

**Ordinance Pertaining to  
Dedications and Conveyances  
of Real Property  
to the County**

August 20, 2019

# Background

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## Requirements of Law

- Must be offer and acceptance by the County
- Not required that acceptance occur by Board action

Situations where the County does not desire to accept conveyance

# Current Board Directives

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## Resolution 86-M-44

- Adopted by the Board on October 20, 1986
- *“in order for the offer [to dedicate property to the County] to be accepted, the instrument of conveyance must be formally approved ... by the Board ... in writing”*

## Ordinance No. 92-29

- Adopted by the Board on October 6, 1992
- Set parameters for those “under threat” acquisitions that could be consummated at the staff level

# Certain Conveyances

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Often necessary for a real property interest to be dedicated or conveyed to the County in connection with development

- Examples

## Characteristics

- Frequently routine
- Made as donations, or solely in exchange for impact fee credits
- Generally made pursuant a permit or approval issued by the County or required by a prior Board action

# Current Procedure

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## Resolution 86-M-44 is broad

- Routine conveyances require consent agenda approval

## Delay in recording

- Especially harmful in particular situations

# Recommendation

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Allow the Real Estate Management Division to accept, on behalf of the County, conveyances where all four of the following conditions are met:

- 1) The conveyance is being made as a donation, or only in consideration of an award or grant of impact fee credits and/or adequate public facilities credits that has been approved by the Board; and
- 2) The conveyance relates to development, occurs pursuant to a petition to vacate that has been approved by the Board, or occurs pursuant to an agreement that has been approved by the Board; and

## Recommendation (cont.)

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Allow the Real Estate Management Division to accept, on behalf of the County, conveyances where **all four** of the following conditions are met:

- 3) The conveyance is already mandated by other valid County action; and
- 4) The instrument of conveyance does not require execution by the County.

# Effects of Adoption

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Reduce processing times

No monetary cost

- Possible cost savings

No loss of Board policy control

Does not change process for:

- Acquisition of property that requires payment of a purchase price
- Selling County property



# Action Requested

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Approval and execution of an Ordinance Pertaining to Dedications and Conveyances of Real Property to the County; Amending Chapter 2, Article VII of the Orange County Code by the addition of Division 2 regarding Routine Dedications and Conveyances; providing for conflicts; and providing for an effective date