

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

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

This public hearing is set to discuss the intention of the Board of Supervisors to consummate the purchase of real property located at 4980 10th Street in Mariposa from Richard S. and Doris J. Gimblin. Purchase price will be \$125,000 and will be acquired in accordance with the terms and conditions contained in Resolution No. 98-251 (copy attached). The property is located within the Government Center and Library site.

Upon the Board's agreement to the consummation, direct Planning staff to file a CEQA Notice of Exemption as there is no possibility that the purchase has a significant effect on the environment. A copy of the draft Notice is included in this package.

Further authorize the Chair to execute the escrow documents when received and additionally direct the Auditor to draw a warrant for the purchase in accordance with the instructions contained in Resolution No. 98-251.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On June 23, 1998, the Board adopted Resolution No. 98-251 which established a public hearing date of Tuesday, July 21, 1998 to inform the public that the County intended to purchase the property located at 4980 10th Street from the Gimblins.

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 No. 98-251.  
Draft Notice of Exemption.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

CLERK'S USE ONLY: 98-295 Ord. No. \_\_\_\_\_

Res. No.: \_\_\_\_\_ Noes: \_\_\_\_\_

Vote - Ayes: \_\_\_\_\_ Absent: \_\_\_\_\_

( ) 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*

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

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TO: JEFFREY G. GREEN, County Counsel  
FROM: MARGIE WILLIAMS, Clerk of the Board   
SUBJECT: Purchase of Real Property Located at 4980 10<sup>th</sup> Street; Res. 98-295

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THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on July 21, 1998

**ACTION AND VOTE:**

**9:15 a.m.** Jeffrey G. Green, County Counsel;

A) PUBLIC HEARING to Discuss the Board of Supervisors Intention to Consummate the Purchase of Real Property Located at 4980 10<sup>th</sup> Street in Mariposa

**BOARD ACTION:** Jeff Green provided staff report. Public portion of the hearing was opened. There was no public input. Public portion of the hearing was closed and Board commenced with deliberations. (M)Parker, (S)Pickard, Res. 98-295 adopted consummating the purchase of real property located at 4980 10<sup>th</sup> Street; authorizing Chair to sign escrow documents, etc., relative to the purchase; authorizing Auditor to draw a warrant for the purchase in accordance with the instructions contained in Mariposa County Resolution No. 98-251; and directing Planning staff to file a CEQA Notice of Exemption/Ayes: Unanimous. Hearing was closed.

cc: Gary Estep, Assessor  
Ken Hawkins, Auditor  
Ed Johnson, Planning/Building Director  
Mike Edwards, Public Works Director  
File

**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.

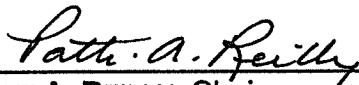
8. The Board has determined that the County needs the property for public purposes, i.e., Government Center and Library, and the County will obtain the property by eminent domain if Richard S. and Doris J. Gimblin are unwilling to negotiate a sale. If this occurs, County shall provide Richard S. and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

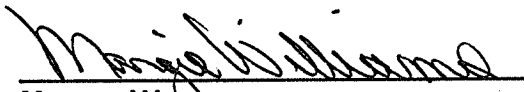
PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 23rd day of June 1998, by the following vote:

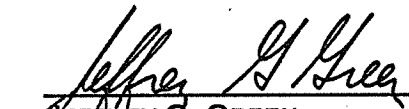
AYES: Reilly, Balmain, Stewart, Parker, Pickard  
NOES: None  
ABSENT: None  
ABSTAINED: None

  
\_\_\_\_\_  
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

# MARIPOSA COUNTY NOTICE OF EXEMPTION

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**TO:** County Clerk, County of Mariposa  
P.O. Box 247  
Mariposa, CA 95338

**FROM:** Mariposa County  
Planning Dept.  
P.O. Box 2039  
Mariposa, CA 95338

**Project Title:** Purchase of Gimblin Property (APN: 013-116-004)

**Project Location:** 4980 10<sup>th</sup> Street, Mariposa, CA (across from the County Courthouse)

**Description of Project:** Purchase of an approximately 5,000 sq.ft. property within the Public / Quasi-public specific plan and zoning designation.

**Name of Public Agency Approving Project:** Mariposa County Board of Supervisors

**Name of Person Carrying Out Project:** Mariposa County

**Exempt Status:** General Rule Exemption, Section 15061(b)(3) CEQA Guidelines. The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

**Reasons why project is exempt:** The purchase of the property by Mariposa County will result in no change in its usage. Any change to the property or to the use of the property undertaken by the County will be a project subject to CEQA review.

**Lead Agency Contact Person:** Jay Pawlek, Senior Planner  
**Phone Number:** (209) 966-5151

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Ed Johnson  
Planning Director

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Date