



Legislation Text

File #: 20-0716, **Version:** 1

Supervisor Parlin recommending the Board take the following actions:

- 1) Approve the Kelsey Cemetery District Board of Trustees Resolution 20-01, which requests the transfer of ownership to the District of Assessor's Parcel Number (APN) 088-310-029-000, representing County-owned property located at 6553 Kelsey Road, Kelsey, California, commonly known as the Kelsey Cemetery; and
- 2) Approve the requested transfer of property and authorize the Chair to sign a Quitclaim Deed and other related documents which are necessary to effectively transfer title and ownership to the District. (4/5 vote required)

DISCUSSION / BACKGROUND

In 1909, the California State Legislature authorized the creation of public cemetery districts to assume responsibility for the ownership, improvement, expansion, and operation of cemeteries and the provision of interment services from fraternal, pioneer, religious, social, and other organizations that were unable to provide for those cemeteries. This authorization was updated in 2003 and outlined in Section 9010 et seq of the California Health and Safety Code.

California Health and Safety Code Sections 9040 and 9041, gives public cemetery districts the power to acquire by purchase, eminent domain, grant, gift, lease, or other lawful means, any real property within the district or any personal property that may be necessary or proper to carry out its purposes and intent.

The property commonly known as the Kelsey Cemetery, APN 088-310-029-000, was deeded to El Dorado County by then owners circa 1892, with the Kelsey Cemetery District (District) duly formed by the El Dorado County Board of Supervisors (County) on July 28, 1938. Title and ownership of the Kelsey Cemetery, however, was not transferred to the District at the time of formation, instead it has remained County-owned property since being deeded in the late 1800's.

On March 24, 2020, the Kelsey Cemetery District passed Resolution 20-01 (Attachment A) in order to formerly request the County transfer title and ownership to the District of the Kelsey Cemetery property. By placing title to the Cemetery with the District, the Trustees believe it will be more efficient and result in greater local control to the benefit of the district.

California Government Code Section 25365 provides that The Board of Supervisors by a four-fifths vote may quitclaim real property to a special district if the property is not otherwise required for county use. Advance publication of such action in a general circulation newspaper is not required as the transfer is between agencies governed by the same Board of Supervisors.

ALTERNATIVES

The Board could choose to:

- 1) Direct staff to return at a later date for consideration of approval.
- 2) Respectively decline the District's request to transfer title and ownership of APN 088-310-029-000, commonly known as the Kelsey Cemetery, and retain County property title and ownership.

PRIOR BOARD ACTION

County accepted Grant Deed circa 1892 for ownership of APN 088-310-029-000, commonly known as the Kelsey Cemetery.

County approved the formation of the Kelsey Cemetery District on July 28, 1938 (County Records Book 167, Page 126).

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel and Risk Management

FINANCIAL IMPACT

This is no fiscal impact to this action. The County currently does not provide any operations or maintenance at the Kelsey Cemetery, so transferring the title will not affect the County's budget.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) Clerk of the Board to secure the Chair's signature on one (1) original Quitclaim Deed and other related transfer documents as provided by County Counsel, and forward the signed Quitclaim Deed to the Kelsey Cemetery District.
- 2) Kelsey Cemetery District to sign Certificate of Acceptance per Government Code Section 27281 (in the form of attached) and forward both documents to the Recorder Clerk for recording.

STRATEGIC PLAN COMPONENT

Good Governance

CONTACT

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