



Legislation Details (With Text)

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Title: County Counsel recommending adoption of Resolution supporting the exchange of property with the El Dorado Union High School District for Bennett Park; and requesting authorization to seek court approval of the proposed exchange; and further recommending Chairman be authorized to execute all documents necessary to complete said exchange.
RECOMMENDED ACTION: Adopt Resolution 90-2008.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Bennett Park Resolution, 2. Exhibit A

Date	Ver.	Action By	Action	Result
4/22/2008	1	Board Of Supervisors	Approved	Pass

County Counsel recommending adoption of Resolution supporting the exchange of property with the El Dorado Union High School District for Bennett Park; and requesting authorization to seek court approval of the proposed exchange; and further recommending Chairman be authorized to execute all documents necessary to complete said exchange.

RECOMMENDED ACTION: Adopt Resolution **90-2008**.

Fiscal Impact/Change to Net County Cost: None.

Background:

In 1924, Marcus and Mary Bennett granted to the County the real property known ever since as Marcus P. Bennett Jr. Memorial Park approximately 16 acres in size. The property is dedicated to public use for recreational purposes. The Park is bordered by the El Dorado High School. The High School wishes to exchange approximately 1.6 acres of land with the Park. The Park will acquire a fully developed baseball field, and the High School will acquire an equally-sized parcel of undeveloped land which it will use to build a culinary arts facility.

A similar exchange was accomplished in 1999.

To exchange property held in a public trust, a lawsuit must be filed so that the public has the opportunity to appear and voice their opinions. Also, the Attorney General must be made a party and given the opportunity to voice his opinion. The Attorney General's Office has already reviewed the proposed transaction and has approved it. If this resolution is approved by the Board of Supervisors, a legal proceeding will be commenced seeking court approval of the proposed exchange. Once that proceeding has been completed, the deeds and other documents can be prepared and executed.

Staff requests that the Board approve the attached resolution approving the exchange, authorizing

County staff to participate in the lawsuit seeking court approval of the exchange, and authorizing the chair to execute all documents necessary to effectuate the proposed exchange.

Action to be taken following Board approval: Board Chair shall execute the Resolution. A copy will be sent to the School District's counsel for preparation of legal descriptions for the exchange of property for approval by County staff. A lawsuit to obtain judicial approval of the exchange will be initiated. Once that lawsuit has been completed, the deeds and other necessary documents can be signed by the Chair of the Board.

Contact: Ed Knapp.