

Heber Public Utility District Report to the Board of Directors

MEETING DATE: January 18, 2018

FROM: Laura Fischer, General Manager

SUBJECT: Authorize the Board President to Execute the Certificate of Acceptance Corrective Grant Deed

ISSUE:

Shall the Heber Public Utility Board of Directors authorize the Board President to Execute the Certificate of Acceptance Corrective Grant Deed?

GENERAL MANAGER RECOMMENDATION:

Authorize the HPUD Board President to execute the Certificate of Acceptance Corrective Grant Deed.

FISCAL IMPACT:

NONE.

DISCUSSION:

In 2002, the HPUD and County of Imperial agreed to a property swap that allowed the County to own the property where the Fire Station was constructed, and the HPUD was to own a strip of property that connects Dogwood Road to Maple Avenue.

During the completion of the transfer, there was an error in the legal description of the property that was to be deeded to HPUD. The property that was listed on the deed to HPUD was a home within the Heberwood subdivision. Several years ago, staff noticed this error and began working with the County Administration to take corrective action. The property that was transferred to HPUD in error was quickly transferred back to the family that rightfully owned it. However, the property that HPUD was to receive was not transferred to HPUD. With the recent change of the County Administrator, I once again reached out to CEO's office and very quickly the County Counsel responded that she would address the issue.

The attached documents were received from County Counsel's office. I have reviewed the legal descriptions and they are accurate. It is necessary to execute the certificate of acceptance to get the property recorded in HPUD's title.

CONCLUSION:

Authorizing the execution of the Certificate of Acceptance for Corrective Grant Deed will correct an error and is the prudent action to take. Therefore, staff recommends that the Board authorize the President to execute the certificate of acceptance for corrective grant deed as presented.

Respectfully Submitted,
Laura Fischer, General Manager

Attachments: Letter from County, Certificate of Acceptance Corrective Grant Deed

Katherine Turner
County Counsel

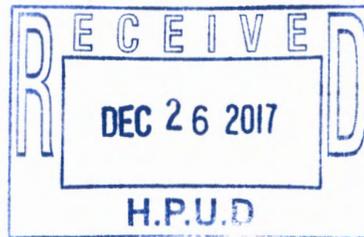
Geoffrey P. Holbrook
Assistant County Counsel



County Counsel

County Administration Center
940 West Main Street, Suite 205
El Centro, CA 92243
Telephone (442) 265-1120
Fax No. (760) 353-9347
countycounsel@co.imperial.ca.us

December 21, 2017



Via First Class Mail

Laura Fischer, General Manager
Heber Public Utility District
1078 Dogwood Rd., Ste 103
Heber, CA 92249

Subject: **Pending Property Transfer - Certificate of Acceptance for Corrective Grant Deed – APN 054-645-003-000.**

Dear Ms. Fischer:

It has come to my attention that the Heber Public Utility District (“HPUD”) is requesting that the County of Imperial (“County”) complete the transfer of property described as Assessor’s Parcel Number 054-645-003-000 (“Property”). As you may know, when the County originally attempted to transfer this Property to HPUD back in 2002, all of the documents approving the transfer unfortunately contained an error in the legal description of the Property. This error resulted in less property being transferred to HPUD than was originally intended.

In order to rectify this error, the County has prepared a Corrective Grant Deed that it intends to execute and record at the beginning of next year. However, in order for the transfer of the Property to be completed, a Certificate of Acceptance of the Corrective Grant Deed must be approved HPUD and attached to the Corrective Grant Deed. A draft Certificate of Acceptance has been prepared by the County for your convenience, and is attached to this letter for your review and consideration. My apologies for any inconvenience experienced by HPUD with respect to approving the Certificate of Acceptance for the Corrective Grant Deed. Should you have any questions, please do not hesitate to contact me.

Sincerely,

KATHERINE TURNER
COUNTY COUNSEL

By: Adam G. Crook
Deputy County Counsel

Cc: Andrea Gonzales, Property Manager, County of Imperial

Order No. 1009020567

RECORDING REQUESTED BY:
County of Imperial

WHEN RECORDED MAIL TO:

County of Imperial
Clerk of the Board of Supervisors
940 Main Street, Suite 208
El Centro, CA 92243

APN: 054-645-003-000

CERTIFICATE OF ACCEPTANCE CORRECTIVE GRANT DEED

Pursuant to California Government Code Section 27281, this is to certify that the interest in real property conveyed by that certain Grant Deed dated June 28, 2002, and recorded September 25, 2002, in Book 2148 at page 1460 et seq., of the Recorded Official Records of Imperial County, California, as Document No. 2002024399 ("Original Grant Deed"), as corrected by the attached Corrective Grant Deed, from the County of Imperial, a political subdivision of the State of California, to Heber Public Utility District, a public corporation, that is:

Lot 3, Block 5 of Tract 905, Heberwood Estates Subdivision, Unit No. 1, in an unincorporated area of the County of Imperial, State of California, according to the map on file in Book 17, Page(s) 40 thru 43 of Final Maps, in the office of the County Recorder of Imperial County

is hereby accepted by order of the Board of Directors of the Heber Public Utility District on the date hereinbelow written, and the grantee consents to the recordation thereof.

By executing this Certificate of Acceptance, grantee hereby waives and disclaims all right title and interest in:

Lot 5, Block 6 of Tract 905, Heberwood Estates Subdivision, Unit No. 1, in an unincorporated area of the County of Imperial, State of California, according to the map on file in Book 17, Page(s) 40 thru 43 of Final Maps, in the office of the County Recorder of Imperial County

which shall effectively clear the title of such property.

Dated _____

CERTIFICATE OF ACCEPTANCE CONTINUED ON NEXT PAGE

CONTINUATION OF CERTIFICATE OF ACCEPTANCE

APN: 054-645-003-000

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.

By: _____
Martin Nolasco, Jr., President
Heber Public Utility District Board of Directors

ATTEST:

By: _____
Raquel R. Carrillo
Clerk of the Board

State of California
County of _____

On _____ (date), before me, _____
(name and title of 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)