



County of Fresno

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Fresno, California
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Legislation Text

File #: 18-0826, **Version:** 1

DATE: August 20, 2019

TO: Board of Supervisors

SUBMITTED BY: Robert W. Bash, Director, Internal Services/Chief Information Officer
Raman Bath, County Librarian

SUBJECT: Resolution Accepting Non-Monetary Donation of Real Property from the City of Reedley

RECOMMENDED ACTION(S):

- 1. Adopt Resolution accepting the non-monetary donation of two vacant real property parcels located at 1813 11th Street, Reedley, CA 93654 (collectively, “the Real Property”), with a combined appraised value of \$146,500, and expressing gratitude to the City of Reedley.**
- 2. Authorize the Director of Internal Services/Chief Information Officer to consummate the County’s acceptance of the Real Property as follows: prepare and provide any correspondence or notice to the City of Reedley, to accompany the Board’s Adopted resolution, to approve execute, and record in the Office of the County Recorder any grant deeds and related certificates of acceptance, acknowledgements, instruments, notices, or other documents reflecting the transfer of title of the Real Property to the County, and execute any other necessary documents, all as he deems necessary and appropriate in the best interest of the County, and all subject to approval by County Counsel as to legal form.**
- 3. Approve the addition of the donated Real Property to the County Asset Management System.**
- 4. Direct staff to initiate and pursue environmental review and the County land use entitlement process for the Real Property as the preferred site for a new County library, promptly following the County’s acceptance of the Real Property, all pursuant to the California Environmental Quality Act (CEQA).**

There is no Net County Cost associated with the recommended actions. Approval of the first recommended action would accept the donation of the Real Property, express your Board’s gratitude to the City of Reedley, and satisfy the reporting requirements under Fresno County Board of Supervisors Administrative Policy 30 and County Administrative Office (CAO) Management Directive 760 for donations greater than \$7,500 in value. Approval of the second recommended action would authorize the Director of Internal Services/Chief Information Officer (Director/CIO) to consummate the County’s acceptance of the Real Property, with a combined value of \$146,500. Approval of the third recommended action would add the Real Property to County Buildings Org 0131, as described in Exhibit A, to be added to the County’s Asset Management System. If the County accepts the donation of the Real Property, approval of the fourth recommended action would direct staff to initiate and pursue environmental review and the County land use entitlement process for the Real Property, as the preferred site for a new County library, which would be subject to the full environmental review under CEQA, and the County’s land use approval process. The Real Property is located in District 4.

ALTERNATIVE ACTION(S):

Your Board may choose not to authorize and accept the donation of the Real Property, however, it would result in a lost opportunity to acquire a property that would satisfy Departmental needs.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. If the recommended actions are approved, the County will receive a donation of two real property parcels with a combined appraised value of \$146,500 from the City of Reedley. Approval of the third recommended action will allow the County to add the donated Real Property to County Buildings Org 0131, as listed in Exhibit A, into the Asset Management System, to properly record the asset for reporting purposes under Fresno County Board of Supervisors Administrative Policy 30 and CAO Management Directive 760 relating to donated property.

DISCUSSION:

The Reedley Branch Library, located at 1027 E Street, Reedley CA, has served the community since 1973. The collection and services provided by this branch can no longer reasonably serve the residents of Reedley from the confines of its current 5,000 square foot building. Recognizing the importance of libraries within the community, the City of Reedley, working with the Friends of the Reedley Library, have worked diligently to find land suitable for future building construction that will support the needs of a growing and vibrant community.

The donation of the Real Property to the County of Fresno could lead to the construction of a new, modern and adaptive library design that would be in line with the strategic directions of the Fresno County Public Library ("FCPL") and its Facilities Master Plan. Most importantly, it could serve the needs of the community by providing a safe space for personal growth, professional development, entertainment, and engagement for children, parents, seniors, new citizens and all residents of the City of Reedley and the County of Fresno.

Prompted by community need, on July 3, 2018, the City of Reedley contacted ISD-Lease Services and provided notification of its intention to donate two adjacent vacant real property parcels in Reedley to the County of Fresno, as described in Exhibit B. The City of Reedley, located at 1733 9th Street, Reedley, CA 93654, is offering to donate the Real Property on behalf of the Friends of the Reedley Branch Library, 1027 E. Street, Reedley, CA 93654.

A Phase I environmental site assessment was completed by Krazan & Associates, Inc. (Krazan) on August 27, 2018. With the exception of one suspect on-site location, the Phase 1 report indicated acceptable traces presence of gasoline, diesel, and other contaminants within the soil and ground water, which appear to have migrated to the Real Property, via ground water from the adjacent auto dealership. At the recommendation of Krazan and Public Works and Planning, staff requested a Phase II environmental site assessment. The Phase II report was completed by Krazan on November 30, 2018. It is the opinion of Public Works and Planning staff that, based on the results of those tests, the Real Property is environmentally safe for construction, although due to high concentrates of nitrate in the aquifer, the County should use City water, instead of well water, for any potential projects on the site. No environmental remediation was required at the site.

As part of the County's due diligence, a Condition of Title was ordered from Fidelity National Title (Fidelity), the County's contracted escrow services provider, which identified several possible title defects. County staff worked with Fidelity to attempt to obtain a policy of Title Insurance and clear any possible defects, however Fidelity could not fulfill the request, citing reasons related to the Condition of Title, as this Real Property had been previously purchased at a tax sale. Staff contacted Orange Coast Title Company of Northern California, the company who issued title insurance to the City of Reedley, and obtained a Preliminary Title Report. Orange Coast Title Company of Northern California has agreed to provide a policy of Title Insurance for the Real Property.

The two adjacent parcels are located at 1813 11th Street, Reedley CA 93654. Parcel 1, APN 368-380-43S, is 23,522 square feet, and currently zoned ML-Light Industrial. The appraised value of Parcel 1 is \$82,500. Parcel 2, APN 368-380-44S, is 18,295 square feet, and currently zoned RCO-Resource conservation & Open Space. The appraised value of Parcel 2 is \$64,000. The combined appraised value of the two parcels is \$146,500.

DONOR DISCLOSURES:

The County of Fresno does have various agreements with the City of Reedley, to administer the Community Development Block Grant program. Since 2015, the County has also entered into yearly agreements with the City of Reedley, to comply with requirements of the Public Safety Realignment Act (AB109). The City of Reedley has not bid on any County contracts within the last 12 months. The ISD does not anticipate the City of Reedley to bid on any County contracts within the next 12 months.

ENVIRONMENTAL REVIEW UNDER CEQA:

The County's acceptance of the donation of the Real Property is necessary before the County will have jurisdiction over zoning and land use approval for the Real Property, which is required for environmental review for potential uses by the County, as explained in the next paragraph.

Generally, the City of Reedley would have exclusive jurisdiction over zoning and land use approval within its territorial limits. However, cities and counties are mutually exempt from each other's zoning regulations relative to real property that one such entity may own within the territorial limits of the other. Assuming the County accepts the donation of the Real Property, the County would, pursuant to Section 865 of the Zoning Division of the County of Fresno, obtain exclusive jurisdiction over zoning and land use approval for any potential use the County may consider. Based on these jurisdictional limitations, the earliest feasible time for the County to commence review pursuant to the California Environmental Quality Act (CEQA) would be after the County's acceptance of the donation of the Real Property.

As soon as practicable following the recording of the grant deed granting the Real Property to the County, staff would, upon your Board's authorization in recommended action 4, above, proceed with the appropriate land use approval process and related environmental review pursuant to CEQA. This CEQA review shall consider any feasible mitigation measures and alternatives, including the "no project" alternative.

The proposed County acquisition of the Real Property is exempt from CEQA review. CEQA Guidelines, sections 15050(c), (2)(3) and 15378 state where an action is not a "project," (meaning the whole of an action which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment) that action is not subject to CEQA. The recommended actions do not result in a direct or indirect change in the environment because nothing in the recommended actions commits or binds the County to any specific use of the Real Property. Pursuant to CEQA Guidelines, section 15004(b)(2)(A), the County has designated the Real Property as a preferred site for the foregoing type of use, and has conditioned any future use of the Real Property on compliance with CEQA. Therefore, for purposes of this item, the proposed County acquisition is not considered the approval of a project under CEQA, and is exempt from CEQA review. (Pub. Res. Code § 21065, CEQA Guidelines §§ 15060 (c)(2)(3); 15378(a).)

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolution
On file with Clerk - Parcel 1 - Grant Deed and Acceptance
On file with Clerk - Parcel 2 - Grant Deed and Acceptance

On file with Clerk - County Buildings Org 0131 - Exhibit A
On file with Clerk - Site Map - Exhibit B

CAO ANALYST:

Yussel Zalapa