

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

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes___ No___)

Pass and adopt the attached Resolution which establishes a public hearing date of Tuesday, December 2, 1997, to inform the public that the Board intends to purchase real property. The subject property is located adjacent to the existing Lake Don Pedro Sewer District. The owner has agreed to sell the property in the amount of \$80,000.00.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On August 5, 1997, the Board authorized staff to make an offer on a 40-acre parcel owned by Erickson at the listed price. The Ericksons accepted the offer and the Board made a favorable recommendation to the Local Agency Formation Commission on October 21, 1997, to approve a potential annexation application to the Don Pedro Sewer Zone.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

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

COSTS: (X) Not Applicable

A. Budgeted current FY \$ 80,000 _____

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.: 97-423 Ord. No. _____

Vote - Ayes: 4 Noes: _____

Absent: 0 Abstained: _____

Approved: Kelly () 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 § 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 described as the Southeast 1/4 of the Northwest 1/4 of Section 31, T.3S., R.15E., in M.D.B.&M., County of Mariposa, State of California, APN 01-260-15. Excepting therefrom all of that portion of the above described tract conveyed to Boise Cascade Properties, Inc. by Grant Deed recorded October 29, 1967, in Volume 117 of Official Records at Page 22, Mariposa County Records, for the reason that the real property is located adjacent to the existing Lake Don Pedro Sewer District and the property is needed for expansion of the Lake Don Pedro Sewer District facilities, and

WHEREAS, the owner of the property, Timothy and Bette Erickson, desires to sell the property to 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 Timothy and Bette Erickson, described above, upon the following terms and conditions:

1. The purchase price shall be \$80,000.00 cash.
2. The sum of \$8,000.00 shall be paid into escrow as a deposit upon opening of escrow.
3. Escrow shall close on or before December 31, 1997.
4. In the event buyer desires to allow grazing on the property at any time in the future, sellers shall have the first right to graze cattle on the property at no cost to sellers.
5. Buyer shall cooperate in sellers' Internal Revenue Service 1031 Exchange at no cost or obligation to buyer.
6. Seller shall create utility easements ten feet (10') in width along interior boundaries of the property.
7. Buyer shall fence the entire property within thirty (30) days of close of escrow, and an access gate will be provided at the northeast corner of property to sellers to allow sellers to access their property to the east of the subject property.

8. Upon opening of escrow, buyer shall be allowed to enter the property for purposes of performing tests to determine suitability of property for a sewer treatment plant.

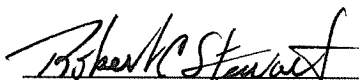
9. Close of escrow is contingent upon acceptance by County of the property after the testing is accomplished for purposes of determining the property's suitability for a sewer treatment plant, and upon Board of Supervisors approval after a public hearing as described below.

BE IT FURTHER RESOLVED that, prior to the consummation of the purchase, a public hearing shall be scheduled on Tuesday, December 2, 1997, 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 (3) weeks prior to the time the Board meets to consummate the purchase, pursuant to Government Code § 6063.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 4th day of November, 1997, by the following vote:

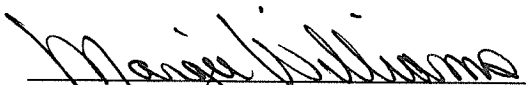
AYES:	BALMAIN, STEWART, PARKER, PICKARD
NOES:	NONE
ABSENT:	REILLY
ABSTAINED:	NONE




ROBERT C. STEWART, Chairman
Mariposa County Board of Supervisors

ATTEST:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



MARGIE WILLIAMS
Clerk of the Board



JEFFREY G. GREEN
County Counsel