

COUNTY OF SAN MATEO
INTERDEPARTMENTAL CORRESPONDENCE

To: Honorable Board of Supervisors
From: County Manager
Subject: Consideration of a Resolution approving Agreement for the Exclusive Right to Negotiate and Purchase certain real property located in unincorporated El Granada, Approval of Appropriation Transfer Request, and Identification of Property and Negotiators Pursuant to Government Code section 54956.8
Date: August 16, 2001

RECOMMENDATION: (1) Adopt a resolution approving an Agreement for the Exclusive Right to Negotiate and Purchase the property located in unincorporated El Granada commonly known as Mirada Surf; (2) approve an Appropriation Transfer Request (ATR) transferring \$250,000 from Non-Departmental Reserves to Land Acquisition Expense in the Parks Acquisition and Development budget; and (3) identify the County's negotiator, the property subject to negotiations, and the persons with whom County may negotiate.

The owners of the real property located in unincorporated El Granada commonly known as Mirada Surf have approached the County with a proposal to sell the property to the County of San Mateo. The property consists of 49 acres, most of which is adjacent to and east of Highway 1. The most recent development application for the property included an 18 acre residential development east of Highway 1 and dedication of a 16 acre Shoreline Parcel and 15 acre Hillside parcel for preservation as permanent open space.

The property owners have given the County a limited time period to consider the proposal. The owners have provided an appraisal of the property, but it is recommended that the County undertake its own appraisal before proceeding with negotiations or purchase. This will take some time to complete. Therefore, in order to protect the County's ability to consider the owners' proposal, it is recommended that the Board approve an Agreement for the Exclusive Right to Negotiate and Purchase the Property for a term of six (6) months. In return for this exclusive right, the County will pay \$250,000.00 which approximates the amount of interest on the fair market value stated in the owners' appraisal for a six-month period. This payment would be credited toward the purchase price should the County purchase the property.

In order to fund the Agreement, we recommend that the Board approve an Appropriation Transfer Request (ATR) transferring \$250,000.00 from Non-Departmental Reserves to Land Acquisition Expense in the Parks Acquisition and Development budget.

Honorable Board of Supervisors

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Finally, Government Code section 54956.8 allows a legislative body to meet in closed session under certain circumstances to give authority to its negotiator regarding the price and terms of payment for the purchase or sale of real property. However, prior to the closed session, the legislative body must hold an open and public session in which it identifies its negotiators, the real property which the negotiations concern and the person(s) with whom its negotiator may negotiate. We recommend that the Board identify (1) the County Manager as the County's negotiator, (2) the property as the Mirada Surf property located in unincorporated El Granada, more particularly described in Exhibit A to the Agreement for Exclusive Right to Negotiate and Purchase, and (3) the persons with whom the County's negotiator may negotiate as the law firm of McCracken, Byers & Haesloop.

**COUNTY OF SAN MATEO
APPROPRIATION TRANSFER REQUEST**

REQUEST NO.
ATR2 007

DEPARTMENT
County Manager's Office

DATE 08/14/01

1. REQUEST TRANSFER OF APPROPRIATIONS AS LISTED BELOW:

	C O D E S		AMOUNT	DESCRIPTION
	FUND OR ORG.	ACCOUNT		
From.	80110	8612	250,000 00	Non-Departmental General Fund Reserves
	39700	2731	250,000 00	Operating Transfer-in
To	39700	6742	250,000 00	Land Acquisition Expense
	80110	7541	250,000 00	Operating Transfer-out

Justification. (Attach Memo if Necessary)

To transfer \$250,000 from Non-Departmental General Fund Reserves to the Parks Acquisition and Development budget for the purpose of acquiring an agreement for option to purchase real property in unincorporated El Granada, known as Mirada Surf.

DEPARTMENT HEAD

BY: *Jim Saeto*

DATE 8/14/01

2. Board Action Required

Four-Fifths Vote Required

Board Action Not Required

Remarks:

COUNTY CONTROLLER

BY: *[Signature]*

DATE

3. Approve as Requested

Approve as Revised

Disapprove

Remarks:

COUNTY MANAGER

BY: *[Signature]*

DATE 8/14/01

DO NOT WRITE BELOW THIS LINE — FOR BOARD OF SUPERVISORS' USE ONLY

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

RESOLUTION TRANSFERRING FUNDS

RESOLUTION NO. _____

RESOLVED, by the Board of Supervisors of the County of San Mateo, that

WHEREAS, the Department hereinabove named in the Request for Appropriation, Allotment or Transfer of Funds has requested the transfer of certain funds as described in said Request; and

WHEREAS, the County Controller has approved said Request as to accounting and available balances, and the County Manager has recommended the transfer of funds as set forth hereinabove:

NOW, THEREFORE, IT IS HEREBY ORDERED AND DETERMINED that the recommendations of the County Manager be approved and that the transfer of funds as set forth in said Request be effected.

Regularly passed and adopted this _____ day of _____, 19____.

Ayes and in favor of said resolution:

Noes and against said resolution:

Supervisors: _____

Supervisors: _____

RESOLUTION NO. _____

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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**RESOLUTION APPROVING AGREEMENT FOR EXCLUSIVE RIGHT TO
NEGOTIATE AND PURCHASE CERTAIN REAL PROPERTY LOCATED IN
UNINCORPORATED EL GRANADA**

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of
California, that

WHEREAS, there has been presented to this Board for its consideration and acceptance
an Agreement for Exclusive Right to Negotiate and Purchase Real Property located in
unincorporated El Granada in the County of San Mateo, reference to which Agreement is hereby
made for further particulars; and

WHEREAS, this Board has been presented with a form of such Agreement and said
Board has examined and approved same as to both form and content and desires to enter into
such contract:

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED as follows:

1. That this Board approves the Agreement for Exclusive Right to Negotiate and
Purchase Real Property;
2. That the President of this Board of Supervisors be, and is hereby, authorized and
directed to execute said Agreement for and on behalf of the County of San Mateo,
and the Clerk of this Board shall attest to the signature thereto; and
3. That the County Manager or his designee is hereby authorized to accept or
execute on behalf of the County, any and all notices, documents or certifications
in connection with the Agreement.