

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified Copy of Portion of Proceeding for the Meeting of February 28, 2023

RESOLUTION NO. _____

RESOLUTION OF THE HUMBOLDT COUNTY BOARD OF SUPERVISORS AUTHORIZING THE PURCHASE OF REAL PROPERTY LOCATED AT 1017 FOURTH STREET, EUREKA, CALIFORNIA 95501

WHEREAS, Section 25353 of the California Government Code authorizes the Humboldt County Board of Supervisors (“Board”) to acquire real property for public purposes; and

WHEREAS, the County of Humboldt (“County”) desires to purchase certain real property located at 1017 Fourth Street, Eureka, California 95501; and

WHEREAS, the real property located at 1017 Fourth Street, Eureka, California 95501 has been identified as being useful for implementing the Facilities Master Plan; and

WHEREAS, on September 27, 2022, the Board met in closed session, with Elishia Hayes, County Administrative Officer, and Sean Meehan, Deputy Director of Facilities Management, concerning the price and terms of payment for the real property located at 1017 Fourth Street, Eureka, California 95501; and

WHEREAS, on October 4, 2022, the Board approved the real property purchase agreement and joint escrow instructions and the Notice of Intention to Purchase Real Property Located at 1017 Fourth Street, Eureka, California 95501 (“Notice of Intention”); and

WHEREAS, the Notice of Intention was published in the Times Standard once a week for three (3) successive weeks, on October 9, 2022, October 16, 2022 and October 23, 2022, pursuant to Section 6063 of the California Government Code; and

WHEREAS, on October 19, 2022, the real property purchase agreement was signed by the current owners of the real property located at 1017 Fourth Street, Eureka, California 95501, starting the ninety (90) day escrow period with closure on January 19, 2023; and

WHEREAS, on November 1, 2022, the Board held a public hearing for the public to respond to the Notice with questions and concerns regarding the County of Humboldt’s intent to purchase the real property located at 1017 Fourth Street, Eureka, California 95501; and

WHEREAS, on December 16, 2022, the County submitted a letter to the City of Eureka requesting review of the proposed acquisition of the real property located at 1017 Fourth Street, Eureka, California 95501 in order to ensure conformance with the City of Eureka’s General Plan, in accordance with California Government Code 65402(b); and

WHEREAS, on January 10, 2023, the City of Eureka Planning Commission determined that the proposed acquisition of the real property located at 1017 Fourth Street, Eureka, California would not be consistent with the City of Eureka’s General Plan unless the County agreed to relocate the residential structure currently located on the property to another site; and

WHEREAS, the City of Eureka Planning Commission’s finding that the proposed acquisition of, and demolition of the structure currently on, the real property located 1017 Fourth Street, Eureka, California 95501 is not consistent with the General Plan is advisory only and does not have a binding effect on the County of Humboldt’s decision whether or not to acquire the property and demolish the structure (See, *Lawler v. City of Redding* (1992) 7 Cal.App.4th 778); and

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WHEREAS, on January 10, 2023, the ninety (90) day escrow period was extended as mutually agreed upon by the County and the current owners of the real property located at 1017 Fourth Street, Eureka, California 95501 pursuant to the terms and conditions of the real property purchase agreement and escrow instructions that were executed on October 19, 2022.

NOW, THEREFORE, THE HUMBOLDT COUNTY BOARD OF SUPERVISORS HEREBY RESOLVES AS FOLLOWS:

1. That all of the above recitations are true and correct.
2. That it is necessary for the public benefit that the real property located at 1017 Fourth Street, Eureka, California 95501, as more particularly described in Exhibit A – Property description, which is attached hereto and incorporated herein by reference as if set forth in full, be acquired by the County.
3. That the County shall contribute money in the amount of Two Hundred Fifteen Thousand Dollars (\$215,000) for the purchase of said real property upon the terms and conditions set forth in the real property purchase agreement dated October 19, 2022, which is attached hereto as Exhibit B – Purchase Agreement and incorporated herein by reference as if set forth in full.
4. That the Humboldt County Public Works Director, or designee thereof, is hereby authorized to execute any and all documents necessary to finalize the purchase of the real property located at 1017 Fourth Street, Eureka, California 95501.

Dated: February 28, 2022

Steve Madrone, Chair
Humboldt County Board of Supervisors

Adopted on motion by Supervisor _____, Seconded by Supervisor _____, and the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

STATE OF CALIFORNIA

County of Humboldt

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my Office.

IN WITNESS WHEREOF, I have hereunto set my hand
and affixed the Seal of said Board of Supervisors.

KATHY HAYES
Clerk of the Board of Supervisors of
The County of Humboldt, State of California