

**ORDINANCE NO. 598.8  
(AS AMENDED THRU 598.8)  
AN ORDINANCE OF THE COUNTY OF RIVERSIDE  
ESTABLISHING PROCEDURES AND DELEGATING AUTHORITY  
FOR DISPOSITION AND ACQUISITION OF REAL PROPERTY**

Section 1. **PURPOSE.** To establish alternative procedures for the disposition and acquisition of real property and to delegate to an appropriate county officer, such as the County Chief Administrative Officer over the Department of Facilities Management (DOFM); Director of DOFM; Assistant Director of DOFM, Real Estate Division; the Assistant County Executive Officer over the Transportation and Land Management Agency (TLMA); the Director or Assistant Director of the TLMA, Transportation Department; Airport Manager of the TLMA, Aviation Division, or any other county officer charged by the Board with the responsibilities and duties of managing any County Property, the authority to execute certain documents affecting or conveying interests in real property belonging to or to be acquired by the County of Riverside, including airport property. The delegation of authorities established in this Ordinance shall transfer to any equivalent successor county officer positions to the positions named herein.

Section 2. **AUTHORITY.** This Ordinance is adopted pursuant to California Government Code Sections 25538, 25539, 25526.5, 25526.6, 25350 and 25350.60, which authorizes Board of Supervisors to establish alternative procedures and delegate to an appropriate county officer the authority to negotiate and execute certain real property documents, acquire real property or dispose of and conduct sales of County property.

Section 3. **DEFINITIONS.** The following words and phrases, whenever used in this ordinance, shall be construed as defined in this section. Any words and phrases not specifically defined herein shall have the meaning as they are defined in Riverside County Ordinance No. 803.

- a. Airport Property. Any County property that was acquired for airport purposes or designated as part of an airport within the County of Riverside, whether or not any portion thereof is actually used for airport or aeronautical purposes.
- b. County Property. Any real property, buildings and facilities belonging to the County of Riverside, whether such property is within the unincorporated or incorporated territory of the County.
- c. Conveyance Documents. Documents that transfer or convey real property, or any interest thereof, to another, such as purchase and sales agreements, conveyance or exchange agreements and deeds.
- d. Delegate. A county officer working as the County Chief Administrative Officer over the DOFM; Director of DOFM, Assistant Director of DOFM, Real Estate Division; the Assistant County Executive Officer over the TLMA; the Director or Assistant Director of TLMA, Transportation; Airport Manager of the TLMA, Aviation Division or a county officer charged by the Board with the responsibility and duties of managing any County property or rights-of-way.
- e. Disposition. To dispose of, alienate, relinquish, or part with ownership

- of any interest in real property by conveyance or transfer.
- f. Easement. An interest in real property that creates a right to enter and use land possessed by another in a way that would constitute a trespass absent the easement. Easements are classified as either appurtenant (benefiting and transferable with a certain real property interest) or in gross (personal to the grantee). An easement may be transferable. Unless otherwise specified, an easement is presumed to be permanent and non-exclusive.
  - g. Fee Simple. An estate in land, a form of freehold ownership.
  - h. Highway Purposes. The intended use, passing or repassing of any public highway, road, street, avenue, alley, lane, drive, way, place, court, or trail, by the public to the full, unobstructed and uninterrupted enjoyment of the entire width of the layout for that intention.
  - i. Public Party. The State of California, a county, city, district, public agency or corporation, or public utility corporation.
  - j. Sale. The process of effecting the disposition of an interest in real property, including, but not limited to, the solicitation and acceptance of bids, negotiation of an agreement with mutual assent and consideration, final approval by the Board and consummation of a transaction.
  - k. Surplus County Property. Any County property that has been determined to be no longer necessary for the County's use or other public purposes and has been declared as such consistent with the requirements of the Surplus Lands Act (California Government Code Sections 54221 et seq.) and any applicable statutory authority.

Section 4. ALTERNATIVE PROCEDURES FOR DISPOSITION OF SURPLUS COUNTY PROPERTY. The Board of Supervisors hereby establishes the alternative procedures to the general procedures required by Sections 25526 to 25535 of the Government Code and authorizes the Delegate to conduct proposed sales of Surplus County property pursuant to the alternative procedures specified at Government Code Section 25538 or 25539, or pursuant to any other applicable statutory authority, and conducted in a manner that complies with all requirements stated therein.

Section 5. DISPOSITION OF INTERESTS IN REAL PROPERTY WITH ESTIMATED VALUATION OF \$25,000 OR LESS. The Delegate is hereby authorized to execute the sale, exchange, quitclaim or conveyance of any County property interest with an estimated value of twenty five thousand dollars (\$25,000) or less, provided that a notice of intention that the Delegate will execute the sale is posted in a public place for five working days prior to effecting the transfer and a finding is made that the real property or interest therein is no longer needed for County or other public purposes by the Delegate. The Delegate may sell, exchange, quitclaim or convey any County property interest pursuant to this section in the manner and upon the terms and conditions approved by the Delegate without complying with any statutory requirements referenced in Section 4 of this Ordinance.

Section 6. DISPOSITION OF AN EASEMENT INTEREST IN COUNTY PROPERTY TO A PUBLIC PARTY. Pursuant to Government Code Section 25526.6 and notwithstanding any other provision of the law, the Delegate is hereby authorized to grant or otherwise convey an easement interest in real property belonging to the County to a

public party in the manner and upon the terms and conditions as the Delegate determines or prescribes, upon a finding by the Board or the Delegate that the conveyance is in the public interest and that the interest in land conveyed will not substantially conflict or interfere with the use of the property by the County.

Section 7. DISPOSITION OF AIRPORT PROPERTY. In addition to the provisions set forth in this ordinance, any grants or conveyances of airport property, or any real property interest thereof, shall also include the following:

- a. Shall be in accordance with all applicable Federal, State or local regulations with respect to conveyance of airport property.
- b. Shall be administered in accordance with the regulations and requirements of the Federal Aviation Administration (FAA), as well as the Grant Assurances associated with any applicable FAA grants or other agreements.
- c. Shall include on any conveyance document, applicable federally required terms, conditions or limitations that were placed on the airport property when the County acquired such properties or received federal funding for the airport property.

Section 8. DISPOSITION OF COUNTY PROPERTY ACQUIRED FOR HIGHWAY PURPOSES. The County may sell or exchange any real property acquired by the County for highway purposes whenever the Board determines that such real property, or any interest therein, is no longer necessary for those purposes, with the recommendation of the Director of Transportation and in the manner and upon the terms and conditions approved by the Board, in accordance with the requirements of Streets and Highways Code Section 960. The conveyance shall be executed on behalf of the County by the Chairman of the Board or the Delegate and money received for the real property shall be paid into the County treasury to the credit of any fund designated by the Board or Delegate which is available for highway purposes.

Section 9. PURCHASE OF REAL PROPERTY BY COUNTY WITH PURCHASE PRICE OF MORE THAN \$500,000. Any purchase of real property that is needed or desired, including any water right or other interest therein, with a purchase price that exceeds five hundred thousand dollars (\$500,000) shall not be made by the County unless a notice of intention of the Board to make the purchase the real property is published in the county pursuant to Government Code section 6063. The notice shall contain a description of the property, the price, the seller, and the time the purchase shall be consummated. A purchase of real property by settlement of an action in eminent domain or the acquisition of any real property or any interest therein for the uses and purposes of county highways does not require the statutory notice of intention to be made by the Board or the Delegate regardless of the purchase price.

Section 10. ACQUISITION OF INTERESTS IN REAL PROPERTY WITH A PURCHASE PRICE OF \$500,000 OR LESS FOR THE COUNTY BY PURCHASE. The Delegate is hereby authorized to perform all necessary acts to approve and accept for the County the acquisition of interests in real property with a purchase price of five hundred thousand dollars (\$500,000) or less pursuant to the provisions of Government Code section 25350.60, and provided that:

- a. The acquisition of the real property interest is related to or intended to be used for a public structure, facility or other public improvement.

- b. The funding for the acquisition of the real property interest and related costs thereto has been budgeted and is available by the County department desiring to acquire such real property interest.
- c. In the event of an action in eminent domain, an appraisal has been obtained that has determined the reasonable and just valuation of the real property interest to be acquired.
- d. If required, the appropriate planning agency has made a finding of general plan conformance prior to acquisition of the property.
- e. A list of the real property interests acquired under this delegated authority shall be provided on an annual basis to the Board of Supervisors to receive and file.
- f. The delegation of authority granted in this Section 10 shall expire five years from the effective date of Ordinance No. 598.8.

In the event the acquisition of the real property interest requires the relocation of any personal property of the grantor of the real property interest that is located on the real property to be acquired and the requirements in Section 10. a., b. and d. of this ordinance have been satisfied, the Delegate is hereby authorized to negotiate and execute agreements for said relocation; provided, however, the purchase price for the real property interest acquired and the cost of relocation does not exceed a combined total of \$500,000.

Section 11. ACQUISITION OF INTERESTS IN REAL PROPERTY WITH A PURCHASE PRICE OF \$500,000 OR LESS BY THE COUNTY FOR HIGHWAY PURPOSES. The Delegate is hereby authorized to perform all necessary acts to approve and accept for the County the acquisition of interests in real property of up to five hundred thousand dollars (\$500,000) for highway purposes pursuant to the provisions of Government Code section 25350.60, and provided that:

- a. The acquisition of the real property interest is related to, or intended to be used for, a public structure or facility or other public improvement.
- b. The funding for the acquisition of the real property and related costs thereto has been budgeted and is available by the County department desiring to acquire such real property interest.
- c. If required, the appropriate planning agency has made a finding of general plan conformance prior to acquisition of the property.
- d. In the event of an action in eminent domain, an appraisal has been obtained that has determined the reasonable and just valuation of the real property interest to be acquired.
- e. A list of the real property interests acquired under this delegated authority shall be provided on an annual basis to the Board of Supervisors to receive and file.
- f. The delegation of authority granted in this Section 11 shall expire five years from the effective date of Ordinance No. 598.8.

In the event the acquisition of the real property interest pursuant to this Section 11 is for highway purposes and includes costs of relocation, the Delegate is hereby authorized to negotiate and execute agreements for said relocation, as approved as to form by County Counsel; provided, however, the requirements in Section 11. a., b. and c. of this ordinance have been be satisfied and the purchase price for the real property interest acquired and the costs of relocation do not exceed a combined total of \$500,000.”

Section 12. ACQUISITION OF INTERESTS IN REAL PROPERTY BY GIFT. The Delegate is hereby authorized to perform all necessary acts to approve and accept for the County the acquisition of interests in real property by gift, bequest, or devise made to or in favor of the County pursuant to the provisions of Government Code section 25355.

- a. The Delegate shall file with the Board each quarter a report that describes the source and value of each gift valued in excess of five thousand dollars (\$50,000) or any other amount as determined by the Board.
- b. In accounting for or inventorying gifts, bequests, or devises, the Delegate shall follow the appropriate procedures contained in the State Controller's manual entitled "Accounting Standards and Procedures for Counties."

Section 13. GENERAL PROVISIONS. The following requirements shall apply to any of the procedures established and delegation of authorities granted in this ordinance.

- a. Any real property transaction deemed a "project" under the California Environmental Quality Act (CEQA) shall be conducted in compliance with CEQA.
- b. Any of the documents associated with the real property transactions shall have been approved as to form by County Counsel.
- c. Nothing in this ordinance limits, restricts or prohibits the County from following the procedures provided in the Government Code (commencing with Section 54220).
- d. The acquisition or disposition of real property, or any interest therein, must be done in compliance with Government Code Section 65402.

Section 14. SEVERABILITY. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.

Section 15. This ordinance shall take effect thirty (30) days after its adoption."

<b>Adopted:</b>	598	Item 3.5 of 03/15/1983	(Eff: 04/14/1983)
<b>Amended:</b>	598.1	Item 3.6 of 08/13/1985	(Eff: 09/12/1985)
	598.2	Item 3.11 of 06/05/1990	(Eff: 07/06/1990)
	598.3	Item 3.3 of 09/04/1990	(Eff: 10/04/1990)
	598.4	Item 3.1 of 08/16/1994	(Eff: 09/08/1994)
	598.5	Item 3.8 of 02/06/2001	(Eff; 03/08/2001)
	598.6	Item 3.5 of 04/27/2004	(Eff: 05/27/2004)
	598.7	Item 3-33 of 09/24/2013	(Eff: 10/24/2013)
	598.8	Item 3.10 of 04/27/2021	(Eff: 05/26/2021)