this property, as itemized below, through the gross proceeds of this sale. The total estimated net proceeds of \$110,000 will be deposited into fund 11183. No net county costs will be incurred and no budget adjustment is necessary.

Minimum bid	\$ 140,000
MAI Appraisal Costs	\$ 3,700
Advertising Costs	\$ 1,500
Total County Staff Costs	\$ 24,800
Total Estimated Net Proceeds	\$ 110,000

Attachments:

Resolution No. 2016-132 with Exhibit A

Aerial Image

CEQA Notice of Exemption

FORM APPROVED COUNTY COUNSEL
BY: R. TODD FRAHM
DATE 6/8/16

1 Board of Supervisors

County of Riverside

2 **RESOLUTION NO. 2016-132**

3 **ACCEPTANCE OF THE HIGHEST BID AND AUTHORIZATION TO SELL REAL PROPERTY**
4 **LOCATED IN THE CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA;**
5 **APPROVAL OF OFFER AND AGREEMENT TO PURCHASE REAL PROPERTY**
6 **(ASSESSOR'S PARCEL NUMBER 543-140-018)**

7
8 **WHEREAS**, the County of Riverside ("County") owns certain real property consisting of
9 0.30 acres or 13,068 square feet of improved land. The subject property contains a 1,458
10 square feet single family residence having four bedrooms, two bathrooms and a two-car
11 garage. It is located at 484 Wesley Street in Banning, Riverside County, and is identified as
12 Assessor's Parcel Number 543-140-018, (the "Property"), more particularly legally described in
13 Exhibit "A", attached hereto and by this reference incorporated herein; and,

14 **WHEREAS**, on July 12, 2016, the Property was declared as surplus real property and
15 the notice of intention to sell the Property was directed to be posted and published pursuant to
16 Government Code Sections 25528 and 6063 and a date was set for conducting the public sale
17 in a public hearing of the Board of Supervisors for the County of Riverside; and,

18 **WHEREAS**, the County has reviewed and determined the sale of the Property as
19 categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to State
20 CEQA Guidelines Sections 15061 (b)(3), General Rule Exemption; and 15312 (a)(b)(3) -
21 Surplus Government Property Sales - because the proposed project is the sale of real property
22 involving the transfer of title to the real property that is no longer needed for the use by or
23 purposes of the County, does not have significant value for wildlife habitat or other
24 environmental purposes and the use of the property and adjacent property has not changed
25 since the time of acquisition by the County; and

26 **WHEREAS**, the Board of Supervisors desires to authorize the sale of the Property,
27 approve the Offer and Agreement to Purchase Real Property with the successful bidder who
28 submitted the highest bid that was accepted by the Board and authorize the Chairman to

1 execute the Agreement and Grant Deed on behalf of the County; now, therefore,

2 **BE IT RESOLVED, DETERMINED, AND ORDERED** by the Board of Supervisors of
3 the County of Riverside County ("Board"), at the close of conducting the public hearing for the
4 public bidding to sell the Property, assembled on or after August 23, 2016, at 9:30 or soon
5 thereafter, that it hereby finds the sale of the Property as categorically exempt from CEQA
6 under State CEQA Guidelines Section 15312 (a)(b)(3), Sale of Surplus Government Property
7 Exemption; Section 15061 (b)(3), General Rule or "Common Sense" Exemption, accepts the
8 highest bid and authorizes the sale of the Property to the highest bidder who was accepted by
9 the Board ("Buyer") in accordance with the terms and conditions provided in that certain Offer
10 and Agreement to Purchase Real Property and the following:

- 11 1) The purchase price to be paid by the Buyer shall be the amount offered by the
12 Buyer and accepted by the Board at the public hearing held on this date.
- 13 2) The deposit submitted by Buyer in the amount of at least three percent (3%) of the
14 minimum bid amount set by the Board shall be applied to the purchase price.
- 15 3) The Buyer shall pay the remaining balance of the purchase price in cash within the
16 number of days required in the Agreement approved between the County and the
17 Buyer.
- 18 4) Buyer shall submit all other amounts necessary for escrow and closing costs within
19 the time period provided in the Agreement.
- 20 5) The conveyance of the Property shall be in the form of a Grant Deed in favor of the
21 Buyer and shall be subject to liens, encumbrances, easements, rights of way, taxes
22 and assessments and deed and tract covenants, conditions and restrictions, if any,
23 whether recorded or not. The Property is being sold "AS IS".
- 24 6) The County makes no warranties or representations, express or implied, regarding
25 the condition of the property, which land uses are permitted or can be changed, any
26 matters concerning zoning, availability of public utility services or suitability for the
27 purpose in which the Buyer may wish to use the Property.
- 28 7) Title insurance shall be at the option of the Buyer and Buyer's sole cost and

1 expense.

2 8) Buyer shall be solely responsible for all costs associated with this sales transaction,
3 including Escrow and Title Company costs and fees to consummate the transaction.

4 **BE IT FURTHER RESOLVED, DETERMINED AND ORDERED** that the Board
5 approves the Offer and Agreement to Purchase Real Property ("Agreement"), authorizes the
6 Chairman of the Board to execute the Agreement on behalf of the County and directs the Grant
7 Deed to be delivered upon performance and compliance by the Buyer of all the terms and
8 conditions of the Agreement.

9 **BE IT FURTHER RESOLVED, DETERMINED AND ORDERED** that the Board
10 authorizes the Assistant County Executive Officer/EDA, or his designee, to execute the Grant
11 Deed and any other documents necessary to complete this transaction.

12 **BE IT FURTHER RESOLVED, DETERMINED AND ORDERED** that the Board has
13 given notice hereof as provided in Sections 25528 and 6063 of the Government Code.

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Exhibit A

Legal Description of Property

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

The Northerly 140 feet of the Easterly 95 feet of the West ½ of Lot 83 Banning Colony Lands, in the City of Banning, County of Riverside, State of California, as shown by map on file in Book 3, Page 149 of Maps, in the Office of the County Recorder of said County.

Assessor's Parcel No: 543-140-018

Resolution Number 2016-132
484 Wesley Street, Banning, CA 92220



543-140-018



Legend



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233

466 Feet



REPORT PRINTED ON... 5/12/2016 10:09:05 AM

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Notes

APN: 543-140-018

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 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.



NOTICE OF EXEMPTION

May 12, 2016

Project Name: County of Riverside, Economic Development Agency (EDA) Smith Correctional Facility Sale of Surplus Land, Banning, California

Project Number: FM0417200279

Project Location: 484 Wesley Street, east of Highway 243, Banning, California 92220; Assessor's Parcel Number (APN) 543-140-018; (See Attached Exhibit)

Description of Project: The County of Riverside (County) is the owner of real property consisting of 0.30 acres of improved land. The subject property contains a 1,458-square-foot, single-family residence and is located at 484 Wesley Street in Banning, Riverside County, identified with APN 543-140-018. On June 21, 2016, the Board of Supervisors (Board) determined that the real property pursuant to Government Code 22520 is no longer necessary to be retained by the County for public purposes. The County has identified a minimum bid of \$140,000 for the purchase of the property, based on a recent appraisal. The sale of the property will eliminate the County's on going maintenance and risk obligations and return the property to private use and tax rolls. The sale of the property and transfer of title is identified as the proposed Project under the California Environmental Quality Act (CEQA). The property has been previously developed with a single-family residence and does not have significant value for wildlife habitat or other environmental purposes. The sale of the property does not include any land use entitlements, or changes required to comply with zoning and building codes. No additional direct or indirect physical environmental impacts are anticipated.

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: State CEQA Guidelines, Section 15312, Class 12, Surplus Government Property Sales Exemption; Section 15061(b) (3), General Rule or "Common Sense" Exemption, Codified under Title 14, Articles 5 and 19, Sections 15061 and 15300 to 15312.

Reasons Why Project is Exempt: The proposed Project is categorically exempt from the provisions of CEQA specifically by the State CEQA Guidelines as identified below. The Project will not result in any specific or general exceptions to the use of the categorical exemption as detailed under State CEQA Guidelines Section 15300.2. The Project will not cause an impact to an environmental resource of hazardous or critical concern nor would the Project include unusual circumstances which would have a potentially significant effect on the environment. The Project would not result in impacts to scenic highways, hazardous waste sites, historic resources, or other sensitive natural environments, or have a cumulative effect to the environment. No significant environmental impacts are anticipated to occur with the sale of surplus government property and associated transfer of title.

P.O. Box 1180 • Riverside, California • 92502 • T: 951.955.8916 • F: 951.955.6686

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- **Section 15312 – Class 12 Surplus Government Property Sales Exemption:** This categorical exemption includes the sales of surplus government property, except for parcels of land located in in area of Statewide, regional, or areawide concern identified in Section 15206 (b)(4). These areas include the Lake Tahoe Basin, The Santa Monica Mountains Zone, the California Coastal Zone, areas within 0.25 miles of a wild and scenic river, the Sacramento-San Joaquin Delta, the Suisun Marsh, and the jurisdiction of the San Francisco Bay Conservation and Development Commission. Sections (a) and (b) of this exemption provide conditions where, if met, the sale is still considered exempt. The Project is located in the City of Banning and the nearest Wild and Scenic River is Fuller Mill Creek, which is located approximately 9 miles to the southeast of the Project. Therefore, the Project is not located within an area of significance and the provisions listed in Subsections (a) and (b) would need not be applied. The Project, as proposed, is limited to the sale and transfer of title of land; therefore, the Project is exempt as the Project meets the scope and intent of the Class 12 Exemption identified in Section 15312, Article 19, Categorical Exemptions of the CEQA Guidelines.
- **Section 15061 (b) (3) – “Common Sense” Exemption:** In accordance with CEQA, the use of the Common Sense Exemption is based on the “general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.” State CEQA Guidelines, Section 15061(b) (3). The use of this exemption is appropriate if “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” *Ibid.* This determination is an issue of fact and if sufficient evidence exists in the record that the activity cannot have a significant effect on the environment, then the exemption applies and no further evaluation under CEQA is required. See *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal. 3d 68. The ruling in this case stated that if a project falls within a category exempt by administrative regulation or 'it can be seen with certainty that the activity in question will not have a significant effect on the environment', no further agency evaluation is required. With certainty, there is no possibility that the Project may have a significant effect on the environment. The proposed sale and transfer of title will not result in any direct or indirect physical environmental impacts.

Based upon the identified exemptions above, the County of Riverside, Economic Development Agency hereby concludes that no physical environmental impacts are anticipated to occur and the Project as proposed is exempt under CEQA. No further environmental analysis is warranted.

Signed: _____



Date: _____

5/12/16

Mike Sullivan, Senior Environmental Planner
County of Riverside, Economic Development Agency

RIVERSIDE COUNTY CLERK & RECORDER

**AUTHORIZATION
TO BILL
BY JOURNAL VOUCHER**

Project Name: Smith Correctional Facility Sale of Surplus Land

Accounting String: 524830-47220-7200400000- FM0417200279

DATE: May 12, 2016

AGENCY: Riverside County Economic Development Agency

THIS AUTHORIZES THE COUNTY CLERK & RECORDER TO BILL FOR FILING AND HANDLING FEES FOR THE ACCOMPANYING DOCUMENT(S).

NUMBER OF DOCUMENTS INCLUDED: One (1)

AUTHORIZED BY: Mike Sullivan, Senior Environmental Planner, Economic Development Agency

Signature: 

PRESENTED BY: Jose Ruiz, Real Property Agent, Economic Development Agency

-TO BE FILLED IN BY COUNTY CLERK-

ACCEPTED BY: -

DATE: -

RECEIPT # (S) -