



**GENERAL SERVICES AGENCY
PROPERTY MANAGEMENT
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One
PETE VANDER POEL
District Two
AMY SHUKLIAN
District Three
J. STEVEN WORTHLEY
District Four
MIKE ENNIS
District Five

AGENDA DATE: March 13, 2018

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>

CONTACT PERSON: Maria Benavides PHONE: (559-624-7223)

SUBJECT: Termination of Lease Purchase Agreement with the State of California

REQUEST(S):

That the Board of Supervisors:

1. Approve a Termination of Lease Purchase Agreement with the State of California, acting by and through the Director of the Department of General Services (DGS), with the approval of the Department of Forestry and Fire Protection (Cal Fire) which supersedes Tulare County Agreement No 28128 approved by Tulare County Resolution 2017-0403 on June 6, 2017.
2. Approve a Quitclaim Deed quitclaiming rights to use of an apparatus bay at 35802 Olivera Drive in Woodlake which supersedes a Quitclaim Deed approved by Tulare County Resolution 2017-0403 on June 6, 2017.
3. Authorize the Chairman to sign the Termination of Lease Purchase Agreement.
4. Authorize the Chairman to sign the Quitclaim Deed quitclaiming rights to use of an apparatus bay at 35802 Olivera Drive in Woodlake.
5. Authorize the County Property Manager or his designee to execute all additional documents to facilitate the transfer of this property to the State of California.
6. Direct the Clerk of the Board to return the signed and Notarized Agreements and Quitclaim Deed to Property Management for transmittal to the State of California.

SUMMARY:

In November 1987 Tulare County and the State of California entered into a Memorandum of Understanding (MOU) regarding the financing, acquisition, site

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DATE: March 13, 2018

development, constructing and leasing of a facility described as the Woodlake Forest Fire Station. The MOU called for the County to issue Certificates of Participation (COPs) to finance the total cost of property acquisition, site development and construction of a fire station facility.

In 1988, Tulare County acquired a bare three acre property addressed as 35802 Olivera Drive in Woodlake and on November 24, 1992, the Board of Supervisors approved Tulare County Agreement No 16869, a Lease Purchase Agreement with the State of California. The Lease Purchase Agreement required the State of California to make monthly payments that amortized the property acquisition and site development costs. The agreement also provided for the County to occupy a 600 square foot apparatus bay within the building. The total debt has now been fully repaid.

Upon full repayment of the COPs, Tulare County was to transfer title to the property and improvements to the State of California. Even after this title transfer, the County has the right to stay and occupy the apparatus bay. It should be noted County fire has not occupied the apparatus bay for approximately 10 years and has no intent to occupy the space in the future.

The State of California prepared a Property Acquisition Agreement, a Grant Deed and a Quitclaim Deed and requested the County of Tulare to approve the three documents. The Board approved the three documents via Board Resolution 2017-0406, by Board action on June 6, 2017.

The agreements were transmitted to the State of California Department of General Services and were forwarded to the Department of Finance (DOF) and the State Public Works Board. Upon receipt, the DOF indicated the language in this agreement should be different from the previously approved language prepared by Cal Fire's Counsel. The change in language did not represent a material change to the previously approved agreement, but was rather a matter of DOF preference.

This action will approve the new agreement and Quitclaim Deed language and supersedes the previously approved Tulare County Agreement No 28128 and Quitclaim Deed approved by Tulare County Board of Supervisors Resolution No 2017-0403. The State has returned the previously approved agreement, unsigned by the State as well as the unrecorded Quitclaim Deed. Approvals of the Grant Deed and the Notice of Exemption are still in full force and affect. A map of this location is included as Exhibit 1.

FISCAL IMPACT/FINANCING:

There is no Net County Cost to the General Fund.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's Strategic Business Plan includes the initiative for Safety and Security. Construction of this fire station furthered this initiative and this action will complete an existing agreement allowing a County property to be transferred to the

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DATE: March 13, 2018

State of California.

ADMINISTRATIVE SIGN-OFF:

Robert Newby, Property Manager

cc: Auditor-Controller
County Counsel
County Administrative Office (2)

Attachment(s)

1. Termination of Lease Purchase Agreement
2. Quitclaim Deed
3. Vicinity Map – Exhibit 1

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

**IN THE MATTER OF TERMINATION OF)
LEASE PURCHASE AGREEMENT) Resolution No. _____
WITH THE STATE OF CALIFORNIA) Agreement No. _____**

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____
_____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: MICHAEL C. SPATA
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

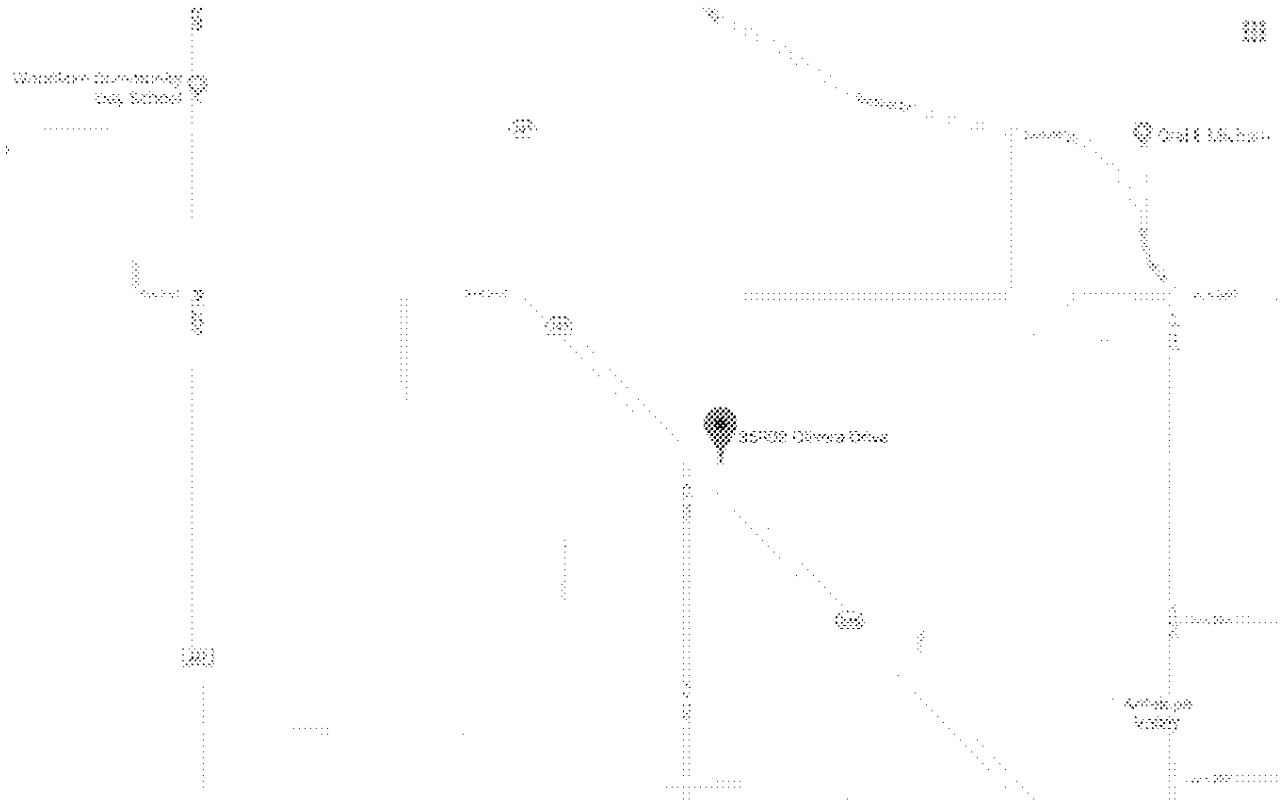
* * * * *

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2. Approved a Quitclaim Deed quitclaiming rights to use of an apparatus bay at 35802 Olivera Drive in Woodlake which supersedes a Quitclaim Deed approved by Tulare County Resolution 2017-0403 on June 6, 2017.
3. Authorized the Chairman to sign the Termination of Lease Purchase Agreement.
4. Authorized the Chairman to sign the Quitclaim Deed quitclaiming rights to use of an apparatus bay at 35802 Olivera Drive in Woodlake.
5. Authorized the County Property Manager or his designee to execute all additional documents to facilitate the transfer of this property to the State of California.
6. Directed the Clerk of the Board to return the signed and Notarized Agreements and Quitclaim Deed to Property Management for transmittal to the State of

California.

Exhibit 1

Vicinity Map
35802 Olivera Drive, Woodlake, CA



RECORDING REQUESTED BY AND WHEN RECORDED RETURN TO:

STATE OF CALIFORNIA
Department of General Services
Real Property Services Division, Acquisition Unit
707 Third Street, 6th Floor, MS 505
West Sacramento, CA 95605

OFFICIAL STATE BUSINESS - EXEMPT FROM RECORDING FEES PURSUANT TO GOVERNMENT CODE SECTION 27285 AND DOCUMENTARY TRANSFER TAX PURSUANT TO REVENUE AND TAXATION CODE SECTION 11822.

Quitclaim Deed

Agency: CA Department of Forestry and Fire Protection
Project: Woodlake Forest Fire Station Acquisition
Parcel(s): 3679-001 DGS Real Property No: 9682

APN: 057-060-044, County of Tulare

The undersigned grantor, for a valuable consideration, receipt of which is hereby acknowledged, does hereby remise, release and forever quitclaim to the STATE OF CALIFORNIA all rights, title and interest in a lease option to an apparatus stall described in the Lease/Purchase Agreement to the STATE OF CALIFORNIA, dated November 1, 1992, and recorded January 8, 1993, as Document No 93-002312 of Official Records of County of Tulare, State of California and which expired by its terms on October 31, 2012.

This lease option in favor of GRANTOR is extinguished upon execution of this Quitclaim Deed by the GRANTOR to the STATE OF CALIFORNIA.

Dated:

GRANTOR

COUNTY OF TULARE

By _____
J. Steven Worthley, Chairman
Board of Supervisors

ACKNOWLEDGMENT

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 Tulare)

On _____ before me, _____
(insert name and title of the officer)

personally appeared _____
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.

Signature _____ (Seal)

**RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:**

STATE OF CALIFORNIA
Department of General Services
Real Estate Services Division, Acquisitions Unit
707 Third Street, 5th Floor
West Sacramento, CA 95605

[Space above for Recorder's use.]

TERMINATION OF LEASE PURCHASE AGREEMENT

Dated as of _____, 2018

Woodlake Station

County of Tulare

NO DOCUMENTARY TRANSFER TAX DUE.

This Termination of Lease Purchase Agreement is recorded for the benefit of the State of California and is exempt from California documentary transfer tax pursuant to Section 11922 of the California Revenue and Taxation Code and from recording fees pursuant to Sections 6103 and 27383 of the California Government Code.

TERMINATION OF LEASE PURCHASE AGREEMENT

THIS TERMINATION OF LEASE PURCHASE AGREEMENT (this "Agreement") is dated as of _____, 2018 and effective as of the date of recordation hereof, by and between the COUNTY OF TULARE (the "County"), as lessor and THE STATE OF CALIFORNIA, acting by and through the Director of the Department of General Services (DGS), with the approval of the Department of Forestry and Fire Protection (Cal Fire), collectively referred to as the "State", as lessee.

RECITALS:

A. WHEREAS, the County and the State entered into that certain Lease Purchase Agreement, dated as of November 1, 1992 and recorded on January 8, 1993, as instrument No. 93-002312 in the Official Records of the County of Tulare, California, (the "Lease Purchase Agreement"), pursuant to which the County leased certain real property described in Exhibit A hereto (the "Woodlake Station") to the State.

B. WHEREAS, the Lease Purchase Agreement provided that the County shall deed to the State and the State shall become sole owner of the fee title of the Woodlake Station property and all improvements thereon upon the satisfactory completion of all lease terms, covenants and conditions by the State.

C. WHEREAS, the Lease Purchase Agreement further provided that, contemporaneously with the execution and delivery of the deed by the County, the State shall grant to the County five (5) consecutive five year exclusive lease options for an apparatus stall ("Apparatus Lease Option").

D. WHEREAS, the Lease Purchase Agreement expired on October 31, 2012 with the final lease payment having been paid and the state having satisfactorily completed all other lease terms and conditions and, the County has executed a Grant Deed for the Woodlake Station to the State and said Grant Deed has been duly accepted by the State and recorded.

E. The County no longer desires the state provide the Apparatus Lease Option and, has executed a Quitclaim Deed evidencing that the Apparatus Lease Option is extinguished and said Quitclaim Deed has been duly accepted by the State and recorded.

F. WHEREAS, the County and the State desire to provide recorded notice of the fact of termination of the Lease Purchase Agreement including the extinguishment of the Apparatus Lease Option contained therein.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto hereby agree as follows:

1. Termination of Lease Purchase Agreement. The County and the State hereby acknowledge and agree that the Lease Purchase Agreement has been terminated and discharged in accordance with its terms and is of no further force or effect.

3. Further Assurances. By executing this Agreement, the County and the State intend to remove evidence of the Lease Purchase Agreement from the title of the Woodlake Station and agree to execute any other documentation that may be necessary to effectuate this purpose.

4. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which, when taken together, shall constitute one agreement. The signature and acknowledgment pages from each counterpart may be removed and attached to a single document in order to create one original instrument.

(SIGNATURE PAGES FOLLOW)

IN WITNESS WHEREOF, the County and the State have caused this Termination of Lease Purchase Agreement to be executed by their respective officers thereunto duly authorized, all as of the day and year first above written.

COUNTY OF TULARE

By: _____
J. Steven Worthley, Chairman
Board of Supervisors

STATE OF CALIFORNIA
Director, Department of General Services

By: _____
MICHAEL P. BUTLER, Chief
Real Property Services Section

APPROVAL:

STATE OF CALIFORNIA
Department of Forestry and Fire Protection

By: _____
JAMES DeGRAFF, Senior Surveyor
Technical Services Section

ATTEST: MICHAEL C. SPATA
County Administrative Officer/
Clerk of the Board of Supervisors

By: _____
Deputy

Approved as to form: County Counsel

By: _____
Deputy

EXHIBIT A

LEGAL DESCRIPTION

That portion of Lot 251 of Woodlake Orchard Tract per map recorded in Volume 11, Page 13 of Maps, in the Office of the Tulare County Recorder, situated in the Northwest quarter of Section 24, Township 17 South, Range 26 East, Mount Diablo Base and Meridian in the County of Tulare, State of California, described as follows:

Commencing at the Southeast corner of said Lot 251:

Thence North $0^{\circ} 00' 40''$ West 1291.92 feet along the East line of said Lot to the Northeast corner of the land conveyed by Sentinel Butte Corporation to Marie Bartke, Trustee, by Deed dated November 19, 1948 and recorded in Book 1326 Page 271 of Official Records;

Thence South $89^{\circ} 46' 20''$ West 806.47 feet to the true point of beginning;

Thence South $0^{\circ} 58' 50''$ West 137.60 feet;

Thence South $55^{\circ} 59' 50''$ West 245.44 feet to the Southwesterly line of said Lot;

Thence North $44^{\circ} 57' 44''$ West 522.61 feet along said Southwesterly line;

Thence North $89^{\circ} 46' 20''$ East, 576.79 feet;

Thence South $0^{\circ} 58' 50''$ West 97.26 feet to the true point of beginning.

(End of Legal Description)

ACKNOWLEDGMENT

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 _____)

On _____ before me, _____
(insert name and title of the officer)

personally appeared _____
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.

Signature _____ (Seal)