

AGENDA ITEM NO. 50

COUNCIL MEETING OF 02/06/96

REQUEST FOR COUNCIL ACTION

SUBJECT: RELEASE OF LIEN (ANNEXATION AGREEMENT) - EDGEMONT DRIVE

MOTION:

I move that the City Council authorize execution of the Release of Agreement Securing Obligation to Annex for Certain Property on Edgemont Drive as recommended by Staff.

STAFF RECOMMENDATION:

The Municipal Utilities Department recommends that the City Council authorize execution of the Release of Agreement Securing Obligation to Annex, for Certain Property on Edgemont Drive, as discussed in this report.

COMMISSION RECOMMENDATION: None.

DISCUSSION:

The City received a request from Janet Fletcher, Realtor, to release the lien shown as Item #4 on the Preliminary Title Report from First American Title Co. for properties at 108 and 108 1/2 Edgemont Dr., owned by Dr. and Mrs. Ora Mudge.

At the time the property was subdivided into four (4) parcels in 1978, it was in the County. As a condition of providing water service to the property, the City required the owner to enter into an annexation agreement dated March 22, 1978, and recorded March 28, 1978, in Book 9398, Page 1483, official records of San Bernardino County. The property has subsequently been annexed into the City, and the buyer of one of the parcels is requesting that the lien be cleared from the title to provide a title unencumbered by the lien. Now that the property is within the City's jurisdiction, the performance of the obligations under the lien are effectively satisfied, and the lien simply needs to be removed.

Specifically, this Release of Agreement Securing Obligation to Annex relates to that certain agreement dated March 22, 1978, and recorded in the Official Records of San Bernardino County, California on March 28, 1978, as Document No. 999, Book 9398, Page 1483. The Release removes the lien from all of effected properties which are 6 parcels generally located on the west side of Edgemont, south of Sunset Drive.

The Release of Agreement Securing Obligation to Annex form was prepared by the City Attorney.

Janet Fletcher

Realtor

Member Multiple Listing

Mailing Address: P.O. Box 429 • Business Address: 312 Brookside Ave. • Redlands, California 92373
(909) 798-6282 FAX (909) 798-0637

January 2, 1996

Lewis Perkins
Public Works Dept.
City of Redlands

Lewis:

As per our conversation here is the covenant which runs with the property that Dr. and Mrs. Mudge are currently selling - 108 1/2 Edgemont Dr. They did a split and it must run with their's too - 108 Edgemont Dr. I have included the statement #4 of the Preliminary Title report from First American Title Insurance Co. We have an escrow #14528 DC with Guardian Escrow due to close January 25, 1996. The title officer at First American is Tim Follett with order number 216370. I include this information as if it could be done before it closes it could be recorded through escrow. If not I can get it to the buyers after close of escrow.

Thank you for your help in this matter.


Janet Fletcher

Phone numbers: First American 8890311

Guardian Escrow: Denise Casey, escrow officer 793-3147

RECORDING REQUESTED BY AND
WHEN RECORDED, MAIL TO:

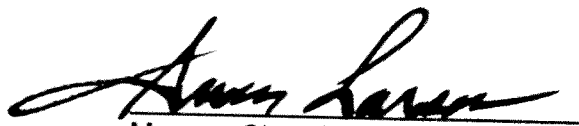
DR. AND MRS. MUDGE
108 EDMONT DRIVE
REDLANDS, CA 92373

RELEASE OF AGREEMENT SECURING OBLIGATION TO ANNEX

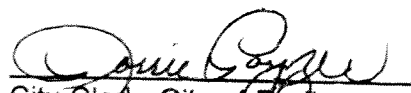
In satisfaction of the performance by Charles A. Roy, Elliott J. Livingston, Grant W. Hollis, Jr., Andrew T. Sencak, Chester Squibb and Margaret A. Roy and their successors in interest hereinafter collectively referred to as Owner, of all obligations undertaken by Owner pursuant to that certain agreement dated March 22, 1978, and recorded in the Official Records of San Bernardino County, California on March 28, 1978, as Document No. 999, Book 9398, Page 1483; hereinafter "Agreement;"

The City of Redlands does hereby remise, release, and discharge all personal and real property from any lien imposed thereon by the filing and recordation of said Agreement.

Executed this 7th day of February, 1996.


Mayor, City of Redlands

ATTEST:


City Clerk, City of Redlands

(NOTARY ACKNOWLEDGEMENT ATTACHED)

ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) SS
CITY OF REDLANDS)

By the authority granted under Chapter 4, Article 3, Section 1181, of the California Civil Code, and Chapter 2, Division 3, Section 40814, of the California Government Code, on February 6, 1996 before me, Beatrice Sanchez, Deputy City Clerk, on behalf of Lorrie Poyzer, City Clerk of the City of Redlands, California, personally appeared Swen Larson and Lorrie Poyzer{x} personally known to me - or - { } 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 ~~this/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.

(SEAL)

WITNESS my hand and official seal.

LORRIE POYZER, CITY CLERK

By: Beatrice Sanchez
Beatrice Sanchez, Deputy City Clerk
(909)798-7531

CAPACITY CLAIMED BY SIGNER(S)

{ } Individual(s) signing for oneself/themselves

{ } Corporate Officer(s)

Title(s) _____

Company _____

{ } Partner(s)

Partnership _____

{ } Attorney-In-Fact

Principal(s) _____

{ } Trustee(s)

Trust _____

{xx} Other

Title(s) Mayor and City Clerk

Entity Represented City of Redlands

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED BELOW:

Title or Type of Document: Release of Agreement Securing Obligation
Number of Pages one Date of Document 2/6/96 to Annex
Signer(s) Other Than Named Above none