

**CITY OF GARDEN GROVE**

**INTER-DEPARTMENT MEMORANDUM**

To:	Matthew J. Fertil	From:	William E. Murray
Dept.:	City Manager	Dept.:	Public Works
Subject:	ACQUISITION OF A PORTION OF REAL PROPERTY LOCATED AT 13062 CENTURY BOULEVARD, GARDEN GROVE	Date:	September 13, 2011

**OBJECTIVE**

It is requested that the City Council consider the acquisition of a portion of real property located at 13062 Century Boulevard for the widening of the public alley located between Taft Street and Century Boulevard.

**BACKGROUND/DISCUSSION**

On August 10, 2010, the City Council approved a Planned Unit Development, a Negative Declaration, and a Development Agreement for the development of a fifty-three (53) unit multi-family residential subdivision on a 3.0-acre site at the northwest corner of the intersection of Century Boulevard and Taft Street. Pursuant to the conditions of approval, Brandywine Homes (the "Developer") is to dedicate the north 10 feet of its property for the purposes of widening the east-west public alley that is adjacent to the north of the site. The current configuration of the alley is staggered with widths ranging from 10 feet at its narrowest point to 20 feet at its widest. In order to facilitate ingress and egress from the west for emergency vehicles, trash collection, and resident access, it is desirable to widen the entire alley to 20 feet. In order to complete the widening of the alley, the north 10 feet of property located at 13062 Century Boulevard ("subject property") needs to be acquired.

Staff has negotiated an agreement with George and Beatrice Marre to acquire the subject property for \$52,000. The property is being acquired in "as is" condition. A temporary construction easement will also be provided to the City until construction is complete. Upon construction completion, the temporary construction easement will be quitclaimed.

**FINANCIAL IMPACT**

Measure "M" local funds have been allocated for the acquisition and improvement of the street improvement project.


RECOMMENDATION

Based on the foregoing information, staff recommends that the City Council:

- Approve the acquisition of the subject property;
- Authorize the City Manager to execute an Agreement to effectuate the conveyance and make minor modifications as needed, on behalf of the City;
- Authorize the City Clerk to accept the Grant Deed on behalf of the City;
- Authorize the City Clerk to accept a Temporary Construction Easement for the duration of construction;
- Authorize the Finance Director to draw a warrant in the amount of Fifty-Two Thousand Dollars (\$52,000) for the property purchase.



WILLIAM E. MURRAY, P.E.  
Public Works Director/City Engineer



By: Carlos Marquez  
Sr. Real Property Agent

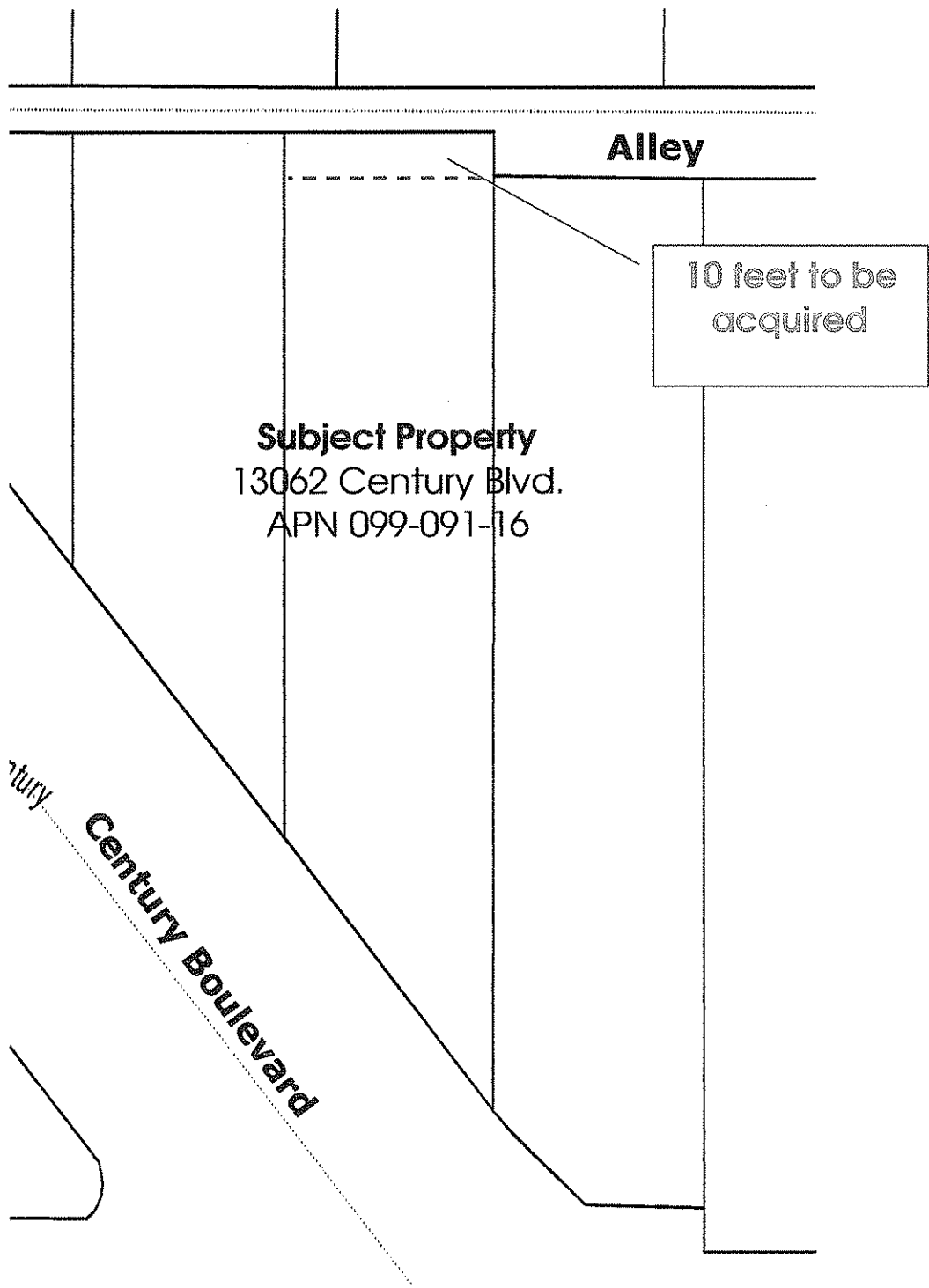
Attachment 1 - Site Map  
Attachment 2 - Grant Deed  
Attachment 3 - Temporary Construction Easement  
Attachment 4 - Quitclaim Deed

**Recommended for Approval**



Matthew Ferial  
City Manager

Site Map



Recording Requested By:

Attachment 2

CITY OF GARDEN GROVE

AND WHEN RECORDED MAIL TO

City of Garden Grove  
11222 Acacia Parkway  
Garden Grove, CA 92840  
Attn: City Clerk

099-091-16  
Portion of APN

This document is exempt from payment of recording fee  
Pursuant to Section 6103 of the Government Code.

DOCUMENTARY TRANSFER TAX  
Exempt per revenue and Taxation Code  
Section 11922

By: \_\_\_\_\_

## GRANT DEED

**FOR A VALUABLE CONSIDERATION**, receipt of which is hereby acknowledged,

GEORGE E. MARRE & BEATRICE T. MARRE, tenants in common,

hereby **GRANT (S)**, to, CITY OF GARDEN GROVE, a municipal corporation, all that real property, in the City of Garden Grove, County of Orange, State of California, described as:

PER LEGAL DESCRIPTION SHOWN ON EXHIBIT "A", ATTACHED HERETO, AND MADE A PART  
HEREOF

STATE OF CALIFORNIA

COUNTY OF \_\_\_\_\_

S.S.

On \_\_\_\_\_ before me,

GEORGE E. MARRE & BEATRICE T. MARRE,  
tenants in common

\_\_\_\_\_  
a Notary Public in and for said County and State, personally appeared

By: \_\_\_\_\_  
George Marre

Dated \_\_\_\_\_

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.

By: \_\_\_\_\_  
Beatrice Marre

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

Dated \_\_\_\_\_

WITNESS my hand and official seal

Signature \_\_\_\_\_

FOR NOTARY SEAL OR STAMP

## CITY OF GARDEN GROVE

APPROVED AS TO FORM OTHER THAN LEGAL  
DESCRIPTION

By: \_\_\_\_\_

City Attorney

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

APPROVED AS TO EXECUTION AND DESCRIPTION

By: \_\_\_\_\_

Right of Way Agent

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

This is to certify that the interest in real property  
conveyed by the deed or grant dated \_\_\_\_\_ from  
\_\_\_\_\_

to the City of Garden Grove, a municipal corporation, is  
hereby accepted by the undersigned officer on behalf of  
the Garden Grove City Council pursuant to authority  
conferred by resolution of the Garden Grove City Council  
adopted July 17, 1978, and the grantee consents to  
recordation thereof by its duly authorized officer.

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

By: \_\_\_\_\_

City Clerk

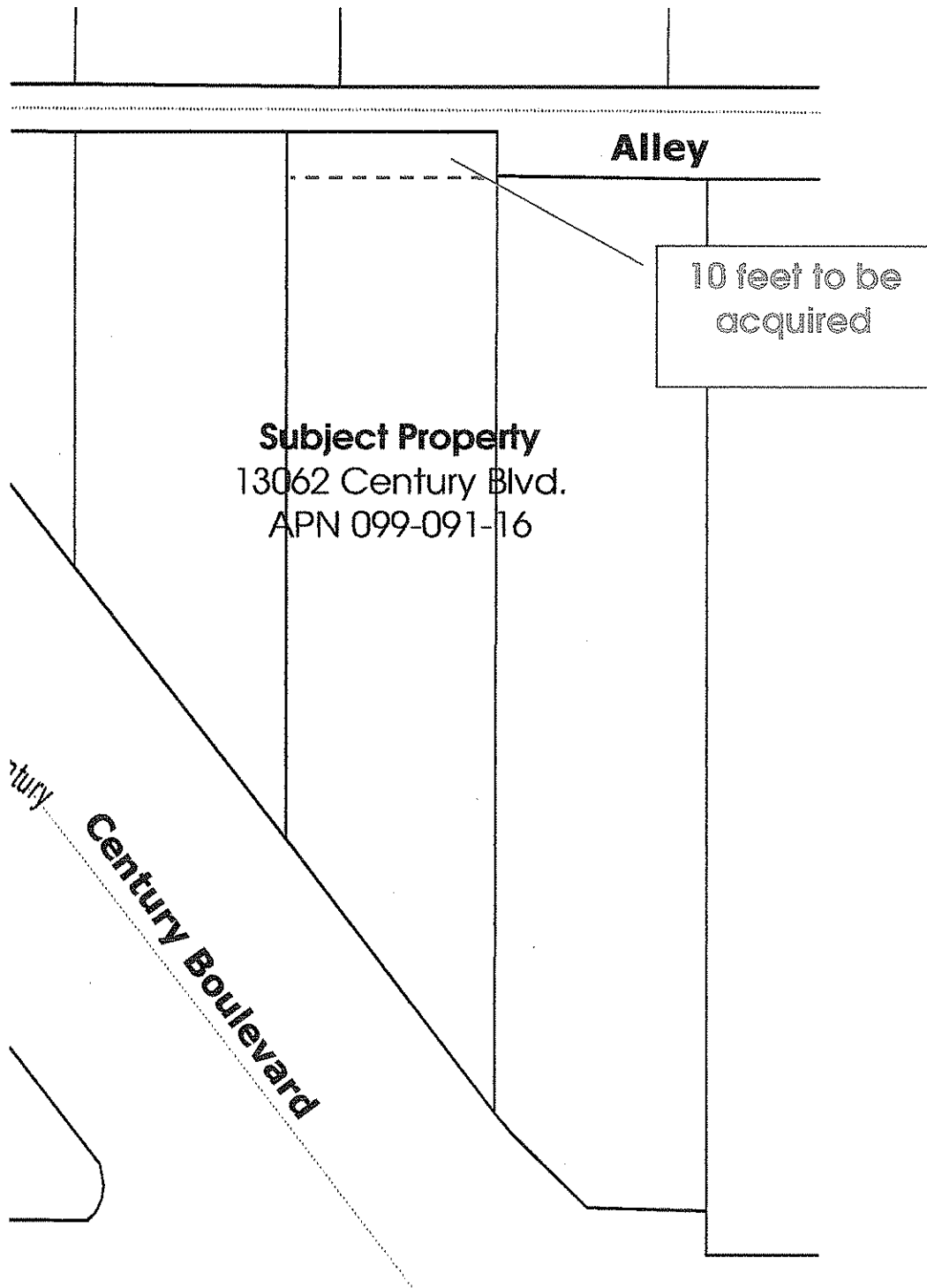
Exhibit A

Legal Description

THE NORTH 10.00 FEET OF LOT 24, IN BLOCK "A" OF COOK'S ADDITION TO GARDEN GROVE, IN THE CITY OF GARDEN GROVE, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN BOOK 8, PAGE 9 OF MISCELLANEOUS MAPS, RECORDS OF SAID COUNTY.

End of Legal Description

Exhibit B  
Site Map



RECORDING REQUESTED BY:  
City of Garden Grove  
P.O. BOX 3070  
Garden Grove, CA 92842  
Attention: City Clerk  
WHEN RECORDED MAIL TO:  
Same as above

For Recorder's Use Only

Portion of 099-091-16  
Assessor's Parcel No.

This Document is exempt from payment of recording fee  
pursuant to Section 6103 of the government Code

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**TEMPORARY CONSTRUCTION  
EASEMENT**

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**GEORGE E. MARRE & BEATRICE T. MARRE**, tenants in common (herein called "Grantor"), do hereby convey to the **CITY OF GARDEN GROVE**, a municipal corporation, (hereinafter called "Grantee"), a Temporary Construction Easement, for the staging of equipment, vehicles, and materials and construction of alley improvements including but not limited to the adjustment of the grade of the remainder property to the proposed grade of the public alley, together with the relocation of a chain link fence, in, on, over, through, under, across and along that certain real property described in Exhibit A and depicted in Exhibit B, attached hereto and made a part hereof

**TO HAVE AND TO HOLD** said easement to said Grantee, for the use and purpose herein above described.

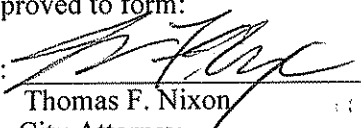
It is further understood that:

1. The rights granted herein shall not be construed to interfere with or restrict use of the premises by Grantor(s), their heirs or assigns, so long as such use does not impair or interfere with the use of the premises for the construction activities described above.
2. The Grantee hereby agrees to restore the easement area to its original condition, as close as is practical to do so, upon completion of the construction.
3. This temporary construction easement shall terminate upon the recording of a quitclaim deed relinquishing all right, title and interest over the real property described in Exhibit A, which quitclaim deed shall be provided to Grantor upon completion of the construction project.
4. The Grantee agrees to indemnify and hold harmless the Grantor herein from liability arising out of the use of the property pursuant to this Temporary Construction Easement.

(SIGNATURES ON THE FOLLOWING PAGE)



IN WITNESS WHEREOF, the parties have executed this Temporary Construction and Access Easement document on this \_\_\_\_ day of \_\_\_\_\_.

<p>"Grantee"</p> <p>CITY OF GARDEN GROVE, a municipal corporation,</p> <p>By: _____ Matthew Fertal</p> <p>Its: City Manager</p> <p>Attest:</p> <p>By: _____ Kathleen Bailor</p> <p>Its: City Clerk</p> <p>Approved to form:</p> <p>By:  Thomas F. Nixon</p> <p>Its: City Attorney</p>	<p>"Grantor"</p> <p>George E. Marre and Beatrice T. Marre, as tenants in common,</p> <p>By: _____ George E. Marre</p> <p>By: _____ Beatrice T. Marre</p>
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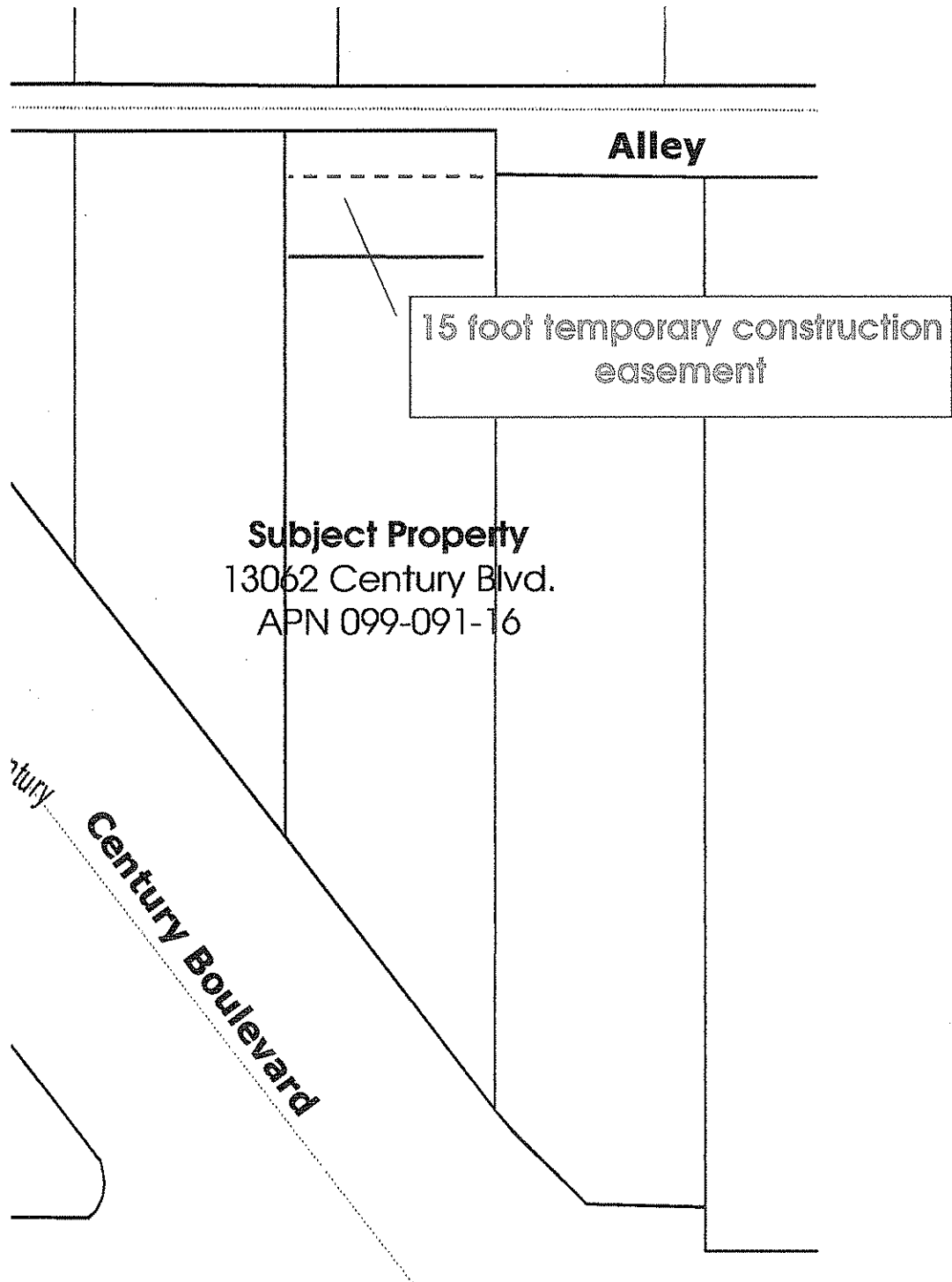
LEGAL DESCRIPTION  
TEMPORARY CONSTRUCTION EASEMENT

THE NORTH 15.00 FEET OF LOT 24, IN BLOCK "A" OF COOK'S ADDITION TO GARDEN GROVE, IN THE CITY OF GARDEN GROVE, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN BOOK 8, PAGE 9 OF MISCELLANEOUS MAPS, RECORDS OF SAID COUNTY.

End of Legal Description

PLOT MAP  
TEMPORARY CONSTRUCTION EASEMENT

Exhibit B  
Site Map



## AND WHEN RECORDED MAIL TO

Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 City & \_\_\_\_\_  
 State, Zip \_\_\_\_\_  
 Title Order No. \_\_\_\_\_ Escrow No. \_\_\_\_\_

## MAIL TAX STATEMENTS TO

Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 City & \_\_\_\_\_  
 State, Zip \_\_\_\_\_

SAME AS ABOVE

Portion of APN: 231-191-01

This Section reserved for Recorder's use

**QUITCLAIM DEED**

This document is exempt from payment of recording fees  
 Pursuant to Section 6103 of the Government Code

By: \_\_\_\_\_

**FOR A VALUABLE CONSIDERATION**, receipt of which is hereby acknowledged,

**CITY OF GARDEN GROVE**, a municipal corporation,

does hereby **REMISE, RELEASE AND FOREVER QUITCLAIM** to

**GEORGE E. MARRE AND BEATRICE T. MARRE**, tenants in common,

the following described real property in the City of Garden Grove, County of Orange, State of California:

**AS PER LEGAL DESCRIPTION SHOWN ON EXHIBIT "A", ATTACHED HERETO,  
 AND MADE A PART HEREOF**

This Quitclaim is given to relinquish all right, title, and interest in and to that certain temporary construction easement for the staging of equipment, vehicles, and materials and construction of alley improvements including but not limited to the adjustment of the grade of the remainder property to the proposed grade of the public alley, together with the relocation of a chain link conveyed to the City of Garden Grove by deed recorded on \_\_\_\_\_ as Instrument No. \_\_\_\_\_ of Official Records in the Office of the County Recorder of the County of Orange, insofar and only insofar as said Quitclaim affects only that portion of said easement described herein as Exhibit A.

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

**CITY OF GARDEN GROVE**, a  
 municipal corporation,

By: \_\_\_\_\_  
 Matthew Fertal, City Manager

By: \_\_\_\_\_  
 Kathleen Bailor, City Clerk

# Quitclaim Deed

City of Garden Grove

APPROVED AS TO FORM OTHER THAN LEGAL  
DESCRIPTION

By: [Signature]  
City Attorney

Date: 9/9/11

APPROVED AS TO EXECUTION AND DESCRIPTION

By: [Signature]  
Right of Way Agent

Date: 9/9/2011

Exhibit A

LEGAL DESCRIPTION  
TEMPORARY CONSTRUCTION EASEMENT

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