



County of Santa Cruz

0355

REDEVELOPMENT AGENCY

701 OCEAN STREET, ROOM 510, SANTA CRUZ, CA 950604000

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TOM BURNS, AGENCY ADMINISTRATOR

June 5, 2001

Agenda: June 19, 2001

Board of Directors
County of Santa Cruz Redevelopment Agency
701 Ocean Street
Santa Cruz, CA 95060

Proposed Sale of Excess Real Property — APN 30-034-06

Dear Members of the Board:

As Board members are aware, the **Ana** Jean Cummings Park recently opened. As part of that project staff needed to address a number of private encroachments constructed by adjacent property owners along the northerly property line. In the early stage of construction those were all removed from the Agency's property. In the course of final survey of the northern property line, however, we became aware of one additional encroachment which is significantly different than the others (Jones property).

Unlike the obvious construction of facilities beyond the fence line, this encroachment occurred as a result of the fence line being constructed up to five feet inside of the Agency's property line many years ago. The long-standing property owners had every reason to believe that the fence line was their property line and had made improvements within that area as part of their yard and had even used the area as a setback for an addition to their home.

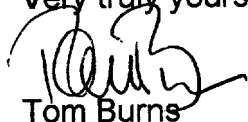
Given the unique circumstances surrounding this encroachment and the fact that the area involved is beyond the **useable** portion of the park property, we believe that it would be appropriate to agree to sell the subject property by the Joneses. Fortunately, the property in question is small, approximately 794 square feet. Attachment 1 provides a mapped location of the affected area.

In order to remedy the situation, the Jones have proposed that they pay the Agency \$1 .00 per square foot of property involved. They would then be responsible for seeking a property boundary adjustment and any fence construction required in the future. Given the set of facts, staff and County Counsel believe that this is an equitable resolution to this unique situation. Attachment 2 provides a summary of the terms of the proposed sale.

It is therefore recommended that your Board, as the Board of Directors for the Redevelopment Agency, take the following actions:

1. Accept the offer of the Jones to purchase the subject property for \$794;
2. Adopt the attached resolution consummating the sale (Attachment 3);
3. Authorize the Chair of the Board to sign the attached deed (**Attachment 4**); and
4. Authorize the RDA Administrator to take necessary actions required to complete the transaction.

Very truly yours,



Tom Burns

Redevelopment Agency Administrator

RECOMMENDED:



Susan A. Mauriello

Redevelopment Agency Director

Attachments

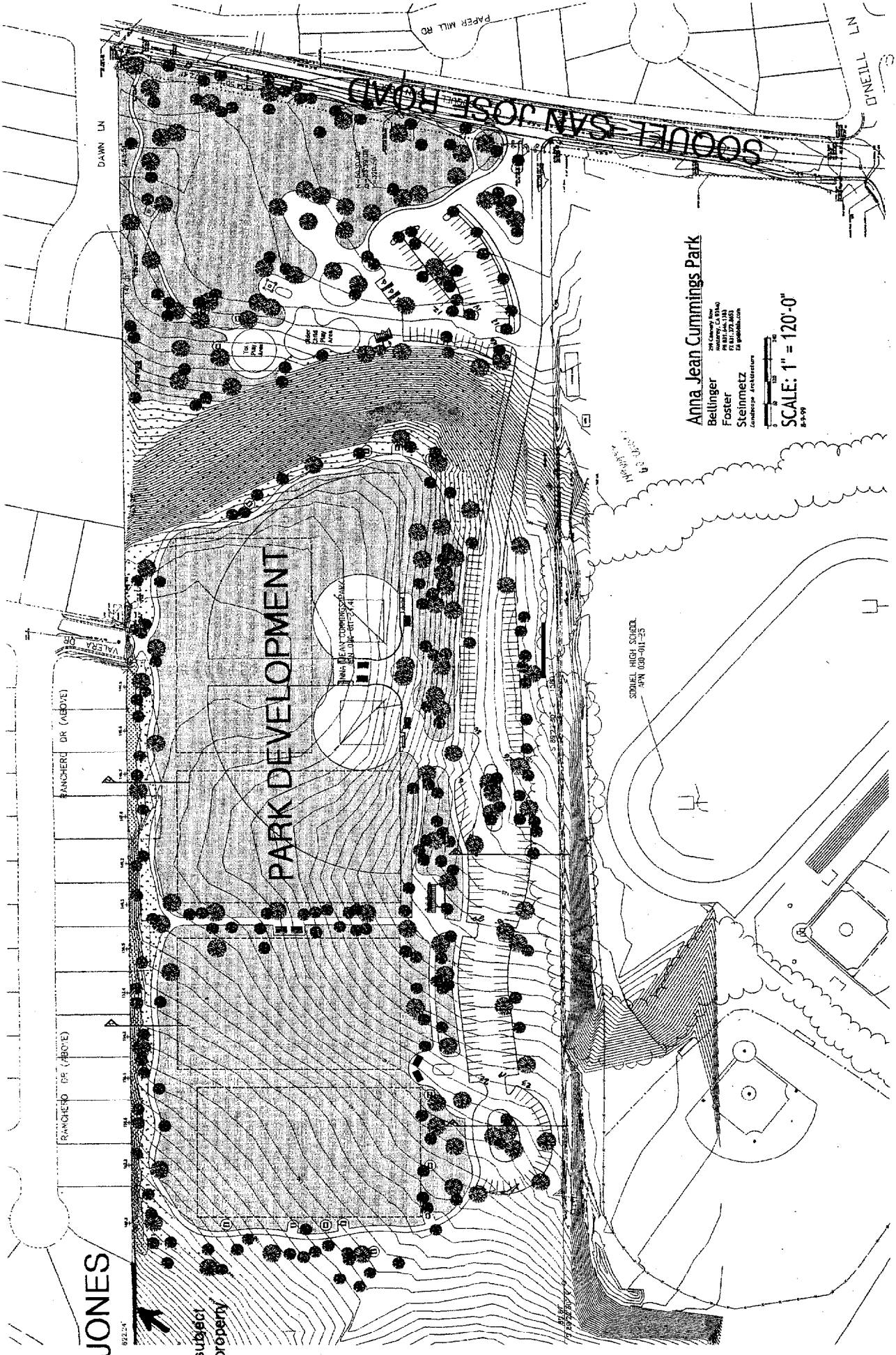
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Anna Jean Cummings Park

Bellinger
Foster
Steinmetz
Landscape Architecture



SCALE: 1" = 120'-0"
8-9-99



JONES

subject property

Date: _____
 Name: _____ 0358
 Address: _____

MEMORANDUM OF AGREEMENT RE: PROPOSED REAL PROPERTY SALE

THIS MEMORANDUM OF AGREEMENT IS MADE AND ENTERED INTO THIS 7 d a y o f June 2001, by and between representatives of the County of Santa Cruz Redevelopment Agency, hereinafter called "Grantor" and Dick Jones and Lisa Jones, hereinafter called "Grantee."

In consideration of the covenants and conditions hereinafter contained, it is mutually agreed as follows:


1. Grantor's representatives hereby agree to recommend that Grantor sell and convey that certain real property described in Exhibit "A," attached hereto and made a part hereof, to the Grantee for the sum of seven hundred and ninety-four and 00/100 dollars (\$794.00).
2. The right, title and interest in the property to be sold shall not exceed that vested in the Grantor, and said property shall be sold subject to all existing easements, covenants, conditions, restrictions, reservations, and all other encumbrances, whether the same be recorded or unrecorded.
3. Grantee agrees that Grantee shall pay **all** costs of escrow, title insurance, and recording fees connected with the ultimate sale of the property.
4. Grantee agrees that Grantee shall be responsible for obtaining a minor lot line adjustment permit from the County of Santa Cruz.
5. Grantee agrees that Grantor is not responsible for any costs related to reconstruction of the fence along the new property line.
6. Grantor agrees to provide any survey information it has in its possession relative to the proposed boundary change.
7. Grantee agrees that Grantor shall retain possession of the property up to the date of recording the deed.
8. Grantee hereby deposits the full purchase price to be recommended of seven hundred and ninety-four and 00/1 00 dollars. Grantee understands that this proposed sale is subject to approval by the Board of Directors of the Redevelopment Agency of the County of Santa Cruz, and Grantor reserves the right to cancel the sale at any time prior to recording of the deed. In the event of cancellation of sale, all monies deposited by Grantee shall be refunded without payment of interest.

9. Upon approval of the sale by the Board of Directors of the Redevelopment Agency and evidence of the Grantee receiving approval of the minor lot line adjustment permit, Grantor will cause to be delivered to Grantee a deed to the property properly executed by the Grantor.


10. The property described herein is proposed to be sold and conveyed on an "as is" basis and neither Grantor nor Grantor's representatives make any warranty, claim, or guarantee, of any kind, as to the condition and/or possible uses of the land or any improvements thereon.

11. The parties to this Agreement agree to execute, acknowledge and deliver any and all additional instruments, including but not limited to the Lot Line Adjustment Permit Application and Grant Deed, and perform any additional acts reasonably required to carry out the intent of this Agreement.

Grantor's Representative:

 6/7/01
Tom Burns Date
RDA Administrator

Grantee:

By:  6-7-01
Dick Jones Date

By:  6-7-01
Lisa Jones Date

ATTACHMENT 3

BEFORE THE BOARD OF DIRECTORS
OF THE COUNTY OF SANTA CRUZ REDEVELOPMENT AGENCY

RESOLUTION NO. _____

On the motion of Director
duly seconded by Director
the following resolution is adopted:

RESOLUTION AUTHORIZING EXECUTION OF GRANT DEED
FOR SALE OF SURPLUS AGENCY OWNED REAL PROPERTY
PORTION OF APN: 30-034-06

WHEREAS, the County of Santa Cruz Redevelopment Agency acquired the O'Neill Ranch Property (APN 30-034-06) in 1989 for the purpose of developing a park; and

WHEREAS, initial park improvements have been constructed and said portion of real property is no longer necessary for the Agency and its estimated value does not exceed ten thousand dollars (\$10,000.00); and

WHEREAS, the sale of this portion of the property will resolve an outstanding dispute regarding property boundaries between the Agency's property and adjacent private residential parcel; and

WHEREAS, through the sale of an undevelopable portion of the property of approximately 794 square feet, the Agency can resolve this dispute; and

WHEREAS, Dick and Lisa Jones have offered to purchase said real property from the Redevelopment Agency for a total price of \$794.00, which amount has been determined to be reasonable and proper by the Agency staff.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Directors on behalf of the County of Santa Cruz Redevelopment Agency pursuant to Government Code Section 25526.5, that the real property described in Exhibit "A" is hereby sold to the adjoining property owner stated above for \$794.00 and the Chair of the Board of Directors is hereby authorized and directed to execute a Grant Deed for said real property to the above designated purchaser.

PASSED AND ADOPTED by the Board of Directors of the County of Santa Cruz Redevelopment Agency, State of California, this ____ day of _____ '2001, by the following vote:

AYES: DIRECTORS

NOES: DIRECTORS

ABSENT: DIRECTORS

Chair of said Board

ATTEST: _____
Clerk of said Board

Approved as to form:

Jane M. Scott
Agency Counsel

Distribution: County Counsel, Redevelopment

BEING A PORTION OF THE LANDS OF THE SANTA CRUZ COUNTY REDEVELOPMENT AGENCY AS DESCRIBED IN THE DEED RECORDED FEBRUARY 10, 1989 IN VOLUME 4458 OF OFFICIAL RECORDS AT PAGE 41, SANTA CRUZ COUNTY RECORDS. SITUATE IN SECTION 10, TOWNSHIP 11 SOUTH, RANGE 1 WEST, M.D.B.&M., AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS THE SOUTHEASTERLY-MOST CORNER OF LOT 84 OF THE SOQUEL HIGHLANDS UNIT NO.2, TRACT NO.434, AS SAID LOT IS SHOWN ON SHEET TWO OF VOLUME 42 OF MAPS PAGE 34, FILED OCTOBER 9, 1964, SANTA CRUZ COUNTY RECORDS. THENCE FROM SAID POINT OF BEGINNING THE FOLLOWING COURSES:

- 1) S 28° 00' 00" W, 7.49',
- 2) N 88° 51' 54" W, 188.81',
- 3) N 33° 11' 04" E, 2.05', TO THE SOUTHWESTERLY-MOST CORNER OF SAID LOT 84,
- 4) N 89° 39' 10" E, 191.17', ALONG THE SOUTHERLY BOUNDARY OF SAID LOT 84, TO THE POINT OF BEGINNING.

THE ABOVE DESCRIPTION CONTAINS 794 SQUARE FEET, MORE OR LESS, AND WAS COMPILED UNDER THE DIRECTION OF THOMAS L. BOLICH, SANTA CRUZ COUNTY SURVEYOR, R.C.E. NO. 26862, IN MAY 2001.

RECORDED AT THE REQUEST OF:

ATTACHMENT 4

WHEN RECORDED, MAIL TO:

copy to: COUNTY OF SANTA CRUZ REDEVELOPMENT AGENCY
701 Ocean Street, Room 510

GRANT DEED

For value received: **COUNTY OF SANTA CRUZ REDEVELOPMENT AGENCY**, a political subdivision of the State of California

GRANTS TO: **DICK JONES and LISA JONES**, husband and wife, as joint tenants, all that real property situated in the County of Santa Cruz, State of California, described as follows:

FOR LEGAL DESCRIPTION SEE EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF

It is further understood that the above describe property is to be combined with the adjacent property acquired by Dick and Lisa Jones, in that deed recorded in April of 1964 in document number Vol. 42, Page 34 of Official Records of Santa Cruz County, also known as APN 102-213-17.

STATE OF CALIFORNIA

COUNTY REDEVELOPMENT AGENCY:

County of _____

On _____, 20____
before me, _____ Notary Public,
personally appeared _____,

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) **is/are** subscribed to the within instrument and acknowledged to me that **he/she/they** executed the same in **his/her/their** authorized **capacity(ies)**, and that by **his/her/their** signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Chair, Board of Directors

WITNESS my hand and official seal.

Signature _____