

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
BOARD ACTION SUMMARY

DEPT: Chief Executive Office

BOARD AGENDA #: *B-5

AGENDA DATE: March 7, 2017

SUBJECT:

Approval to Declare as Surplus County Property Located at 2846 Finch Road in Modesto, California, Commonly Known as the Former Animal Shelter, and Adopt a Resolution Declaring the County's Intent to Sell the Surplus Property, Set the Minimum Price, and Related Actions

BOARD ACTION AS FOLLOWS:

No. 2017-100

On motion of Supervisor Monteith, Seconded by Supervisor DeMartini
and approved by the following vote,

Ayes: Supervisors: Olsen, Withrow, Monteith, DeMartini, and Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

ATTEST: Elizabeth A. King
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Chief Executive Office

BOARD AGENDA #: *B-5

Urgent Routine

AGENDA DATE: March 7, 2017

CEO CONCURRENCE: *pht*

4/5 Vote Required: Yes No

SUBJECT:

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STAFF RECOMMENDATIONS:

1. Declare as surplus the County-owned property, located at 2846 Finch Road in Modesto, commonly known as the former Stanislaus County Animal Shelter, comprised of Assessor's Parcel Number 039-010-002, a 4.531 acre parcel.
2. Adopt a Resolution by a four-fifths vote declaring the County's intent to sell "as-is" the County-owned property that is presently vacant at the former Animal Shelter site at 2846 Finch Road, Modesto. The Resolution shall further state:
 - a. The minimum sales price shall be set at \$750,000;
 - b. Sealed offers to purchase the property will be received and considered at the Chief Executive Office, 1010 10th Street, Suite 6800, Modesto, California, on April 5, 2017 at 1:30 p.m.
3. Direct the Clerk of the Board to make the appropriate publications in accordance with Stanislaus County Code 4.24.030 regarding the sale of surplus real property.

DISCUSSION:

In 1956, Stanislaus County and the City of Modesto were granted a parcel located at 2846 Finch Road for use as a future facility that provided animal services functions for the community. Under an Agreement dated, February 28, 1972, between Stanislaus County and the City of Modesto, the parcel was later granted by official recorded grant deed on November 1, 1972, to Stanislaus County in fee simple for construction and operation of an animal services "pound". In 1973, the Facility at 2846 Finch Road, Modesto, was constructed to facilitate this purpose.

A Needs Assessment was performed in 2007 detailing the need for more public education, expanded foster care programs, support for development of non-County shelter services and animal adoption opportunities within the community. The County moved forward with planning for the replacement of the Finch Road Facility to meet the needs of the County and its partner cities, including the City of Modesto as the County's largest partner city, in managing the

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growing animal population. In March 2011, Stanislaus County and its partners opened the Thomas W. Mayfield Animal Services Agency on Cornucopia Way in Ceres, California.

As a result of constructing the new facility, the Former Animal Shelter located at 2846 Finch Road, Modesto, California, 95354, was vacated and remained vacant until June 18, 2013, when the Board of Supervisors approved a three-year Agreement with Wags and Whiskers Rescue, a 501(c)(3) non-profit organizations to operate the former Animal Shelter at the Finch Road Property. During this time, Wags and Whiskers agreed to assist the County by transferring 200 animals from the Thomas Mayfield Animals Services Facility to the Finch Road property to be placed for adoption, thereby reducing Stanislaus County's animal euthanasia rate. This agreement was for three years with two one-year options. Wags and Whiskers gave notice to the County of their intent to vacate the facility and the lease expired on July 31, 2016.

Given the age of the building, size of the property, and the costs associated with its maintenance and the fact that it has been vandalized multiple times; staff is recommending the sale of the property in its as-is condition. Currently, staff at the Animal Services Facility are preparing a proposal to their partner agencies, which include Stanislaus County, the City of Modesto, City of Hughson, City of Waterford, City of Ceres and City of Patterson to bring forth a proposal to expand the Animal Rescue program which will help expand partnerships with local non-profits whose mission includes the successful adoption of Stanislaus County animals.

The Memorandum of Understanding (MOU) between Stanislaus County and the City of Modesto relating to Shelter Capital Costs and the Disposition of the Finch Road Animal Shelter (Resolution 2009-547) was fully executed on November 12, 2009. Section B within this Resolution states that with respect to the disposition of the property on Finch Road, the City and County mutually agree after discontinuation of the animal shelter use at the Finch Road Facility that if no 501(c)(3) nonprofit agency uses the facility, the County would then move forward with disposition of the site as outlined in the MOU.

A very complex process is required to sell surplus County property. State law allows a County to sell, lease or contract for the management of public property. Whenever the Board of Supervisors determines that real property belonging to the County is no longer necessary for County purposes, the Board of Supervisors may declare the property surplus and sell the property in the manner set forth in the County Ordinance. However, before the Board can dispose of surplus property, certain procedures must be followed. Prior to soliciting bids for the public property, the Board must declare the property surplus, declare the Board's intent to sell the property and set a minimum selling price.

Following a minimum 3-week notice period, the property can be sold through a Request for Offers process to members of the private sector.

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Request for Proposal and Selection Process

The Board's Resolution stating its intent to sell surplus property must fix a time and place to receive bid proposals. It is recommended that the bid proposals be received on April 5, 2017 at 1:30 PM in the Chief Executive Office.

The Chief Executive Officer or his designee shall publicly open, examine and declare all proposals conform to all terms and conditions specified in the resolution. After opening, examining and declaring all proposals which conform to all terms and conditions specified in the resolution of intention to sell, the Chief Executive Officer or his designee shall call for oral bids.

If, upon the call for oral bidding, any responsible person offers to purchase the property, upon the terms and conditions specified in the resolution, for a price exceeding by at least 5 percent, the highest written proposal, such highest oral bid shall be accepted as the highest bid.

The Board of Supervisors must approve the final acceptance of the highest bid. The Board of Supervisors may, in its sole discretion, agree to sell the surplus property or reject any and all bids.

If the Board of Supervisors accepts and approves a bid, the Chief Executive Officer may be authorized to execute documents relating to the sale of the real property in the manner set forth in the resolution of intention to sell the property, provided that the resolution of intention shall be posted in a public place for five working days prior to effecting the transfer.

POLICY ISSUE:

Sale of surplus County owned property requires approval by a four-fifths vote of the Board of Supervisors.

FISCAL IMPACT:

The MOU executed by Stanislaus County and the City of Modesto states that proceeds from the sale of the property will be split evenly between the City of Modesto and Stanislaus County, after reasonable expenses associated with preparing the property for sale are deducted from the sale price. On November 16, 2016, an appraisal of the Finch Road property was performed by Giomi Inc. The appraisal valued the property in an as-is condition at \$750,000. Expected expenses associated with sale of the property will include the cost of appraisal, real-estate commission, and costs associated with maintaining and securing the property while it has been vacant.

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BOARD OF SUPERVISORS' PRIORITY:

This action is consistent with the Board of Supervisors Efficient Government Operations, which will result in the sale of surplus property owned by the County to private ownership and use.

STAFFING IMPACT:

This action will be supported by existing Capital Projects staff to deliver the successful sale of the Finch Road property.

CONTACT PERSON:

Patricia Hill Thomas, Chief Operations Officer, Telephone: (209) 525-6333

ATTACHMENT(S):

1. Notice of Intention to Sell Surplus Real Property

ATTACHMENT 1

**STANISLAUS COUNTY BOARD OF SUPERVISORS
NOTICE OF INTENTION TO SELL SURPLUS REAL PROPERTY**

NOTICE IS HEREBY GIVEN that on March 7, 2017, the Board of Supervisors of Stanislaus County declared the County's intent to sell as is the former Animal Shelter property located at 2846 Finch Road, Modesto, California, APN 039-010-002, a 4.531 acre parcel, as surplus property.

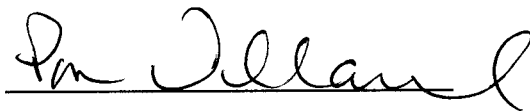
- The minimum sales price for the subject property is \$750,000.00.
- Sealed proposals for the purchase of the former Animal Shelter property will be received at the Chief Executive Office, 1010 10th Street, Suite 6800 (6th floor), Modesto, CA no later than April 5, 2017 at 1:30 p.m.
- Security of at least 10% will be required at time of offer; remittance of cash balance will be required by a closing date to be identified at the time of approval by the Board of Supervisors of the offer to purchase.
- The County reserves the right to reject all proposals in the event no offer meets the minimum required price.
- Following the opening of sealed offers, potential purchasers will have an opportunity to participate in an oral auction, to be conducted by the County's Purchasing Agent, so long as any price offered in the oral auction is at least 5% higher than the highest written price. The oral auction is scheduled for April 5, 2017 at 2:30 p.m. at 10th Street Place, 1010 10th Street, Second Floor, Conference Room 2008.

For further information, interested persons may contact Patricia Hill Thomas of the Chief Executive Office at 209-525-6333 or at 1010 10th Street, Suite 6800, Modesto, California 95354.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: March 7, 2017

ATTEST: ELIZABETH KING, Clerk of the Board of Supervisors
of the County of Stanislaus,
State of California



BY: Pam Villarreal, Assistant Clerk.

**DECLARATION OF PUBLICATION
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am a printer and Principal clerk of the publisher of THE MODESTO BEE, printed in the City of MODESTO, County of STANISLAUS, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of STANISLAUS, State of California, Under the date of February 25, 1951, Action No. 46453; that the notice of which the annexed is a printed copy, has been published in each issue there of on the following dates, to wit:

Mar 15, 2017, Mar 22, 2017, Mar 29, 2017

I certify (or declare) under penalty of perjury That the foregoing is true and correct and that This declaration was executed at

MODESTO, California on

March 29th, 2017

(By Electronic Facsimile Signature)



STANISLAUS COUNTY
NOTICE OF INTENTION TO SELL
SURPLUS REAL PROPERTY

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For further information, interested persons may contact Patricia Hill Thomas of the Chief Executive Office at 209-525-6333 or at 1010 10th Street, Suite 6800, Modesto, California 95354. BY ORDER OF THE BOARD OF SUPERVISORS. DATED: March 7, 2017. ATTEST: ELIZABETH KING, Clerk of the Board of Supervisors of the County of Stanislaus, State of California. BY: Pam Villarreal, Assistant Clerk of the Board. Pub Dates Mar 15,22,29, 2017