RECOMMENDED ACTION AND JUSTIFICATION:

Resolution authorizing Chairman to execute Agreements relative to the non-monetary transfer of real property located at 10332 Fiske Road, Greeley Hill, California from the Mariposa County Unified School District.

County Counsel recommends that the Chairman be authorized to execute the following documents required to complete the above transaction:

- Agreement for the Purchase and Sale of Real Property and Escrow Instructions.
- Facilities Use Agreement between the County and School District.
- Lease Agreement between the Greeley Hill Community Club and the County.

Please see attached memo together with attachments from County Counsel for further explanation.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On July 1, 2003 the Board adopted a Resolution of Intention which established a public hearing date of August 5, 2003 to inform the public that the County intended to enter into a non-monetary transfer of real property with the Mariposa County Unified School District for real property located at 10332 Fiske Road in Greeley Hill, California.

At its meeting of August 5, 2003 the Board held a public hearing to discuss its intention to consummate the non-monetary transfer of real property located at 10332 Fiske Road, Greeley Hill, California in accordance with the terms and conditions contained in the Resolution of Intention adopted on July 1, 2003 and to authorize the Chairman to execute the escrow documents when received.

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

Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

By: Deputy

Revised Dec. 2002
MEMORANDUM

Date: February 5, 2004
To: Board of Supervisors
From: Thomas P. Guarino, County Counsel
Re: Greeley Hill Community Hall Property Transfer

Attached to this memorandum you will find copies of four documents for the transfer of real property upon which are located the Greeley Hill Community Hall and Senior Citizens Annex from the Mariposa County Unified School District (District) to the County of Mariposa (County).

The Board of Supervisors has previously authorized this transaction by Resolution 03-281 (Attachment 1). The four Agreements provided for your review are:

- (Attachment 2) Agreement for the Purchase and Sale of Real Property and Escrow Instructions.
- (Attachment 3) Facilities Use Agreement Between the County and District.
- (Attachment 4) Agreement to Terminate Lease between the Greeley Hill Community Club and District.
- (Attachment 5) Lease Agreement between the Greeley Hill Community Club and County.

The Purchase Agreement is brought back before you because it contains a substantial new term that was inserted in the Agreement in September 2003, after the approval of Resolution 03-281 in August of 2003. This provision is in paragraph 5(C) and allows for a mutual termination right for any CEQA challenge.

The Lease Agreement with the Community Club and the Facilities Use Agreement are documents completed after the original August 2003 Resolution and have been determined to be consistent with the Board of Supervisors original intent in Resolution 03-281. Approval of this item will permit the Chairman of the Board to sign these Agreements. The Facilities Use Agreement does contain an exception to the indemnity provided by the District for fire, as the actual structures are not County structures. Therefore, the risk would be that of the Community Club. The Community Club is required to have insurance in place pursuant to the term of the Property Lease under which I would expect that they would have fire coverage.

The Lease Termination does not involve the County and is merely presented for your review.

The action requested is that the Chairman be authorized to execute the Agreement and other documents required to complete the transaction.

TPG/rs

c: Rich Inman, County Administrative Officer