

CITY OF YUBA CITY  
STAFF REPORT

**Date:** November 17, 2009  
**To:** Honorable Mayor & Members of the City Council  
**From:** Public Works Department  
**Presentation by:** George Musallam, Public Works Director

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**Summary**

**Subject:** Sale of City Property Located at the Northwest Corner of Sutter Street and North Colusa Frontage Road to Michael Tomlinson and Theresa Tomlinson, as Trustees of the Michael Tomlinson and Theresa Tomlinson 1997 Irrevocable Inter Vivos Family Trust

**Recommendation:**

- a. Authorize the City Manager, or his designee, to execute all escrow documents pertaining to the sale of the subject property.
- b. Authorize the Mayor to execute a Grant Deed transferring title of the subject property to Michael Tomlinson and Theresa Tomlinson, as Trustees of the Michael Tomlinson and Theresa Tomlinson 1997 Irrevocable Inter Vivos Family Trust, contingent upon the dedication of a portion of AP# 51-571-015 for Sutter Street from the Tomlinson's to the City.

**Fiscal Impact:** \$2,858.47 - Revenue Account No. 220-49210 (Sale of Real/Personal Property)

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**Background:**

In 2000, the City purchased property in the vicinity of Sutter Street and North Colusa Frontage Road for the extension of Sutter Street to Market Street. The alignment of the Sutter Street extension left a remainder of property, approximately 3,964 sf in area, located at the northwest corner of Sutter Street and North Colusa Frontage Road (Exhibit A).

**Analysis:**

Michael and Theresa Tomlinson own two parcels directly west of the subject property. Mr. Tomlinson approached staff to determine if the City would be interested in selling the subject property to him. Upon investigation, it was determined that when the City constructed the Sutter Street extension project, a portion of the roadway, approximately 1,420 sf, was built over the northeast corner of the Tomlinson's property identified as AP# 51-571-015 without obtaining the necessary dedications from the Tomlinson's.

When the situation was discussed with Mr. Tomlinson, he indicated a willingness to dedicate the right-of-way (1,420 sf) and a public utility easement (1,019 sf) for Sutter Street, if the value of the

property could be deducted from the purchase price of the City's property. In 2006, the City sold the abandoned portion of Sumner Street, which is located directly east of the subject property, based on an appraised amount of \$1.41/sf. Staff felt that it was appropriate to use the same appraised value for the proposed transaction as the uses are very similar.

The estimated value of the property that the Tomlinson's will be dedicating to the City is \$2,710.95, and the estimated value of the property that the Tomlinson's will purchase from the City is \$5,569.42, leaving a difference of \$2,858.47 owed the City.

**Fiscal Impact:**

The City purchased the property for the extension of Sutter Street using road funds. The \$2,858.47 received from the Tomlinson's will be depositing into Revenue Account No. 220-49210.

**Alternatives:**

Do not authorize the sale of the property.

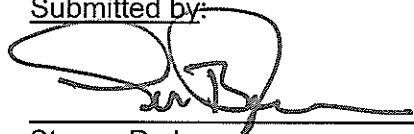
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Prepared by:

Diana Langley  
Diana Langley  
Principal Engineer

Submitted by:

  
\_\_\_\_\_  
Steven R. Jepsen  
City Manager

Reviewed by:

Department Head

DL for GM

Finance

MB

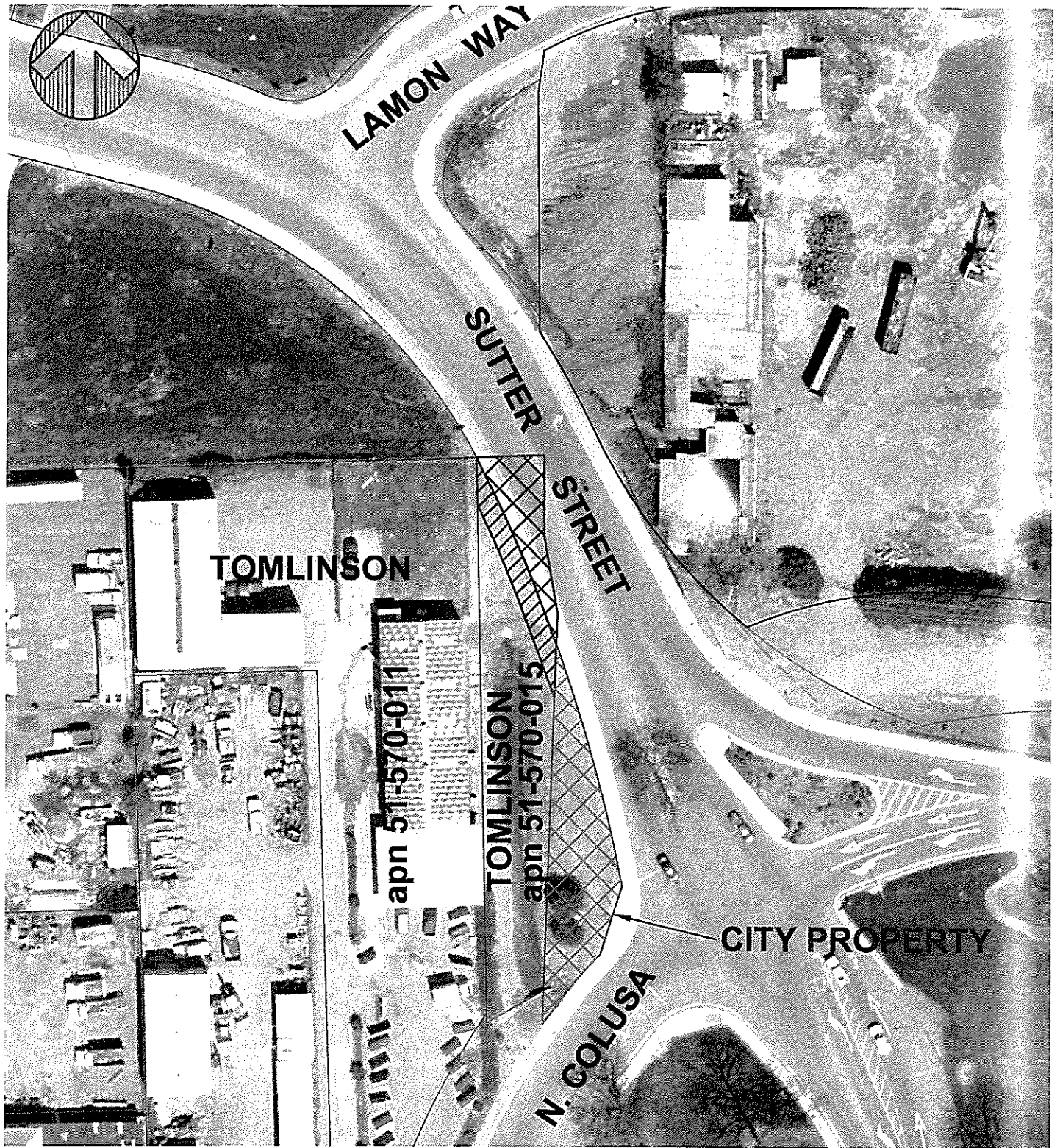
City Attorney

\_\_\_\_\_

Other

\_\_\_\_\_


# EXHIBIT A




## LEGEND

————— EXISTING RIGHT of WAY

 RIGHT OF WAY TO BE DEDICATED TO CITY  
AREA = 1,420 SF

 PUBLIC UTILITY EASEMENT TO BE DEDICATED TO CITY  
AREA = 1,019 SF

 PROPERTY PROPOSED TO BE SOLD TO TOMLINSON  
CITY WILL MAINTAIN PUE  
AREA = 3,964 SF

AND WHEN RECORDED MAIL TO

CITY OF YUBA CITY  
CLERK'S OFFICE  
1201 CIVIC CENTER BLVD.  
YUBA CITY, CA. 95993

MAIL TAX STATEMENTS TO

CITY OF YUBA CITY  
CLERK'S OFFICE  
1201 CIVIC CENTER BLVD.  
YUBA CITY, CA. 95993

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## GRANT DEED

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The undersigned grantor(s) declare(s):

Documentary transfer tax is \$ .....

computed on full value of property conveyed, or

computed on full value less liens and encumbrances remaining at time of sale.

Unincorporated area

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

CITY OF YUBA CITY, a Municipal Corporation

Hereby GRANT(s) to the

MICHAEL TOMLINSON and THERESA TOMLINSON, as Trustees of the MICHAEL TOMLINSON  
and THERESA TOMLINSON 1997 REVOCABLE INTER VIVOS FAMILY TRUST created April 15,  
1997

The following described real property in the City of Yuba City, County of Sutter, State of California

**SEE EXHIBIT A**

DATE .....

.....  
Kash Gill  
Mayor  
City of Yuba City

**EXHIBIT A**

That parcel of land lying within the southwest quarter of Section 14, T. 15N. R.3E., M.D.M. as projected into the New Helvetia Rancho in the City of Yuba City, Sutter County, California and being described as follows:

A portion of that certain parcel of land described in deed to Michael Tomlinson and Theresa Tomlinson, as Trustees of the Michael Tomlinson and Theresa Tomlinson 1997 Revocable Inter Vivos Family Trust created April 15, 1997, recorded at document number 2008-0011117 of Official Records of Sutter County, California on July 1, 2008, lying northeasterly of the following described line:

Commencing at the northeast corner of Lot 3 as shown on that certain map entitled "Dower Tract" filed in Book 8 of Surveys at Page 45, Sutter County Records, said point also being the northwest corner of said parcel recorded at document number 2008-0011117 of Official Records of Sutter County, California on July 1, 2008; thence South 26°57'53" East, a distance of 4.66 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 711.75 feet (chord bears South 24°29'47" East, 66.65 feet); thence southeasterly along said curve through a central angle of 5°22'01" an arc distance of 66.67 feet; thence South 20°39'18" East, a distance of 29.69 feet to a point on the easterly line of said parcel recorded at document number 2008-0011117, and the True Point of Beginning; thence continuing South 20°39'18" East, a distance of 4.70 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 779.75 feet (chord bears South 15°10'17" East, 119.26 feet); thence southeasterly along said curve through a central angle of 8°46'18" an arc distance of 119.37 feet; thence South 17°33'38" West, a distance of 35.51 feet to the beginning of a non-tangent curve concave to the southeast having a radius of 168.00 feet (chord bears South 41°29'32" West, 25.13 feet); thence southeasterly along said curve through a central angle of 8°34'49" an arc distance of 25.16 feet; thence South 37°12'08" West, a distance of 19.96 feet; thence North 02°00'00" East, a distance of 188.19 feet to the True Point of Beginning.

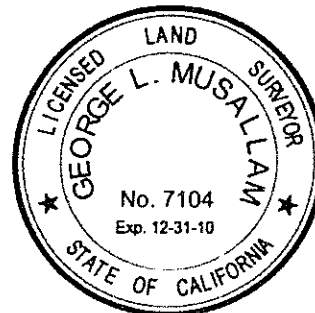
Together with a Public Utility Easement over the entire above described parcel to be retained by the City.

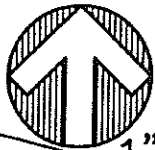
END OF DESCRIPTION

PREPARED BY

\_\_\_\_\_

DATE : \_\_\_\_\_





1" = 60'

LAMON WAY

51-550-038

NORTHEAST CORNER  
LOT 3 DOWER TRACT.  
COMMENCEMENT POINT

S26°57'53"E  
4.66'

SUTTER STREET

$\Delta = 5'22'01"$   
 $R = 711.75'$   
 $L = 66.67'$   
CH=S 24°29'47" E  
66.65'

51-550-045

S20°39'18"E  
29.69'

LOT 3  
DOWER TRACT

51-570-011

POB

S20°39'18"E  
4.70'

N02°00'00"E  
188.19'

51-570-015

$\Delta = 8'46'18"$   
 $R = 779.75'$   
 $L = 119.37'$   
CH=S 15°10'17" E  
119.26'

51-570-013

$\Delta = 8'34'49"$   
 $R = 168.00'$   
 $L = 25.16'$   
CH=S 41°29'32" W  
25.13'

S17°33'38"W  
35.51'

S37°12'08"W  
19.96'

r/w=.091 acres; pue=.091 acres

RESOLUTION No. <u>06-045</u>	DOCUMENT NO.	
<b>CITY of YUBA CITY</b>		
CITY OF YUBA CITY		
<b>"EXHIBIT B"</b>		
<b>CONVEYANCE PLAT</b>		
SUBMITTED BY: sal	DATE DRAWN: 7-29-09	DWG. No.
APPROVED	DRAWN BY: sal	XXXX
	CHECKED BY: staff	A
APPROVED		

LEGEND

----- EXISTING RIGHT of WAY

 PROPERTY TO BE CONVEYED WITH PUBLIC UTILITY EASEMENT TO BE RETAINED BY CITY