



## Legislation Details (With Text)

**File #:** 2021-0129  
**Type:** Consent Calendar Item **Status:** Agenda Ready  
**File created:** 3/23/2021 **In control:** General Services  
**On agenda:** 3/23/2021 **Final action:**  
**Title:** Acquisition of real property, located at 665 Highway 1, Bodega Bay  
**Sponsors:** General Services  
**Indexes:**  
**Attachments:** 1. Summary Report.pdf, 2. Att1-NOI.pdf, 3. Att2-Budget Resolution.pdf

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

**To:** Sonoma County Board of Supervisors  
**Department or Agency Name(s):** General Services  
**Staff Name and Phone Number:** Caroline Judy, (707) 565-8058  
**Vote Requirement:** Majority  
**Supervisory District(s):** Fifth District

**Title:**  
Acquisition of real property, located at 665 Highway 1, Bodega Bay

### Recommended Action:

- A) Authorize the Clerk of the Board to publish a notice to: 1) declare intent to enter into a Property Purchase Agreement with Timothy Farfan and George Craig Miller for real property located at 665 Highway 1 in Bodega Bay, being further described as Assessor's Parcel No. 100-110-006, comprised of approximately 2,000 sq. ft. of land;
- B) Authorize Director of General Services Department to Execute Temporary Permit to Enter with Timothy Farfan and George Craig Miller for access to the County-owned Tidelands adjacent to the subject property for purposes of current property owner's removal and disposal of structures constructed on the property and the County-owned Tidelands property; and
- C) Adopt a Budget Resolution approving adjustments to the FY 20-21 Budget in the amount of \$225,000 using Tidelands Special Revenue Fund (Fifth District)

### Executive Summary:

This item seeks Board approval to declare intent to enter into a Property Purchase Agreement with Timothy Farfan and George Craig Miller (Seller), for acquisition of real property once demolition is complete, comprised of 2,000 sq. ft. of land, located at 665 Highway 1 in Bodega Bay, APN 100-110-006 (Property), for a purchase price of \$220,000. The proposed acquisition is pursuant to a settlement agreement between County and Seller, for damages sustained to Seller's residential structure constructed in part on the Property. Staff recommends funding for the property purchase to be from the \$284,171 accumulated balance in the Tidelands Special Revenue fund. The fund was established for facility construction and improvements necessary or

convenient for the promotion and accommodation of commerce and navigation of the Bodega Harbor area, and this purchase aligns with its intent.

**Discussion:**

**Background.** Sellers filed a government claim ("Claim") against the County related to damages Sellers sustained on October 14, 2018 when a Sonoma County Sheriff's Deputy's patrol car crashed into their residence, located at 665 Highway 1, Bodega Bay, CA, during a vehicle pursuit. The residence was constructed partially on real property owned by Sellers, and partially on adjacent County-owned tidelands property. The structure sustained substantial damage as a result of the collision.

In settlement of the Claim, County has agreed to pay a certain amount in settlement of the claim, and also to bring forth to the Board for approval the purchase of the Property on the terms set forth below. The settlement payment and the contemplated purchase are both conditioned on the Seller's completion of demolition and removal of the damaged structure on the Property itself and within the County-owned tidelands onto which the structure is partially built. The purchase of the Property will allow the County both to settle the Claim and in the process thereof obtain ownership of a parcel that supports County's long term climate adaptation goals and stewardship of the state-granted tidelands.

If your Board does not approve the recommended action to begin the purchase process, the settlement agreement will be of no effect.

**Property Description.** The property proposed for acquisition is upland property, comprised of 2,000 sq. ft. of land, located at 665 Highway 1, in Bodega Bay ("Property"). The Property is situated along the coastal highway and east of County-owned Tidelands property. Currently, the Property contains a damaged residential structure, which is beyond repair and a visible blight along the coast.

**Proposed Purchase Agreement Terms:** Staff has negotiated a Property Purchase Agreement, the proposed terms of which are described below.

Purchase Price: \$220,000.

Security Deposit: None.

Closing Conditions: County's obligation to close is subject to Seller's performance as follows:

- 1) Completed and verified demolition of all structures and abatement of hazardous materials located on the Property, including the structures located on the portion of the real property that is owned by Claimants and the tidelands portion of the property owned by the County.
- 2) Completion of the removal and disposal of all structures constructed on the County-owned Tidelands property and abatement of all hazardous materials on Tidelands property, as evidenced by and in full compliance with the California Coastal Commission.
- 3) Seller presenting to the County clean and marketable title for Seller's Property.
- 4) Seller will deliver into escrow a Grant Deed conveying the Property to the County;

- 5) The proposed Property Purchase Agreement provides that Seller make all reasonable efforts to complete the work within 30 days of your Board's approval of execution of the Property Purchase Agreement. The County shall have no obligation to pay the purchase price of \$220,000, if the Seller has not commenced work within 180 days of Board approval of the Property Purchase Agreement; or the Seller does not complete the work within 365 days of Board approval of the Property Purchase Agreement.

Closing Date: Close of escrow is contingent upon the above conditions, and shall occur not more than thirty-five (35) days after verified completion of the demolition and abatement work, unless all conditions to close of escrow have not been met by that time, notwithstanding the good faith and diligent effort of both parties.

**Costs and Funding.** The costs for the acquisition of the Property will be paid through General Services Tidelands Special Revenue Fund for acquisition and escrow costs as shown below.

|  |                 |
|--|-----------------|
| Purchase Price                         | \$220,000       |
| Plus. Est. Escrow Fees                 | \$ 2,092        |
| Plus Est. Other closing costs          | \$ 1,011        |
| Contingency for increased fees         | <u>\$ 1,897</u> |
| Equals total Est. Cash needed to close | \$225,000       |

**General Plan and C.E.Q.A:** Since the Property is located in the unincorporated area of Sonoma County, there is no government code requirement to obtain a general plan consistency finding. The acquisition of the Property by the County is exempt from C.E.Q.A. review. The described demolition and remediation work to be completed by Seller prior to the purchase of the Property has already undergone CEQA review, and will be subject to any additional review necessary via the Seller's permit approval process.

**Procedural Authority:** Government Code Section 25350 requires the Board to publish a notice of its intention to purchase property valued at more than \$50,000, for three (3) successive weeks before consummation of the proposed purchase agreement. If your Board takes the requested actions, this matter will return to the Board on or after April 20, 2021, for consideration and consummation of the proposed property purchase agreement in line with the Government Code.

#### Ongoing Maintenance of the Property

If the terms of the acquisition are met and the property is transferred to County ownership, then the County will assume ongoing maintenance of the cleared property site. Ongoing funding is necessary to cover the General Services department annual expense of periodic vegetation management and other safety measures.

#### Prior Board Actions:

None.

#### FISCAL SUMMARY

| Expenditures | FY 20-21<br>Adopted | FY21-22<br>Projected | FY 22-23<br>Projected |
|--------------|---------------------|----------------------|-----------------------|
|              |                     |                      |                       |

|                                    |                  |                |                |
|------------------------------------|------------------|----------------|----------------|
| Budgeted Expenses                  |                  | \$4,644        | \$4,644        |
| Additional Appropriation Requested | \$225,000        |                |                |
| <b>Total Expenditures</b>          | <b>\$225,000</b> | <b>\$4,644</b> | <b>\$4,644</b> |
| <b>Funding Sources</b>             |                  |                |                |
| General Fund/WA GF                 |                  |                |                |
| State/Federal                      |                  |                |                |
| Fees/Other                         |                  |                |                |
| Use of Fund Balance                | \$225,000        | \$4,644        | \$4,644        |
| Contingencies                      |                  |                |                |
| <b>Total Sources</b>               | <b>\$225,000</b> | <b>\$4,644</b> | <b>\$4,644</b> |

**Narrative Explanation of Fiscal Impacts:**

Closing costs have been estimated as described above. The one-time costs for acquisition of the Property will be paid out of available fund balance in the General Services Tidelands Special Revenue Fund. After acquisition of the Property, General Services anticipates \$4,644 per year for vegetation management, safety measures, and debris removal.

| <b>Staffing Impacts:</b>                       |  |                           |                           |
|--|--|---------------------------|---------------------------|
| <b>Position Title (Payroll Classification)</b> | <b>Monthly Salary Range (A-I Step)</b> | <b>Additions (Number)</b> | <b>Deletions (Number)</b> |
|  |  |                           |                           |
|  |  |                           |                           |
|  |  |                           |                           |

**Narrative Explanation of Staffing Impacts (If Required):**

None

**Attachments:**

Attachment 1 - Notice of Intent

Attachment 2 - Budget Resolution

**Related Items "On File" with the Clerk of the Board:**

None