

Gordon B. Ford

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

DEPT: Treasurer-Tax Collector

BOARD AGENDA # *B-8

Urgent Routine

AGENDA DATE December 9, 2014

CEO Concur with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Sell Tax-Defaulted Property at 4001 Riopel Avenue, Denair, CA 95316 (APN 024-021-069-000) by Agreement Sale for \$5,000.00

STAFF RECOMMENDATIONS:

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 property under Agreement Sale to the Denair Community Services District and to sign the Agreement by the Chairman of the Board of Supervisors to send it to 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 this property was approved by the Board of Supervisors Agenda No.B-6 dated August 26, 2014 under Sealed Bid Sale. However, the Denair Community Services District objected to sale and requested to purchase it 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. 2014-599

On motion of Supervisor Chiesa, Seconded by Supervisor Monteith
and approved by the following vote,

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

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

Approval to Sell Tax-Defaulted Property at 4001 Riopel Avenue, Denair, CA 95316 (APN 024-021-069-000) by Agreement Sale for \$5,000.00
Page 2

DISCUSSION:

Pursuant to Revenue and Taxation Code Section 3691, this property was offered for sale under Sealed Bid Sale per Board Agenda B-6 dated August 26, 2014. When the notices were sent to all Cities, taxing agencies and assessment districts per Revenue and Taxation Code, the Denair Community Services District objected to the sale and requested to purchase this property under Agreement Sale by submitting the Agreement to the Tax Collector.

Pursuant to the Revenue and Taxation Code 3791, the District agreed to buy the property for \$5,000.00 as approved by Sealed Bid. The attached Agreement has to be approved by the Board of Supervisors, Agreement 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 Denair Community Services District 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 and the State Controller.

Approval of this agenda item will support the board's priority of Efficient Delivery of Public Services.

STAFFING IMPACT:

There is no staffing impact associated with this item.

CONTACT PERSON:

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

AGREEMENT TO PURCHASE TAX DEFAULTED PROPERTY

This Agreement is made this 31st day of October, 2014, by and between the County of Stanislaus, a political subdivision of the State of California ("County"), and Denair Community Services District ("PURCHASER"), a revenue district and taxing agency, pursuant to the Provisions of Division 1, Part 6, Chapter 8, of the Revenue and Taxation Code.

WHEREAS, 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 Stanislaus County Tax Collector for the non-payment of taxes, pursuant to provisions of law;

WHEREAS, the Tax Collector offered this real property for sale (APN 024-021-069) at the February 2014 Tax Sale and this parcel did not sell;

WHEREAS, the PURCHASER has filed an objection for the sale of the parcel at the November 13, 2014 Tax Sale, has submitted an application to purchase this real property and has provided a copy of the PURCHASER's Resolution No. 2014-2, A Resolution of the Denair Community Services District Agreeing to Purchase of 4001 Riopel Ave, Denair, CA, true and correct copies are attached as Exhibit "A";

In consideration of the mutual promises herein set forth, the parties mutually agree 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 \$5,000.00 (Five thousand U. S. Dollars) for the real property described in Exhibit "B", which is attached, within thirty (30) 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 property sold pursuant to this Agreement is offered and sold as is. The State, the County and each employee of these entities is acting the employee's official capacity in preparing, conducting and selling property under this Agreement are not liable for any known or unknown conditions of the property, including, but not limited to contaminated or damaged property, or errors in the Assessor's records. PURCHASER acknowledges it is not relying upon any statements or representations of the County concerning the subject property.
4. That the County makes no representation concerning the condition of title to the subject property. County does not warrant title to the property or make any representations concerning the title.
5. That the parcels acquired pursuant to this Agreement may contain hazardous wastes, toxic substances, or other substances regulated by federal, state, and local agencies. County in no way

assumes any responsibility, implied or otherwise, and makes no representations that the parcels are in compliance with federal, state, or local laws governing such substances. County in no way assumes any responsibility, implied or otherwise, for any costs or liability of any kind imposed upon or voluntarily assumed by PURCHASER or any other owner to remediate, clean up or otherwise bring into compliance according to federal, state, or local environmental laws any parcel purchased.

6. That the PURCHASER agrees to use the parcel for public purpose under the following intent:

- a) To use it further for infrastructure needed by the PURCHASER; and
- b) To protect its right to access its current infrastructure located on this property.

7. That if the PURCHASER as a taxing agency as defined in Revenue and Taxation Code Section 121 and 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.

8. That if the parcel is withdrawn by the County or redeemed before the effective date of this Agreement, this Agreement shall be null and void as to that individual parcel. Notwithstanding the foregoing, the Agreement shall be binding and shall remain in full force and effect.

9. Given that the effective date of the sale is estimated, any taxes owed for the 2014-2015 fiscal year ("current year") taxes and redemption penalties will be paid by the PURCHASER before receiving title to the property.

10. 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.

DENAIR COMMUNITY SERVICES DISTRICT

Dated: 10-31-2014

By Ronald C. Allen
Ronald C. Allen, Chairman,
Denair Community Services
District

ATTEST:

APPROVED AS TO FORM:

COSTANZO & ASSOCIATES

By Pamela J. Owens
Pamela J. Owens, Secretary, Denair
Community Services District

By Neal E. Costanzo
Neal E. Costanzo, Attorney

COUNTY OF STANISLAUS

Dated: 12-09-2014

By Jim De Martini
Jim De Martini, Chairman of the
Board of Supervisors, Stanislaus
County

ATTEST:

APPROVED AS TO FORM:

CHRISTINE FERRARO TALLMAN, Clerk
of the Board of Supervisors, Stanislaus County

JOHN P. DOERING
County Counsel

By Liz King
Liz King, Deputy

By Deirdre McGrath
Deirdre McGrath, Deputy

Pursuant to the provisions of Section 3795 of the Revenue and Taxation Code, the Controller approves the foregoing agreement this 20th day of January, 2014⁵

BETTY T. YEE, CALIFORNIA STATE
CONTROLLER

By Karen Garcia
KAREN GARCIA, MANAGER
Property Tax Standards Section

Exhibit "A"

Agreement to Purchase Tax Default Property
County of Stanislaus and Denair Community Services Agency



OFFICE OF TREASURER / TAX COLLECTOR

Gordon B. Ford
Treasurer / Tax Collector
P. O. Box 859, Modesto, CA 95353-0859
Phone: 209.625.8388 Fax: 209.625.7888

PLEASE COMPLETE THIS FORM AND RETURN ON
OR BEFORE SEPTEMBER 29, 2014

RECEIVED
SEP 29 2014
STANISLAUS COUNTY
TREASURER / TAX COLLECTOR

MEMO TO: GORDON B. FORD,
STANISLAUS COUNTY TREASURER - TAX COLLECTOR
P O BOX 859
MODESTO, CA 95353-0859

FROM: PAMELA J. OWENS
DENAIR COMMUNITY SERVICES DISTRICT
PO BOX 217
DENAIR CA 95316

SUBJECT: DELINQUENT PROPERTY TAX SALE - PUBLIC AUCTION & SEALED BID

With reference to the letter dated August 28, 2014 regarding the Delinquent Property Tax Sale by public auction and sealed bid auction, we inform you as noted below.

(Please choose the appropriate option below & mark with an X)

- 1) _____ We have no objection to the parcels on the list being sold at public auction.
- 2) _____ We object to the sale of the parcel(s) listed below and the reasons are attached to this form.
- 3) x We object to the sale of the parcel(s) listed and want to purchase the property thru agreement sale and our governing body's resolution is attached (R & T 3773).

<u>Assessor's Parcel No:</u>	<u>Description (Situs Address)</u>
024-021-069	400 Riopell Avenue Denair CA

See accompanying letter dated 9-29-14

9-29-14
Date

Neal E. Costanzo
Name of Authorized Official

(559) 261-0163
Phone Number

Application to Purchase Tax- Defaulted Property from Stanislaus County

This application must be completed by an eligible purchasing entity to commence purchase of tax-defaulted property by agreement sale from the county under applicable provisions of the California Revenue and Taxation Code. Complete the following sections and supply supporting documentation. Completion of this application does not guarantee purchase approval.

A. Purchaser Information

1. Name of Organization: DENAIR COMMUNITY SERVICES DISTRICT
2. Corporate Structure – check the appropriate box below and provide the corresponding information:
 - Nonprofit Organization- provide Articles of Incorporation
 - Public Agency – provide Mission Statement (if redevelopment agency or special district, provide jurisdiction map)

B. Purchasing Information

Determine which category the parcel falls under and then check the appropriate box as it relates to the purchasing entity's corporate structure and the intended use of the parcel: (Note: From the six choices below, check only one)

Category A: Parcel is currently scheduled for a Chapter 7 tax sale

- Purchase by tax agency/revenue district to preserve its lien
- Purchase by State, county, revenue district, special district, or redevelopment agency for public purpose
- Purchase by nonprofit for low-income housing or to preserve open space

Category B: Parcel is *not* currently scheduled for a Chapter 7 tax sale

- Purchase by taxing agency for public purpose
- Purchase by State, county, revenue district, special district, or redevelopment agency for public purpose
- Purchase by nonprofit for low-income housing or to preserve open space

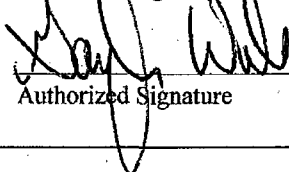
C. Property Detail

Provide the following information. (If more space is needed exhibits may be attached.)

1. County where the parcel(s) is located: STANISLAUS
2. List each parcel by Assessor's Parcel Number: 024-021-069-000
3. State the purpose and intended use for *each* parcel: (a) To protect District's right to access its current infrastructure located on this property.
(b) To use this property further for infrastructure needed by the District.

D. Acknowledgement Detail

Provide the signature of the purchasing entity's authorized officer


Authorized Signature

General Manager
Title

Sept. - 29 - 2014
Date

RESOLUTION NO. 2014-2

**A RESOLUTION OF THE DENAIR COMMUNITY SERVICES DISTRICT
AGREEING TO PURCHASE OF 4001 RIOPEL AVENUE**

WHEREAS, the property located at 4001 Riopel Avenue, Denair California, APN 024-021-069 is the site of certain infrastructure owned by the District and the presence of that infrastructure precludes the owner of this particular lot from further developing the property because of the buildable area that remains on the lot with the District's infrastructure. The owner of the property failed to pay property taxes and the County is proceeding with a tax sale of this property as a result; and

WHEREAS, the District desires to acquire the property so as to use it further for infrastructure needed by the District and to protect its right to access its current infrastructure located on this property; and

WHEREAS, in the opinion of this Board, as informed by appropriate real estate appraisers and other professionals, the fair market value of this property is at or below \$5,000 and the asking or minimum bid price for this property set by the County is \$5,000; and

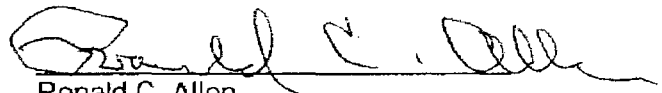
WHEREAS, pursuant to the provisions of Revenue & Taxation Code §121 and 122, the District is both a taxing agency and a revenue district and pursuant to the provisions of Revenue & Taxation Code §3695.4, the District is entitled to object and to make an application to purchase the property and if it does so, the County Tax Collector is precluded from attempting to sell the property at public auction or otherwise.

NOW, THEREFORE, be it resolved as follows:

1. The foregoing recitals are true and correct.
2. The District objects to the sale of the property referred to in the recitals to this resolution and, by virtue of the presence of the District's infrastructure and the effect of that presence on the usability or development of that lot, the District hereby offers to purchase the property for the minimum bid price of \$5,000.
3. Because of this objection and offer to purchase the property, pursuant to the provisions of Revenue & Taxation Code §3695.4, the County Tax Collector is precluded by law from offering this property for sale at any delinquent tax sale, whether conducted by sealed bid, auction, or otherwise.

I, GAYLON WADE, General Manager of Denair Community Services District, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Board of Directors of the Denair Community Services District on the 19th day of August 2014, by the following vote, to wit:

AYES: Directors: Cumow, McDonald, Smith and Thomas
NOES: None
ABSTAIN: None
ABSENT: None



Ronald C. Allen
Chairman of Board of Directors

ATTEST:

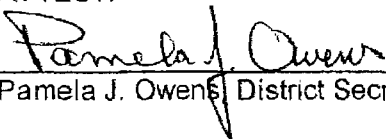

Pamela J. Owens, District Secretary

Exhibit "B"

Agreement to Purchase Tax Default Property
County of Stanislaus and Denair Community Services Agency

First year Delinquent

Default Number

Purchase Price

2008

DEF080003466

\$5,000.00

Description of property

LOT 1 OF RIOPEL SUB DIVISION AS PER MAP FILED ON MARCH 9, 2006 IN
VOLUME 42 OF MAPS, PAGE 99 STANISLAUS COUNTY RECORDS.

Recording Requested By:
Gordon B. Ford
Treasurer - Tax Collector Stanislaus County
Modesto, CA 95354

When Recorded Mail To:
DENAIR COMMUNITY SERVICES DISTRICT
P O BOX 217
DENAIR, CA 95316



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2015-0020297-00

Acct 105-Tax Collector
Monday, MAR 23, 2015 11:04:10
Tel Pd \$29.50 Rcpt # 0003638258
MGC/R2/1-1

Doc. Trans. Tax - computed on full value of property conveyed \$5.50
 City of Unincorporated Area
Survey Monument Fee \$10.00

Gordon B. Ford

Signature of Declarant

TAX DEED TO PURCHASER OF TAX - DEFAULTED PROPERTY

On which the legally levied taxes were a lien for fiscal year 2007 - 2008
and for nonpayment were duly declared to be in default. DEF080003466
Default Number

This deed, between the Tax Collector of Stanislaus County ("SELLER") and DENAIR COMMUNITY SERVICES DISTRICT ("PURCHASER"), conveys to the PURCHASER, free of all encumbrances of any kind existing before the sale, except those referred to in section 3712 of the Revenue and Taxation Code, the real property described herein which the SELLER sold to the PURCHASER on March 18, 2015, pursuant to a statutory power of sale in accordance with the provisions of Division 1, Part 8, Chapter 8, Revenue and Taxation Code, for the sum of \$5,000.00.

No taxing agency objected to the sale.

In accordance with Law, the SELLER hereby grants to the PURCHASER that real property situated in said county, State of California, last assessed to

J. C. WILLIAMS COMPANY, described as follows:

024-021-069-000
Assessor's Parcel Number

LEGAL DESCRIPTION: LOT OF RIOPEL SUB DIVISION AS PER MAP FILED ON MARCH 9, 2006 IN VOLUME 42 OF MAPS, PAGE 99 STANISLAUS COUNTY RECORDS

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 the document.

STATE OF CALIFORNIA
STANISLAUS COUNTY

EXECUTED ON
March 23, 2015

By

Stanislaus County Tax Collector
Gordon B. Ford
Gordon B. Ford

On, March 23, 2015, before me, Jagan L. Raja, Deputy Clerk of Stanislaus County, personally appeared Gordon B. Ford, Treasurer-Tax Collector, 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 executed the same in his authorized capacity(ies), and that by his 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.

Gordon B. Ford



LMC