

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Parks and Recreation

BOARD AGENDA # *B-4

Urgent Routine

AGENDA DATE October 20, 2015

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Transfer County Property to the City of Modesto for a New Well Site in Grayson, CA

STAFF RECOMMENDATIONS:

1. Find that the property owned by Stanislaus County on Mary Street, Grayson, CA, consisting of a portion of APN # 016-034-006 (Property) is not required for use by the County.
2. Find that the Property, currently owned by the County, is required for City of Modesto use in order to construct a well for the Grayson water service area.

(Continued on next page)

FISCAL IMPACT:

The property to be transferred is exempt from taxation. No exchange of funds is proposed, and no fiscal impact is anticipated as a result of this action. The City has agreed to reimburse the County for the cost of publication and for the cost of filing the Notice of Exemption.

BOARD ACTION AS FOLLOWS:

No. 2015-478

On motion of Supervisor DeMartini, Seconded by Supervisor O'Brien
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Monteith, DeMartini, and Chairman Withrow

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

- 1) X Approved as recommended
- 2) _____ Denied
- 3) _____ Approved as amended
- 4) _____ Other:

MOTION:

This Item was removed from the consent calendar for discussion and consideration.

ATTEST: 
CHRISTINE FERRARO TALLMAN, Clerk

STAFF RECOMMENDATIONS: (Continued)

3. Find that the recommended actions are exempt from the provisions of the California Environmental Quality Act (CEQA) according to Section 15312 and Class 12 of the CEQA Guidelines (sales of government property), and authorize the Director of Parks and Recreation, or designee, to file the Notice of Exemption.
4. Authorize the Chairman of the Board to execute the attached Grant Deed conveying all interest in the Property, a portion of Parcel "B" as per Parcel Map filed December 21, 1967 in Book 4 of Parcel Maps, Page 103.
5. Authorize the Director, or designee, to administer and execute any other documents necessary to complete the transfer of real property.

DISCUSSION:

In 1995, the City of Modesto (City) acquired the former Del Este Water System, which included the communities of Grayson, Hickman, Del Rio, the City of Waterford, and a portion of the City of Turlock. With the recent sale of the Hickman and Waterford systems to the City of Waterford, the City now manages, operates and maintains three outlying water service areas.

The Grayson water service area is supplied by groundwater from two wells: Well 274 and 295. Well 274 was constructed in 1967, and is located at 8930 Charles Street on APN 016 034 007, on 4,103 sq. ft. (approximately 75x50ft). The well is located at the southeast corner of the Grayson service area, adjacent/within an existing County-owned park.

In 2015, the City prepared a feasibility study to select an appropriate nitrate control technology for Well 274 due to nitrate concentrations that have exceeded Maximum Contaminant Levels (MCLs). The proposed scope of work by the City includes abandoning the existing Well 274, and constructing a replacement well 100-feet from the existing well site. The current well site is not large enough to accommodate this, and in order to maintain a required 100-foot separation, the City requests to acquire additional area from Stanislaus County. The proposed portion of Parcel "B" (Property) recommended to be deeded to the City contains 9,945 square feet of unused parks property (Exhibits A and B).

Site improvements would include perimeter chain-link fencing around the expanded well site area and street improvements consisting of curb, gutter, sidewalk, and pavement to the centerline of Mary Street or 20 feet from lip of curb (whichever is greater) along the 35 linear feet of additional Mary Street frontage that would be acquired with the additional area. Additionally, the City has agreed to provide lighting on the west side of the expanded well site area that will light the east end of the developed Grayson Community Park.

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The City of Modesto has developed a timeline to complete this project as follows:

Geophysical Investigation / Preliminary Design	Calendar Year 2015
Land Acquisition	Fall 2015
Environmental Review Process	February 2016
Permitting	May 2016
RFP Process / Final Design	Spring-Fall 2016
Bid Process & City Council Approval	Fall 2016
Construction	Calendar Year 2017

The Government Code authorizes the Board of Supervisors, by a 4/5 vote, to deed real property to a public agency within the County, if the property is not required for County use. Government Code Section 25365 provides:

- (a) The board of supervisors may, by a four-fifths vote, grant, convey, quitclaim, assign, or otherwise transfer to...any... special District... or any other public agency within the County... any real or personal property, or interest therein belonging to the county upon the terms and conditions as are agreed upon and without complying with any other provisions of this code, if the property or interest therein to be granted and conveyed or quitclaimed is not required for county use...
- (c) Unless the public agency to which the property is transferred pursuant to this section and the public agency transferring the property are governed by the same county board of supervisors, the transferring board of supervisors shall publish a notice of its intended action pursuant to Section 6061 at least one week prior thereto in a newspaper of general circulation published in the county.

On October 13, 2015, a notice was published in the Modesto Bee.

This action would authorize the Chairman of the Board of Supervisors to sign the attached Grant Deed, which conveys all interest it has in the Property to the City of Modesto. If this action is approved, the attached Grant Deed would be recorded in the official records of the County of Stanislaus.

The conveyance of the property is exempt from the provisions of the California Environmental Quality Act (CEQA) according to Section 15312 and Class 12 of the CEQA Guidelines (sales of government property). The recommended action involves only transfer of real property to another public agency.

POLICY ISSUES:

The recommended action is consistent with the Board's priority of providing Efficient Delivery of Public Services to convey ownership of Property to the City of Modesto, per the City's request, enabling the City to manage the Grayson water service area.

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STAFFING IMPACTS:

The property will be managed, operated, and maintained by the City of Modesto at its sole expense.

CONTACT PERSON:

Jami Aggers, Director

Phone: (209) 525-6770

ATTACHMENTS:

Exhibit A - Legal Description of property to be deeded

Exhibit B - Map of property described in Exhibit A

Notice Published on 10/13/2015

Proposed Grant Deed

EXHIBIT A

LEGAL DESCRIPTION

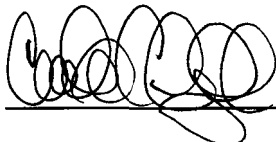
All of that certain real property situate in the Unincorporated Area of the County of Stanislaus, State of California, and being a portion of Parcel 'B' as shown on the Parcel Map filed for record in Book 4 of Parcel Maps, at Page 103, Stanislaus County Records and being more particularly described as follows:

BEGINNING at the northerly corner of Parcel 'B', as shown on the Parcel Map filed for record in Book 3 of Parcel Maps, at Page 14, Stanislaus County Records, same being a point on the southeasterly right-of-way line of Mary Street; thence coincident with the northwesterly line of said Parcel 'B' (4-PM-103) and said southeasterly right-of-way line of Mary Street, North 69°55'20" East, 35.00 feet; thence leaving last said line and through said Parcel 'B' (4-PM-103) for the following four (4) courses; (1) South 20°04'40" East, 143.32 feet; (2) South 44°41'40" West, 62.60 feet; (3) South 69°55'20" West, 28.37 feet to a southeasterly prolongation of the southwesterly line of said Parcel 'B' (3-PM-14); (4) thence coincident with said prolonged line, North 20°04'40" West, 95.00 feet to the southerly corner of said Parcel 'B' (3-PM-14); thence coincident with the southeasterly line of said Parcel 'B' (3-PM-14), North 69°55'20" East, 50.00 feet to the easterly corner of said Parcel 'B' (3-PM-14); thence coincident with the northeasterly of said Parcel 'B' (3-PM-14), North 20°04'40" West, 75.00 feet to the POINT OF BEGINNING.

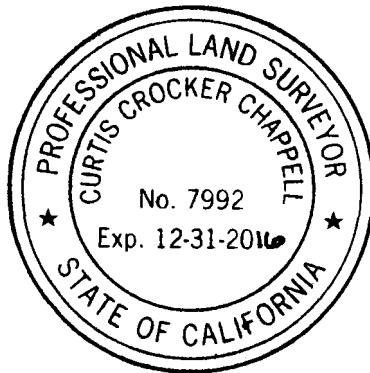
Containing an area of 9,945 square feet, more or less.

See Exhibit B attached hereto and made a part hereof.

This real description has been prepared by me or under my direction in conformance with the Professional Land Surveyors' Act.

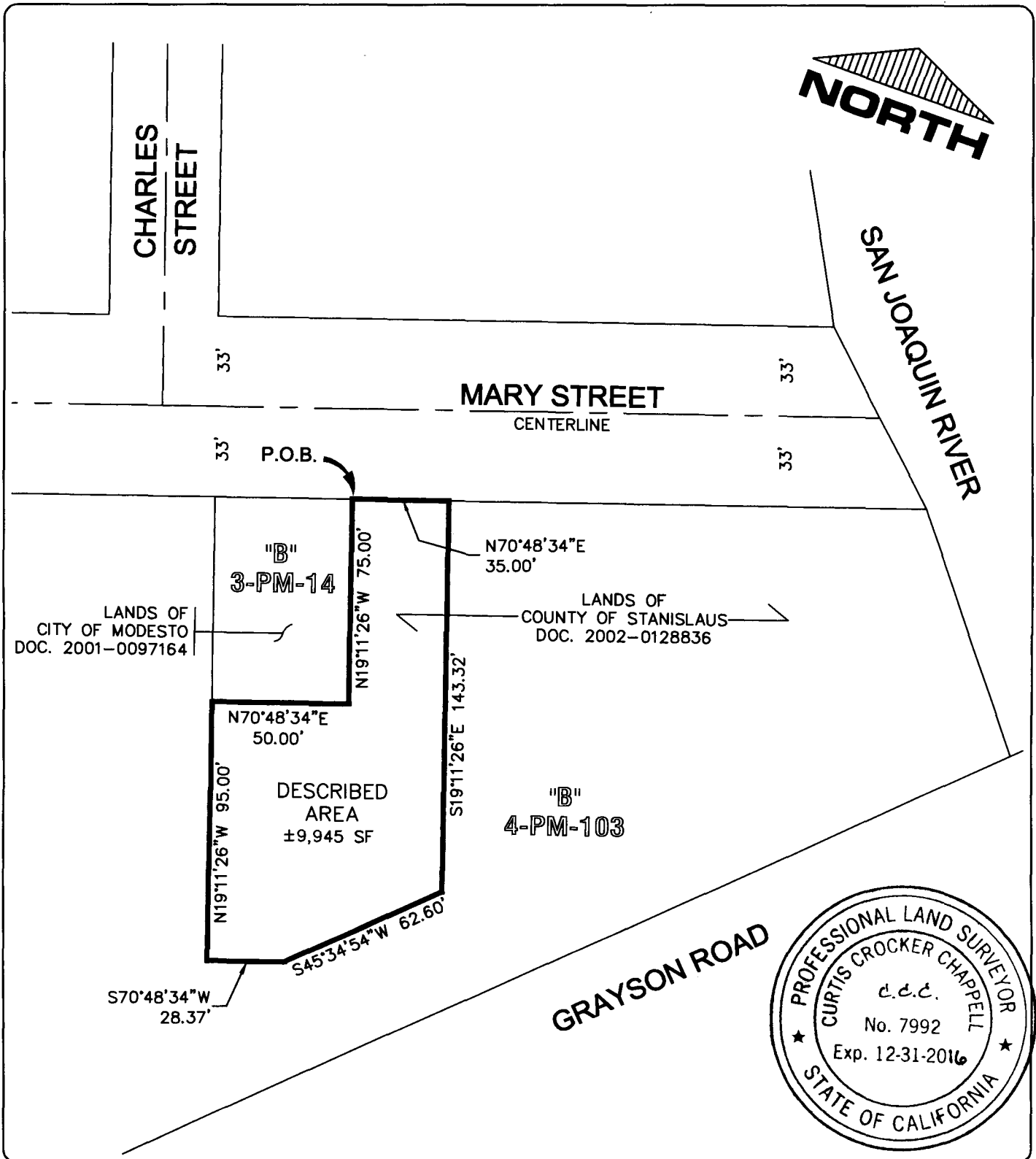


Curt Chappell, PLS 7992



AUGUST 24, 2015

Date



PREPARED BY:
C.CHAPPELL

DATE:
MAY 8, 2015

SCALE:
1" = 50'

SHEET:
1 OF 1

EXHIBIT "B"

AREA DESCRIBED IN EXHIBIT "A"
UNINCORPORATED AREA, STANISLAUS CO.

PROJECT: REPLACEMENT WELL 274 GRAYSON

MODESTO
CALIFORNIA

PROJECT NUMBER
100835

NOTICE OF INTENTION TO TRANSFER REAL PROPERTY

NOTICE IS HEREBY GIVEN pursuant to Government Code Section 25365, that it is the intention of the Board of Supervisors of Stanislaus County to convey the property hereafter described to the City of Modesto; that said transfer will be considered by the Board of Supervisors in the Chambers – Basement Level 1010 10th Street Modesto, California, on Tuesday, October 20, 2015 6:30 p.m., at which time any person interested may appear and be heard in regard to such transfer or on any matter pertinent hereto. The land is situated in the State of California, County of Stanislaus, and is described as:

**Mary Street in Grayson, CA, consisting of a portion of APN # 016 034 006
("Property")**

Once approved, the County will grant deed the Property to the City of Modesto. If you should have any questions, please contact:

Jami Aggers
Director of Parks and Recreation
Stanislaus County
3800 Cornucopia Way, Ste. C
Modesto, CA 95358
(209)525-6770

Publication Requirements: Government Code Section 6061 states that publication of notice pursuant to this section shall be for one time.

NO FEE
RECORDING REQUESTED BY:
BOARD OF SUPERVISORS

RETURN TO:
STANISLAUS COUNTY
DEPARTMENT OF PUBLIC WORKS
1716 MORGAN ROAD
MODESTO, CA 95358

GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

THE COUNTY OF STANISLAUS, a political subdivision of the State of California,
hereby GRANTS,

To the City of Modesto, a Municipal Corporation of the State of California

All of its right, title, and interest in the real property situated in an unincorporated area of Stanislaus County, California, described as follows:

See Exhibits "A" and "B" attached hereto and made a part hereof

Executed on 10/21/15, at Modesto, California

(Sign) 
Stanislaus County Chairman of the Board of Supervisors

(Print) Terrance Withrow

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

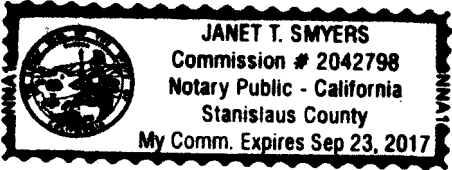
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Stanislaus)
On October 21, 2015 before me, Janet T Smyers, Notary Public
Date Here Insert Name and Title of the Officer
personally appeared Terrance Patrick Withrow
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Janet T Smyers
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Grant Deed Document Date: 10/21/15
Number of Pages: 3 Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Terrance Patrick Withrow Signer's Name: _____
 Corporate Officer — Title(s): _____ Corporate Officer — Title(s): _____
 Partner — Limited General Partner — Limited General
 Individual Attorney in Fact Individual Attorney in Fact
 Trustee Guardian or Conservator Trustee Guardian or Conservator
 Other: Stanislaus County Chairman of Other: _____
Signer Is Representing: the Board of Supervisors Signer Is Representing: _____