

DEPARTMENT: Public Works/Admin

BY: James J. Petropulos, Director
PHONE: 966-5356

RECOMMENDED ACTION AND JUSTIFICATION:

Staff is requesting authorization to proceed with the purchase of Baptist Church property of approximately 54 acres for the purpose of a regional recreation complex and authorize the Chair of the Board to sign the escrow agreement subject to review and approval by County Counsel. Please see attached memorandum that explains the terms and conditions of the purchase.

Funds for the purchase will be provided by the Robrerti-Z'berg Harris Urban Open Space and Recreational Need Basis Competitive Grant (RZH) Program-Nonurbanized Area in the amount of \$500,000 specifically earmarked for the acquisition of a recreational site. Mariposa County was successful in obtaining the grant in order to purchase property for the future construction of a regional recreational complex. The State Parks and Recreation Department has been very supportive of our efforts to acquire a site and approved the maximum amount of funds available for the grant.

The Space Needs Committee supports the approval of the requested Board action. The Mariposa Parks and Recreation Commission and the Recreational Complex Steering Committee are in support of the land acquisition.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board approved the application of the Robrerti-Z'berg Harris Urban Open Space and Recreational Need Basis Competitive Grant (RZH) Program-Nonurbanized Area grant. The grant application was successful and the County was allocated the maximum amount of \$500,000 for the purchase of land for a recreational site. A search for a suitable site was initiated on February 19, 2002 by Board approved public notice with several prospective parcels evaluated. Accessibility, availability of water, power, waste disposal and location were all factors considered for a suitable site. After careful evaluation, utilizing the aforementioned criteria, the Baptist Church property was selected as the most suitable for acquisition. Subsequent negotiations resulted in the terms and conditions as explained in the attached memorandum.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

1. Do not authorize the purchase of the Baptist Church property. Inaction could possibly result in loss of the grant funds of \$500,000.
2. Consider alternative sites. The County has already undergone an extensive search and evaluation of suitable sites in order to ultimately select the Baptist Church property. A continued search will delay the property acquisition thus jeopardizing the grant funding.

Financial Impact? () Yes (x) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? (X) Yes () No () Partially Funded		
Amount in Budget: \$ _____		List Attachments, number pages consecutively
Additional Funding Needed: \$ _____		Solomon/Petropulos memo dated 5/ 6/03 (7 pgs)
Source:		Letter from Office of Grants & Local Services (1 pg)
Internal Transfer _____		_____
Unanticipated Revenue _____ 4/5's vote		_____
Transfer Between Funds _____ 4/5's vote		_____
Contingency _____ 4/5's vote		_____
() General () Other		_____

CLERK'S USE ONLY:

Res. No.: 03-177 Ord. No. _____

Vote - Ayes: _____ Noes: _____

Absent: _____

() Approved

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
County of Mariposa, State of California

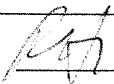
By: _____
Deputy

COUNTY ADMINISTRATIVE OFFICER:

_____ Requested Action Recommended

_____ No Opinion

Comments:

CAO: 



COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

BOB PICKARD, CHAIR
GARRY R. PARKER, VICE-CHAIR
LEE STETSON
DOUG BALMAIN
JANET BIBBY

DISTRICT V
DISTRICT IV
DISTRICT I
DISTRICT II
DISTRICT III



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: JIM PETROPULOS, Public Works Director
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*
SUBJECT: ADOPTION OF A RESOLUTION OF INTENT TO PURCHASE
APPROXIMATELY 54 ACRES OF LAND FROM THE MARIPOSA
FIRST BAPTIST CHURCH
Resolution No. 03-177

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on May 20, 2003

ACTION AND VOTE:

Jim Petropulos, Public Works Director;
Authorize County to Purchase Approximately 54 Acres of Land from the Mariposa First Baptist Church
and Authorize the Chairman of the Board to Execute the Escrow Agreement Subject to Review and
Approval by County Counsel

BOARD ACTION: Jeff Green, County Counsel, advised that the recommended action is to adopt a
resolution of intent to purchase the property, and that a hearing will be scheduled for final action. Jim
Petropulos reviewed the terms and conditions of the purchase, and he noted that Fred Solomon was present
to assist in answering questions. Chairman Pickard noted that members of the Parks and Recreation
Commission were present.

Input from the public was provided by the following:

- Don Starchman, Starchman Law Offices, as a volunteer representing the Mariposa First Baptist
Church, stated they are looking forward to moving ahead and working closely with the Board on this
project.

(M)Parker, (S)Bibby, Res. 03-177 was adopted, a resolution of intent to purchase the property as
recommended. Supervisor Parker requested that a press release be prepared relative to this matter. Rich
Inman, County Administrative Officer, stated he would handle this. Ayes: Unanimous.

cc: Eric Toll, Planning Director
Jeff Green, County Counsel
Mary Hodson, Administrative Analyst
File

Memo

To: J. Petropulos, Director of Public Works
From: Fred S. Solomon
Date: May 8, 2003
Re: First Baptist Church Property Acquisition

Negotiations have been concluded, subject to approval of the Board of Supervisors, for the acquisition of approximately 54 acres of property from the First Baptist Church for the Mariposa County Regional Recreation Complex. The acceptance of the offer by the First Baptist Church is contained in the attached email from Roberta Standen.

The terms of the acquisition are outlined on the attached offer sheet dated April 24, 2003.

Five hundred thousand dollars was previously awarded to the County of Mariposa by the State of California for the specific purpose of purchasing the subject land for the Mariposa County Regional Recreation Complex (the Field of Dreams). In addition, the County previously appropriated \$500,000 for infrastructure and road improvements necessary to the acquisition.

The Space Needs Committee of the Board of Supervisors, at its meeting of May 7, 2003, recommended approval of the terms and conditions of the purchase and requested that the matter of the acquisition be set for the Board of Supervisors meeting of May 20, 2003.

As of this writing, a meeting of the Parks and Recreation Commission and the Steering Committee for the Field of Dreams is being scheduled for the purpose of reviewing the land purchase terms and conditions. It is expected, based on past meetings with these two groups, that they will recommend approval of the purchase to the Board of Supervisors. Copies of the recommendations of the Parks and Recreation Commission and the Steering Committee will be forwarded prior to the Board of Supervisors consideration of the acquisition on May 20, 2003.

I am pleased that we have been able to bring the acceptance of the acquisition offer by the Church to you. I recommend that the Board of Supervisors accept the offer and authorize acquisition of the First Baptist Church property subject to the terms and conditions outlined in the attached Offer For Acquisition of First Baptist Church Property dated April 24, 2003. A plan depicting the property to be purchased is attached.

A handwritten signature in black ink, appearing to be 'M. J. ...', written in a cursive style.

Attachments:

Offer of April 24, 2003
Email Acceptance From First Baptist Church
Plan of Acquisition Property

From : "Roberta M. Standen" <rstanden@sellerloans.com>
To : "Solomon, Fred at Mariposa County Public Works" <fredspred@hotmail.com>
CC : "Rev. John Trujillo" <john@sti.net>, "Lonnie Wass" <wassl@rb5f.swrcb.ca.gov>, "Steve and Melanie Eastwood" <steast@sierratel.com>
Subject : FBC to Mariposa county
Date : Thu, 1 May 2003 23:18:00 +0000

Fred,

The preliminary offer dated April 24 is accepted by the Church with the following addition to Item 5: The church will make an application with the Planning Commission for modification of the Use Permit to eliminate Condition #34. If change to strike this condition is not approved, the Purchase/Sale Agreement shall be terminated.

For clarification:

It is our understanding that the Covenants and Conditions agreed upon in this April 24th document that require performance or action to be taken by the County which takes place subsequent to the close of escrow shall be firmed up in a contract drawn by county Counsel, for approval by the Church and counsel prior to the close of escrow. Specifically, but not limited to Items: 1, 2, 4, 5, 6, 8, 12.

Please Note: The engineering for grading and installation of offsite and onsite improvements including the driveway is in process. The County needs to know that the church plans to move forward to complete this engineering during the escrow period. This pending transaction could influence the grade(s) and location of the church infrastructure. Therefore, the church is requesting that a strategic plan and a communication mechanism be set up between the Church and the County Engineers to establish appropriate grades and controls for the completion of the church engineered plan which is in progress as soon as possible.

Roberta M. Standen
Authorized Representative
First Baptist Church of Mariposa
P.O. Box 87
4932 Ponderosa Way
Midpines, CA 95345-0087

800-646-3445
209-742-7153 Fax

e-mail - rstanden@sellerloans.com
web site - www.sellerloans.com

(3)

Offer For Acquisition of First Baptist Church Property

April 24, 2003

The following offer and conditions are subject to the approval of the Board of Supervisors of the County of Mariposa.

PROPERTY TO BE ACQUIRED AND OFFER PRICE

The acquisition property is defined as:

Parcel B consisting of two parcels totaling approximately 39.79 acres and a portion of parcel A consisting of approximately 14 acres (see notes and B below).

Offer price \$485,000.

Note:

- A. The portion of Parcel A to be acquired is not yet defined by the parties. The final northerly boundary of the property to be acquired is to result in acreage totaling approximately 14 acres. The property will be defined prior to the opening of escrow.
- B. The Church will retain property for a roadway leading from the Church property along the westerly boundary (bordering the CDF parcel). Said property is to be a minimum of 60 feet in width and will terminate at the northerly boundary of a planned 60' R/W line of a future County road at a location to be agreed upon (generally within 350 feet of the State R/W). The property for this purpose shall be defined by the Church and submitted to the County for approval (see condition 5 below).

OTHER CONDITIONS OF PURCHASE

- 1) The County will participate with the Church in a joint application for annexation of the Church property and the acquisition property to the MPUD and the County will pay the MPUD fee. The County will pay for all required environmental work.
- 2) The County will pay the MPUD assessment engineering cost.
- 3) Each party will pay its respective MPUD assessment costs and MPUD water and sewer connection fees.
- 4) The County will grant the Church an easement across the acquisition property for an emergency driveway as required in Item #32, Page 6 of the CUP #259, said driveway to be constructed at the expense of the Church. At some future date the County may construct a roadway system within the acquisition property and the County may request, and

the Church shall grant, a relinquishment of the easement for the emergency drive access referred to above. In exchange, the County, working with the Church's Engineer, shall grant the Church access to the roadway system that the County constructs within the acquisition property which access shall satisfy the conditions of the CUP and which will tie into the Church driveway at the Church's property line.

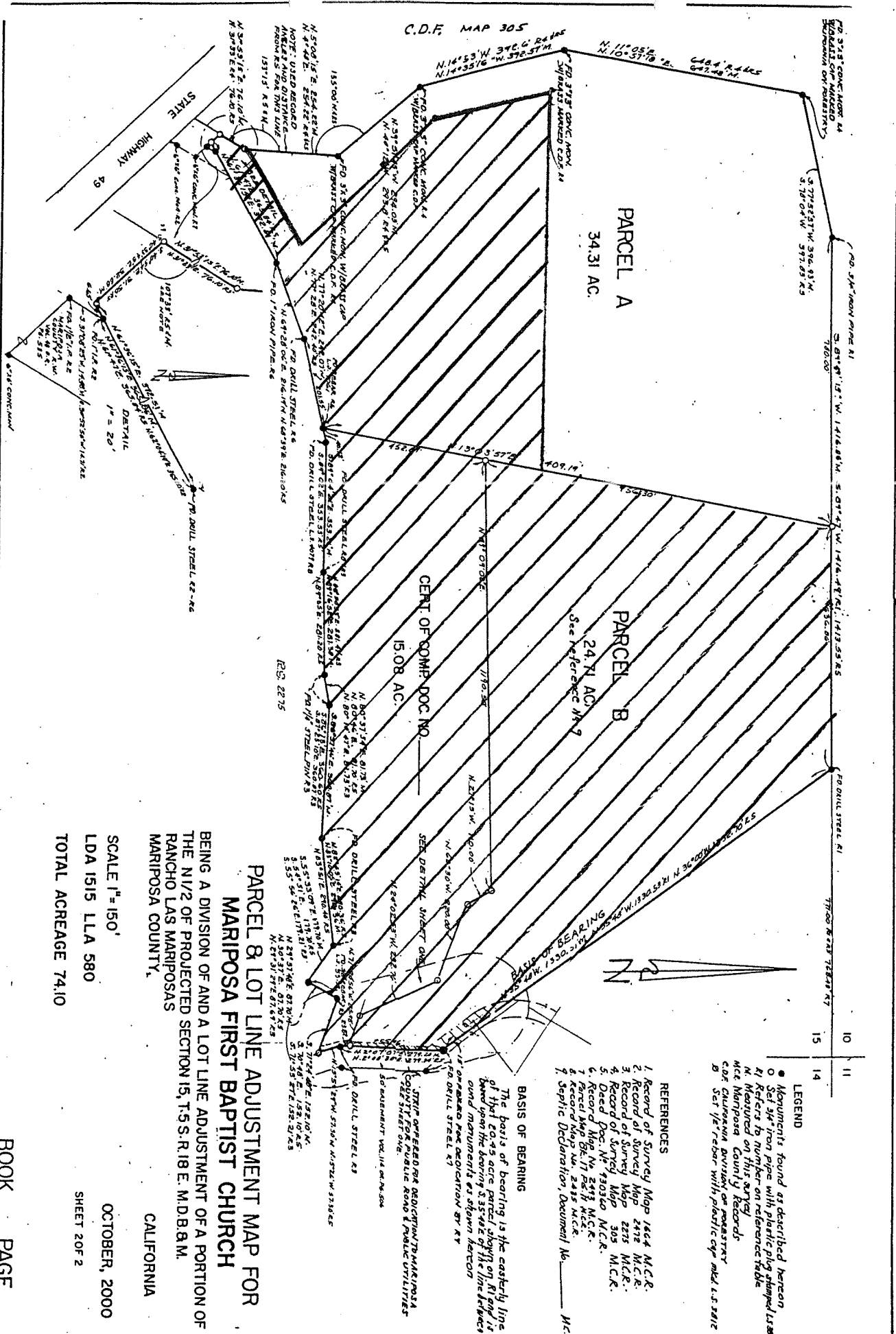
- 5) The County shall grant the Church access from the property retained by the Church for a roadway (per B above) to the future roadway leading to Highway 49. The County shall design and construct approximately 350 feet of such future roadway at County expense and the Church shall be granted access to that portion of roadway at a location satisfactory to the Church (within the approximate 350 feet referred to above). The design of this portion of the future County roadway shall be undertaken by the County and shall be completed within 6 months after the close of escrow. This portion of the future road construction shall be completed by the County no later than 2 years from the close of escrow. The County shall coordinate with the Church's Engineer in the design of the road to accommodate the Church's driveway. The County shall obtain an encroachment permit from Cal Trans permitting encroachment of the County's road onto State property and out to Highway 49. The Church access road to the County road shall be constructed at the expense of the Church to standards allowed under the CUP #259.
- 6) County will cause and pay for the design and installation of a main water line between Hospital Road and a point west of Spriggs Lane as determined by the MPUD and the Church shall be given an easement for access to the point of connection to the water line. Such main water line shall be designed, constructed and completed no later than the schedule required to permit the Church to complete Phase 1, Stage 1 of its building project or within 2 years from the date of close of escrow, whichever comes first. The Church shall design and pay for the water line from their development to the County main water line.
- 7) Each party shall pay its respective share of PG&E engineering costs. The power supply costs shall be borne by the party proceeding with development first and that party shall be reimbursed by future users per PG&E rules.
- 8) The County shall process and pay for all lot line adjustments, subdivisions, mapping, etc. necessary to the sale of the acquisition property to the County.
- 9) County will seek input from the Church during the environmental review process for development of a recreation complex on the acquisition property on issues of noise, lighting and hours of use.
- 10) The Church shall grant the County access to the site during escrow to conduct geotechnical tests. If the tests provide such evidence as to make

the parcel unusable, as shall be determined by the County, the County may terminate the acquisition. The geotechnical testing shall be done within 30 days after the opening of escrow.

11) The length of escrow shall be _____ days from the date both parties accept these terms.

12) The County shall be responsible for an MPUD-wide study of the water system as such study is required by law.

Acquisition Property



- LEGEND**
- Monument found as described herein
 - Set 3/4" iron pipe with plastic cap stamped L.S. 2012
 - ▲ Refer to number on reference table
 - △ Measured on this angle
 - ✱ Mariposa County Records
 - ☐ C.D.F. Chuvanna Division on property
 - ☐ Set 1/2" rebar with plastic cap and L.S. 2012

- REFERENCES**
1. Record of Survey Map 1424 M.C.R.
 2. Record of Survey Map 2475 M.C.R.
 3. Record of Survey Map 2275 M.C.R.
 4. Record of Survey Map 510 M.C.R.
 5. Record of Survey Map 2020 M.C.R.
 6. Record of Survey Map 2020 M.C.R.
 7. Record of Survey Map 2020 M.C.R.
 8. Record Map No. 2415 M.C.R.
 9. Septic Declaration, Document No. _____ M.C.R.

BASIS OF BEARING

The basis of bearing is the easterly line of 1911 Co. 49 acre parcel, shown on R.I. map is based upon the bearing S 55° 42' E of the line between corner monuments at station 12000 and station 12001.

PARCEL & LOT LINE ADJUSTMENT MAP FOR MARIPOSA FIRST BAPTIST CHURCH

BEING A DIVISION OF AND A LOT LINE ADJUSTMENT OF A PORTION OF RANCHO LAS MARIPOSAS MARIPOSA COUNTY, CALIFORNIA

SCALE 1" = 150'

LDA 1515 LLA 580

TOTAL ACREAGE 74.10

OCTOBER, 2000

SHEET 2 OF 2

BOOK _____ PAGE _____



May 23, 2002

Richard Begley
Deputy Director
County of Mariposa
P.O. Box 732
Mariposa, CA 95338

Dear Richard Begley:

We have completed the application review process for the Roberti-Z'berg Harris Urban Open Space and Recreational Need Basis Competitive Grant (RZH) Program – Nonurbanized Area.

RN-22-001 REGIONAL RECREATION COMPLEX \$500,000

We are pleased to inform you that your project identified above has been selected for funding. Enclosed is the grant contract. Please sign and return within thirty days. A fully executed contract will be sent to you. Congratulations on your grant award.

For additional grant program information, please access our website <http://www.parks.ca.gov/> and use the link "Grants & Bond Acts". If you have any questions, about your project or the RZH program, please call your project officer, Deborah Viney, at (916) 651-8572, or email at dvine@parks.ca.gov.

Sincerely,

Charlie Willard, Chief
Office of Grants and Local Services

Enclosure