



County of Santa Cruz

0523

DEPARTMENT OF PUBLIC WORKS - REAL PROPERTY DIVISION

701 OCEAN STREET, ROOM 410, SANTA CRUZ, CA 95060-4070
(831) 454-2331 FAX (831) 454-2386 TDD (831) 454-2123

THOMAS L. BOLICH
DIRECTOR OF PUBLIC WORKS

SCOTT C. LOICHINGER
CHIEF REAL PROPERTY AGENT

SANTA CRUZ COUNTY BOARD OF SUPERVISORS
701 Ocean Street
Santa Cruz, California 95060

SUBJECT: HIGHLAND WAY EROSION CONTROL PROJECT - APN 098-131-11


Members of the Board:

Included in the 2001/02 Public Works Budget are funds for acquisition of the above referenced property. The acquisition is necessary due to continued ground instability in the area. Your Board had previously directed Real Property to proceed with the purchase of this property.

The attached contract provides for the fee acquisition of the problem parcel adjacent to the Highland Way slide. The settlement amount for the property interest being acquired is shown in the attached resolution and is based on a settlement negotiated by County Counsel. This amount is considered fair and reasonable for the real property interest being acquired and represents the fair market value for such property interest.

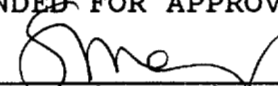
It is therefore recommended that the Board of Supervisors take the following action:

1. Adopt the attached resolution approving and accepting the terms and conditions of the contract and authorize the Director of Public Works to sign said document on behalf of the County;
2. Approve payment of claim.

Yours truly,

THOMAS L. BOLICH
Director of Public Works

scl
attachments

RECOMMENDED FOR APPROVAL:


County Administrative Officer

CC: Public Works, Real Property, County Counsel, Auditor-Controller

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. _____

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

RESOLUTION FOR RIGHT-OF-WAY ACQUISITION FOR
HIGHLAND WAY EROSION CONTROL PROJECT

RESOLVED by the Board of Supervisors of the County of Santa Cruz, State of California:

WHEREAS, the County of Santa Cruz is desirous **of** acquiring the real property interest described in the Contract attached hereto and hereinafter referred to, and

WHEREAS, the owners of said real property interest have **or** will execute and deliver a Grant Deed conveying said real property interest to County, upon condition that the County acknowledge and approve Articles set forth in said Contract binding County to the performance of said Articles, and

WHEREAS, the Board of Supervisors of said County hereby finds the Articles of said Contract to be fair and reasonable consideration for the acquisition of said real property interest;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the County does hereby accept the terms **of** said Contract listed below:

<u>A.P.N.</u>	<u>NAME</u>	<u>PAYMENT</u>
098-131-11	Jimmie Bunnell Joyce Bunnell Valerie Bunnell	\$58,000.00

BE IT FURTHER ORDERED that the Auditor-Controller of the County of Santa Cruz is hereby authorized to approve payment of claim for the above listed Contract payable to First American Title Company, Escrow No. **174540-8** in the amount indicated above for the purchase of said property interest and to deliver the same to the Chief, Real Property Division of the County of Santa Cruz, and

BE IT FURTHER ORDERED that said Chief, Real Property⁰⁵²⁵
Division, deliver said warrant into escrow.

PASSED **AND** ADOPTED by the Board of Supervisors of the
County of Santa Cruz, State of California, this _____ day of _____
—, 2001, by the following vote:

AYES: SUPERVISORS

NOES: SUPERVISORS

ABSENT: SUPERVISORS

Chairperson of said Board

ATTEST: _____
Clerk of said Board

Approved as to form:


Chief Assistant County Counsel

Distribution: County Counsel
Auditor-Controller
Public Works

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 08-17-96 BY SP-6 BJA/BJS

Jimmie Bunnell, Joyce Bunnell &
Valerie Bunnell
(SELLERS)

Property No.: N/A
APN: 098-131-11
Project: Highland Way

CONTRACT COUNTY OF SANTA CRUZ

This contract is entered into this ____ day of _____, 2001, by and between the COUNTY OF SANTA CRUZ, hereinafter called **COUNTY**, and JIMMIE BUNNELL, JOYCE BUNNELL AND VALERIE BUNNELL, hereinafter called **SELLERS**. The parties mutually agree as follows:

1. The parties herein set forth the whole of their agreement. The performance of this agreement constitutes the entire consideration for this transaction.

2. SELLERS agree to execute and deliver a document in the form of a Grant Deed covering the property located at 28500 Highland Way in the County of Santa Cruz (APN **098-131-11**), more particularly described in Exhibit "A", attached hereto and made a part hereof. Said documents shall be delivered to Scott Loichinger, Chief, Real Property Division of the COUNTY, State of California.

3. The COUNTY shall:

(A) Pay the undersigned SELLERS the sum of \$58,000.00 for the property interest therein (including all improvements existing thereon unless removal is specifically authorized hereinafter in this Contract) as conveyed by said Deed within thirty (30) days after date title to said property interest vests in the COUNTY, free and clear of all liens, encumbrances, assessments, easements and leases (recorded and/or unrecorded), and taxes, except:

1. Covenants, conditions restrictions and reservations of record, if any,
2. Easements or rights of way over said land for utility or street purposes, if any.

From the amount shown in Clause 3(A) above, the COUNTY is authorized to pay any delinquent taxes due, together with penalties and interest thereon; and delinquent or non-delinquent assessments or bonds.

(B) Pay all escrow and recording fees incurred in this transaction, and if Title Insurance is required by the COUNTY, the premium charge therefor, except that the payment of any reconveyance fees, trustee's fee, or forwarding fees for any full reconveyance of deed of trust or full release of mortgage shall be the responsibility of the SELLERS. This transaction will be handled through an escrow with First American Title Company, 4170 Gross Road Extension, Capitola, CA., their escrow No. 174540-8.

4. On the day title of said property interests vests in the name of the COUNTY, the condition of the property described in Exhibit "A", including the existence or nonexistence of any improvements, shall be the same as the condition of said property on March 6, 2001.

5. The provisions of this agreement shall inure to the benefit of and bind the respective successors, heirs, and assigns of the parties hereto.

IN WITNESS WHEREOF, the COUNTY has caused this contract to be duly executed as of the _____ day of _____, 2001; and the SELLERS have executed this agreement as of the 11 day of APRIL, 2001.

RECOMMENDED FOR APPROVAL

By: Scott Loichinger
SCOTT LOICHINGER
Chief, Real Property Division

APPROVED AS TO FORM:

By: Dana McRae
DANA McRAE
Chief Assistant County Counsel

Jimmie Bunnell
Jimmie Bunnell

Joyce Bunnell
Joyce Bunnell

Valerie Bunnell
Valerie Bunnell

(SELLERS)

COUNTY

By: _____
THOMAS L. BOLICH
Director of Public Works

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

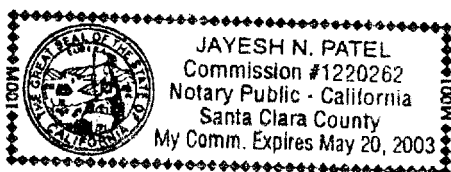
County of Santa Clara

} ss.

On 4-11-2001, before me, Jayesh N. Patel, Notary Public,
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")personally appeared Jimmie Bunnell, Jayce Bunnell & Valerie Bunnell
Name(s) of Signer(s)

☐ personally known to me
☒ 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.



WITNESS my hand and official seal.

Place Notary Seal Above

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Contract to SaleDocument Date: N/A Number of Pages: TwoSigner(s) Other Than Named Above: N/A

Capacity(ies) Claimed by Signer

Signer's Name: Same As Above

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: SelfRIGHT THUMBPRINT
OF SIGNER

Top of thumb here

EXHIBIT "A"

0530

THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SANTA CRUZ, UNINCORPORATED AREA AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE:

PART OF THE SOQUEL AUGMENTATION, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LAND CONVEYED BY EMIL E. MEYER TO WILLIAM MOELLER, ET AL, BY DEED DATED MAY 21, 1885 AND RECORDED IN VOLUME 46, PAGE 429 OF DEEDS; THENCE ALONG THE WESTERN BOUNDARY OF SAID LAND NORTH 6° 30' EAST 610 FEET TO A STAKE ON THE SOUTHERN SIDE OF THE COUNTY ROAD KNOWN AS HIGHLAND WAY, AT THE SOUTHWEST CORNER OF THE LAND CONVEYED TO RALPH C. MARSH ET UX, BY DEED RECORDED JANUARY 15, 1952, IN VOLUME 426, PAGE 288, OFFICIAL RECORDS OF SANTA CRUZ COUNTY; THENCE ALONG THE SOUTHERN SIDE OF SAID COUNTY ROAD, BEING THE SOUTHERN BOUNDARY OF SAID LAND OF MARSH, SOUTH 63° 30' EAST 538.5 FEET TO A STAKE; NORTH 39° EAST 273.5 FEET TO A STAKE; SOUTH 34° 30' EAST 370.5 FEET TO A STAKE AND SOUTH 50° 30' EAST 390 FEET TO A STAKE ON THE EASTERN BOUNDARY OF SAID FIRST ABOVE MENTIONED LAND; THENCE LEAVING SAID ROAD, AND RUNNING ALONG SAID BOUNDARY, SOUTH 4° 00' WEST (AT 205 FEET AN OAK TREE) 560 FEET TO THE NORTHERN LINE OF SOQUEL CREEK, BEING THE SOUTHEAST CORNER OF THE FIRST ABOVE MENTIONED LAND; THENCE ALONG THE NORTHERN LINE OF SOQUEL CREEK, NORTHWESTERLY TO THE POINT OF BEGINNING.

PARCEL TWO:

AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES, 40 FEET IN WIDTH, MEASURED AT RIGHT ANGLES, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING IN THE MIDDLE OF A PRIVATE ROAD ON THE WESTERN BOUNDARY OF THE LANDS CONVEYED TO GEORGE LOUIS CRITTENDEN ET AL BY DEED RECORDED IN BOOK 1844 OF OFFICIAL RECORDS AT PAGE 181, SANTA CRUZ COUNTY RECORDS, AS SAID BOUNDARY IS SHOWN AND DELINEATED ON THE MAP ENTITLED "RECORD OF SURVEY LANDS CONVEYED TO G. L. CRITTENDEN ET AL," FILED IN VOLUME 62 OF MAPS AT PAGE 66, SANTA CRUZ COUNTY RECORDS, FROM WHICH A 1/2 INCH IRON PIPE "RCE 6270" ON THE SOUTHWEST EDGE OF HIGHLAND WAY, A COUNTY ROAD, AND SHOWN ON SAID MAP AS "SET 1/2 INCH IRON PIPE AT EDGE OF ROAD," BEARS NORTH 4° 00' EAST 137.64 FEET DISTANT AND A 1/2 INCH IRON PIPE, "RCE 6270" BEARS NORTH 4° 00' EAST 17.41 FEET DISTANT.

THENCE FROM SAID POINT OF BEGINNING ALONG THE AVERAGE CENTERLINE OF AN EXISTING PRIVATE ROAD, SOUTH 46° 08' 40" EAST 29.05 FEET; THENCE SOUTH 12° 01' 10" EAST 73.18 FEET; THENCE SOUTH 36° 51' EAST 63.95 FEET TO A STATION FROM WHICH A NAIL AND TAG "RCE 6270" IN A BLAZE ON AN 18" LIVE OAK TREE BEARS NORTH 65° 50' 20" WEST 22.0 FEET DISTANT; THENCE SOUTH 65° 59' 20" EAST 71.50 FEET TO THE AVERAGE CENTERLINE OF HIGHLAND WAY AS SHOWN ON SAID RECORD OF SURVEY FROM WHICH A 1/2 INCH IRON PIPE "RCE 6270" BEARS SOUTH 65° 59' 20" EAST 33.94 FEET DISTANT, AS GRANTED TO DOROTHY M. TRUMAN BY INSTRUMENT RECORDED FEBRUARY 14, 1977; BOOK 2720, PAGE 576, OFFICIAL RECORDS OF SANTA CRUZ COUNTY.

A.P. No.: 098-131-11