

Boggs

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Treasurer-Tax Collector

BOARD AGENDA # *B-6

Urgent

Routine

AGENDA DATE October 20, 2015

CEO Concurs with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Approval to Sell Tax-Defaulted Properties at Oakdale Waterford Highway, Waterford (APN 080-053-006-000), and Western Avenue, Waterford (APN 080-053-008-000)

STAFF RECOMMENDATIONS:

1. Pursuant to Section 3694 of the Revenue and Taxation Code, the Treasurer-Tax Collector requests approval from the Board of Supervisors for the sale of the tax-defaulted properties under Agreement Sale to the City of Waterford.
2. Authorize the Chairman of the Board of Supervisors to sign the Agreement in order to send it to the State Controller for approval.

FISCAL IMPACT:

Pursuant to Chapter 7 of Part 6 of Division 1 of the Revenue and Taxation Code, the sale of these properties was approved by the Board of Supervisors Agenda No. B-2 dated July 28, 2015 under the public auction. However, the City of Waterford objected to the sale and requested to purchase the properties under Agreement Sale to be used for their public use pursuant to Revenue and Taxation Code Division 1, Part 6, Chapter 8.

BOARD ACTION AS FOLLOWS:

No. 2015-472

On motion of Supervisor Monteith, Seconded by Supervisor Chiesa

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Monteith, DeMartini, and Chairman Withrow

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

ATTEST:

Christine Ferraro
CHRISTINE FERRARO TALLMAN, Clerk

File No. C-8-B-9

DISCUSSION:

Pursuant to Revenue and Taxation Code Section 3691, these properties were approved for sale under the Public Auction per Board Agenda B-2 dated July 28, 2015. When notices were sent to all the cities, taxing agencies and assessment districts per Revenue and Taxation Code, the City of Waterford objected to the sale and requested to purchase these properties under Agreement Sale by submitting the Agreement to the Tax Collector.

Pursuant to the Revenue and Taxation Code 3791, the City of Waterford agreed to buy the properties for \$39,700 as approved by the Public Auction. Pursuant to Revenue and Taxation Code, if the property is currently authorized by the Board of Supervisors to be sold by a Chapter & Sale, and therefore a minimum bid amount has already been established using Chapter 7 procedures, the purchase price must be equal to the minimum bid approved and set by the Board of Supervisors. The purchase price was approved per Board Agenda No. B-2 dated July 28, 2015. The attached Agreement has to be approved by the Board of Supervisors, Agreement has to be signed by the Chairman of the Board and the Board Resolution along with the Agreement should be sent to the State Controller for their approval to complete the sale.

In accordance with the California Revenue and Taxation Code Section 3695.4, when the properties are offered to the public, the Cities, taxing districts and/or Revenue District may object to the sale and enter into agreement to buy the property for the public use.

The City of Waterford has submitted the attached Agreement for approval by the State Controller.

If the property is redeemed before the agreement becomes effective, the agreement is null as to the property redeemed per Revenue and Taxation Code Section 3803.

POLICY ISSUES:

This complies with the requirements of Revenue and Taxation Code 3694 wherein the sale of tax-defaulted properties may only take place if approved by the Board of Supervisors. The California State Controller will approve this Agreement only upon receiving the approval by the Board of Supervisors.

Acceptance of this report supports the Board's priority of Efficient Delivery of Public Services.

Approval to Sell Tax-Defaulted Properties at Oakdale Waterford Highway, Waterford (APN 080-053-006-000), and Western Avenue, Waterford (APN 080-053-008-000)
Page 3

STAFFING IMPACT:

There is no staffing impact associated with this item.

CONTACT PERSON:

Gordon B. Ford, Treasurer-Tax Collector. Telephone: (209) 525-4463

**WATERFORD CITY COUNCIL
RESOLUTION 2015-98**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATERFORD
APPROVING AN AGREEMENT WITH STANISLAUS COUNTY TO PURCHASE TAX
DEFAULTED PROPERTIES IN THE CITY OF WATERFORD**

WHEREAS, the City of Waterford, (hereinafter "WATERFORD") and the County of Stanislaus, (hereinafter "COUNTY") are desirous of entering into an Agreement to Purchase Tax Defaulted Properties; and,

WHEREAS, WATERFORD and COUNTY agree to the terms contained in the form of Agreement attached hereto as **Exhibit "A"**.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WATERFORD DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council approves the attached Agreement Between the City of Waterford and the County of Stanislaus and authorizes the City Manager of the City of Waterford to execute same on its behalf;

The foregoing Resolution was passed and adopted by the City Council of the City of Waterford, County of Stanislaus, State of California, at a regular meeting thereof held on the 1st day of October, 2015, by the following vote:

AYES: 4 Van Winkle, Krause, Whitfield, Gothan

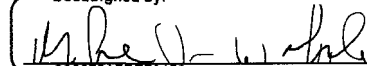
NOES: 0

ABSTAIN: 0

ABSENT: 1 Aldaco

CITY OF WATERFORD

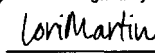
DocuSigned by:



MICHAEL VAN WINKLE, MAYOR

ATTEST:

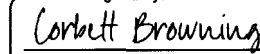
DocuSigned by:



LORI MARTIN,
City Clerk

APPROVED AS TO FORM:

DocuSigned by:



CORBETT J. BROWNING,
City Attorney

AGREEMENT TO PURCHASE TAX DEFAULTED PROPERTIES

This Agreement is made this 1st day of October, 2015, by and between the Board of Supervisors of Stanislaus County, State of California, and City of Waterford, CA ("PURCHASER"), pursuant to the Provisions of Division 1, Part 6, Chapter 8, of the Revenue and Taxation Code.

The real property situated within said County, hereinafter set forth and described in this Agreement, is tax-defaulted and is subject to the Power of Sale by the Tax Collector of said County for the non-payment of taxes, pursuant to provisions of law.

It is mutually agreed as follows:

1. That, as provided by Revenue and Taxation Code Section 3800, the cost of giving notice of this Agreement shall be paid by the PURCHASER, and
2. That the PURCHASER agrees to pay the sum of \$39,700 (Thirty nine thousand seven hundred U S Dollars) for the real properties described in Exhibit "A" within fourteen (14) days after the date this Agreement becomes effective. Upon payment of said sum to the Tax Collector, the Tax Collector shall execute and deliver a deed conveying title to said property to PURCHASER.
3. That the PURCHASER agrees to use the parcel(s) for public purpose under the following intent:
 - a) To use them for storm basins.
4. That, if said PURCHASER is a taxing agency as defined in Revenue and Taxation Code Section 121 or any other agency that receives its revenue share under the provisions of Division 1, Part 8, Chapter 3 of the Revenue and Taxation Code, it will not share in the distribution of the payment required by the Agreement as defined by Section 3791 and Section 3720 of the Revenue and Taxation Code.

If all or any portion of any individual parcel described in this Agreement is redeemed prior to the effective date of this Agreement, this Agreement shall be null and void as to that individual parcel.

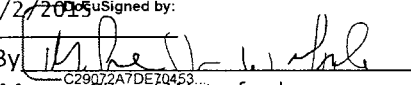
In addition to the purchase price mentioned above, the PURCHASER should pay for the following expenses when incurred by the County.


- a) Cost of publication
- b) Cost of guarantee of title if such guarantee is needed by the PURCHASER
- c) Cost of proceedings to obtain a clear title to the property
- d) Expenses incurred in the payment, compromise, or other method of removal of any liens or adverse claims against the property.

The undersigned hereby agree to the terms and conditions of this Agreement and are duly authorized to sign for said agencies.

This Agreement is being executed in counterpart each of which constitutes an Original.


CITY OF WATERFORD

Date: 10/20/2015 DocuSigned by:
By 
C29072A7DE70453
Mayor, City of Waterford

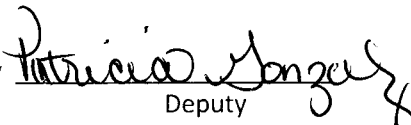
ATTEST:
DocuSigned by:
By 
Lori Martin, City Clerk, City of Waterford

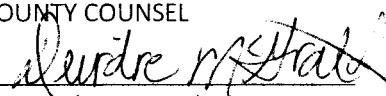
COUNTY OF STANISLAUS

Date: 10/20/2015


Terrance Withrow, Chairman
Board of Supervisors

ATTEST:
CHRISTINE FERRARO TALLMAN,
Clerk of the Board of Supervisors

By 
Deputy

APPROVED AS TO FORM:
JOHN P. DOERING
COUNTY COUNSEL
By 
Deirdre McGrath, Deputy

Pursuant to the provisions of Section 3795 of the Revenue and Taxation Code, the Controller approves the foregoing Agreement this 23rd day of November, 2015.

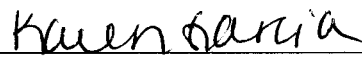
BETTY T. YEE, CALIFORNIA STATE CONTROLLER
By 
KAREN GARCIA, MANAGER
Government Compensation and
Property Tax Standards Section

Exhibit "A"

<u>First year Delinquent</u>	<u>APN</u>	<u>Default Number</u>	<u>Purchase Price</u>
1) 2010	080-053-006-000	DEF100000530	\$ 9,000.00
2) 2010	080-053-008-000	DEF100000531	\$30,700.00

Description of properties:

1) APN 080-053-006-000

COMMENCING AT THE NORTHWEST CORNER OF THE TOWN OF WATERFORD, SAID NORTHWEST CORNER BEING SET ON THE EAST AND WEST QUARTER SECTION LINE OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 11 EAST, MOUNT DIABLO BASE AND MERIDIAN, AS PER RECORDED PLATS OF THE TOWN OF WATERFORD AND THE WATERFORD COLONY SUBDIVISION No. 1; THENCE SOUTH 0° 30' EAST ALONG THE WESTERLY LINE OF SAID TOWN OF WATERFORD 141.26 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH 0° 30' EAST 89.47 FEET TO THE INTERSECTION WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF THE SOUTHERN PACIFIC RAILROAD; THENCE NORTH 36° 25' WEST 217.57 FEET AND ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE TO A POINT; THENCE SOUTH 56° 18' EAST 154.31 FEET TO THE TRUE POINT OF BEGINNING.

2) APN 080-053-008-000

1) THAT PARCEL OF LAND SITUATE IN THE CITY OF WATERFORD, COUNTY OF STANISLAUS, STATE OF CALIFORNIA, BEING A PORTION OF TOWNSHIP 3 SOUTH, RANGE 11 EAST MOUNT DIABLO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

THAT PARCEL OF LAND AS DESCRIBED IN DEED DATED APRIL 15, 1890 BETWEEN D.C. PINKSTON AND MARY J. PINKSTON, ET AL, GRANTOR AND SOUTHERN PACIFIC RAILROAD COMPANY, GRANTEE, RECORDED APRIL 21, 1890 IN VOLUME 44 OF DEEDS, PAGE 548, STANISLAUS COUNTY RECORDS.

EXCEPTING THEREFROM ALL THAT PORTION THEREOF LYING SOUTHERLY OF THE NORTHERLY LINE OF THAT PARCEL OF LAND AS DESCRIBED IN DEED DATED FEBRUARY 13, 1987 BETWEEN SOUTHERN PACIFIC TRANSPORTATION COMPANY, A DELAWARE CORPORATION, GRANTOR AND RONALD P. PADILLA, GRANTEE, RECORDED MARCH 23, 1987 AS DOCUMENT No. 068169, STANISLAUS COUNTY RECORDS.

FURTHER EXCEPTING THEREFROM ALL THAT PORTION THEREOF LYING NORTHERLY OF THE SOUTHERLY LINE OF THAT PARCEL OF LAND AS DESCRIBED IN DEED DATED MAY 27, 1981 BETWEEN SOUTHERN PACIFIC TRANSPORTATION COMPANY, GRANTOR AND JOAQUIN CONSTRUCTION CO., INC., ET AL, GRANTEE RECORDED AUGUST 3, 1981 AS DOCUMENT No. 6231, STANISLAUS COUNTY RECORDS.

2) THAT PARCEL OF LAND AS DESCRIBED IN DEED APRIL 8, 1980 BETWEEN E.B.BEARD, GRANTOR AND SOUTHERN PACIFIC RAILROAD COMPANY (NOW SOUTHERN PACIFIC TRANSPORTATION COMPANY), GRANTEE, RECORDED APRIL 11, 1890 IN BLOCK 44 OF DEEDS, PAGE 542, STANISLAUS COUNTY RECORDS.

EXCEPTING THEREFROM ALL THAT PORTION THEREOF LYING NORTHERLY OF THE SOUTHERLY LINE OF THAT PARCEL OF LAND AS DESCRIBED IN DEED DATED MAY 27, 1981 BETWEEN SOUTHERN PACIFIC TRANSPORTATION COMPANY, GRANTOR AND JOAQUIN CONSTRUCTION CO., INC., ET AL, GRANTEE, RECORDED AUGUST 3, 1981 AS DOCUMENT No. 6231, STANISLAUS COUNTY RECORDS.

ALSO EXCEPTING THEREFROM ALL MINERALS, MINERAL RIGHTS, OIL, GAS AND OTHER HYDROCARBON SUBSTANCES AS RESERVED IN THE DEED FROM SOUTHERN PACIFIC TRANSPORTATION COMPANY, RECORDED MAY 1, 1991 AS DOCUMENT No. 31607, STANISLAUS COUNTY RECORDS.



OFFICE OF TREASURER / TAX COLLECTOR

Gordon B. Ford

Treasurer / Tax Collector

P. O. Box 859, Modesto, CA 95353-0859

Phone: 209.525.8388 Fax: 209.525.7868

Sept. 23, 2015

The City of Waterford
Attn: Tim Ogden, City Manager
101 E Street
Waterford, CA 95386

Dear Sir/s,

DELINQUENT PROPERTY TAX SALE – OBJECTION AND INTEND TO PURCHASE
THE PROPERTIES BY THE CITY – APN 080-053-006-000, 080-053-008-000 and 080-033-
033-000

We have received your objection dated Aug. 20, 2015 for Delinquent Tax Sale of three
properties described above and the City Council's Resolution to purchase them by the City.

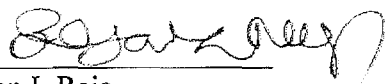
Out of the three parcels the City wants to purchase, we are processing the following parcels
and sending the agreement to you separately to sign.

- 1) APN 080-053-006-000
- 2) APN 080-053-008-000

The owner of the property APN 080-033-033-000 filed the Bankruptcy on April 12, 2011 and
is still in active Bankruptcy status. Therefore, we are unable to process your application to sell
this property to the City and your request is denied. However, if this property is offered for
Tax Sale by us in future, we will inform you accordingly.

If you have any questions, please feel free to contact us. Thank you.

Sincerely,
GORDON B FORD
Treasurer Tax Collector

By 
Jegan L Raja
Asst. Treasurer Tax Collector



