RESOLUTION - ACTION REQUESTED 2017-328

MEETING: June 6, 2017

TO: The Board of Supervisors

FROM: Dallin Kimble, County Administrative Officer

RE: Resolution Declaring Board’s Intent to Sell Real Property Located at 5028 Broadway in Coulterville

RECOMMENDATION AND JUSTIFICATION:
PUBLIC HEARING: Adopt a Resolution Declaring the Board’s Intent to Sell Real Property Located at 5028 Broadway in Coulterville. This property was used as collateral to secure a business assistance loan that was funded in February 2014 and was acquired by Mariposa County through foreclosure due to the borrower’s default.

The property will be sold to the highest bidder at a public meeting to be held on July 11, 2017 at 9:00 a.m., or as soon thereafter as the matter may be heard. The minimum bid price has been set at $91,050 based on an appraisal from Kehoe & Associates, plus the estimated cost of publication and the appraisal fee. Sealed proposals will be accepted until 9:00 a.m. on Tuesday, July 11, 2017.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
August 5, 2014: the Board of Supervisors approved a request to foreclose on property (APN 002-040-0190) Per the Terms & Conditions of an Economic Development Business Assistance Loan that was in Default.

October, 2016: The foreclosure process proceeded as an attempt to collect a debt of $17,255.83 owed to the County which was processed through the Micro-Business Assistance Fund.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not declare the intent to sell. The County will not proceed with the sale of the property and will owe the past-due payments on the first mortgage.

ATTACHMENTS:
NOTICE-Coulterville (DOC)
BID SHEET (DOCX)
RES OF INTENT TO SELL (2) (DOCX)

CAO RECOMMENDATION
Requested Action Recommended
RESULT: ADOPTED [UNANIMOUS]
MOVER: Kevin Cann, District IV Supervisor
SECONDER: Merlin Jones, District II Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey
TO: DALLIN KIMBLE/County Administrative Officer, TARA SCHIFF/Economic Development Specialist
FROM: RENÉ LaROCHE, Clerk of the Board
SUBJECT: PUBLIC HEARING: Adopt a Resolution Declaring the Board's Intent to Sell Real Property Located at 5028 Broadway in Coulterville
Resolution: 17-328

The following action was taken by the Mariposa County Board of Supervisors on June 6, 2017:

J.1. Administration/Community Development RES-2017-328
PUBLIC HEARING: Adopt a Resolution Declaring the Board's Intent to Sell Real Property Located at 5028 Broadway in Coulterville

Dallin Kimble/CAO gave the staff report. Discussion ensued regarding the bidding process and monetary deposits. Tara Schiff/Economic Development Specialist recounted the procedure used by the Tax Collector on tax-defaulted sales. Supervisors Jones and Cann discussed their preferences to require a bid deposit. No public input.

DIRECTION:
*Amend the resolution to adopt the policy and procedure used by the Mariposa County Tax Collector for tax defaulted property sale with the addition of similar language in the notice, subject to review by County Counsel.*

Ms. Schiff advised that the first notice being published on Thursday would be unchanged as it was too late to edit it.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kevin Cann, District IV Supervisor
SECONDER: Merlin Jones, District II Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey
MARIPOSA COUNTY RESOLUTION NO. 17-328

RESOLUTION OF INTENTION TO SELL REAL PROPERTY

WHEREAS, the County of Mariposa owns real property located in the town of Coulterville, in the County of Mariposa, identified as APN 002-040-0190 and commonly known as 5028 Broadway ("the Property"); and

WHEREAS, the County Board of Supervisors has determined that the Property is no longer necessary for County purposes; and

WHEREAS, California State Government Code Section 25521 permits the County to sell any real property without a vote of the electorate of the County first being taken; and

WHEREAS, the Mariposa County Board of Supervisors has determined it is in the best public interest to sell the Property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Mariposa County hereby declares its intention to sell the Property.

BE IT FURTHER RESOLVED that the minimum price for which the Property will be sold is NINETY-ONE THOUSAND FIFTY DOLLARS ($91,050). Purchaser shall pay all costs of purchase.

BE IT FURTHER RESOLVED that any party interested in bidding on the sale of the Property may provide a sealed proposal on a bid sheet to the Board of Supervisors to be received no later than 9:00 a.m. on July 11, 2017. Bid sheets will be available at the Clerk of the Board’s Office or on the County website.

BE IT FURTHER RESOLVED that the Mariposa County Board of Supervisors shall conduct a public meeting a sale of the Property to be held on July 11, 2017 at 9:00 a.m., or as soon thereafter as the matter may be heard, at which time sealed proposals will be received and considered. The Board will call for oral bidding following the opening of the sealed bids at the hearing. Oral bids must exceed the highest written proposal by at least 5% to be accepted.

BE IT FURTHER RESOLVED that all bidders are required to make a $5,000 deposit prior to submitting a bid (refundable to any unsuccessful bidder). At the close of the sale, the successful bidder must make a deposit of 10% of the purchase price of the Property, less the $5,000 initial deposit. The balance of the purchase price must be paid in full within thirty (30) days of the sale. All payments shall be made in cash or by cashier’s check or money order made payable to Mariposa County.

BE IT FURTHER RESOLVED that failure on the part of the successful bidder to consummate the sale within the period specified shall result in the forfeiture of any deposit and all rights the successful bidder may have with respect to the Property.

BE IT FURTHER RESOLVED that copies of this Resolution shall be posted in three public places in the County not less than fifteen (15) days before the day of the meeting wherein sealed bids will be opened and, further, a notice of the adoption of this resolution and of the time and place of holding the meeting shall be published in a newspaper of general circulation in the County one time each week for a period of three (3) weeks prior to the meeting wherein the proposals will be opened.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 6th day of June 2017, by the following vote:

AYES: SMALLCOMBE, JONES, LONG, CANN, MENETREY
NOES: NONE
ABSENT: NONE
ABSTAINED: NONE

[Signature]
MARSHALL LONG, Chairman
Board of Supervisors

ATTEST:

[Signature]
RENE LA ROCHE, Clerk of the Board

APPROVED AS TO FORM:

[Signature]
STEVEN W. DAHLEM, County Counsel