

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

DEPT: Public Works

BOARD AGENDA #: \*C-2

AGENDA DATE: December 6, 2016

**SUBJECT:**

Approval to Transfer Title of the Stanislaus County Owned Drainage Basin Identified as Assessor's Parcel Number 038-032-040 to the City of Modesto

**BOARD ACTION AS FOLLOWS:**

No. 2016-603

On motion of Supervisor Chiesa, Seconded by Supervisor Withrow

and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None


1)  Approved as recommended

2)  Denied

3)  Approved as amended

4)  Other:

MOTION:

  
PAM VILLARREAL, Assistant Clerk

ATTEST:

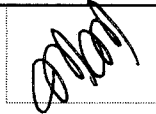
File No. C-6-L-3

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
AGENDA ITEM**

DEPT: Public Works

Urgent

Routine



BOARD AGENDA #: \*C-2

AGENDA DATE: December 6, 2016

CEO CONCURRENCE:

4/5 Vote Required: Yes  No

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**SUBJECT:**

Approval to Transfer Title of the Stanislaus County Owned Drainage Basin Identified as Assessor's Parcel Number 038-032-040 to the City of Modesto

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**STAFF RECOMMENDATIONS:**

Pursuant to Street and Highway Code Section 940:

1. Approve the transfer of title of the Stanislaus County (County) owned drainage basin, identified as Assessor's Parcel Number (APN) 038-032-040, to the City of Modesto.
2. Authorize the Director of Public Works to sign the Grant Deed transferring the title of this parcel to the City of Modesto.

**DISCUSSION:**

The drainage basin was a part of Stanislaus County's Shackelford Neighborhood Improvement Project in 2003, with a Notice of Completion filed in 2004. The County purchased the property in a fee title for the development of the storm drainage system for the road network of this project.

In 2012, the City of Modesto filed with the Local Agency Formation Commission (LAFCO) a Change of Organization to the City of Modesto to include the Shackelford Neighborhood. This document was approved and recorded on June 1, 2012 by LAFCO completing the jurisdictional transfer of this neighborhood from the County to the City. The drainage basin has been maintained by the City since this time. However, the County still has ownership of the basin.

Street and Highway Code Section 989 states that upon the annexation of a territory to a city, all right, title, and interest of the county, including the underlying fee, where owned by the county which has been accepted into the county road system pursuant to Section 941 shall vest in the city and shall thereupon constitute a city street. However, due to the County acquiring the drainage basin through a Grant Deed, it is necessary to complete the title transfer.

**POLICY ISSUE:**

Street and Highway Code Section 940 authorizes the Board of Supervisors to have the general supervision, management, and control of the county highways.

**FISCAL IMPACT:**

There is no fiscal impact associated with this item. The transfer of title terminates the County's ownership of the drainage basin.

**BOARD OF SUPERVISORS' PRIORITY:**

This action is consistent with the Board's priorities of providing a Well Planned Infrastructure System and Efficient Delivery of Public Services, completing the transfer of property to the City is the appropriate action to help maintain the County road system and remove any unnecessary liability.

**STAFFING IMPACT:**

Existing Public Works staff will oversee the title transfer.

**CONTACT PERSON:**

Matt Machado, Public Works Director

Telephone: (209) 525-4153

**ATTACHMENT(S):**

1. Exhibit A- Proposed Grant Deed

ATTACHMENT 1

Exhibit A – Proposed Grant Deed

**Recording Requested By:**  
STANISLAUS COUNTY  
BOARD OF SUPERVISORS

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**When Recorded Mail To:**  
CITY OF MODESTO  
UTILITIES DEPARTMENT  
1010 TENTH STREET, SUITE 4500  
P.O. BOX 642  
MODESTO, CA 95353

No Documentary Transfer Tax – Exempt per R&T Code 11922-  
Governmental Acquisition, NO RECORDING FEE per GC 6103

## GRANT DEED

*FOR NO CONSIDERATION, receipt of which is hereby acknowledged,*

*STANISLAUS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF CALIFORNIA*

*does hereby GRANT IN FEE to the CITY OF MODESTO, A MUNICIPAL CORPORATION,  
the following described real property situate in the City of Modesto, County of Stanislaus,  
State of California, described as:*

SEE EXHIBIT A

\_\_\_\_\_  
(sign)

*Matthew Machado*

(print)

Dated: \_\_\_\_\_

Stanislaus County Director of Public Works  
(title)

## EXHIBIT A

All that portion of the Northwest Quarter of the Southwest Quarter of Section 4, Township 4 South, Range 9 East, Mount Diablo Meridian described as follows:

Commencing at the Northwest corner of the Bispo property as shown on the Record of Survey filed in Volume 3 of Surveys, Page 95, Stanislaus County Records; thence South 0°03' East on the west line of said property 156 feet; thence East on the south line of said property 218.00 feet to the POINT OF BEGINNING of this description; thence North 0° 03' West, parallel with the west line of said property 147.63 feet to the south line of 40 foot wide Pecos Avenue; thence South 84° 36' 38" East on said south line 71.28 feet; thence South 89° 51' East, 40.95 feet to the west line of land of Bertha Brown as conveyed by deed October 1, 1937 in Book 629 of Official Records, at Page 361; thence leaving said south line of Pecos Avenue, South 4° 20' West, 301.25 feet on said west line of Browns property 301.25 feet to the south line of said (Bispo) property; thence North 88° 25' west, 65 feet on said south line; thence North, 158 feet; thence West 24 feet to the Point of Beginning.

Containing 26,517 square feet more or less

This description is based on record information derived from the Record of Survey filed in Volume 3 of Surveys, Page 95, Stanislaus County Records and the County Right-of-Way Map filed in the County's Surveyors Office, File No. B-1C-24.



Stanislaus, County Recorder  
Lee Lundrigan Co Recorder Office  
**DOC- 2017-0020423-00**

Thursday, MAR 23, 2017 11:02:48  
Ttl Pd \$0.00 Rcpt # 0003947938  
OLD/R1/1-4

**Recording Requested By:**  
STANISLAUS COUNTY  
BOARD OF SUPERVISORS

**When Recorded Mail To:**  
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UTILITIES DEPARTMENT  
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\_\_\_\_\_  
(sign)

Stanislaus County Director of Public Works  
(title)

Matthew Machado  
(print)

Dated: 2/1/17

*450*

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Stanislaus

On February 1, 2017 before me, Keimi Espinoza, Notary Public  
(insert name and title of the officer)

personally appeared, Matthew Machado

who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Keimi Espinoza (Seal)  
Notary Public Signature



**OPTIONAL INFORMATION**

THIS OPTIONAL INFORMATION SECTION IS NOT REQUIRED BY LAW BUT MAY BE BENEFICIAL TO PERSONS RELYING ON THIS NOTARIZED DOCUMENT

TITLE OR TYPE OF DOCUMENT Grant Deed: Transfer drainage basin to City of Modesto, Northwest corner of the (Bispo) property (APN: 038-032-040)

DATE OF DOCUMENT \_\_\_\_\_ NUMBER OF PAGES \_\_\_\_\_

SIGNER(S) OTHER THAN NAMED ABOVE \_\_\_\_\_

SIGNER'S NAME \_\_\_\_\_ SIGNER'S NAME \_\_\_\_\_



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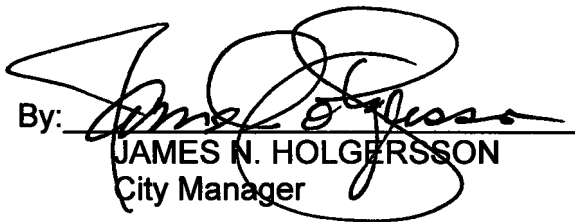
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**CERTIFICATE OF ACCEPTANCE**

This is to certify that the interest in real property conveyed by the Grant Deed from County of Stanislaus, to the City of Modesto, a municipal corporation, being a parcel located at 124 Pecos Avenue, Modesto, CA (Assessor's Parcel Number: 038-032-040) is hereby accepted on behalf of the City of Modesto by its City Manager pursuant to authority conferred by Resolution No. 2017- 93, adopted by order of the Modesto City Council on March 7th, 2017, and the Grantee consents to recordation thereof by its duly authorized officer.

Dated: 3-15-17

By:   
JAMES N. HOLGERSSON  
City Manager

ATTEST:

By   
STEPHANIE LOPEZ, City Clerk