MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO:                 JEFF GREEN, COUNTY COUNSEL
FROM:               MARGIE WILLIAMS, CLERK OF THE BOARD
RE:                 PURCHASE OF PROPERTY FOR ADULT DETENTION
                     FACILITY FROM FREEMANS

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on August 17, 1993

ACTION AND VOTE:

9:15 a.m. Continued PUBLIC HEARING for Consummation of
Purchase of Real Property Described as Parcel 3 as the Site
for the New Adult Detention Facility From William and
Cathleen Freeman upon Certain Terms and Conditions (County
Counsel) (Continued from 6/15/93)
BOARD ACTION: County Counsel presented staff report, and he
and Tony Lashbrook/Planning Director, responded to questions
by the Board. Public input was provided by Ralph Bayless
who questioned the size the of the parcel to be purchased
and the one to be donated. Board commenced with
deliberations. (M)Parker, (S)Balmain, Res. 93-443 adopted
approving purchase of Parcel 3 and recommended actions/Ayes:
Baggett, Balmain, Parker; Noes: Taber; Excused: Erickson.
(M)Balmain, (S)Parker, Board directed Auditor to draw a
warrant immediately from the Jail Project Fund in the amount
of $850.00 to Fish and Game for their environmental fees
based on State law/Ayes: Baggett, Balmain, Parker; Noes:
Taber; Excused: Erickson. Vice-Chairman Baggett directed
that a copy of the Board's action with regards to payment of
the Fish and Game fees be forwarded to legislators.

cc: Evelyn Billings, Auditor
    Tony Lashbrook, Planning Director
    Mike Edwards, Public Works Director
    Roger Matlock, Sheriff
    File
RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes ___ No X)
At the conclusion of the public hearing and acceptance of public input, adopt this Resolution approving the purchase of real property described as parcel 3 on Exhibit "A" attached hereto, as the site for the new Adult Detention Facility, from the seller William and Cathleen Freeman, upon the following terms and conditions:

1. Purchase price of $250,000, payable in cash at close of escrow.
2. Every effort will be made by the parties to close escrow by May 1, 1993.
3. The purchase will be contingent upon the County of Mariposa obtaining an Environmental Impact Report on the property indicating that the property is environmentally acceptable for the construction of the proposed Adult Detention Facility for the County of Mariposa.
4. The purchase is contingent upon a gift of other real property to the County of Mariposa from William and Cathleen Freeman described on Exhibit "A" attached hereto as parcel 1 and a portion of parcel 2.
5. Escrow fees/closing costs will be divided evenly by and between the parties.

Authorize the Auditor to draw a warrant for this purchase, plus appropriate escrow expenses, to an escrow account at a title company to be mutually selected by the seller and the County, from the Jail Expansion Remodel fund. Further authorize the Clerk of the Board to certify acceptance of interest in real property.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
On October 22, 1992, the Board selected the Freeman site as the preferred location for the Adult Detention Facility upon the recommendation of Andy Morgan of Vanir, Inc. The Board directed staff to begin the negotiation process for land acquisition with the understanding that final acquisition will not occur until after the EIR is completed.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not approve this purchase.
Provide direction for modification of purchase terms.

COST: ( ) Not Applicable
A. Budgeted current FY $________
B. Total anticipated costs $________
C. Required add'l funding $________
D. Internal Transfers $________

SOURCE: ( ) 4/5ths Vote Required
A. Unanticipated revenues $________
C. Reserve for contingencies $________
D. Source Description:________

Balance in Reserve for Contingencies, if approved: $________

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:
Exhibit "A"
Notice of Hearing Date

RES FILE:
93-1UC

ORIGINAL IS
4/13/93-340
CLERK'S USE ONLY:  Res. No.: 93-34943  Ord. No.: _____
Vote: Ayes: 5  Noes: _____
Absent: _____ Abstained: _____
Approved ( ) Denied
( ) Minute Order Attached
( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

DATE: ____________________________

ATTEST: MARGIE WILLIAMS
Clerk of the Board of Supervisors
County of Mariposa, State of Calif.

By: __________________________________
Deputy

-----------------------------------------------

ADMINISTRATIVE OFFICER'S RECOMMENDATION:

This item on agenda as:

✓ Recommended
☐ Not Recommended
☐ For Policy Determination
☐ Submitted with Comment
☐ Returned for Further Action

Comment: ____________________________________________________

______________________________________________________________

A.O. Initials: [illegible]

-----------------------------------------------

Action Form Revised 5/92
RESOLUTION NO. 93–443

RESOLUTION TO PURCHASE REAL PROPERTY

WHEREAS, Mariposa County has received a grant from the State of California to construct a new Adult Detention Facility, and

WHEREAS, in order to construct the facility, it is necessary for the County to obtain an appropriate parcel of real property, and

WHEREAS, on October 22, 1992, the Board of Supervisors identified the real property described as parcels 1 and 3 on Exhibit "A" (parcels 1 and 3) attached hereto as the preferred location for the facility upon the recommendation of the County's consultant Vanir, Inc., and

WHEREAS, William and Cathleen Freeman, owners of parcels 1 and 3, have agreed to sell parcel 3 to the County of Mariposa for the sum of $250,000, and

WHEREAS, the Freemans have additionally agreed to donate to the County of Mariposa parcel 1, and

WHEREAS, the intent to purchase the real property described as parcel 3 has been adequately noticed as a public hearing pursuant to California State law, and

WHEREAS, the Board of Supervisors conducted a public hearing on the purchase of parcel 3 on August 17, 1993, and

WHEREAS, the County has heretofore made a $25,000 deposit on the purchase of the property, and

WHEREAS, the Board of Supervisors has certified an Environmental Impact Report on the subject property certifying that the subject property is environmentally acceptable for the construction of the proposed Adult Detention Facility for the County of Mariposa, and

WHEREAS, in 1986 when the real property described on Exhibit "A" was subdivided, the Freemans posted cash with the Public Works Department in the amount of $2,228 to guarantee future improvements to the property which will not now be necessary as a result of the County purchasing the property;

NOW THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors of Mariposa County, a political subdivision of the State of California, that the County of Mariposa hereby approves the purchase of real property described as parcel 3 on Exhibit "A" attached hereto from William and Cathleen Freeman upon the following terms and conditions:
RESOLUTION NO. 93-443  
Page Two

1. The purchase price for parcel 3 as described on Exhibit "A" shall be the sum of $250,000 payable in cash at close of escrow.

2. The Auditor is hereby directed to forthwith draw a warrant in the amount of $225,795.50 to Mariposa County Title Company which represents the balance of the purchase of $225,000 together with costs of escrow in the amount of $795.50.

3. Close of escrow is contingent upon a gift of parcel 1 described on Exhibit "A" attached hereto to the County of Mariposa from William and Cathleen Freeman.

4. Escrow fees and closing costs shall be divided evenly between the parties.

5. The Public Works Department is directed to refund to William and Cathleen Freeman the deposit described above in the amount of $2,228.

6. Escrow shall close within ten (10) days of the date of this Resolution, unless extended by the mutual agreement of the parties.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby adopts the Findings of Fact as required by the California Environmental Quality Act based upon the Environmental Impact Report relative to the property which has been heretofore certified by the Board of Supervisors. The Findings of Fact are attached heretofore marked Exhibit "B" and by this reference incorporated herein.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 17th day of August 1993, by the following vote:

AYES: BAGGETT, BALMAIN, PARKER
NOES: TABER
ABSENT: ERICKSON
ABSTAINED: NONE

ERIC J. ERICKSON, Chairman
Mariposa County Board of Supervisors

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

MARGIE WILLIAMS
Clerk of the Board

JEFFREY G. GREEN
County Counsel
Parcel 1, as shown on that Parcel Map for William A. and Cathleen A. Freeman recorded January 21, 1987, in Book 22 of parcel maps at page 49, Mariposa County Records, situated in Projected Section 15, T.5 S., R.18 E., M.D.B.& M., Rancho Las Mariposas, County of Mariposa, State of California.

Parcel 3, as shown on the above said parcel map for William A. and Cathleen A. Freeman.

SUBJECT TO any easements of record, or legally acquired.
CALIFORNIA ENVIRONMENTAL QUALITY ACT

FINDINGS OF FACT FOR THE MARIPOSA COUNTY JAIL PROJECT

The Mariposa County Board of Supervisors is proposing to construct a new jail facility. The Board of Supervisors has prepared and certified a final environmental impact report (EIR) for this project. The Board of Supervisors has reviewed the EIR prior to deciding to construct the jail facility.

Prior to their final decision to construct the jail facility, the Board of Supervisors is required to make findings explaining how each significant adverse environmental effect has been addressed in accordance with CEQA.

For each potential environmental impact identified in the final EIR, the Board of Supervisors make one of the following findings:

1. The environmental impact will not be significant.

2. Mitigation measures or alterations where feasible have been required in or incorporated into the Specific Plan which eliminate or substantially reduce to a non-significant level the significant environmental impact.

3. Specific economic, social, or other considerations make the mitigation measures or project alternatives identified in the Final EIR infeasible, and the unavoidable significant environmental impact is acceptable due to overriding concerns. This finding is referred to as a "Statement of Overriding Considerations".

4. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Section I - The EIR identifies those environmental effects that are considered to be insignificant. The findings of the EIR relative to the insignificant environmental effects are incorporated herein by reference.

Section II - The EIR identifies those environmental effects which are potentially significant but are lessened to an insignificant level by the application of mitigation measures identified in the EIR. The Board of Supervisors hereby incorporates all of the mitigation measures identified in the EIR into the project design except for mitigation Measure H-4. This mitigation measure recommends that MPUD expand their water storage system within their pressure zone 3 to alleviate an existing pressure deficiency.
The Board of Supervisors finds that the installation of additional water storage within the MPUD water system is within the jurisdiction of another public agency (MPUD). MPUD has the ability and the responsibility to upgrade the water storage system throughout their district. The Board of Supervisors recognized that the jail project is financially responsible for participating in the storage project based upon its relative benefit compared to the rest of the area affected by the identified storage deficiency.

Section III - The Board of Supervisors further designates the Public Works Director as the person responsible for insuring that all identified mitigation measures are incorporated into the project in accordance with the mitigation monitoring program contained in the EIR.
TO: JEFF GREEN, COUNTY COUNSEL  
FROM: MARGIE WILLIAMS, CLERK OF THE BOARD  
RE: CONSUMMATION OF REAL PROPERTY DESCRIBED AS PARCEL 3 AS THE SITE FOR THE NEW ADULT DETENTION FACILITY

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on June 15, 1993

ACTION AND VOTE:

9:20 a.m. Continued PUBLIC HEARING for Consummation of Real Property Described as Parcel 3 as the Site for the New Adult Detention Facility From William and Cathleen Freeman upon Certain Terms and Conditions (County Counsel) (Continued from 4/13/93)

BOARD ACTION: Jeff Green/County Counsel, Tony Lashbrook/Planning Director, and Gary Estep/Assessor, presented staff report. Input from the public was provided by Connie Perkey. Following deliberations, (M)Baggett, (S)Parker, Res. 93-346 adopted approving purchase of the property contingent upon certification of the final Environmental Impact Report/Ayes: Unanimous. Hearing was continued to August 17, 1993, at 9:15 a.m. for consideration of any subsequent action that may be necessary.

cc: Planning  
    Auditor  
    Public Works  
    File  
    Sheriff
MARIPOSA COUNTY BOARD OF SUPERVISORS
MINUTE ORDER

TO: COUNTY COUNSEL
FROM: MARGIE WILLIAMS, CLERK OF THE BOARD
RE: PUBLIC HEARING, FOR CONSUMMATION OF PURCHASE OF REAL PROPERTY DESCRIBED AS PARCEL 3

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on April 13, 1993

ACTION AND VOTE:

PUBLIC HEARING, For Consummation Of Purchase Of Real Property Described As Parcel 3 As The Site For The New Adult Detention Facility From William And Cathleen Freeman Upon Certain Terms And Conditions (County Counsel)
BOARD ACTION: County Counsel requested the hearing be continued for completion of the Environmental Impact Report (EIR) and authorization be given for opening an escrow account. (M)Baggett, (S)Parker, Board authorized opening of an escrow account for purchase of this property so that the paperwork for the project can be completed timely, contingent upon the Board making the final decision to purchase said property upon certification of the EIR/Ayes: Baggett, Balmain, Erickson, Parker; Noes: Taber. Hearing was continued to June 15, 1993, at 9:15 a.m. Ann Mendershausen, Resource Conservation District Director, asked about providing input on the EIR.
MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: JEFF GREEN, COUNTY COUNSEL
FROM: MARGIE WILLIAMS, CLERK OF THE BOARD
RE: SCHEDULING PUBLIC HEARING FOR PURCHASE OF FREEeman PARCEL/JAIL SITE

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on March 16, 1993

ACTION AND VOTE:

Resolution Establishing a Hearing Date of April 13, 1993 at 9:15 a.m. for the Purchase as the Site for the New Adult Detention Facility from William and Cathleen Freeman upon Certain Terms and Conditions (County Counsel)

BOARD ACTION: (M)Baggett, (S)Parker, Res. 93-160
adopted/Ayes: Unanimous.

cc: Sheriff
    Planning