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Tom Daly, Clerk-Recorder

CITY OF GARDEN GROVE

AND WHEN RECORDED MAIL TO

City of Garden Grove
11222 Acacia Parkway
Garden Grove, CA 92840
Attn: Real Property Office

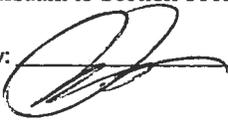
NO FEE

2009000333850 08:00am 06/25/09

231-471-21
ASSESSOR PARCEL NUMBER

This is exempt from payment of recording fee
Pursuant to Section 11903 of the Government Code.

DOCUMENTARY TRANSFER TAX
Exempt per revenue and Taxation Code
Section 11922

By: 

3979

GRANT DEED

4-4-541191

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

DUANE A. KASULKA, A MARRIED MAN

hereby **GRANT (S)**, to,

CITY OF GARDEN GROVE, a municipal corporation,

all that real property in the City of Garden Grove, County of Orange, State of California, described as:

LOT 34 OF TRACT NO. 2148, AS SHOWN ON MAP RECORDED IN BOOK 58, PAGES 46 TO 48 INCLUSIVE
OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA.

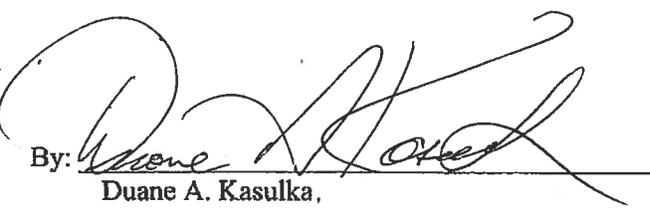
Dated 4/23/09

STATE OF CALIFORNIA
COUNTY OF San Luis Obispo

S.S.
On 6-23-2009 before me,

Teri Richardson
a Notary Public in and for said County and State, personally appeared

Duane A. Kasulka

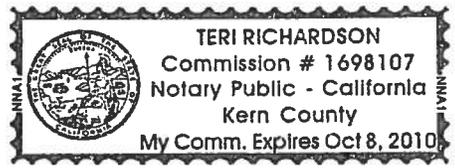
By: 
Duane A. Kasulka,

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.

FOR NOTARY SEAL OR STAMP

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: Teri Richardson



CITY OF GARDEN GROVE

APPROVED AS TO FORM OTHER THAN LEGAL DESCRIPTION

By: [Signature]
City Attorney

Dated: 6/22/09

APPROVED AS TO EXECUTION AND DESCRIPTION

By: [Signature]
Right of Way Agent

Dated: 6/22/09

This is to certify that the interest in real property conveyed by the deed or grant dated _____ from _____

to the City of Garden Grove, a municipal corporation, is hereby accepted by the undersigned officer on behalf of the Garden Grove City Council pursuant to authority conferred by resolution of the Garden Grove City Council adopted July 17, 1978, and the grantee consents to recordation thereof by its duly authorized officer.

Dated: 6/22/09

By: [Signature]
City Clerk



PRELIMINARY CHANGE OF OWNERSHIP REPORT

FOR RECORDER'S USE ONLY

To be completed by transferee (buyer) prior to transfer of subject property in accordance with Section 480.03 of the Revenue and Taxation Code. A Preliminary Change of Ownership Report must be filed with each conveyance in the County Recorder's office for the county where the property is located; this particular form may be used in all 58 counties of California. THIS REPORT IS NOT A PUBLIC DOCUMENT

SELLER/TRANSFEROR: Duane A Kasulka
BUYER/TRANSFEREE: City of Garden Grove, a municipal corporation
ASSESSOR'S PARCEL NUMBER(S): 231-471-21
PROPERTY ADDRESS OR LOCATION: 12281 Thackery Drive, Garden Grove, CA,
MAIL TAX INFORMATION TO: Name: City of Garden Grove, a municipal corporation
Address: Attn: Real Property Office 1222 Acacia Parkway, Garden Grove, CA 92842
Phone Number (8 a.m. - 5 p.m.): ()

NOTICE: A lien for property taxes applies to your property on January 1 of each year for the taxes owing in the following fiscal year, July 1 through June 30. One-half of these taxes is due November 1, and one-half is due February 1. The first installment becomes delinquent on December 10, and the second installment becomes delinquent on April 10. One tax bill is mailed before November 1 to the owner of record. IF THIS TRANSFER OCCURS AFTER JANUARY 1 AND ON OR BEFORE DECEMBER 31, YOU MAY BE RESPONSIBLE FOR THE SECOND INSTALLMENT OF TAXES DUE FEBRUARY 1.

The property which you acquired may be subject to a supplemental assessment in an amount to be determined by the County Assessor. For further information on your supplemental roll obligation, please call the Orange County Assessor.

PART I: TRANSFER INFORMATION (Please answer all questions)

- YES NO
A. Is this transfer solely between husband and wife (addition of a spouse, death of a spouse, divorce settlement, etc.)?
B. Is this transaction only a correction of the name(s) of the person(s) holding title to the property (for example, a name change upon marriage)? Please explain
C. Is this document recorded to create, terminate, or reconvey a lender's interest in the property?
D. Is this transaction recorded only as a requirement for financing purposes or to create, terminate, or reconvey a security interest (e.g. cosigner)? Please explain
E. Is this document recorded to substitute a trustee of a trust, mortgage, or other similar document?
F. Did this transfer result in the creation of a joint tenancy in which the seller (transferor) remains as one of the joint tenants?
G. Does this transfer return property to the person who created the joint tenancy (original transferor)?
H. Is this transfer of property:
1. to a revocable trust that may be revoked by the transferor and is for the benefit of the transferor or transferor's spouse?
2. to a trust that may be revoked by the Creator/Grantor who is also a joint tenant, and which names the other joint tenant's as beneficiaries when the Creator/Grantor dies?
3. to an irrevocable trust for the benefit of the Creator/Grantor and/or Grantor's spouse?
4. to an irrevocable trust from which the property reverts to the Creator/Grantor within 12 years?
I. If this property is subject to a lease, is the remaining lease term 35 years or more including written options?
*J. Is this a transfer between parent(s) and child(ren)? or from grandparent(s) to grandchild(ren)?
*K. Is this transaction to replace a principal residence by a person 55 years of age or older? Within the same county? Yes No
*L. Is this transaction to replace a principal residence by a person who is severely disabled as defined by Revenue and taxation code section 69.5? Within the same county? Yes No
M. Is this transfer solely between domestic partners currently registered with the California Secretary of State?

* If you checked yes to J, K or L, you may qualify for a property tax reassessment exclusion, which may result in lower taxes on your property. If you do not file a claim, your property will be reassessed.

Please provide any other information that would help the Assessor to understand the nature of the transfer.

If the conveying document constitutes an exclusion from a change in ownership as defined in section 62 of the Revenue and Taxation Code for any reason other than those listed above, set forth the specific exclusions claimed:

Please answer all questions in each section. If a question does not apply, indicate with "N/A." Sign and date at bottom of second page.

PART II: OTHER TRANSFER INFORMATION

- A. Date of transfer if other than recording date
B. Type of transfer. Please check appropriate box.
Purchase Foreclosure Gift Trade or Exchange Merger, Stock, or Partnership Acquisition
Contract of Sale - Date of Contract
Inheritance - Date of Death Other: (please explain):
Creation of a Lease Assignment of a Lease Termination of a Lease Sale/Leaseback
Date lease began Original term in years (including written options)
Remaining term in years (including written options)
Monthly Payment Remaining Term
C. Was only a partial interest in the property transferred? Yes No If yes, indicate the percentage transferred %

PRELIMINARY CHANGE OF OWNERSHIP REPORT

Please answer, to the best of your knowledge, all applicable questions, sign and date. If a question does not apply, indicate with "N/A."

PART III: PURCHASE PRICE AND TERMS OF SALE

A. CASH DOWN PAYMENT OR Value of Trade or Exchange (excluding closing costs) Amount \$ 510,000

B. FIRST DEED OF TRUST @ _____ % interest for _____ years. Pymts/Mo.= \$ _____ (Prin. & Int. only) Amount \$ _____

FHA (_____ Discount Points) Fixed Rate New Loan

Conventional Variable Rate Assumed Existing Loan Balance

VA (_____ Discount Points) All inclusive D.T. (\$ _____ Wrapped) Bank or Savings & Loan

Cal-Vet Loan Carried by Seller Finance Company

Balloon Payment Yes No Due Date _____ Amount \$ _____

C. SECOND DEED OF TRUST @ _____ % interest for _____ years. Pymts/Mo.= \$ _____ (Prin. & Int. only) Amount \$ _____

Bank or Savings & Loan Fixed Rate New Loan

Loan Carried by Seller Variable Rate Assumed Existing Loan Balance

Balloon Payment Yes No Due Date _____ Amount \$ _____

D. OTHER FINANCING: Is other financing involved not covered in (b) or (c) above? Yes No Amount \$ _____

Type _____ @ _____ % interest for _____ years. Pymts./Mo.= \$ _____ (Prin. & Int. only)

Bank or Savings & Loan Fixed Rate New Loan

Loan Carried by Seller Variable Rate Assumed Existing Loan Balance

Balloon Payment Yes No Due Date _____ Amount \$ _____

E. WAS AN IMPROVEMENT BOND ASSUMED BY THE BUYER? Yes No Outstanding Balance: Amount \$ _____

F. TOTAL PURCHASE PRICE (for acquisition price, if traded or exchanged, include real estate commission if paid.)

Total Items A through E **\$ 510,000.00**

G. PROPERTY PURCHASED Through a broker Direct from seller From a family member Other (please explain) _____

If purchased through a broker, provide broker's name and phone number: _____

Please explain any special terms, seller concessions, or financing and any other information that would help the Assessor understand the purchase price and terms of sale.

PART IV: PROPERTY INFORMATION

A. TYPE OF PROPERTY TRANSFERRED:

Single-family residence Agricultural Timeshare

Multiple-family residence (no. of units: _____) Co-op/Own-your-own Manufactured Home

Commercial/Industrial Condominium Unimproved lot

Other (Description: i.e. timber, mineral, water rights, etc. _____)

B. IS THIS PROPERTY INTENDED AS YOUR PRINCIPAL RESIDENCE? Yes No

If yes, enter date of occupancy _____ / _____ / _____ or intended occupancy _____ / _____ / _____

C. IS PERSONAL PROPERTY INCLUDED IN PURCHASE PRICE (i.e., furniture, farm equipment, machinery, etc.) (other than a manufactured home subject to local property tax)? Yes No

If yes, enter the value of the personal property included in the purchase price \$ _____ (Attach itemized list of personal property).

D. IS A MANUFACTURED HOME INCLUDED IN PURCHASE PRICE? Yes No

If yes, how much of the purchase price is allocated to the manufactured home? \$ _____

Is the manufactured home subject to local property tax? Yes No What is the decal number? _____

E. DOES THE PROPERTY PRODUCE INCOME? Yes No If yes, is the income from:

Lease/Rent Contract Mineral Rights Other -(please explain): _____

F. WHAT WAS THE CONDITION OF PROPERTY AT THE TIME OF SALE?

Good Average Fair Poor

Please explain the physical condition of the property and provide any other information (such as restrictions, etc.) that would assist the Assessor in determining the value of the property.

CERTIFICATION

OWNERSHIP TYPE (✓)

Proprietorship

Partnership

Corporation

Other

**I certify that the foregoing is true, correct and complete to the best of my knowledge and belief.
This declaration is binding on each and every co-owner and/or partner.**

NAME OF NEW OWNER/CORPORATE OFFICER <u>City of Garden Grove</u>	TITLE <u>City Manager</u>
SIGNATURE OF NEW OWNER/CORPORATE OFFICER <u>Maddie Fatah</u>	DATE <u>4-1-09</u>
NAME OF ENTITY (typed or printed) <u>City of Garden Grove</u>	FEDERAL EMPLOYER ID NUMBER
ADDRESS (typed or printed) <u>11222 Acacia Pkwy, Garden Grove CA 92842</u>	E-MAIL ADDRESS (OPTIONAL) DATE

(NOTE: The Assessor may contact you for further information.)
If a document evidencing a change of ownership is presented to the recorder for recordation without the concurrent filing of a preliminary change of ownership report, the recorder may charge an additional recording fee of twenty dollars (\$20).

AGREEMENT WITH DUANE A. KASULKA FOR ACQUISITION OF REAL
PROPERTY LOCATED AT 12281 THACKERY DRIVE, IN CONNECTION WITH
PROJECT NO. 8865, HARBOR-CHAPMAN (F: 84.1) (XR: A-55.232)
(XR: A-116.6) (XR: 57.9)

Staff report dated May 27, 2008, was introduced and reviewed by staff.

It was moved by Council Member Jones, seconded by Council Member Rosen, and carried by unanimous vote of those present, that the Agreement by and between the City of Garden Grove and Duane A. Kasulka, for the acquisition of real property at 12281 Thackery Drive, in the amount of \$510,000, be and hereby is approved; the City Manager and City Clerk are authorized to execute the pertinent documents on behalf of the City; the Finance Director is authorized to draw a warrant when appropriate to do so; and the City Manager and City Clerk are authorized to execute agreements for asbestos testing, asbestos abatement, and demolition at the lowest responsible bids.

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Matthew Fertal
Dept: City Manager
Subject: ACQUISITION OF REAL PROPERTY
12281 THACKERY DRIVE
(APN: 231-471-21)

From: Chet Yoshizaki
Dept: Economic Development
Date: May 27, 2008

OBJECTIVE

It is requested that the City of Garden Grove ("City") consider the acquisition of the real property located at 12281 Thackery Drive owned by Alfred E. Kasulka & Lillian J. Kasulka, Trustees of the Alfred E. Kasulka & Lillian J. Kasulka Trust Agreement of April 25, 1997 ("Owners").

BACKGROUND

The subject property is located adjacent to a larger redevelopment site situated along Harbor Boulevard. The acquisition of the subject property is urgent, as the Kam Sang Company is under time constraints from Marriott to begin the development of the Springhill Suites Hotel.

The acquisition consultant, Overland, Pacific, & Cutler, Inc., has made numerous attempts to contact the Owners. On December 28, 2007, the consultant mailed the offer on behalf of the City in the amount of \$510,000 (fair market value) for the purchase of the subject property. The consultant met with a family member at the Owners last known residence when the consultant was informed the Owners were deceased.

The consultant initiated contact with Duane Kasulka (Successor Trustee) who confirmed the death of the Owners, and the legal battle over the estate. Also, the First Successor Trustee--Ronald Kasulka, must convey the subject property to Duane Kasulka in order to convey it to the City.

DISCUSSION

The Trust Agreement provides that the First Successor Trustee shall convey the subject property to Duane Kasulka, the Second Successor Trustee, following the death of the last surviving Trustee. However, Ronald Kasulka has not conveyed the subject property to Duane Kasulka as they are disputing the estate. Duane Kasulka anticipates the legal disputes over the estate among the Successor Trustees to be resolved in a matter of weeks.

Due to urgency of this acquisition and based on the foregoing, the City should open an escrow on the subject property contingent on the fact that Duane Kasulka holds clear fee title to the property prior to close of escrow. If Duane Kasulka cannot

produce clear fee title prior to close, the escrow period may be extended until such title is obtained.

In anticipation of conveyance of the subject property to Duane Kasulka, an agreement has been reached with him to acquire fee title interest of 12281 Thackery Drive. The agreed upon purchase price has been determined to be fair market value by an independent appraiser. The property contains 7,200 square feet of land and is currently improved with a 1,001 square foot single-family residence.

FINANCIAL IMPACT

- Community Development Block Grant (CDBG) funds have been allocated for the acquisition and relocation expenditures.

COMMUNITY VISION IMPLEMENTATION

- Improving the City's economic base through the development of tax-generating uses where appropriate.

RECOMMENDATION

Based on the abovementioned, staff recommends the following:

- Approve the acquisition of the subject property;
- Authorize the City Manager and City Clerk to execute the pertinent documents on behalf of the City;
- Authorize the Finance Officer to draw a warrant in the amount of \$510,000 when appropriate to do so;
- Authorize the City Manager and City Clerk to execute agreements for asbestos testing, asbestos abatement, and demolition at the lowest responsible bids.


CHET YOSHIZAKI
Economic Development Director

By: Carlos Marquez
Real Property Agent

Recommended for Approval


Matthew Fertal
City Manager

Attachment 1: Site Map

Attachment 2: Agreement For Acquisition

