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Date: June 4, 2024

Item Number: \_\_\_\_\_

Resolution Number: \_\_\_\_\_

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4/5 Vote Required

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**Resolution Of The Board Of Directors Of South Park County Sanitation District Determining That The Sale Of Exempt Surplus Land And Vacating Sewer Easements Located In The Unincorporated Area Of Sonoma County, California, Will Not Have A Significant Adverse Effect On The Environment; Approving The Sale Of Certain Exempt Surplus Real Property; Authorizing The General Manager Of South Park County Sanitation District To Execute A Purchase And Sale Agreement And A Quitclaim With S&S Moorland Ave, LLC, A California Limited Liability Company, For Sale Of Certain Real Property; Authorize General Manager To Execute Any Other Related Documents Necessary To Complete The Transaction, In A Form Approved By County Counsel; Authorizing The Summary Vacation Of Sewer Easements That Are No Longer Necessary For The Purposes They Were Acquired Because The Sewer Easements Have Been Determined To Be Excess By District, And There Are No Other Public Facilities Located Within The Easement, Located on Assessor's Parcel Number 134-122-065, and 134-122-005. (4/5 Vote Required).**

**Whereas**, the Sonoma County Water Agency (“Sonoma Water”) manages and operates the South Park County Sanitation District (“District”) under agreement between Sonoma Water and the District; and

**Whereas**, the District is the owner of certain real property located at Todd Road, in the unincorporated area of Sonoma County, California, identified as Assessor's Parcel Number 134-122-066, containing approximately 2,062 sq. ft. (“Property”); and

**Whereas**, the Board of Directors of District, on April 30, 2024, adopted Resolution 24-0158 declaring the Property as “exempt surplus land” pursuant to the State of California Surplus Land Act (Govt Code 54220 et seq.) and declaring intent to sell authorizing Sonoma Water to negotiate the terms and conditions for selling the Property; and

**Whereas**, soon after the Board of Directors of District, adopted Resolution 24-0158 declaring the Property “exempt surplus land” Sonoma Water provided a copy of the resolution to the California Department of Housing and Community Services (HCD) as required under the Surplus Land Act; and

**Whereas**, an appraisal was made and finds the fair market value of the real property in its present as-is condition to be \$1,000; and

**Whereas**, Sonoma Water staff has negotiated the sale of the exempt surplus property for the cost of staff time necessary to process the sale estimated to be approximately \$20,000 plus the appraised value of \$1,000; and

**Whereas**, as required by Government Code section 25535, the Agreement is required to be finally approved by the Board of Directors; and

**Whereas**, the Board of Directors can delegate authority to the General Manager of Sonoma Water to execute all documents necessary to complete the transaction, in a form approved by County Counsel; and

**Whereas**, section 8333(C) of the California Streets and Highways Code provides for summary vacation when certain conditions are met; and

**Whereas**, the Board of Directors of District has determined that the sewer easements as described in this Resolution are no longer necessary to be retained for the uses and purposes of the District; and

**Whereas**, pursuant to Section 65402 of the California Government Code, the proposed real property sale and vacation of easements has been submitted to the planning agency within whose jurisdiction the proposed vacation is situated and determined to be consistent with the General Plan; and

**Whereas**, the sale of surplus land and summary vacation of sewer easements are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15312 (Surplus Government Property Sales) because the property is no longer necessary to be retained for the uses and purposes of the District and the parcel to be sold is not in an area of statewide, regional, or area-wide concern as identified in CEQA Guidelines Section 15206(b)(5); and

**Whereas**, District staff has prepared a Notice of Exemption for the sale of surplus property and the summary vacation of sewer easements in accordance with CEQA, the State CEQA guidelines, and the District's Procedures for the Implementation of CEQA; and

**Now, Therefore, Be It Resolved** that the Board of Directors of the South Park County Sanitation District hereby finds, determines, declares, and orders as follows:

1. Verification of Recitals. Each of the foregoing recitals is true and correct.
2. **California Environmental Quality Act; Notice of Exemption.** The sale of surplus land and the summary vacation of sewer easements are exempt from the requirements of the California Environmental Quality Act for the reasons

stated in this Resolution and will not have a significant adverse effect on the environment.

3. **Approving The Sale.** The sale of certain real property owned by the South Park County Sanitation District located at Todd Road, in the unincorporated area of Sonoma County, California, identified as Assessor's Parcel Number 134-122-066 is hereby approved.
4. **Fair Market Value.** That the appraised fair market value of the certain real property is \$1,000 in its present as is condition.
5. **Authorization to Execute A Purchase and Sale Agreement and Deed.** The General Manager of the District is hereby authorized and directed to execute a real property Purchase and Sale Agreement and a Quitclaim Deed with S&S Moorland Ave, LLC, a California limited liability company, and any other related documents necessary to complete the transaction in a form approved by County Counsel, for the appraised market value of the real property plus the cost to the District to process and complete the sale, in conformance with Government Code Section 25526.5, of the State of California.
6. **Declaration of Surplus Sewer Easements.** The Board of Directors of District has determined that the sewer easements as described in this Resolution are no longer necessary to be retained for the uses and purposes of the District.
7. **Summary Vacation of Sewer Easement.** The Board of Directors of District finds the need for the easement referred to in that certain instrument Deed Easement recorded on May 12, 1952, in Book 1161, Page 235, Official Records of Sonoma County, California, to be unnecessary because the easement is no longer required for the purposes it was acquired because the sewer easement has been determined to be excess by Sonoma Water, and there are no other public facilities located within the easement, located on Assessor's Parcel Number 134-122-065; and that this resolution is prima facie evidence of the facts stated.

That from and after the date of recording, the following described property rights no longer constitutes a sewer easement: Being all that right, title and interest in and to that certain real property as described in that certain instrument Deed Easement recorded on May 12, 1952, in Book 1161, Page 235, Official Records of Sonoma County, California.

8. **Summary Vacation of Sewer Easement.** The Board of Directors of District finds the need for the easement reserved in the Grant Deed recorded on December 31, 1998, as Document Number 19980158963, Official Records of Sonoma County, California, to be unnecessary because the easement is no longer

required for the purposes it was acquired because the sewer easement has been determined to be excess by Sonoma Water, and there are no other public facilities located within the easement, located on Assessor's Parcel Number 134-122-065; and that this resolution is prima facie evidence of the facts stated.

That from and after the date of recording, the following described property rights no longer constitutes a sewer easement: Being all that right, title and interest in and to that certain real property as reserved in the Grant Deed recorded on December 31, 1998, as Document Number 19980158963, Official Records of Sonoma County, California.

- 9 . **Summary Vacation of Sewer Easement.** The Board of Directors of District finds the need for the easement referred to in Grant of Sewer Easement recorded on December 31, 1998, as Document Number 19980158964, Official Records of Sonoma County, California, to be unnecessary because the easement is no longer required for the purposes it was acquired because the sewer easement has been determined to be excess by Sonoma Water, and there are no other public facilities located within the easement, located on Assessor's Parcel Number 134-122-005; and that this resolution is prima facie evidence of the facts stated.

That from and after the date of recording, the following described property rights no longer constitutes a sewer easement: Being all that right, title and interest in and to that certain real property as described in the Grant of Sewer Easement recorded on December 31, 1998, as Document Number 19980158964, Official Records of Sonoma County, California.

10. **Recordation of Resolution.** The vacation of the easements is hereby ordered, and that the Clerk of the Board of Directors is authorized and directed to record a certified copy of this resolution at the Office of the County Recorder.

**Directors: South Park County Sanitation District:**

Gorin:

Coursey:

Gore:

Hopkins:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

**So Ordered.**