

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

DEPT: Library

BOARD AGENDA #: \*B-11

AGENDA DATE: March 28, 2017

**SUBJECT:**

Approval to Accept the Donation of Real Property Located at 98 I Street in Empire from the Empire Community Hall Association

**BOARD ACTION AS FOLLOWS:**

No. 2017-134

On motion of Supervisor Withrow, Seconded by Supervisor Olsen  
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: PAM VILLARREAL, Assistant Clerk

File No.

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

DEPT: Library

BOARD AGENDA #: \*B-11

Urgent

Routine

AGENDA DATE: March 28, 2017

CEO CONCURRENCE:

4/5 Vote Required: Yes  No

DSM

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**SUBJECT:**

Approval to Accept the Donation of Real Property Located at 98 I Street in Empire from the Empire Community Hall Association

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**STAFF RECOMMENDATIONS:**

1. Accept the donation of real property located at 98 I Street in Empire from the Empire Community Hall Association.
2. Approve the concept of relocating the Empire Library to the site of the donated real property located at 98 I Street in Empire and direct staff to return to the Board of Supervisors with a fully developed use-plan for the site.
3. Direct staff to complete and record the necessary documents to take ownership of the property including the Grant Deed and Certificate of Acceptance.

**DISCUSSION:**

In May 2015, a fire severely damaged the Empire Community Hall located at 98 I Street in Empire, which is adjacent to the Empire Community Park and Regional Water Safety Training Center. Due to this fire the Empire Community Hall Association began discussion with County staff regarding the Association donating the property, free from restriction and with an assessed value of approximately \$33,000, to the County for its use. Staff believes it is a great opportunity for the County to move the current Empire Library branch to a location that can better serve the community.

The current location of the Empire Library does not adequately support the delivery of outstanding library service to the Empire community. Problems exist with both the modular building and the site, and it has been identified as a candidate for replacement since at least the 2001 Library Facilities Master Plan.

The current library is on the south side of Yosemite Boulevard and is not centrally located in the Empire community. The Library is set back away from the street, out of the view of neighbors and those passing by. This relatively isolated location has resulted in multiple instances of vandalism and staff feeling unsafe in the building.

The current Empire Library is housed in a modular building that was purchased used. The building has become dilapidated over time and has developed structural issues. For example, the modular has been settling, resulting in exterior doors no longer aligning with frames,

## Approval to Accept the Donation of Real Property Located at 98 I Street in Empire from the Empire Community Hall Association

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making doors difficult to open and lock. The carpet needs to be replaced, restrooms need to be updated, and there are signs of dry rot in the building.

Additionally, the building has no windows facing the parking lot. Staff cannot see outside for adequate security and customers cannot tell when the Library is open. Related to the location and condition of the building, circulation is significantly lower at Empire Library than library branches in our other small communities.

This site on the north side of Yosemite Boulevard would be an ideal location for a relocated Empire Library because it is close to homes, parks, the pool, schools and local businesses. A centrally located library on this site would better serve Empire residents with a larger, updated facility and be less prone to vandalism.

In anticipation of donating the property, the Association hired a contractor to abate asbestos and demolish the structure, which has been completed. Additionally, the Library has run a title search and has paid for a Phase I environmental test. The Phase I environmental test showed no indication of hazardous materials, and all issues discovered in the Title Search have been resolved.

Government Code Section 65402(a) requires real property acquisition by a public entity to be brought to the Planning Commission for a determination of General Plan Consistency, prior to acquisition. The proposed site has a General Plan designation of Low Density Residential and a zoning designation of Low Density Residential, which allows public buildings when a Use Permit is obtained. On March 16, 2017 the Planning Commission found the acquisition of the property for the purpose of a Library is in conformance with the County's General Plan. In addition, since the proposed site is located within the City of Modesto's Sphere of Influence, the project was referred to the City of Modesto that found the proposed project consistent with the City's General Plan.

Staff envisions project plans will provide for a modular structure to be installed on the developed site that can be customized for innovative library service, significantly expanding the service capacity of the current building and adding a community room for public use. The proximity of the new Empire Library to local recreational and shopping opportunities will be a benefit to the residents.

It is estimated to cost approximately \$640,000 to establish the Empire Library at the new site, not including staff time and the costs to move Library assets to the new location. This includes the cost of civil engineering, erecting the modular building, landscaping, rehabilitation of the existing parking lot, installation of utilities and construction management. If the concept is approved, staff will return to the Board of Supervisors with a detailed use-plan.

### **POLICY ISSUE:**

The land has a current assessed value of approximately \$33,000 and developing the site for public-use will cost several hundred thousand dollars. Therefore, County staff is seeking approval of the donation and Empire Library relocation concept prior to expending significant County funds and staff time.

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**FISCAL IMPACT:**

Moving the Empire Library to the donated property will cost approximately \$640,000 plus the costs of transitioning to the new location, which are unknown at this time. It is expected Library departmental fund balance will be used to fund the project, and as of February 28, 2017 fund balance was approximately \$10.7 million. A more detailed use-plan, which will be brought back to the Board, will have a full funding analysis.

**BOARD OF SUPERVISORS' PRIORITY:**

The recommended actions are consistent with the Board's priorities of A Strong Local Economy and Efficient Delivery of Public Services by continuing to provide adequate library services to the community.

**STAFFING IMPACT:**

Staff from the Chief Executive Office, General Services Agency and Library will develop the use-plan. Existing Library staff will be used to transition to the new site as well as staff the new location moving forward.

**CONTACT PERSON:**

Diane McDonnell, County Librarian      Telephone 558-7801

**ATTACHMENT(S):**

1. Picture of site

Attachment 1







Recording Requested By  
And For The Benefit Of:  
and  
When Recorded Mail To:

Stanislaus, County Recorder  
Lee Lundrigan Co Recorder Office  
**DOC- 2017-0029216-00**  
Monday, APR 24, 2017 15:37:20  
Ttl Pd \$0.00 Rcpt # 0003962275  
OJC/R2/1-3

County of Stanislaus  
Board of Supervisors  
1010 10th Street, Suite 6700  
Modesto, CA 95354

No Fee per Gov. Code, § 27387.1

APN: 133-014-021

Space Above For Recorder's Use

Documentary Transfer Tax is \$0.00  
Exempt per Revenue & Taxation Code § 11911 (gift), 11922 (government entity)  
Within the unincorporated area

### QUITCLAIM DEED

EMPIRE COMMUNITY ASSOCIATION, a California non-profit corporation, does hereby remise, release and quitclaim to the COUNTY OF STANISLAUS, a political subdivision of the State of California, all right, title, interest and claim in the following described real property in the unincorporated area of the County of Stanislaus, State of California commonly known and referred to as the Empire Community Hall located at 98 "I" Street, Empire, California, and more particularly described as follows:

"LOT 7 AND THE NORTH 90.637 FEET OF LOT 8 IN BLOCK 1 OF  
ROOT ADDITION TO TOWN OF EMPIRE, ACCORDING TO THE  
MAP THEREOF FILED IN THE OFFICE OF THE COUNTY  
RECORDER OF STANISLAUS COUNTY CALIFORNIA, ON  
AUGUST 14, 1920 IN VOL. 9 OF MAPS, PAGE 40.

EXCEPTING FROM SAID LOT 7 THE NORTH 102.546 FEET  
THEREOF."

Dated: April 24, 2017

**EMPIRE COMMUNITY ASSOCIATION**

By Henry Howard  
Henry Howard  
Chief Executive Officer

**ACKNOWLEDGMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

**State of California**  
**County of Stanislaus**

On April 24, 2017 before me, Janet T. Smyers, Notary Public  
(insert name and title of the officer)

personally appeared Henry Howard,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Janet T. Smyers (Seal)





## COUNTY OF STANISLAUS

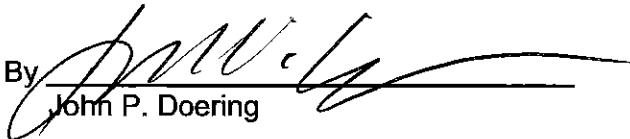
### CERTIFICATE OF ACCEPTANCE AND CONSENT TO RECORD

(Government Code § 27281)

This is to certify that the interest in real property conveyed by deed or grant dated 4/24/17 from **Empire Community Association**, a California non-profit corporation, to the **County of Stanislaus**, a political subdivision of the State of California, is hereby accepted by the undersigned agent on behalf of the Board of Supervisors of the County of Stanislaus, pursuant to authority conferred by Resolution No. 59-764 adopted by the Board of Supervisors on September 29, 1959, and the grantee consents to recordation thereof by its duly authorized officer.

Dated: 4/24/17

John P. Doering  
County Counsel

By   
John P. Doering