

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

811



FORM APPROVED COUNTY COUNSEL  
BY: Patricia Munroe 9/12/13  
DATE

**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

<b>FINANCIAL DATA</b>	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

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

**C.E.O. RECOMMENDATION:**

APPROVE

BY:   
Jennifer L. Sargent

**County Executive Office Signature**

Dep't Recomm.:  Consent  Policy  
Per Exec. Ofc.:  Consent  Policy

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Benoit, seconded by Supervisor Tavaglione and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and that Ordinance 598.7 is adopted.

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley  
Nays: None  
Absent: None  
Date: September 24, 2013  
xc: EDA, MC, COB

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

**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.

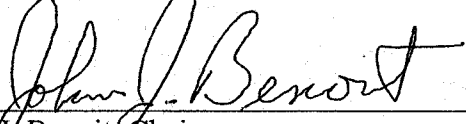
- a. Any real property transaction deemed a "project" under the California Environmental Quality Act (CEQA) shall be conducted in compliance with CEQA.
- b. Any of the documents associated with the real property transactions shall have been approved as to form by county counsel.
- c. Nothing in this 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."

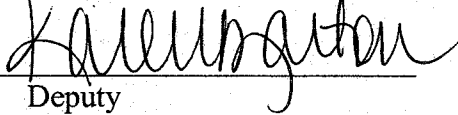


1                    Section 2.      This ordinance shall take effect thirty (30) days after its adoption.

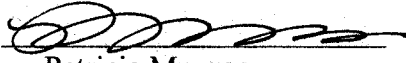
2  
3 BOARD OF SUPERVISORS OF THE  
4 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

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 24, 2013

15 By:   
16        Patricia Munroe  
17        Deputy County Counsel

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STATE OF CALIFORNIA        )  
  )  
COUNTY OF RIVERSIDE        )        ss

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said county held on September 24, 2013, the foregoing ordinance consisting of 2 Sections was adopted by the following vote:

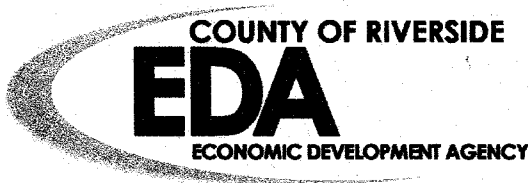
AYES:       Jeffries, Tavaglione, Stone, Benoit and Ashley  
NAYS:       None  
ABSENT:     None

DATE:       September 24, 2013

KECIA HARPER-IHEM  
Clerk of the Board

BY:   
Deputy

SEAL



Original Negative Declaration/Notice of Determination was routed to County Clerks for posting on.

8/26/13 Date

KB Initial

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: [Signature] Date: \_\_\_\_\_
Rob Field, Assistant County Executive Officer/EDA
County of Riverside, Economic Development Agency

SEP 24 2013 3:33

FORM APPROVED COUNTY COUNSEL  
 BY: [Signature] 8/28/13  
 DATE: \_\_\_\_\_  
 Departmental Concurrence

682



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

**FROM:** Economic Development Agency / Facilities Management

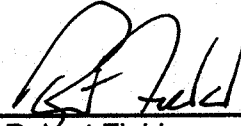
**SUBMITTAL DATE:**  
 August 28, 2013

**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. Introduce and adopt on successive weeks, Ordinance No. 598.7, establishing procedures and delegating authority for acquisition and disposition of real property;
2. Find that the adoption of Ordinance No. 598.7 is exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3); and
3. Direct the Clerk of the Board to file a Notice of Exemption with the County Clerk for posting.

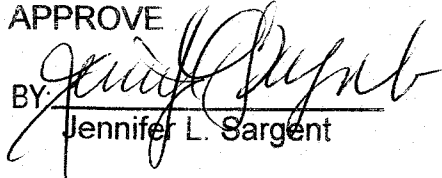
**BACKGROUND:** (Commences on Page 2)

  
 Robert Field  
 Assistant County Executive Officer/EDA

<b>FINANCIAL DATA</b>	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

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


**C.E.O. RECOMMENDATION:** APPROVE  
 BY:   
 Jennifer L. Sargent

**County Executive Office Signature**

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Jeffries, seconded by Supervisor Tavaglione and duly carried, IT WAS ORDERED that the above matter is approved as recommended and that the above ordinance is approved as introduced with waiver of reading.

Ayes: Jeffries, Tavaglione, Stone and Benoit  
 Nays: None  
 Absent: Ashley  
 Date: September 10, 2013  
 xc: EDA, Recorder, COB

Kecia Harper-Ihem  
 Clerk of the Board  
 By:   
 Deputy

**Prev. Agn. Ref.:** 3.4 of 12/9/97; 3.5 of 4/27/04; 3.16 of 12/17/12 | **District:** All

**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.

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

Attachment:  
Ordinance Amendment No. 598.7

**Riverside County Board of Supervisors  
Request to Speak**

Submit request to Clerk of Board (right of podium),  
Speakers are entitled to three (3) minutes, subject  
Board Rules listed on the reverse side of this form.

**SPEAKER'S NAME:** GARRY GRANT

**Address:** \_\_\_\_\_  
(only if follow-up mail response requested)

**City:** PERRIS **Zip:** 92570

**Phone #:** 6579319

**Date:** 14 SEP 013 **Agenda #** 3-33

**PLEASE STATE YOUR POSITION BELOW:**

**Position on "Regular" (non-appealed) Agenda Item:**

\_\_\_\_\_ **Support**     **Oppose**    \_\_\_\_\_ **Neutral**

**Note:** If you are here for an agenda item that is filed  
for "Appeal", please state separately your position on  
the appeal below:

\_\_\_\_\_ **Support**    \_\_\_\_\_ **Oppose**    \_\_\_\_\_ **Neutral**

**I give my 3 minutes to:** \_\_\_\_\_



OFFICE OF  
CLERK OF THE BOARD OF SUPERVISORS  
1st FLOOR, COUNTY ADMINISTRATIVE CENTER  
P.O. BOX 1147, 4080 LEMON STREET  
RIVERSIDE, CA 92502-1147  
PHONE: (951) 955-1060  
FAX: (951) 955-1071

KECIA HARPER-IHEM  
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR  
Assistant Clerk of the Board

September 30, 2013

THE PRESS ENTERPRISE  
ATTN: LEGALS  
P.O. BOX 792  
RIVERSIDE, CA 92501

FAX: (951) 368-9018  
E-MAIL: [legals@pe.com](mailto:legals@pe.com)

RE: ADOPTION OF ORDINANCE NO. 598.7

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Wednesday, October 2, 2013**.

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office in duplicate, WITH TWO CLIPPINGS OF THE PUBLICATION.

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

*Cecilia Gil*

Board Assistant to:  
KECIA HARPER-IHEM, CLERK OF THE BOARD

**Gil, Cecilia**

---

**From:** mtinajero@pe.com on behalf of Master, PEC Legals <legalsmaster@pe.com>  
**Sent:** Monday, September 30, 2013 8:14 AM  
**To:** Gil, Cecilia  
**Subject:** Re: FOR PUBLICATION: Adoption of Ord. No. 598.7

Received for publication on Oct. 2. Proof with cost to follow.

Thank You!



Publisher of The Press-Enterprise  
*Inland Southern California's News Leader*

**Legal Advertising**

**Phone:** 1.800.880.0345

**Fax:** 951.368.9018

**E-mail:** [legals@pe.com](mailto:legals@pe.com)

Please Note: Deadline is 10:30 AM two (2) business days prior to the date you would like to publish.

**\*\*Additional days required for larger ad sizes\*\***

On Mon, Sep 30, 2013 at 7:37 AM, Gil, Cecilia <[CCGIL@rcbos.org](mailto:CCGIL@rcbos.org)> wrote:

Another one, for publication on Wednesday, Oct. 2, 2013. Please confirm. THANK YOU!

*Cecilia Gil*

Board Assistant

Clerk of the Board

951-955-8464

MS# 1010





OFFICE OF  
CLERK OF THE BOARD OF SUPERVISORS  
1st FLOOR, COUNTY ADMINISTRATIVE CENTER  
P.O. BOX 1147, 4080 LEMON STREET  
RIVERSIDE, CA 92502-1147  
PHONE: (951) 955-1060  
FAX: (951) 955-1071

KECIA HARPER-IHEM  
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR  
Assistant Clerk of the Board

September 30, 2013

THE DESERT SUN  
ATTN: LEGALS  
P.O. BOX 2734  
PALM SPRINGS, CA 92263

FAX: (760) 778-4731  
E-MAIL: [legals@thedesertsun.com](mailto:legals@thedesertsun.com)

RE: ADOPTION OF ORDINANCE NO. 598.7

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Wednesday, October 2, 2013**.

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office in duplicate, **WITH TWO CLIPPINGS OF THE PUBLICATION**.

**NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.**

Thank you in advance for your assistance and expertise.

Sincerely,

*Cecilia Gil*

Board Assistant to:  
KECIA HARPER-IHEM, CLERK OF THE BOARD

## Gil, Cecilia

---

**From:** Wells, Juanita <JWELLS@palmspri.gannett.com> on behalf of Moeller, Charlene <CMOELLER@palmspri.gannett.com>  
**Sent:** Monday, September 30, 2013 8:21 AM  
**To:** Gil, Cecilia  
**Subject:** RE: FOR PUBLICATION: Adoption of Ord. No. 598.7

Ad received and will publish on date(s) requested.

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**From:** Gil, Cecilia [<mailto:CCGIL@rcbos.org>]  
**Sent:** Monday, September 30, 2013 7:38 AM  
**To:** tds-legals  
**Subject:** FOR PUBLICATION: Adoption of Ord. No. 598.7

Another one, for publication on Wednesday, Oct. 2, 2013. Please confirm. THANK YOU!

*Cecilia Gil*  
Board Assistant  
Clerk of the Board  
951-955-8464  
MS# 1010

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

**ORDINANCE NO. 598.7**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE**  
**AMENDING ORDINANCE NO. 598**  
**AUTHORIZING CONVEYANCE OF REAL PROPERTY**

Section 1. The Board of Supervisors of the County of Riverside ordains as follows:  
Ordinance No. 598 is amended in its entirety to read as follows:

**"ORDINANCE NO. 598**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE**  
**ESTABLISHING PROCEDURES AND DELEGATING AUTHORITY**  
**FOR DISPOSITION OR ACQUISITION OF REAL PROPERTY**

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

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

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

- a. Airport Property. Any County property that was acquired for airport purposes or designated as part of an airport within the County of Riverside, whether or not any portion thereof is actually used for airport or aeronautical purposes.
- b. County Property. Any real property, buildings and facilities belonging to the County of Riverside, whether such property is within the unincorporated or incorporated territory of the County.
- c. Conveyance Documents. Documents that transfer or convey real property, or any interest thereof, to another, such as purchase and sales agreements, conveyance or exchange agreements and deeds.
- d. Delegate. A county officer working as an Assistant County Executive Officer, a Managing Director or an Assistant Director, each of the County of Riverside Economic Development Agency or a county officer charged by the Board with the responsibility and duties of managing County property.
- e. Disposition. To dispose of, alienate, relinquish, or part with ownership of any interest in real property by conveyance or transfer.
- f. Easement. A interest in real property that creates a right to enter and use land possessed by another in a way that would constitute a trespass absent the easement. Easements are classified as either appurtenant (benefiting and transferable with a certain real property interest) or in gross (personal to the grantee). An easement may be transferable. Unless otherwise specified, an easement is presumed to be permanent and non-exclusive.
- g. Fee Simple. An estate in land, a form of freehold ownership.
- h. Highway Purposes. The intended use, passing or repassing of any public

highway, road, street, avenue, alley, lane, drive, way, place court, or trail, by the public to the full, unobstructed and uninterrupted enjoyment of the entire width of the layout for that intention.

- i. Public Party. The State of California, a county, city, district, public agency or corporation, or public utility corporation.
- j. Sale. The process of effecting the disposition of an interest in real property, including but not limited to, the solicitation and acceptance of bids, negotiation of an agreement with mutual assent and consideration, final approval by the Board and consummation of a transaction.
- k. Surplus County Property. Any County property that has been determined to be no longer necessary for the County's use or other public purposes.

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

Section 5. DISPOSITION OF INTERESTS IN REAL PROPERTY WITH ESTIMATED VALUATION OF \$25,000 OR LESS. Following a determination by the Board of Supervisors that all or any portion of interests in real property belonging to the County is not needed for County or other public purposes, the delegate is hereby authorized to execute the sale, exchange, quitclaim or conveyance of any County property interest with an estimated value of twenty five thousand dollars (\$25,000) or less, provided that a notice of intention that the delegate will execute the sale is posted in a public place for five working days prior to effecting the transfer. The delegate may sell, exchange, quitclaim or convey any County property interest pursuant to this section in the manner and upon the terms and conditions approved by the delegate without complying with any of the statutory requirements referenced in Section 4 of this ordinance.

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

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

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

Section 8. DISPOSITION OF COUNTY PROPERTY ACQUIRED FOR HIGHWAY PURPOSES. The County may sell or exchange any real property acquired by the County for highway purposes whenever the Board determines that such real property, or any interest therein, is no longer necessary for those purposes, with the recommendation of the Director of Transportation and in the manner and upon the terms and conditions approved by the Board, in accordance with the requirements of Streets and Highways Code section 960. The conveyance shall be executed on behalf of the County by the Chairman of the Board and money received for the real property shall be paid into the county treasury to the credit of any fund designated by the Board which is available for highway purposes.

Section 9. PURCHASE OF REAL PROPERTY BY COUNTY WITH VALUATION OF MORE THAN \$150,000. Any purchase of real property that is needed or desired, including any water right or

other interest therein, with a purchase price that exceeds one hundred fifty thousand dollars (\$150,000) shall not be made by the County unless a notice of intention of the Board to make the purchase the real property is published in the county pursuant to Government Code section 6063. The notice shall contain a description of the property, the price, the seller, and the time the purchase shall be consummated. A purchase of real property by settlement of an action in eminent domain or the acquisition of any real property or any interest therein for the uses and purposes of county highways does not require the statutory notice of intention to be made by the Board or the delegate regardless of the purchase price.

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

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

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

John J. Benoit, Chairman of the Board

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on **September 24, 2013**, the foregoing Ordinance consisting of two (2) sections was adopted by said Board by the following vote:

AYES: Jeffries, Tavaglione, Stone, Benoit and Ashley  
NAYS: None  
ABSENT: None

Kecia Harper-Ihem, Clerk of the Board  
By: Cecilia Gil, Board Assistant