

COUNCIL AGENDA: JULY 16, 2013

SUBJECT: ACCEPTANCE OF IRREVOCABLE OFFER TO CONVEY REAL PROPERTY FOR PUBLIC STREET RIGHTS OF WAY RELATED TO PARCEL MAP NO. 4996, JAYE STREET AND VANDALIA AVENUE - TOLLADAY FAMILY TRUST, CZEM PARTNERS, LLC AND JLH PROPERTIES, LLC

SOURCE: Public Works Department - Engineering Division

COMMENT: As a condition of the Public Improvement/Reimbursement Agreement dated November 28, 2009, the developers are to convey rights of way necessary for the previously constructed improvements required along Vandalia Avenue, pertinent to the development of the property at the northeast corner of Jaye Street and Vandalia Avenue. The agreement is on file with the Public Works Department. The irrevocable offer to convey real property for these rights of way was memorialized with the recording of Parcel Map No. 4996. This map is attached for reference.

On June 24, 2013, the City was reimbursed \$161,998.13, the proportional construction costs of the Jaye Street public improvements related to Parcel 3 of Parcel Map No. 4996. The City is now obligated, per the above-mentioned agreement, to purchase the right of way adjacent to Parcel 3. In 2011, the City purchased a portion of the rights of way related to the development of the car wash property at the southeast corner of Jaye Street and Springville Avenue. Staff recommends that the City purchase all remaining portions of rights of way related to Parcel Map No. 4996, which amounts to \$55,848.30 based on the appraisal report quoted in the referenced agreement. These areas are defined in the agreement and are described in the attached legal description. It should be noted that this transaction will complete the City's right of way purchase obligations for the development of Parcel Map No. 4996 should the Council approve Staff's recommendation

RECOMMENDATION: That the City Council:

1. Accept the Irrevocable Offer of Conveyance of Real Property for Public Street Rights of Way related to Parcel Map No. 4996;
2. Authorize the City Clerk to record a Resolution accepting the offer with the County Recorder's Office;

Dir  Appropriated/Funded  CM 

Item No. 7

3. Approve a reimbursement to the developer's financial advisor, Aztec Mustang, LLC, in the amount of \$55,848.30 for all public rights of way irrevocably offered for conveyance related to Parcel Map No. 4996; and
4. Authorize the Mayor to sign all necessary documents and the resolution accepting the Irrevocable Offer of Conveyance of Real Property.

ATTACHMENTS: Resolution of Acceptance
Conveyance of Real Property Legal Description, Exhibit "A"
Plat Map, Exhibit "B"
Parcel Map No. 4996

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ACCEPTING AN IRREVOCABLE OFFER OF CONVEYANCE OF
REAL PROPERTY FOR PUBLIC STREET RIGHTS OF WAY RELATED TO
PARCEL MAP NO. 4996 – JAYE STREET AND VANDALIA AVENUE

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Porterville, that the City of Porterville hereby accepts an Irrevocable Offer of Conveyance of real property, from TOLLADAY FAMILY TRUST, CZEM PARTNERS, LLC AND JLH PROPERTIES, LLC, for public street rights of way, in the City of Porterville, County of Tulare, State of California, to-wit:

See Exhibits "A" and "B" attached hereto and made a part thereof.

BE IT FURTHER RESOLVED that the purchase price of \$55,848.30 is hereby approved with payment to be made to developer's financial agent, Aztec Mustang, LLC, the Mayor is authorized to sign all necessary documents, and the Resolution accepting said Irrevocable Offer of Conveyance is to be recorded in the office of the Tulare County Recorder. The foregoing has been accepted by the City Council for the City of Porterville.

PASSED, APPROVED AND ADOPTED this 16th day of July, 2013.

Virginia R. Gurrola, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk

Exhibit "A"

LEGAL DESCRIPTION

Springville Avenue and Vandalia Avenue Rights of Way

That portion of Lots 48, 49 and 50 of Pleasant Grove Tract, as per map recorded in Volume 9 of Maps, at Page 1, in the office of the County Recorder of Tulare County, situated in the Southeast quarter of Section 35, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, more particularly described as follows:

Parcel A – Springville Avenue

COMMENCING AT the Northwest corner of Parcel Map No. 4996, recorded July 8, 2010 in Book 51 of Parcel Maps at Page 2, Tulare County Records, said corner being the intersection of the southerly line of Springville Avenue with the easterly line of Jaye Street;

THENCE, South 89°49'16" East, along said southerly line of Springville Avenue, 265.42 feet, to the **POINT OF BEGINNING**;

THENCE, South 89°49'16" East, continuing along said southerly line of Springville Avenue, 457.07 feet to the Northeast corner of Parcel 2 of said Parcel Map No. 4996;

THENCE, South 00°24'38" West, along the East line of said Parcel 2, 12.00 feet;

THENCE, North 89°49'16" West, parallel with said southerly line of Springville Avenue, 457.24 feet;

THENCE, North 01°13'07" East, parallel with said easterly line of Jaye Street, 12.00 feet to the **POINT OF BEGINNING**.

Parcel B – Vandalia Driveway Approach

COMMENCING AT the Southeast corner of Parcel 4 of said Parcel Map No. 4996;

THENCE, North 89°49'16" West, along the South line of said Parcel 4, 386.57 feet, to the **POINT OF BEGINNING**;

THENCE, North 00°10'44" East, 20.86 feet;

THENCE, North 89°49'16" West, 60.80 feet;

THENCE, South 40°16'42" West, 27.27 feet, to a point in the South line of Parcel 3 of said Parcel Map No. 4996;

THENCE, South 89°49'16" East, along the South line of said Parcel 3 and Parcel 4, 78.36 feet, to the **POINT OF BEGINNING**.

CONTAINING: 6,937 square feet (0.16 acres) more or less.

BASIS OF BEARING: The South right of way line of Springville Avenue, as shown on Record of Survey, recorded in Book 11 of Licensed Surveys, at Page 58, Tulare County Records, **TAKEN AS:** North 89°49'16" West.

END OF DESCRIPTION

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

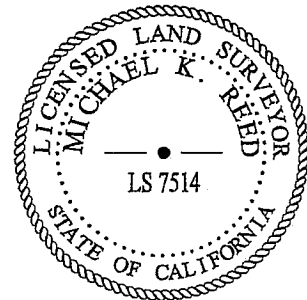
Signature: _____

Michael K. Reed

Michael K. Reed, Licensed Land Surveyor

Date: _____

7/10/2013

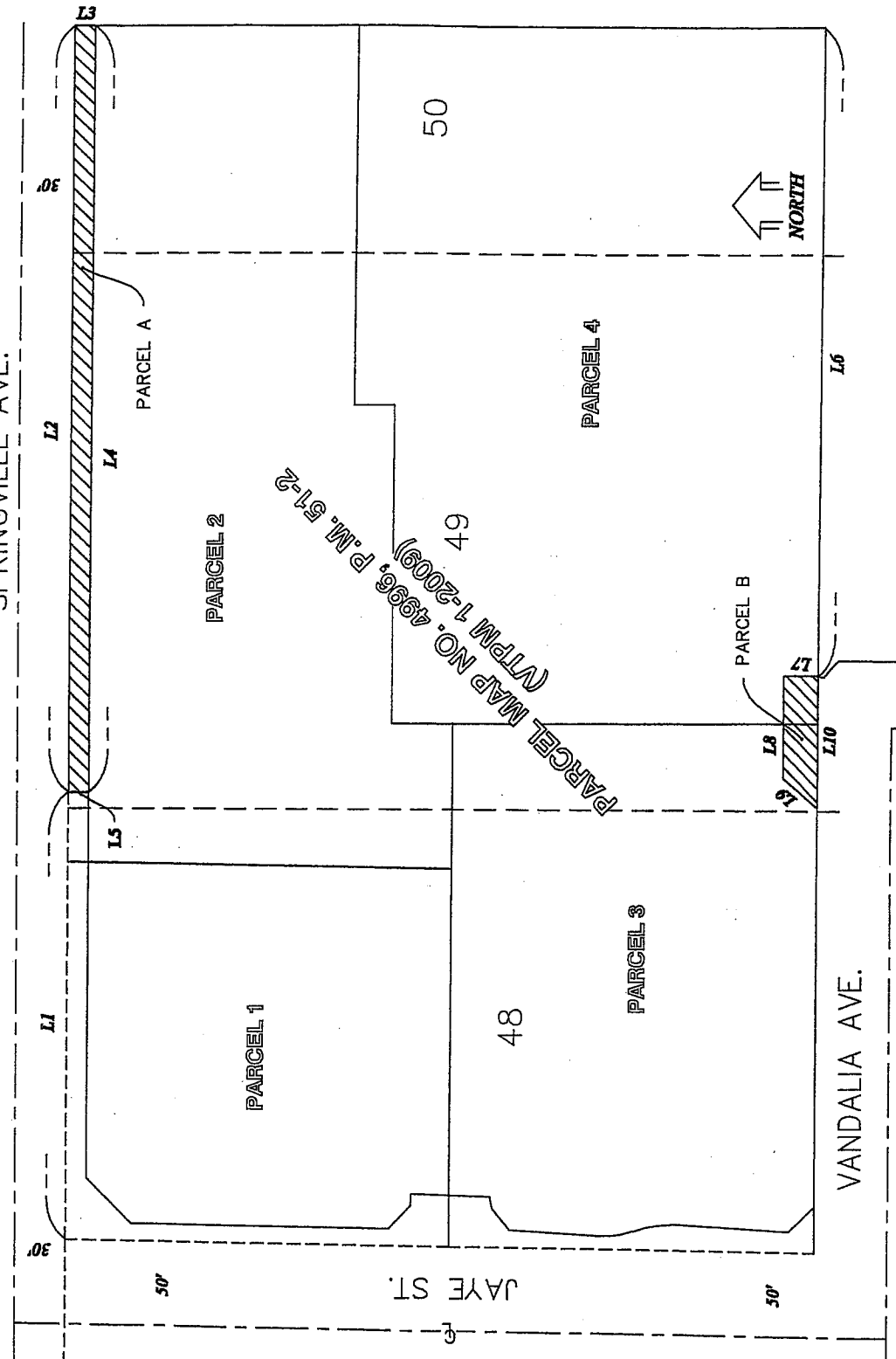


PROPERTY ACQUISITION PLAT

EXHIBIT "B"

SPRINGVILLE AVE.

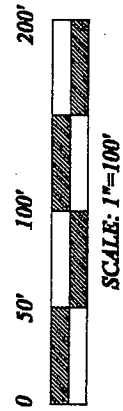
CTR. SEC.
35-21/27



S/4 SEC.
35-21/27

LOT PER PLEASANT GROVE
TRACT, R.M. 9-1

PROPERTY TO BE CONVEYED TO CITY OF PORTERVILLE
FOR PUBLIC STREET RIGHT-OF-WAY



LINE TABLE		
No.	BEARING	DIST.
L1	S89°49'16"E	265.42'
L2	S89°49'16"E	457.07'
L3	S00°24'58"W	12.00'
L4	N89°49'16"W	457.24'
L5	N01°13'07"E	12.00'
L6	N89°49'16"W	386.57'
L7	N00°10'44"E	20.86'
L8	N89°49'16"W	60.80'
L9	S40°16'42"W	27.27'
L10	S89°49'16"E	78.36'

OWNERS:
TOLLADAY FAMILY TRUST
CZEM PARTNERS, LLC
JLH PROPERTIES, LLC

AREA:
6,937 S.F.
0.16 AC.

DRAWN BY
CHC'K BY

DB

THAT PORTION OF LOTS 48, 49, AND 50 OF PLEASANT GROVE TRACT, RECORDED IN VOLUME 9 OF MAPS AT PAGE 1, IN THE OFFICE OF T.C.R., SITUATED IN THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 21 SOUTH, RANGE 27 EAST, M.D.B.&M., IN THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA.

City of Porterville
291 N. MAIN ST.
PORTERVILLE, CA. 93257
559 782-7462

