

ORDINANCE NO. 598.7

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**AN ORDINANCE OF THE COUNTY OF RIVERSIDE
AMENDING ORDINANCE NO. 598
AUTHORIZING CONVEYANCE OF REAL PROPERTY**

The Board of Supervisors of the County of Riverside ordains as follows:
Section 1. Ordinance No. 598 is amended in its entirety to read as follows:

"ORDINANCE NO. 598

**AN ORDINANCE OF THE COUNTY OF RIVERSIDE
ESTABLISHING PROCEDURES AND DELEGATING AUTHORITY
FOR DISPOSITION OR ACQUISITION OF REAL PROPERTY**

Section 1. PURPOSE. To establish alternative procedures for the disposition and acquisition of real property and to delegate to an appropriate county officer, such as the Assistant County Executive Officer of the Economic Development Agency, the Managing Director, the Assistant Director of Real Estate Division, the Assistant Director of Aviation Division, or any other county officer charged by the Board with the responsibilities and duties of managing any County Property, the authority to execute certain documents affecting or conveying interests in real property belonging to or to be acquired by the County of Riverside, including airport property. The delegation of authorities established in this ordinance shall transfer to any equivalent successor county officer positions to the positions named herein.

Section 2. AUTHORITY. This ordinance is adopted pursuant to California Government Code sections 25538, 25539, 25526.5, 25526.6, 25350 and 25350.60 which authorizes board of supervisors to establish alternative procedures and delegate to an appropriate county officer the authority to negotiate and execute certain real property documents, acquire real property or dispose of and conduct sales of County property.

Section 3. DEFINITIONS. The following words and phrases, whenever used in this ordinance, shall be construed as defined in this section. Any words and phrases not specifically defined herein shall have the meaning as they are defined in Riverside County Ordinance No. 803.

- a. Airport Property. Any County property that was acquired for airport purposes or designated as part of an airport within the County of Riverside, whether or not any portion thereof is actually used for airport or aeronautical purposes.
- b. County Property. Any real property, buildings and facilities belonging to the County of Riverside, whether such property is within the unincorporated or incorporated territory of the County.
- c. Conveyance Documents. Documents that transfer or convey real property, or any interest thereof, to another, such as purchase and sales agreements, conveyance or exchange agreements and deeds.
- d. Delegate. A county officer working as an Assistant County Executive Officer, a Managing Director or an Assistant Director, each of the County of Riverside Economic

- Development Agency or a county officer charged by the Board with the responsibility and duties of managing County property.
- e. Disposition. To dispose of, alienate, relinquish, or part with ownership of any interest in real property by conveyance or transfer.
 - f. Easement. A interest in real property that creates a right to enter and use land possessed by another in a way that would constitute a trespass absent the easement. Easements are classified as either appurtenant (benefiting and transferable with a certain real property interest) or in gross (personal to the grantee). An easement may be transferable. Unless otherwise specified, an easement is presumed to be permanent and non-exclusive.
 - g. Fee Simple. An estate in land, a form of freehold ownership.
 - h. Highway Purposes. The intended use, passing or repassing of any public highway, road, street, avenue, alley, lane, drive, way, place court, or trail, by the public to the full, unobstructed and uninterrupted enjoyment of the entire width of the layout for that intention.
 - i. Public Party. The State of California, a county, city, district, public agency or corporation, or public utility corporation.
 - j. Sale. The process of effecting the disposition of an interest in real property, including but not limited to, the solicitation and acceptance of bids, negotiation of an agreement with mutual assent and consideration, final approval by the Board and consummation of a transaction.
 - k. Surplus County Property. Any County property that has been determined to be no longer necessary for the County's use or other public purposes.

Section 4. ALTERNATIVE PROCEDURES FOR DISPOSITION OF SURPLUS COUNTY PROPERTY. The Board of Supervisors hereby establishes the alternative procedures to the general procedures required by sections 25526 to 25535 of the Government Code and authorizes the delegate to conduct proposed sales of surplus County property pursuant to the alternative procedures specified at Government Code section 25538 or 25539, or pursuant to any other applicable statutory authority, and conducted in a manner that complies with all requirements stated therein.

Section 5. DISPOSITION OF INTERESTS IN REAL PROPERTY WITH ESTIMATED VALUATION OF \$25,000 OR LESS. Following a determination by the Board of Supervisors that all or any portion of interests in real property belonging to the County is not needed for County or other public purposes, the delegate is hereby authorized to execute the sale, exchange, quitclaim or conveyance of any County property interest with an estimated value of twenty five thousand dollars (\$25,000) or less, provided that a notice of intention that the delegate will execute the sale is posted in a public place for five working days prior to effecting the transfer. The delegate may sell, exchange, quitclaim or convey any County property interest pursuant to this section in the manner and upon the terms and conditions approved by the delegate without complying with any of the statutory requirements referenced in Section 4 of this ordinance.

Section 6. DISPOSITION OF AN EASEMENT INTEREST IN COUNTY PROPERTY TO A PUBLIC PARTY. Pursuant to Government Code section 25526.6 and notwithstanding any other provision of the law, the delegate is hereby authorized to grant or otherwise convey an easement interest in real property belonging to the County to a public party in the manner and upon the terms and conditions as the delegate determines or prescribes, upon a finding by the Board or the delegate that the conveyance is in the public interest and that the interest in land conveyed will not substantially conflict or interfere with the use of the property by the County.

Section 7. DISPOSITION OF AIRPORT PROPERTY. In addition to the provisions set forth in this ordinance, any grants or conveyances of airport property, or any real property interest thereof, shall also include the following:

- a. Shall be in accordance with all applicable Federal, State or local regulations with respect to conveyance of airport property.
- b. Shall be administered in accordance with the regulations and requirements of the Federal Aviation Administration (FAA), as well as the Grant Assurances associated with any applicable FAA grants or other agreements.
- c. Shall include on any conveyance document, applicable federally required terms, conditions or limitations that were placed on the airport property when the County acquired such properties or received federal funding for the airport property.

Section 8. DISPOSITION OF COUNTY PROPERTY ACQUIRED FOR HIGHWAY PURPOSES. The County may sell or exchange any real property acquired by the County for highway purposes whenever the Board determines that such real property, or any interest therein, is no longer necessary for those purposes, with the recommendation of the Director of Transportation and in the manner and upon the terms and conditions approved by the Board, in accordance with the requirements of Streets and Highways Code section 960. The conveyance shall be executed on behalf of the County by the Chairman of the Board and money received for the real property shall be paid into the county treasury to the credit of any fund designated by the Board which is available for highway purposes.

Section 9. PURCHASE OF REAL PROPERTY BY COUNTY WITH VALUATION OF MORE THAN \$150,000. Any purchase of real property that is needed or desired, including any water right or other interest therein, with a purchase price that exceeds one hundred fifty thousand dollars (\$150,000) shall not be made by the County unless a notice of intention of the Board to make the purchase the real property is published in the county pursuant to Government Code section 6063. The notice shall contain a description of the property, the price, the seller, and the time the purchase shall be consummated. A purchase of real property by settlement of an action in eminent domain or the acquisition of any real property or any interest therein for the uses and purposes of county highways does not require the statutory notice of intention to be made by the Board or the delegate regardless of the purchase price.

Section 10. ACQUISITION OF INTERESTS IN REAL PROPERTY WITH VALUATION OF \$150,000 OR LESS FOR THE COUNTY BY PURCHASE OR GIFT. The delegate is hereby authorized to perform all necessary acts to approve and accept for the County the acquisition of interests in real property with a valuation of the real property not to exceed one hundred fifty thousand dollars (\$150,000) pursuant to the provisions of

Government Code section 25350.60, and provided that:

- a. The Board of Supervisors has made an in principle approval submitted by the department needing or requesting the acquisition of real property interest that is intended to be used for a public structure, facility or other public improvement (a Project).
- b. The funding for the Project is budgeted and available.
- c. An appraisal has been obtained that has determined the fair market value of the real property interest to be acquired.
- d. If required, the appropriate planning agency has made a finding of general plan conformance prior to acquisition of the property.
- e. A list of the real property interests acquired under this delegated authority shall be provided on an annual basis to the Board of Supervisors to receive and file.
- f. The delegation of authority granted in this Section 10 shall expire five years from the effective date of Ordinance No. 598.7.

Section 11. GENERAL PROVISIONS. The following requirements shall apply to any of the procedures established and delegation of authorities granted in this ordinance.

- a. Any real property transaction deemed a "project" under the California Environmental Quality Act (CEQA) shall be conducted in compliance with CEQA.
- b. Any of the documents associated with the real property transactions shall have been approved as to form by county counsel.
- c. Nothing in this ordinance limits, restricts or prohibits the County from following the procedures provided in the Government Code (commencing with section 54220).
- d. The acquisition or disposition of real property, or any interest therein, must be done in compliance with Government Code section 65402.

Section 12. SEVERABILITY. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable."

Section 2. This ordinance shall take effect thirty (30) days after its adoption.

Adopted: 09/24/2013

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