

DEPARTMENT: Public Works/Facilities

BY: Dana Hertfelder

PHONE: 966-5356

RECOMMENDED ACTION AND JUSTIFICATION:

Adopt Resolution of Intention to Sell Fee Title to County Property Located in Yosemite West.

Yosemite West Cascades, LLC has requested that the County of Mariposa agree to a lot line adjustment of the Yosemite West Maintenance Yard parcel with the adjacent private parcel, Assessor Parcel Number 006-150-006. The proposed lot line adjustment would accommodate Yosemite West Cascades, LLC's plans for a proposed development project. In exchange for the lot line adjustment Yosemite Cascades proposes to clean up the existing Maintenance Yard and create a modern facility for the Yosemite West Maintenance District.

If the Board gives direction to proceed, a public hearing is required to give members of the public an opportunity to bid on the property being sold before the sale is finalized.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On June 9, 2009 the Board of Supervisors directed staff to work on an agreement with Yosemite West Cascades LLC for the potential sale of the property and lot line adjustment in exchange for improvements to the Yosemite West Maintenance District Facility.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not authorize staff to proceed with the sale of property. Yosemite West Cascades LLC would not be able to proceed with their proposed project as currently designed.

Financial Impact? (X) Yes () No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? () Yes () No () Partially Funded		
Amount in Budget: \$		List Attachments, number pages consecutively
Additional Funding Needed: \$		1) Resolution of Intention
Source:		
Internal Transfer		
Unanticipated Revenue	_____ 4/5's vote	
Transfer Between Funds	_____ 4/5's vote	
Contingency	_____ 4/5's vote	
() General () Other		

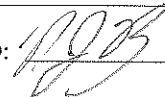
CLERK'S USE ONLY:

Res. No.: 10-128 Ord. No. _____
 Vote - Ayes: 5 Noes: _____
 Absent: _____
 Approved
 Minute Order Attached () No Action Necessary

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion
 Comments:

The foregoing instrument is a correct copy of the original on file in this office.
 Date: _____
 Attest: MARGIE WILLIAMS, Clerk of the Board
 County of Mariposa, State of California
 By: _____
 Deputy

CAO: 



COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

BRAD ABORN
LYLE TURPIN
JANET BIBBY
KEVIN CANN
JIM ALLEN

DISTRICT I
DISTRICT II
DISTRICT III
DISTRICT IV
DISTRICT V



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: DOUG WILSON, Interim Public Works Director

FROM: MARGIE WILLIAMS, Clerk of the Board *TC for MW*

SUBJECT: Adopt a Resolution of Intention to Sell Fee Title to County Property Located in Yosemite West

RES. 10-128

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on March 16, 2010

ACTION AND VOTE:

6

Public Works

Adopt a Resolution of Intention to Sell Fee Title to County Property Located in Yosemite West

BOARD ACTION: Discussion was held with Dana Hertfelder relative to this matter and the request received from Yosemite West Cascades for a lot line adjustment to accommodate their plans for a proposed development project in exchange for improvements to the Yosemite West maintenance yard. It was clarified that if the Board gives direction to proceed, an opportunity would be given to members of the public to bid on the property.

Input from the public was provided by the following:

Ruth Catalan asked what Yosemite West Cascades is planning to do.

Robert Kroon, Yosemite West resident, stated he supports the Yosemite West Cascades project, but he does not support selling this portion of property to anyone. He referred to the use of the property in 1990 during the fires for equipment. He expressed concern with access impacts with the relocation of the maintenance yard for the District's equipment. He referred to the terrain of the area and stated he does not feel that the flat area of the property should be given up.

Don Pitts, Yosemite West resident and member of the Yosemite West Maintenance District Advisory Committee, stated this issue has not been voted on by them; and he feels that a majority of the members are opposed. He endorsed Mr. Kroon's comments relative to the impact on access; and he advised that a proposed location for a water well is in the flat area where Yosemite West Cascades wants to build.

Debra Kroon, member of the Yosemite West Maintenance District Advisory Committee, advised of the discussion the Committee held relative to the proposal to place the maintenance facility at the end of the road. She advised that the Committee wanted more detailed information about the proposed development

project and location of the area and nothing was brought back. She feels that this flat land is prime real estate, and she does not feel that the appraised value is fair. She noted that she is a licensed real estate broker, and referred to recent sales data. She feels that this proposal will change the aesthetics. She expressed concern with future development possibilities on adjoining property and possibly needing all of the space that is at the maintenance facility. She referred to the original wells for Yosemite West and feels they should be preserved for possible reactivation in the future. She noted that if this is truly a bid open to the public, then that could put Yosemite West Cascades back to their fifteen-acres for development.

Jeff Hornacek, Yosemite West Cascades, advised that their development project was presented in a broad scope to Planning and the Advisory Committee, and the details are being worked out. But they want this process to happen to be able to finalize the details of their project. They feel they have solutions for the issues that have been raised; and he feels that there is plenty of turn-around room and equipment could be parked at the edge of the road when it needs to be. He would like to clean up the area and this proposal would improve the facility. He advised of the meeting with the Advisory Committee. He responded to questions from the Board relative to the appraisal and the issues that were raised, including the hazardous waste clean-up and the status of the wells.

Dana Hertfelder advised that he does not feel that the old wells are usable, they had limited production and there are water quality issues. County Counsel responded relative to the process if the Board moves forward.

Anita Starchman Bryant provided input on the request, and she advised that this process will allow the applicant to submit their project.

Ruth Catalan asked for clarification of the request and whether contingencies could be included in the bids. Chair Cann responded.

Further discussion was held. Supervisor Bibby asked about covering the costs for the bid process and County Counsel advised that the County could require the costs to be covered by the bidders; and he clarified that the property being discussed is a remainder of a parcel. Rick Benson asked that the matter be scheduled for April 20th at 9:00 a.m. or as soon thereafter as the matter may be heard. (M)Aborn, (S)Turpin, Res. 10-128 was adopted approving the request as requested, with the change in the scheduling as requested/Ayes: Unanimous.

Cc: Steve Dahlem, County Counsel
File

MARIPOSA COUNTY RESOLUTION NO. 10-128

INTENT TO SELL FEE TITLE TO COUNTY PROPERTY TITLE

WHEREAS, the County Administrative Officer and County Public Works Director have informed this Board portions of the real property located at 7577 Henness Ridge Road, Mariposa, California, and commonly referred to as APN 006-150-007, (the "Entire Parcel") which was acquired for use as a County Maintenance Yard, and made available by the County for use by the Yosemite West Maintenance District (the "District") is not needed for County purposes (including use by the District), provided certain identified improvements are made to the remainder of the property to be retained by the County (the "Remainder Parcel"). The legal description for the portion of the Entire Parcel that is no longer needed is included on attached Exhibit "A" (the "Excess Parcel"); and

WHEREAS, the County Administrative Officer and County Public Works Director recommend that the property described in Exhibit "A" attached and made a part hereof by reference, be sold in accordance with Government Code section 25520 et seq. as required by law.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby adopt this resolution.

BE IT FURTHER RESOLVED THAT this Board declares its intention to sell the above property under the terms and conditions contained in the Notice attached as Exhibit "B" and made a part hereof by reference.

BE IT FURTHER RESOLVED THAT the minimum bid price for real property is the obligation to construct the maintenance yard improvements, to be constructed on the Remainder Parcel, and to pay for the various planning entitlements desired by the County to benefit the Remainder Parcel. The minimum bid deposit is Ten Thousand Dollars (\$10,000.00) in the form of a cashier's certified check.

BE IT FURTHER RESOLVED THAT this Board sets 9:00 a.m., or as soon thereafter as the matter may be heard, on April 20, 2010 at the Mariposa County Government Center, Board Chambers, at 5100 Bullion Street, Mariposa, California, as the time and place for a public meeting of the Board where sealed proposals and auction bids shall be received and considered.

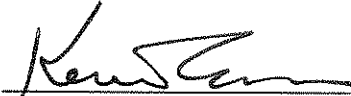
BE IT FURTHER RESOLVED THAT the Clerk of this Board is hereby directed to cause the notice of the adoption of this resolution and of the time and place of holding the public meeting to be given by posting notices of the resolution signed by the Chairperson of this Board, in three (3) public places in the County, as follows, and to be posted not less than fifteen (15) days from the date of the public meeting:

1. On the property described herein;
2. At the Mariposa County Government Center, Mariposa California; and
3. At the Mariposa County Branch of the Mariposa County Library, 4978 10th Street, Mariposa, California.

BE IT FINALLY RESOLVED THAT the Clerk of this Board is directed to cause the notice of the adoption of this resolution and of the time and place of holding the public meeting to be given by publishing the notice pursuant to Government Code section 6063 in the Mariposa Gazette and Miner, a newspaper of general circulation published in the County.

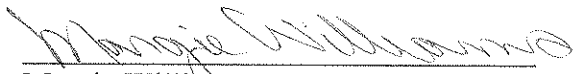
ON MOTION BY Supervisor Aborn, seconded by Supervisor Turpin this resolution duly passed and adopted this 16th day of March, 2010, by the following vote:

AYES:	ABORN, TURPIN, BIBBY, CANN, ALLEN
NOES:	NONE
EXCUSED:	NONE
ABSTAIN:	NONE



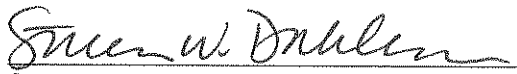
Kevin Cann, Chairman
Board of Supervisors

ATTEST:



Margie Williams
Clerk of the Board of Supervisors

Approved as to Form:



Steven W. Dahlem
County Counsel

Mariposa County
February 17, 2010
060-150-007(Portion)

Legal Description

All that real property located in the Northwest one-quarter of Section 25, Township 3 South, Range 20 East, M.D.B.&M., being a portion of that certain parcel of land described in a Grant Deed recorded as Document No. 893672, Mariposa County Records, and shown on "Record of Survey for the County of Mariposa" recorded in the Book of Maps at Page 2337, Mariposa County Records, said real property being more particularly described as follows:

Beginning at the most Northwesterly corner of said parcel of land recorded as Document No. 893672; said Point of Beginning also being on the Northerly right-of-way line of "Henness Ridge Road" as shown on said "Record of Survey for the County of Mariposa"; thence along the North line of said parcel of land S89°19'26"E 275.00 feet; thence leaving said North line S33°38'00"E 98.58 feet; thence along a 45.00 foot radius curve to the right through a central angle of 44°44'43" an arc distance of 35.14 feet; thence S11°06'42"W 247.72 feet to a point on the said Northerly right-of-way line of "Henness Ridge Road"; thence along said right-of-way being a 175.00 foot radius curve concave to the north whose radial bears S19°16'58"W through a central angle of 36°27'54" an arc distance of 111.38 feet; thence N34°00'00"W 327.23 feet; thence along a 225.00 foot radius curve to the left through a central angle of 7°45'19" an arc distance of 30.45 feet to the POINT OF BEGINNING.

Containing 1.53± Acres

End of Description



Exhibit B to Resolution of Intent

The terms and conditions for the conveyance of the Excess parcel are as follows:

1. **Covenant to Construct.** The minimum bid shall include a requirement that the bidder presently covenant to contract with a licensed California Contractor to complete the New Maintenance Facility Demolition activities, described below.

a. **New Construction.** The New Maintenance Facility shall meet existing County standards for public service buildings and shall be comprised of a new maintenance metal building with a 2-bay heated garage, office and bathroom (totaling 1600 sq/ft) which shall be constructed in the location with the dimensions defined by Exhibit 1. The design and appearance of the New Maintenance Facility, which includes the New Yard, shall be in substantial conformance with that as depicted in Exhibit 2. All final construction drawings and specifications shall be approved by the Director of Public Works, which approval shall not be unreasonably withheld. The office shall include a 400 sq/ft heated/insulated livable space office with meeting room and full bathroom, Murphy bed and studio kitchen. The 2-bay garage shall be heated and contain 2-bay (15' x 40' each) 3 1/4' rollup garage doors, 200 amp electric service, hose bibs and windows. Water service and a septic system or sewer infrastructure (County's discretion) shall be installed for the New Maintenance Facility. The New Maintenance Facility shall further include a 12' x 16' covered metal sand shed, and a new 12,300 sq/ft driveway, parking area and Yard from Henness Ridge Road, to the Proposed Sand Shed, to the Proposed Garage, which shall be graded and paved in accordance to County standards. The New Yard shall be fenced with a visual barrier of bidder's design with a height of up to 12' tall. An above ground 1000/gal Diesel tank fuel storage and an above ground 500/gal Gasoline tank fuel storage shall be provided, with necessary containment structures. County to approve appropriate fuel storage permits. Utility infrastructure necessary to accommodate the New Maintenance Facility shall be moved and/or improved. Existing supplies, storage units, sheds, barrels, material piles, utilities, communications and monitoring systems shall be relocated from the existing maintenance facility located on Excess Parcel the site to the New Maintenance Facility. Minor adjustments to the site plan may be approved by the Public Works Director. The bidder shall make all reasonable efforts to avoid disrupting the basic functions and services provided by the Yosemite West Maintenance District during the demolition and cleanup of the Old Yard and construction of New Maintenance Facility. County shall have the duty to cooperate with the normal inconveniences associated with the demolition and cleanup of the Old Yard and construction of the New Maintenance Facility and shall accordingly make appropriate adjustments in the District's operations. Construction of New Maintenance Facility shall be completed within 36 months of the adoption of the Resolution of Acceptance of the bidders bid (subject to reasonable force majeure events).

b. **Demolition.** The covenant to be provided as part of a minimum bid shall include a requirement that the bidder, within twelve (12) months after completion of the New Maintenance Facility, shall clear the Excess Parcel of all existing improvements, including removal of the existing office/shed and Old Yard fence, removal of existing concrete, asphalt and debris located in the current District yard, and removal of the existing 1000-gallon diesel and 500-gallon gasoline tanks and structures.

2. **Environmental Clean-up.** After completion of the New Maintenance Facility the bidder shall be responsible for conducting an environmental cleanup of the Old Yard, in accordance with the following protocol: The environmental cleanup shall be inspected by a qualified environmental engineer, who shall be chosen at the bidder's sole discretion, and the bidder shall provide a report to County indicating satisfactory completion of said environmental clean-up.
3. **Land Division Expenses.** The costs of preparing the deeds necessary to convey the Excess Parcel shall be at the sole expense of the bidder. At the election of the bidder, the Excess Parcel may be added to lands adjacent to the Excess Parcel, through a lot line adjustment, which shall be conducted at the bidder's sole cost and expense.
4. **Land Use Entitlements.** The bidder shall pay the costs to prepare and obtain a rezone of the Remainder Parcel to a Public Institution zoning, as well as any required Planning Department approvals of the site plan for the New Maintenance Facility.
5. **Other Terms and Conditions.** The Construction Covenant to be executed by the bidder, and the construction contract to be executed by the licensed contractor for the construction of the New Maintenance Facility, shall include the following:
 - a. Agreements providing insurance and indemnifications in favor of the County from circumstances arising from the construction of the New Maintenance Facility, which shall be on such terms as shall be determined in the reasonable discretion of the County Counsel. These Agreements shall include a requirement that the contractor obtain and provide certificates of insurance concerning commercial, general liability, and automobile policy or policies with limits of at least \$2,000,000, naming the County as an additional insured, as well as statutorily workers compensation insurance.
 - b. Acknowledgments that the contractor is an independent contractor and not an employee of the County.
 - c. Indemnification of the County regarding the costs of any Public Employees Retirement System (CalPERS) fundings if the Contractor or any employee, agent, or subcontractor of Contractor providing services under the contract for construction of the New Maintenance Facilities is determined by a court of competent jurisdiction to be eligible for enrollment in the CalPERS as an employee of the County.
 - d. Bidder's liability to the County for damages for failure to construct the improvements or otherwise perform the terms of the winning bid, shall be liquated at the amount of Ten Thousand Dollars (\$10,000.00).
6. **Bids Above Minimum Bid.** All bid amounts in addition to covenant to construct improvements shall be in cash payment, to be paid within five (5) days following the acceptance.

7. **Timing of Conveyance and Security for Performance.** To secure the obligation of the bidder to perform the obligations of the Construction Covenant, the Excess Parcel shall not be conveyed to the bidder until the entirety of the New Maintenance Facility improvements have been constructed and accepted by the County, and a Certificate of Occupancy with respect to such improvements has been issued. Conveyance of the Excess Parcel shall be made by grant deed to the bidder (or the bidder's assignee). Bidder may propose no more than five (5) years following acceptance of the bid to complete construction of the improvements.

EXHIBIT 1

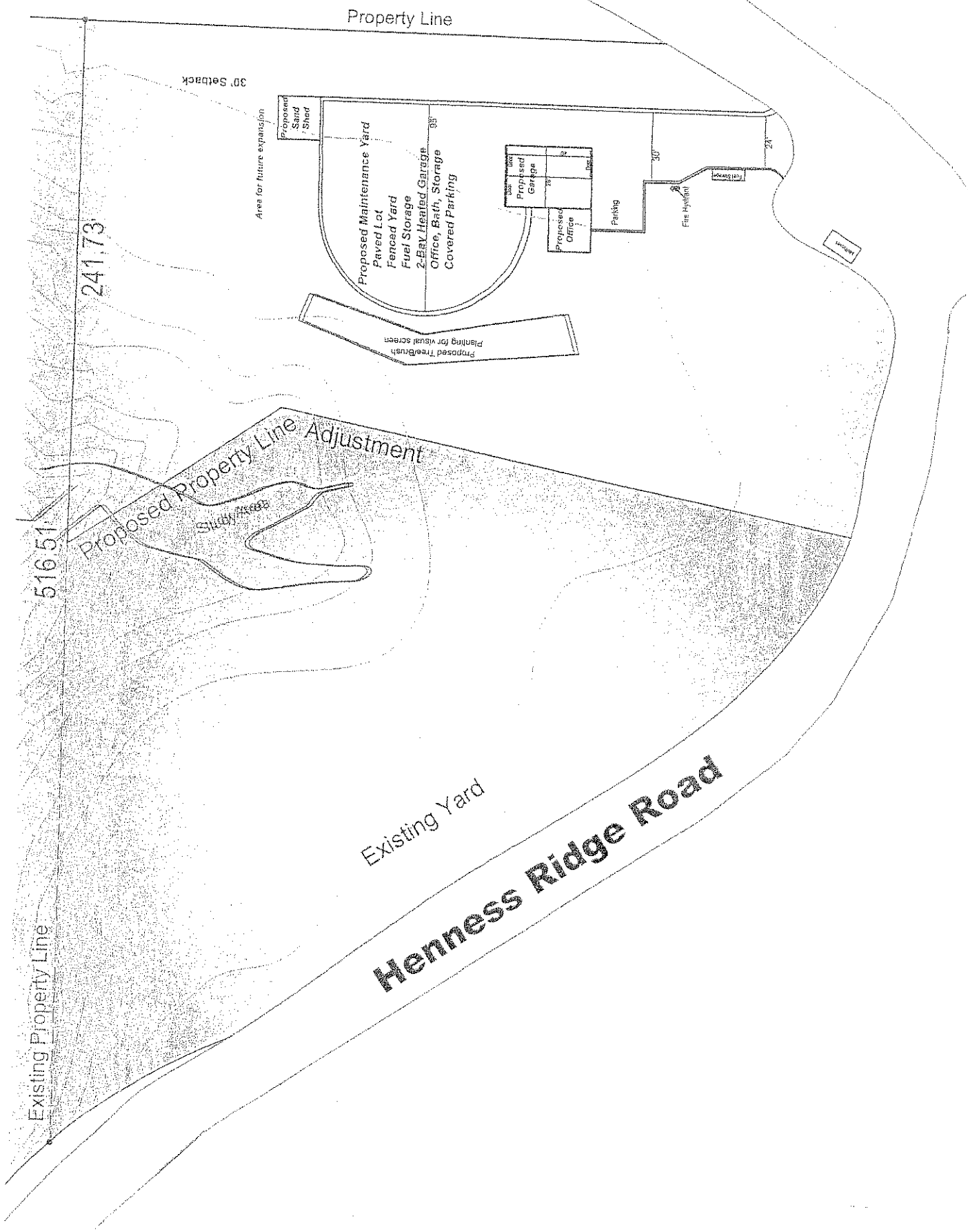


EXHIBIT 2

Proposed Yosemite West County Yard Building
Design V1 5-22-09

