



Legislation Details (With Text)

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File created: 8/30/2021 **In control:** Board of Supervisors

On agenda: 9/21/2021 **Final action:** 9/21/2021

Title: Chief Administrative Office, Parks Division, recommending the Board authorize:
1) Approve and authorize the Chair to execute the grant deed for the transfer of County-owned property known as Bennett Park located at 561 Canal Street, Placerville, CA 95667, to the El Dorado County Union High School District (4/5 vote required); and
2) Authorize the termination of the existing Agreement for Maintenance and Operation of Bennett Park between the County and the school district effective upon execution of the Grant Deed.

FUNDING: N/A

Sponsors:

Indexes:

Code sections:

Attachments: 1. A- Grant Deed, 2. B- Bennet Park Deed- Exisiting, 3. C- Deed Notary- ack, 4. D- Deed Exhibit A, 5. E- Deed Exhibit B, 6. F- Deed Exhibit C, 7. G - EDUHSD- Final Filed Petition, 8. H - Maintenance and Operations Agreement, 9. Executed Grant Deed

Date	Ver.	Action By	Action	Result
9/21/2021	1	Board of Supervisors	Approved	Pass

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DISCUSSION / BACKGROUND

Bennett Park is located adjacent to El Dorado Union High School (EDUHS). The land was donated to the County in 1924 by Marcus and Mary Bennett to be used as a public recreational park for the benefit of the County in memory of their son. The 1924 deed restricted the use of the property solely for "recreation, sports, social open air gatherings, entertainments, games and amusements." The deed further provided that the "property shall never be used for public camp grounds, for any commercial purpose, and no school building, residence or dwelling house, or any building for commercial purposes, shall ever be erected or maintained thereon" and that use of the property "shall be under and subject to the proper regulation and control of the Board of Supervisors."

The Board of Supervisors declared the property exempt surplus on February 23, 2021 (Legistar #21-0196). On March 17, 2021, the State Housing Community Development (HCD) was notified of the Board's action declaring the property as exempt surplus. Pursuant to the Surplus Land Act, a notice must be provided which requires notice to HCD at least 30 days prior to the property disposition. On March 30, 2021, the County submitted a request to the City of Placerville Planning Commission for a

report as to the conformity of the proposed conveyance of Bennett Park to El Dorado Union High School District (EDUHSD) for use as a public recreational park for the benefit of the community with the City's General Plan. Pursuant to Government Code section 65402, the City Planning Commission has 40 days to issue a report or it is conclusively deemed as a finding that the proposed conveyance is consistent with the City's General Plan.

Due to the 1924 deed restrictions requiring Bennett Park to be under the control and regulation of the Board of Supervisors, EDUHSD also filed a petition with the court for an order to affirm the validity of the proposed transfer of ownership to EDUHSD, which the court granted on April 19, 2021. EDUHSD will take ownership of the property subject to the terms and conditions of the 1924 deed restrictions. Pursuant to Government Code Section 25365, a board of supervisors may, by 4/5 vote, convey to any public agency within the county, such as a school district, any real property belonging to the county upon the terms and conditions as are agreed upon and without competitive bidding if the property to be conveyed is not required for county use. Notice of the proposed transfer was published in the newspaper one week prior to the Board's meeting in accordance with Government Code Section 25365.

Under a maintenance and operations agreement with the County, EDUHS has maintained this property since March 22, 1977. With the transfer of this property the County will terminate the maintenance and operations agreement.

ALTERNATIVES

The Board could decide to not transfer the property.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel.

CAO RECOMMENDATION / COMMENTS

Approve as recommended.

FINANCIAL IMPACT

There is no fiscal impact known at this time.

CLERK OF THE BOARD FOLLOW UP ACTIONS

N/A

STRATEGIC PLAN COMPONENT

Infrastructure

CONTACT

Vickie Sanders, Parks Manager

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