



## REPORT TO CITY COUNCIL

Approved by:

\_\_\_\_\_  
John Scarborough, Parks and Community

Services Director

\_\_\_\_\_  
Arnaldo Rodriguez, City Manager

Council Meeting of: February 19, 2020

Agenda Number:     D-2    

### SUBJECT:

Consideration of Resolution Approving Acceptance of Grant Deed for Property Located at 16557 Austin Street, Madera, California 93638 Offered by Current Property Owners for Future Park development and Authorizing City Clerk to Execute and Record the Grant Deed and Certificate of Acceptance

### RECOMMENDATION:

Staff recommends adoption of Resolution of the City of Madera, California Accepting the Grant Deed from Thakor Joe Pandit and Vanleela Pandit, Trustees of VIP Trust, created on September 19, 1979; Urmikant P. Mody and Madhurika U. Mody, as Co-Trustees of the Mody 1994 Living Trust; Arvind P. Mody and Ellen P. Mody, as Co-Trustees of the Mody 1988 Living Trust; Hemlatta M. Nirmal, Trustee of the Nirmal Family Trust, dated August 6, 2003; Divya Shah, Trustee of the Shah Family Trust dated 7/25/89; Ramesh Shah and Veena Shah, as Co-Trustees of the Ramesh B. Shah Revocable Living Trust, and Anil A. Desai, a married man as his sole and separate property and Authorizing the City Clerk to execute the Certificate of Acceptance for said Grant Deed and cause it to be recorded.

### SUMMARY:

The owners of the property located at 16557 Austin Street have offered to donate 8.1 acres of their property to the City, with a commitment from the City that the property will eventually be developed into a new community park for the City. The requested action contemplated in this report would accept the Grant Deed and cause it to be recorded, transferring ownership of the land from the current owners to the City.

## **DISCUSSION:**

Approximately two years ago, Mr. Joe Pandit and fellow owners approached City staff with an offer to donate 8.1 acres of their property if the City would agree that the property would ultimately be developed into a new City park. The property is located at 16557 Austin Street, Madera, California. The property is in the County, just north of the City Limits; however, within the Sphere of Influence.

Unfortunately, the dedication process has taken some time due to various factors including multiple owners (six owners with one-sixth ownership, including trusts) and staff turnover. There are no conditions attached to the proposed donation. However, the owners informally requested that any park built on the real property be named "India Park".

The following provides a summary of the process.

The City and County both received letters from Joe Pandit about two years ago offering the 8.1 acres for a park. The City took various steps necessary for acquiring the property. These steps included:

- Presenting the acquisition to the Planning Commission as required by the Government Code Section 65402 for a determination as to conformance with the General Plan. The Planning Commission held a public hearing and made a finding of General Plan conformity.
- The City retained Krazan and Associates to conduct an environmental assessment. Krazan completed a Phase I Environmental Site Assessment (ESA) followed by a Phase II ESA. The City is satisfied with those findings.
- The City commissioned an appraisal. The appraisal reflects a value of \$311,500.00.

In the intervening period there were various staffing changes coupled with the unfortunate passing of one of the property owners. Additionally, some ownership interests also included Trust documents that needed to be reviewed by the Title Company.

City staff and the City Attorney's office have worked to bring this matter to the forefront and have opened escrow. The Title Company has been diligent in its efforts. At this time, the property owners and City staff are prepared to proceed. The escrow instructions include the following conditions which must be satisfied prior to the closing of Escrow (collectively, the "Conditions Precedent"):

1. Exception No. 5 must be removed from the Preliminary Report issued by Fidelity National Title on December 13, 2019, which questions whether the VIP Trust is capable of acquiring and holding title to the real property. The Title Company has requested that the VIP provide a Trust Certification declaring that the VIP Trust is authorized to acquire and hold real property, which will eliminate this exception before the close of escrow.

2. Escrow Officer shall be in a position to issue a CLTA policy of title insurance insuring the Grant Deed to the City, in an amount equal to the Property's appraised value of \$311,500.00.
3. Any and all fees relating to title and escrow will be paid by the City.
4. The City will pay the pro-rated second installment property taxes due between the period of January 1, 2020 and the close of escrow, which are estimated at \$5.65 per day.
5. Upon satisfaction of the above Conditions Precedent, Escrow Officer shall cause a Grant Deed to be recorded in the Official Records of Madera County, vesting absolute fee title to the City, in accordance with the legal process and procedure required by municipalities for accepting and recording deeds.

Upon approval of the resolution, the grant deeds will be executed, escrow will close, and the City Clerk will execute the Certificate of Acceptance and cause it to be recorded.

**FINANCIAL IMPACT:**

The escrow fees and title insurance premium are estimated at \$3,000.00 and the pro-rated taxes are estimated to be \$300.00. Upon accepting the property, staff will be required to maintain the site.

**ALTERNATIVES:**

Potential Council options include:

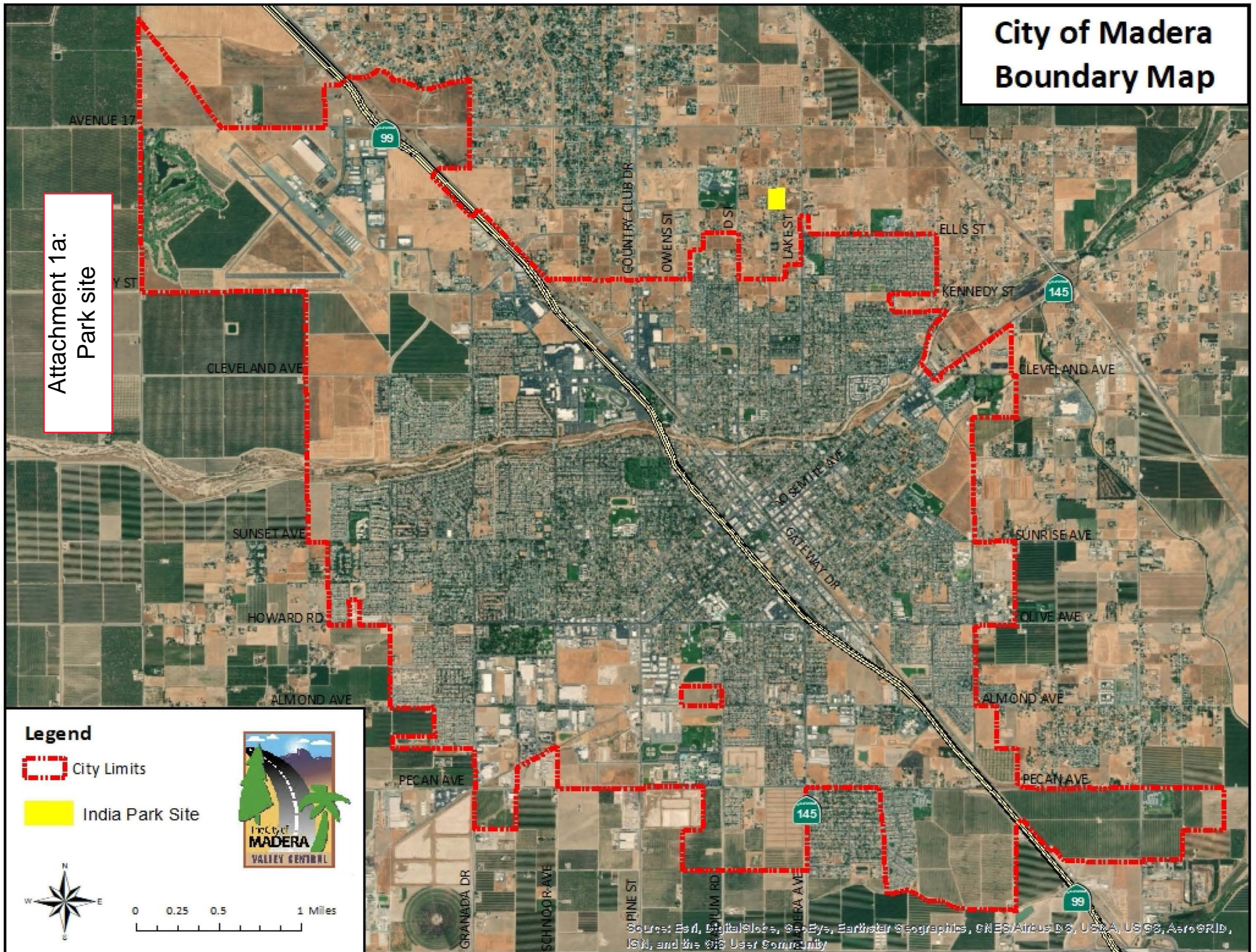
1. Approve the dedication of real property as outlined above.
2. Request additional information or clarifying information.
3. Reject the donation. Worth noting is that the City does not hold title to real property in the immediate area for park space.

**ATTACHMENTS:**


1. Aerial Map (2 maps)
2. Resolution
3. Exhibit A- Grant Deed

# City of Madera Boundary Map

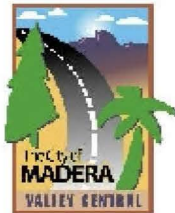
Attachment 1a:  
Park site



## Legend

 City Limits

 India Park Site



0 0.25 0.5 1 Miles

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

# Attachment 1b: Park site



RESOLUTION NO. 20 - \_ \_

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING ACCEPTANCE OF GRANT DEED FOR PROPERTY LOCATED AT 16557 AUSTIN STREET, MADERA, CALIFORNIA 93638 OFFERED BY CURRENT PROPERTY OWNERS FOR FUTURE PARK DEVELOPMENT AND AUTHORIZING CITY CLERK TO EXECUTE AND RECORD THE GRANT DEED AND CERTIFICATE OF ACCEPTANCE**

**WHEREAS**, Thakor Joe Pandit and Vanleela Pandit, Trustees of VIP Trust, created on September 19, 1979; Urmikant P. Mody and Madhurika U. Mody, as Co-Trustees of the Mody 1994 Living Trust; Arvind P. Mody and Ellen P. Mody, as Co-Trustees of the Mody 1988 Living Trust; Hemlatta M. Nirmal, Trustee of the Nirmal Family Trust, dated August 6, 2003; Divya Shah, Trustee of the Shah Family Trust dated 7/25/89; Ramesh Shah and Veena Shah, as Co-Trustees of the Ramesh B. Shah Revocable Living Trust, and Anil A. Desai, a married man as his sole and separate property (hereafter "Property Owners") own the property located at 1657 Austin Street; and

**WHEREAS**, Property Owners have offered real property located at 16557 Austin Street, Madera, CA 93638 for future park development; and

**WHEREAS**, Property Owners have offered a grant deed for the real property at no cost to City; and

**WHEREAS**, the Property Owners informally requested that any park built on the real property be named "India Park"; and

**WHEREAS**, on August 08, 2017, the Planning Commission held a public hearing and made a finding of General Plan conformity; and

**WHEREAS**, the City retained Krazan and Associates to conduct an environmental assessment. Krazan completed a Phase I Environmental Site Assessment (ESA) followed by a Phase II ESA. The City is satisfied with those findings; and

**WHEREAS**, any and all fees relating to title and escrow will be paid by the City; and

**WHEREAS**, the City will pay the pro-rated second installment property taxes due between the period of January 1, 2020 and the close of escrow; and

**WHEREAS**, the City Council has considered the offer and wishes to accept the grant deed.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MADERA HEREBY** finds, orders and resolves as follows:

1. The above recitals are true and correct.
2. The City Council approves acceptance of a Grant Deed from Property Owners which shall be in a form as that set forth in Exhibit A which is incorporated by reference.

3. The City Manager is authorized to accept non-material edits to the escrow documents and grant deed; the City Clerk is hereby authorized and directed to execute and cause to be recorded the Grant Deed and Certificate of Acceptance as authorized by Resolution No. 1572 adopted November 21, 1960.
4. This resolution is effective immediately upon adoption.

\* \* \* \* \*

**EXHIBIT A**  
**GRANT DEED (ATTACHED)**



**RECORDING REQUESTED BY:**  
Fidelity National Title Company

**When Recorded Mail Document  
and Tax Statement To:**  
City of Madera  
205 W. 4<sup>th</sup> Street  
Madera, CA 93637

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**Escrow Order No.:** FFOM-2011906343

The document is executed or recorded by the Federal government in accordance with the Uniform Federal Lien Registration Act (GC 27383 & 27388.1(a)(2)(D)).

Property Address: 16557 Austin Street  
Madera, CA 93638  
APN/Parcel ID(s): 038-030-027-000

## GRANT DEED

**The undersigned grantor(s) declare(s)**

- This transfer is exempt from the documentary transfer tax.  
**No Fee-Gov't Code Sections 6103 and 27383**
  - The documentary transfer tax is \$\_\_\_\_\_ and is computed on:
    - the full value of the interest or property conveyed.
    - the full value less the liens or encumbrances remaining thereon at the time of sale.
- The property is located in  an Unincorporated area.

**FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,** Thakor Joe Pandit and Vanleela Pandit, Trustees of VIP Trust, created on September 19, 1979; Urmikant P. Mody and Madhurika U. Mody, as Co-Trustees of the Mody 1994 Living Trust; Arvind P. Mody and Ellen P. Mody, as Co-Trustees of the Mody 1988 Living Trust; Hemlatta M. Nirmal, Trustee of the Nirmal Family Trust, dated August 6, 2003; Divya Shah, Trustee of the Shah Family Trust dated 7/25/89; Ramesh Shah and Veena Shah, as Co-Trustees of the Ramesh B. Shah Revocable Living Trust and Anil A. Desai, a married man as his sole and separate property

**hereby GRANT(S) and gifts to** City of Madera, a municipal corporation

**the following described real property in the** Unincorporated Area of the County of Madera, State of California:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Dated: January 14, 2020

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Thakor Joe Pandit and Vanleela Pandit, Trustees of VIP Trust, created on September 19, 1979

BY: \_\_\_\_\_  
Thakor Joe Pandit, Trustee

BY: \_\_\_\_\_  
Vanleela Pandit, Trustee

Urmikant P. Mody and Madhurika U. Mody, as Co-Trustees of the Mody 1994 Living Trust

BY: \_\_\_\_\_  
Urmikant P. Mody, Co-Trustee

BY: \_\_\_\_\_  
Madhurika U. Mody, Co-Trustee

Arvind P. Mody and Ellen P. Mody, as Co-Trustees of the Mody 1988 Living Trust

BY: \_\_\_\_\_  
Arvind P. Mody, Co-Trustee

BY: \_\_\_\_\_  
Ellen P. Mody, Co-Trustee

Hemlatta M. Nirmal, Trustee of the Nirmal Family Trust, dated August 6, 2003

BY: \_\_\_\_\_  
Hemlatta M. Nirmal, Trustee

Divya Shah, Trustee of the Shah Family Trust dated 7/25/89

BY: \_\_\_\_\_  
Divya Shah, Trustee

Ramesh Shah and Veena Shah, as Co-Trustees of the Ramesh B. Shah Revocable Living Trust

BY: \_\_\_\_\_  
Ramesh Shah, Co-Trustee

BY: \_\_\_\_\_  
Veena Shah, Co-Trustee

BY: \_\_\_\_\_  
Anil A. Desai

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 \_\_\_\_\_

County of \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_, Notary Public,  
(here 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

**For APN/Parcel ID(s):**      **038-030-027-000**

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THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA IN COUNTY OF MADERA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA, COUNTY OF MADERA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL NO. 1:

A PARCEL OF LAND LYING ALL IN THE NORTHEAST QUARTER (NE 1/4) OF SECTION TWELVE (12), TOWNSHIP ELEVEN (11) SOUTH, RANGE SEVENTEEN (17) EAST, MOUNT DIABLO BASE & MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH BEARS NORTH 89° 42' WEST 508.42 FEET FROM A PORTION ON THE EAST LINE OF THE SAID SECTION 12, SAID POINT ON SAID EAST LINE BEARING SOUTH 0° 03' EAST 1941.45 FEET FROM THE NORTHEAST CORNER OF THE SAID SECTION 12, THENCE FROM SAID POINT OF BEGINNING, SOUTH 0° 03-1/2' EAST 702.2 FEET NORTH 89° 40-1/2' WEST 248.24 FEET, NORTH 0° 3-1/2' WEST 701.8 FEET AND SOUTH 89° 42' EAST 248.24 FEET TO THE POINT OF BEGINNING.

PARCEL NO. 2:

ALL THAT PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER (S 1/2 OF NE 1/4) OF SECTION TWELVE (12), TOWNSHIP ELEVEN (11) SOUTH, RANGE SEVENTEEN (17) EAST MOUNT DIABLO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF THE SAID SOUTH HALF (S 1/2) OF THE NORTHEAST QUARTER (NE 1/4), WHICH BEARS NORTH 89° 40-1/2' WEST 756.62 FEET FROM THE SOUTHEAST CORNER THEREOF THENCE CONTINUING ALONG SAID SOUTH LINE NORTH 89° 40-1/2' WEST 329.6 FEET, THENCE NORTH 0° 3-1/2' WEST 660.6 FEET, THENCE SOUTH 89° 41' EAST 329.6 FEET, THENCE SOUTH 0° 30-1/2' EAST 660.7 FEET TO THE POINT OF BEGINNING.