

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

DEPT: Chief Executive Office

BOARD AGENDA #: *B-2

AGENDA DATE: August 8, 2017

SUBJECT:

Approval to Declare as Surplus County Property Parcel Number 035-004-031, Commonly Known as Mono Park, Located at the Corner of Mono Drive and Santa Rita Avenue in Modesto, California, 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. 2017-440

On motion of Supervisor Monteith, 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) X Approved as amended

4) Other:

MOTION: AMENDED THE ITEM TO DIRECT THAT ALL PROCEEDS BE REINVESTED BACK INTO THE AIRPORT NEIGHBORHOOD.

This Item was removed from the consent calendar for discussion and consideration.

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-2

Urgent Routine

AGENDA DATE: August 8, 2017

CEO CONCURRENCE:



4/5 Vote Required: Yes No

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STAFF RECOMMENDATIONS:

1. Declare as Surplus County Property Parcel Number 035-004-031, commonly known as Mono Park, located at the corner of Mono Drive and Santa Rita Avenue in Modesto, California.
2. Adopt a Resolution by a four-fifths vote declaring the County's intent to sell "as-is" the County-owned property located at the corner of Mono Drive and Santa Rita Avenue in Modesto California, known as Mono Park. The Resolution shall further state:
 - The minimum sales price shall be set at \$400,000, the appraised value of the property;
 - Sealed offers to purchase the property will be received and considered at the Chief Executive Office, 1010 10th Street, Suite 6800, Modesto, California, on September 6, 2017 at 1:00 p.m.
 - Authorize the Chief Executive Officer, or his designee to evaluate bids and conduct a public auction in accordance Stanislaus County Code 4.24.030.
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 2016, E&J Gallo Winery inquired whether the County would be interested in selling the 2.1 acre Mono Park parcel, located at the corner of Santa Rita Road and Mono Drive in an unincorporated area located in Modesto, California.

The Parks and Recreation Department has records dating back to 1967 regarding Mono Park and several issues continue to be a concern today. These issues include vagrants sleeping in the park and challenges park staff face in maintaining the park. Large amounts of items in shopping carts and trash is left strewn about, as well as vandalism and graffiti. Parks staff often has difficulty mowing the grass and weed eating at the park, as they are required to maintain a safe distance from people while operating equipment. Due to these concerns, staff

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often calls the Sheriff's office for assistance, which places further strain on the patrol services in this neighborhood. From 2012-2016, the Sheriff's Department reported 896 crimes occurring near the park. Of the 896 total crimes, 356 were classified as assaults.

Parks and Recreation staff report that Mono Park is rarely, if ever, used for recreational activities by children or families due to the serious vagrancy issues in the area. One additional concern is the massive Bunya Pine tree that poses a safety hazard due to its giant seed pods that resemble pine cones, but that is much heavier and can weigh up to 40 pounds each. These giant seed pods fall off the tree during a three month season. Staff installs a safety fence around the area to warn people of the danger; however, the fencing is promptly destroyed or removed by the vagrants in the park.

In the spring, the Chief Executive Officer and Supervisor Monteith met with the Airport Community Collaborative to present the idea of the disposition of Mono Park, and the potential uses of proceeds from the sale of the park. The CEO's Office also convened a community meeting at the Airport District Community Center in regards to the disposition of Mono Park. The meeting was attended by approximately twenty residents, in which the majority favored the disposition of the property, with the proceeds being reinvested back into other neighborhood parks or community development projects.

There are several other recreational areas located near Mono Park, including Oregon Park, a 1.6 acre park located a few blocks to the southeast of Mono Park, and Legion Park, located to the south. Legion Park is part of the Tuolumne River Regional Park that consists of over five-hundred acres of parkland that runs along seven miles of the Tuolumne River.

Given the continuing challenges referenced above, and due to the proximity of other parks in the areas, staff is recommending that Mono Park be sold as surplus property.

State law authorizes a County to sell, lease or contract for the management of surplus public property. Whenever a 4/5 majority of 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 County Ordinance 4.24.030. 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 then be sold through a Request for Offers process to members of the private sector.

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 September 6, 2017 at 1:00 PM in the Chief Executive Office.

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The Chief Executive Officer or his designee shall publicly open, examine and confirm that 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, subject to approval by the Board of Supervisors.

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.

Schedule

If approved the Chief Executive Office will adhere to the following schedule:

- August 9, 2017 Post the required Board of Supervisors Resolution
 Make available Submission and Offer Documents to Potential Buyers
- August 19, 2017 Advertise the Property for Sale in Local Print Publications
- September 6, 2017 Proposals will be due to the County's Chief Executive Office at 1:00 PM
 Public Auction to be Conducted if Necessary.

POLICY ISSUE:

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

FISCAL IMPACT:

If approved, it is recommended that proceeds for this park will be held in the County's Assignment Fund for future use to strengthen the surrounding Airport Neighborhood. Use of these funds has not been specifically determined, but could include a contribution to a program, public work improvement or a facility.

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BOARD OF SUPERVISORS' PRIORITY:

This action is consistent with the Board of Supervisors Efficient Delivery of Public Services, 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 Mono Park property.

CONTACT PERSON:

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

ATTACHMENT(S):

1. Notice of Intention to Sell Surplus Real Property

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

NOTICE IS HEREBY GIVEN that on August 8, 2017, the Board of Supervisors of Stanislaus County declared the County's intent to sell as is the property located at the corner of Mono Drive and Santa Rita Avenue in Modesto, California, APN 035-004-031, a 2.21 acre parcel, as surplus property.

- The minimum sales price for the subject property is \$400,000.00.
- Sealed proposals for the purchase of the Mono Park property will be received at the Chief Executive Office, 1010 10th Street, Suite 6800 (6th floor), Modesto, CA no later than September 6, 2017 at 1:00 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 September 6, 2017 at 2:00 p.m. at 10th Street Place, 1010 10th Street Chambers.

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: August 8, 2017

ATTEST: ELIZABETH A. 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:

Aug 16, 2017, Aug 23, 2017, Aug 30, 2017

STANISLAUS COUNTY
NOTICE OF INTENTION TO SELL
SURPLUS REAL PROPERTY
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BY ORDER OF THE BOARD OF SUPERVISORS. DATED: August 8, 2017.
ATTEST: ELIZABETH A. KING, Clerk of the Board of Supervisors of the County of Stanislaus, State of California. BY: Pam Villarreal, Assistant Clerk.
Pub Dates Aug 16,23,30, 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

August 30th, 2017

(By Electronic Facsimile Signature)

Cynthia A. Villarreal