



COUNTY OF SAN LUIS OBISPO
Department of general services

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO, CALIFORNIA 93408 • (805) 781-5200
DUANE P. LEIB, DIRECTOR

TO: BOARD OF SUPERVISORS
D. Leib
FROM: DUANE P. LEIB, GENERAL SERVICES DIRECTOR
DATE: MARCH 28, 2006
SUBJECT: REQUEST TO REVISE DEED RESTRICTIONS ON COUNTY-OWNED REAL PROPERTY LOCATED AT 5110 SWAYZE STREET IN CRESTON, CURRENTLY USED AS THE CRESTON FIRE STATION, TO ALLOW POSSIBLE FUTURE USE AS A COMMUNITY BUILDING.

RECOMMENDATION

The Department of General Services recommends your Board approve the attached Resolution and authorize the Chairperson to sign the Resolution, Restrictive Covenant, and Certificate of Acceptance for Quitclaim Deed.

DISCUSSION

On October 10, 1984, the Board of Supervisors accepted an Individual Grant Deed from Madeline J. Algee for a 1.95-acre parcel of real property located at 5110 Swayze Street in Creston, APN 043-091-051. The property is currently used for the Creston fire station, and the deed restricts the use of the property to either a fire station or police department.

The Creston Fire Department is looking into options to relocate the fire station, and the community has expressed an interest to allow the fire department's current location to be converted into a community building. The current deed restriction would prevent such a use.

The original grantor of the property, Madeline J. Algee, is deceased, but Alvin Algee, her grandson and heir, agrees that the use of the property as a center for the community would be consistent with his grandmother's wishes. He has signed a Quitclaim Deed that terminates his reversionary interest in the property subject to the County recording a revised deed restriction allowing the property to be used for a fire station, police department, or community building.

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It is not currently known when or if the Creston Fire Station will be relocated. The existing property is improved with a steel building that garages the fire truck and equipment and two mobile homes that serve as offices, training room, and residence for firefighters. Any future building use will require a capital project in order to serve as a community building, and the scope of this project has not yet been determined.

The sole intent of revising the deed restriction at this time is to allow the possible use of the property for a community center at a future date. If the fire station relocates, the Department of General Services will request direction from the Board relative to the disposition of the remaining property. Before the property could be made available to the public as a community building, the Board would need to determine how to fund the necessary improvements to the building (which may include ADA requirements, parking, bathroom upgrades, kitchen needs, structural or cosmetic improvements) and sign a lease with a local non-profit group to manage the building.

OTHER AGENCY INVOLVEMENT

County Counsel has reviewed and approved the form and legal content of this agreement.

FINANCIAL CONSIDERATIONS

Approval of this item does not commit the County to any expenditure associated with the possible conversion of the existing Creston fire station to a community building. No costs, aside from staff time to prepare the legal documents and bring the item to the Board, are associated with this proposal.

RESULTS

Approval of the attached Resolution will allow the Chairperson of the Board to sign a Restrictive Covenant and a Certificate of Acceptance for Quitclaim Deed from Alvin Algee that will change the deed restrictions on the current Creston fire station property to allow the possible future use of the property for a community building.

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IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

.....day, 20.....

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____
RESOLUTION TO REVISE DEED RESTRICTIONS ON
COUNTY-OWNED PROPERTY LOCATED AT 5110 SWAYZE STREET
IN CRESTON, CURRENTLY USED FOR THE CRESTON FIRE STATION

The following Resolution is hereby offered and read:

WHEREAS, the County of San Luis Obispo (hereafter referred to as "County") is the owner of property located at 5110 Swayze Street in Creston, California, APN 043-091-051, more particularly described in Exhibit "A", which is attached to this Agreement and hereby incorporated by reference; and

WHEREAS, the County acquired title to the property from Madeline J. Algee by Individual Grant Deed recorded on October 10, 1984; and

WHEREAS, said grant deed restricted the property to be used for a fire station or police department; and

WHEREAS, the property is currently used for the Creston fire station; and

WHEREAS, the Creston fire station is seeking to relocate to another property; and

WHEREAS, the community has expressed an interest in converting the existing fire station premises into a community building; and

WHEREAS, the original grantor, Madeline J. Algee, is deceased; and

WHEREAS, Alvin Algee, the grandson and heir of Madeline J. Algee, has agreed that use of the property for a community building would be consistent with his grandmother's wishes; and

WHEREAS, in order to allow the existing deed restrictions to be changed, Alvin Algee has executed a Quitclaim Deed that would extinguish his reversionary interest subject to the concurrent recordation by the County of a revised deed restriction limiting the use of the property to fire station, police department, or community building; and

WHEREAS, although a funding source for the costs associated with converting the fire station into a community building has not been identified at this time, it is in the public interest for the County of San Luis Obispo to revise the deed restrictions to allow the potential future use of the subject property as a community building,

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California as follows:

BY
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1. That the interest in real property conveyed by the attached Quitclaim Deed from Alvin Algee is hereby accepted by the County of San Luis Obispo, and that the Board of Supervisors hereby authorizes the Chairperson to sign the Resolution and Certificate of Acceptance.
2. That the restrictions on the subject property shall be amended to include use of the property as a community building, and that the Board of Supervisors hereby authorizes the Chairperson to sign the Restrictive Covenant.
3. That the Board of Supervisors, upon presentation to the Clerk of the Board, directs the Clerk of the Board to record said Quitclaim Deed and to record immediately thereafter the Restrictive Covenant.

Upon Motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing Resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: 
Deputy County Counsel

Date: 3/13/06

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Exhibit "A"

All that portion of Lot 83 of the Subdivision of Rancho Huer Huero in the County of San Luis Obispo, State of California, according to the map thereof, filed in Book A, Page 110 of Maps, in the office of the County Recorder of said County, more particularly described as follows:

Beginning at the point on the northerly side of First Street (also known as Swazee Street) in the unincorporated community of Creston, County of San Luis Obispo, said point being shown as S217 on Parcel Map CO-77-84 in Book 23, Page 71 of Parcel Maps, said map being filed for record in the Office of the County Recorder for said County; thence along the northerly side of said street bearing South 59° 39' 15" East, a distance of 213.84 feet to a point, said point being the TRUE POINT OF BEGINNING; thence South 60°, East, a distance of 542.52 feet to a point, said point being designated as S76 on the above referenced Parcel Map CO-77-84; thence North 30°, East, 313.22 feet to a point, thence along a line in a Southwesterly direction a distance of 626.45 feet, more or less, to the TRUE POINT OF BEGINNING.

Said parcel further being described as Lot A of Public Lot Line Adjustment PL83-55 as approved by the County Subdivision Review Board on April 6, 1983.

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RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

Clerk of the Board of Supervisors
County of San Luis Obispo
1055 Monterey Street
San Luis Obispo, CA 93408

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COUNTY BUSINESS-FREE. THIS DOCUMENT PRESENTED FOR RECORDING PURSUANT TO
GOVT. CODE SECTION 27383.

QUITCLAIM DEED

Alvin Algee, as successor in interest to Madeline J. Algee, does hereby remise, release and forever quitclaim to

The County of San Luis Obispo, a Public Entity in the State of California

the following described real property in the County of San Luis Obispo, State of California, to wit:

**any and all rights, title, or interest in the subject real property
as described in Exhibit "A" attached hereto.**

This quitclaim deed is subject to the concurrent recording by the County of San Luis Obispo of a deed restriction on the subject property restricting the use of the property to fire services, police services, or community center.

APN: 043-091-051

Grantor:

BY: Alvin Algee
Alvin Algee

DATE: March 14, 2006

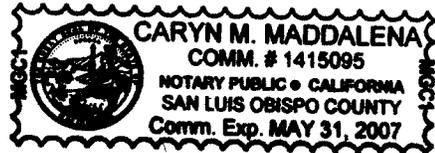
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STATE OF CALIFORNIA)
COUNTY OF SAN LUIS OBISPO)

On March 14, 2006 before me, Caryn M. Maddalena personally appeared **Alvin Algee**, personally known to me (or proved to me on the basis of satisfactory evidence) to be person whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity , and that by his/her/their signature on the instrument the person , or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal

Caryn M. Maddalena
Signature
(Seal)



Date: March 14, 2006

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Exhibit "A"

All that portion of Lot 83 of the Subdivision of Rancho Huer Huero in the County of San Luis Obispo, State of California, according to the map thereof, filed in Book A, Page 110 of Maps, in the office of the County Recorder of said County, more particularly described as follows:

Beginning at the point on the northerly side of First Street (also known as Swazee Street) in the unincorporated community of Creston, County of San Luis Obispo, said point being shown as S217 on Parcel Map CO-77-84 in Book 23, Page 71 of Parcel Maps, said map being filed for record in the Office of the County Recorder for said County; thence along the northerly side of said street bearing South 59° 39' 15" East, a distance of 213.84 feet to a point, said point being the TRUE POINT OF BEGINNING; thence South 60°, East, a distance of 542.52 feet to a point, said point being designated as S76 on the above referenced Parcel Map CO-77-84; thence North 30°, East, 313.22 feet to a point, thence along a line in a Southwesterly direction a distance of 626.45 feet, more or less, to the TRUE POINT OF BEGINNING.

Said parcel further being described as Lot A of Public Lot Line Adjustment PL83-55 as approved by the County Subdivision Review Board on April 6, 1983.

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CERTIFICATE OF ACCEPTANCE

THIS IS TO CERTIFY that the interest in real property conveyed by the Quitclaim Deed dated _____, 2006, from Alvin Algee (Grantor) to the County of San Luis Obispo (Grantee), is hereby accepted by the undersigned officer on behalf of Grantee, and the Grantee consents to the recordation thereof by its duly authorized officer or agent.

Date: _____

The County of San Luis Obispo

By _____
Chairperson of the Board of Supervisors

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: _____
Deputy County Counsel

Date: _____

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

Clerk of the Board of Supervisors
County of San Luis Obispo
1055 Monterey Street
San Luis Obispo, CA 93408

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COUNTY BUSINESS-FREE. THIS DOCUMENT PRESENTED FOR RECORDING PURSUANT TO
GOVT. CODE SECTION 27383.

RESTRICTIVE COVENANT

The County of San Luis Obispo, a Public Entity in the State of California (hereinafter referred to as "County"), as owner of the real property described in Exhibit "A" attached hereto, declare that the restrictions as declared in the Individual Grant Deed recorded October 10, 1984 in Document #53896 in the Office of the Recorder of San Luis Obispo County, State of California, are hereby terminated and replaced with the following acknowledgments, covenants, and agreements:

County hereby covenants and agrees that the real property described in Exhibit "A" shall be used for the housing and operation for fire services to the community of Creston by the County Fire Department, or for the use of the police department for the performance of minor accessory police services in connection therewith, or for use of the property as a community center.

The covenants and restrictions contained herein shall be construed as covenants, agreements, restrictions, and servitudes running with the land.

APN 043-091-051

COUNTY OF SAN LUIS OBISPO

BY: _____
Chairperson of the Board of Supervisors

Authorized by the Board of Supervisors this
_____ day of _____, 2006.

Executed in the presence of:

County Clerk and Ex-Officio Clerk
Board of Supervisors
County of San Luis Obispo
State of California

By: _____
Deputy Clerk

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STATE OF CALIFORNIA)
COUNTY OF SAN LUIS OBISPO)

On _____, 2006 before me, _____,
Deputy County Clerk-Recorder, County of San Luis Obispo, State of California, personally
appeared _____, personally known to me to be
the person whose name is subscribed to the within instrument and acknowledged to me that he
executed the same in his authorized capacities, and that by his signature on the instrument the
person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

JULIE L. RODEWALD, County Clerk-
Recorder and Ex-Officio Clerk of
the Board of Supervisors

By: _____
Deputy County Clerk-Recorder

(SEAL)

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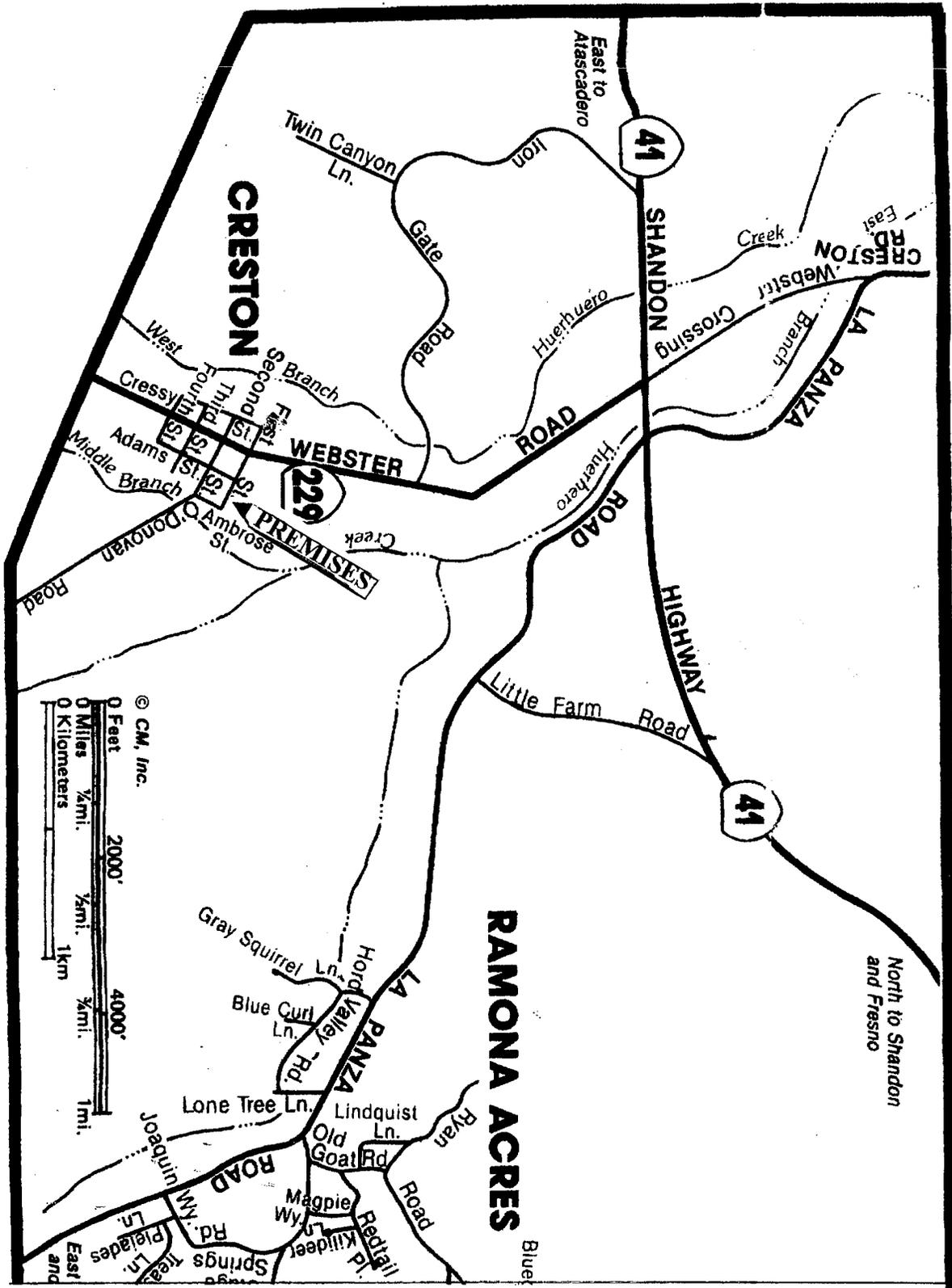
Exhibit "A"

All that portion of Lot 83 of the Subdivision of Rancho Huer Huero in the County of San Luis Obispo, State of California, according to the map thereof, filed in Book A, Page 110 of Maps, in the office of the County Recorder of said County, more particularly described as follows:

Beginning at the point on the northerly side of First Street (also known as Swazee Street) in the unincorporated community of Creston, County of San Luis Obispo, said point being shown as S217 on Parcel Map CO-77-84 in Book 23, Page 71 of Parcel Maps, said map being filed for record in the Office of the County Recorder for said County; thence along the northerly side of said street bearing South 59° 39' 15" East, a distance of 213.84 feet to a point, said point being the TRUE POINT OF BEGINNING; thence South 60°, East, a distance of 542.52 feet to a point, said point being designated as S76 on the above referenced Parcel Map CO-77-84; thence North 30°, East, 313.22 feet to a point, thence along a line in a Southwesterly direction a distance of 626.45 feet, more or less, to the TRUE POINT OF BEGINNING.

Said parcel further being described as Lot A of Public Lot Line Adjustment PL83-55 as approved by the County Subdivision Review Board on April 6, 1983.

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VICINITY MAP

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