

DEPARTMENT: County Counsel BY: Jeffrey G. Green PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes\_\_\_ No\_X)

Adopt the attached Resolution which establishes a public hearing date of Tuesday, July 21, 1998 to inform the public that the County intends to purchase real property. The subject property, located at 4980 10th Street, is within the site of the proposed Government Center and a portion of the property will be used to construct a proposed Library. The owner has agreed to sell the property in the amount of \$125,000.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On May 5, 1998, held a Closed Session to discuss the possible purchase of the subject property and directed staff to proceed with the purchase.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

N/A. The Board has determined that it is in the public's interest to purchase the subject property.

COSTS: ( ) Not Applicable  
A. Budgeted current FY \$ \_\_\_\_\_  
B. Total anticipated costs \$ \_\_\_\_\_  
C. Required additional funding \$ \_\_\_\_\_  
D. Internal transfers \$ \_\_\_\_\_

SOURCE: ( ) 4/5ths Vote Required  
A. Unanticipated revenues \$ \_\_\_\_\_  
B. Reserve for contingencies \$ \_\_\_\_\_  
C. Source description: \_\_\_\_\_  
Balance in Reserve for Contingencies,  
if approved: \$ \_\_\_\_\_

SPECIAL INSTRUCTIONS:  
List the attachments and number  
the pages consecutively:  
Resolution.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CLERK'S USE ONLY  
Res. No.: 98-251 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  
County of Mariposa, State of California  
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: *JG*

**RESOLUTION OF INTENTION  
TO PURCHASE REAL PROPERTY**

**WHEREAS**, Government Code section 25350 requires the Board of Supervisors to notice and hold a public hearing of the intention of the Board of Supervisors to purchase real property in excess of \$25,000, and

**WHEREAS**, the Board of Supervisors has determined that it is in the public interest to purchase real property located at 4980 10th Street, Mariposa, California, APN 13-116-04, for the reason that the real property is located within the County square wherein the Hall of Records, County Administration, and County Planning and Building Departments are located, and

**WHEREAS**, the owners of the property, Richard S. and Doris J. Gimblin, desire to sell the property to the County, and

**NOW, THEREFORE, BE IT RESOLVED** that the Mariposa County Board of Supervisors hereby gives notice of its intention to purchase real property owned by Richard S. and Doris J. Gimblin, commonly known as 4980 10th Street, APN 13-116-04, upon the following terms and conditions:

1. The purchase price shall be \$125,000, and the terms of the sale are as follows:
  - \$100,000 real property with improvements.
  - \$24,000 loss of goodwill (closing of law practice).
  - \$1,000 moving costs.
2. One-half of the purchase price (\$62,500) shall be paid upon the close of escrow, and the balance shall be paid on January 1, 1999.
3. a) A Promissory Note shall be secured by a Deed of Trust to Richard S. and Doris J. Gimblin in the amount of the balance of \$62,500 with no interest.  
b) Title shall be unencumbered at close of escrow, save and except the Trust Deed above mentioned.
4. Richard S. and Doris J. Gimblin shall have possession of the property until May 31, 1999.
5. The County shall have access to the property, save and except for the actual office space and the parking after close of escrow. The County will in no way interfere with the seller's ability to conduct office activities or seller's parking.
6. The County shall have the right to remove the tower building in the rear of the property, if necessary, for the Government Center project or the proposed Library project, after close of escrow and before May 31, 1999.

7. The Mariposa County Planning and Building Department shall conduct an investigation of the site to determine if there are any potential, significant problems on the site relative to underground tanks or other environmental problems.

8. The Board has determined that the County needs the property for public purposes, i.e., Government Center and Library, and the County will obtain the property by eminent domain if Richard S. and Doris J. Gimblin are unwilling to negotiate a sale. If this occurs, County shall provide Richard S. and Doris J. Gimblin with a "Threat of Condemnation Letter."

**BE IT FURTHER RESOLVED** that prior to consummation of the purchase, a public hearing shall be scheduled on Tuesday, July 21, 1998 at 9:15 a.m. in the Board of Supervisors' meeting room.

**BE IT FURTHER RESOLVED** that this Notice of Intention shall be published in a newspaper of general circulation in the County of Mariposa at least three weeks prior to the time the Board meets to consummate the purchase, pursuant to Government Code section 6063.

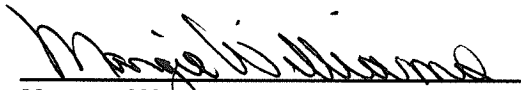
**PASSED AND ADOPTED** by the Mariposa County Board of Supervisors this 23rd day of June 1998, by the following vote:

- AYES:** Reilly, Balmain, Stewart, Parker, Pickard
- NOES:** None
- ABSENT:** None
- ABSTAINED:** None

  
 \_\_\_\_\_  
**PATTI A. REILLY, Chair**  
 Mariposa County Board of Supervisors

**ATTEST:**

**APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:**

  
 \_\_\_\_\_  
**MARGIE WILLIAMS**  
 Clerk of the Board

  
 \_\_\_\_\_  
**JEFFREY G. GREEN**  
 County Counsel

Please publish the below  
Notice on  
7/2/98, 7/9/98, and 7/16/98.

**NOTICE**

The Board of Supervisors intends to purchase real property commonly known as 4980 10th Street, County of Mariposa, State of California, APN 13-116-04 for \$125,000 cash from the sellers Richard S. and Doris J. Gimblin.

Time has been scheduled on the Board of Supervisors' agenda of July 21, 1998 at 9:15 a.m. in the Board meeting room for a public hearing to determine consummation of the purchase and consideration of filing a CEQA (California Environmental Quality Act) Notice of Exemption.