

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS - Wed
WEDNESDAY, OCTOBER 16, 2019**

MINUTE ORDER NO. 11

**SUBJECT: SET A HEARING FOR 11/20/2019:
GENERAL SERVICES - SET HEARING - MCCLELLAN-PALOMAR AIRPORT
PURCHASE OF REAL PROPERTY FROM DURKIN-CAC LOT 24, LLC -
ASSESSOR'S PARCEL NUMBER 212-091-02-00 (DISTRICT: 5)**

OVERVIEW

The County of San Diego's Department of Public Works (DPW) owns and operates a system of eight airports. McClellan-Palomar Airport (Airport) is in the city of Carlsbad and serves the northern portion of San Diego County. The Airport provides facilities and services for commercial, corporate, and general aviation operations.

To protect people and property on the ground from the effects of an aircraft incident, areas known as Runway Protection Zones (RPZ) are created to keep the areas immediately off the end of the runways clear of activities that would attract people into those RPZs. The Federal Aviation Administration (FAA) encourages airport operators to own the property affected by the RPZ, where appropriate. One such property, summarized below, exists in Carlsbad to the west of the Airport. The purchase of this property will allow DPW to own and control additional land in the RPZ as encouraged by the FAA and to prevent previously dismissed litigation relating to the property from being reinstated.

Durkin-CAC Lot 24, LLC, a California limited liability company (Durkin) owns a property located at 5817 Dryden Place in Carlsbad (Property) that is situated within Safety Zone 1 of the Airport Land Use Compatibility Plan for the Airport. The Property consists of 3.13-acres of land with an approximately 29,900-square-foot building and is also identified as Assessor's Parcel Number 212-091-02-00. Last month, the County entered into an option agreement to secure the right to purchase the Property from Durkin and will pay \$75,000 as option consideration within 15 days of the Board approving today's request to set a hearing to consider the purchase.

Today's request is for the Board of Supervisors (Board) to set a hearing for November 20, 2019 to consider the purchase of the Property, to direct the Clerk of the Board of Supervisors to publish public notice of the hearing, and to authorize the appropriations of funds to pay the \$75,000 option payment based on available prior year fund balance in the Airport Enterprise Fund. If the Board takes today's requested action, then on November 20, 2019, after making the necessary environmental findings, the Board will be requested to approve and authorize the necessary appropriations for and purchase of the Property for the appraised value of \$6,000,000 plus escrow, title, and related acquisition expenses.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed action to set a hearing is an administrative action that is not approval of a project as defined by the California Environmental Quality Act (CEQA).
2. Set a hearing for November 20, 2019, at which time the Board of Supervisors may consider authorizing the purchase of Assessor's Parcel Number 212-091-02-00 from Durkin-CAC Lot 24, LLC for \$6,000,000.

3. Direct the Clerk of the Board of Supervisors to provide notice of the hearing in accordance with California Government Code Sections 6063 and 25350.
4. Amend the Fiscal Year 2019-20 Airport Enterprise Fund Spending Plan by \$75,000 to provide funds for the option to purchase the Durkin-CAC Lot 24, LLC Property, Assessor's Parcel Number 212-091-02-00, based on available prior year fund balance in the Airport Enterprise Fund. **(4 VOTES)**

FISCAL IMPACT

Funds for this request are not included in the Fiscal Year 2019-20 Operational Plan in the Airport Enterprise Fund. The cost for the option to purchase the Durkin-CAC Lot 24, LLC Property, is \$75,000 in Fiscal Year 2019-20. The funding source is available prior year fund balance in the Airport Enterprise Fund. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Desmond, the Board of Supervisors took action as recommended, on Consent, setting a Hearing for November 20, 2019.

AYES: Cox, Jacob, Fletcher, Desmond
RECUSED: Gaspar

State of California)
County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER
Clerk of the Board of Supervisors



Signed
by Marvice Mazyck, Chief Deputy