

**CANCELLATION AGREEMENT
BETWEEN COUNTY OF MONTEREY AND
REYES VENEGAS**

Structures at 54692 Teresa Street, San Lucas, California

This Cancellation Agreement is entered into between the County of Monterey, a political subdivision of the State of California (hereinafter, "County"), and Reyes Venegas (hereinafter, "Buyer") (collectively, the County and Buyer are referred to as the "Parties"); and

WHEREAS, on July 31, 2012, the Board of Supervisors of Monterey County adopted Resolution No. 12-222 determining County-owned real property improvements of two buildings located at 54692 Teresa Street, San Lucas, California as surplus real property improvements and no longer necessary for County or other public purpose; approving the Closed Bid Procedures and Transfer Agreement; and declared its intent to sell these two buildings "as is" to the highest bidder in a closed bid procedure with a minimum bid amount set at \$1,000; and

WHEREAS, Buyer signed a Transfer Agreement with County on August 14, 2012; and

WHEREAS, On March 27, 2013, in order to make this deal more cost effective for both the County and the Buyer, staff recommended and the Board of Supervisors approved a negotiated purchase price of \$410 to assist the Buyer with the County's insurance requirements; and

WHEREAS, within sixty (60) calendar days of the Board's confirmation of the sale, Buyer was responsible for the abatement of existing property improvements; securing all required permits; addressing any utility line interferences and preventing damage to existing trees on-site; securing of building moving services; removal of buildings to an alternate receiving site; and capping of existing utilities in accordance with all applicable Federal, State, and Local laws and regulations; and

WHEREAS, to date the buildings have not been removed and Public Works staff has been working with the Buyer in good faith to help him navigate the regulatory process; and

WHEREAS, Buyer advised the County that the reason he had not completed the move was due to the various regulatory requirements and fees required to complete the move, as well as recent family hardship which he had not anticipated; and

WHEREAS, on February 27, 2014 the Buyer requested that the Transfer Agreement be **cancelled** and that Buyer be excused from removing the buildings at 54692 Teresa St., San Lucas, California due to recent unanticipated family and financial hardship; and

WHEREAS, the Buyer's transfer of title to the buildings back to the County will enable the County to remove the buildings as part of the County's overall new San Lucas Library project, as was originally planned; and

WHEREAS, Buyer will forgo seeking reimbursement from the County for any cost incurred by Buyer associated with the initial transfer of the buildings from the County to the Buyer including but not limited to the purchase price of \$410, and Buyer waives any claim to reimbursement of Buyer's architectural and engineering costs; and

WHEREAS, staff recommends that the Contracts/Purchasing Officer be authorized to execute this Cancellation Agreement with Reyes Venegas.

NOW, THEREFORE, based upon the above recitals and upon the consideration recited in this agreement, the Parties hereby agree as follows:

1. CANCELLATION

Upon Buyer's completion of all the following, Buyer is relieved of his responsibility for removing the buildings pursuant to Section 9 of the Transfer Agreement with County dated August 14, 2012.

2. TRANSFER

- a. Buyer agrees to convey, and County agrees to accept, pursuant to the terms and conditions set forth in this Agreement, all of Buyer's title to the real property improvements consisting of two wood frame structures located at 54692 Teresa Street, San Lucas, County of Monterey, State of California, described in **Exhibit A**, hereinafter referred to as the "Property Improvements."
- b. County agrees that it will be acquiring the Property Improvements by way of Quitclaim Deed, in the form attached hereto as **Exhibit B**.
- c. County agrees to record the Quitclaim Deed;

3. BUYER WAIVER OF CLAIMS.

Buyer waives any and all rights to seek or receive reimbursement from County for any cost incurred by Buyer associated with the initial transfer of the buildings from the County to the Buyer including but not limited to the purchase price of \$410, and architectural and engineering costs.

The Parties have executed this Cancellation Agreement as shown below by their duly authorized representatives:

IN WITNESS WHEREOF the Parties hereto have executed this Cancellation Agreement as of the day and year written below.

COUNTY OF MONTEREY

By: _____

Name: Michael R. Derr

Title: Contracts/Purchasing Officer

Date: _____, 2014

BUYER:

By: Reyes Venegas

Name: Reyes Venegas

Title: Buget owner

Date: wed. 5/6, 2014

APPROVED AS TO FORM

CHARLES J. MCKEE, County Counsel

By: [Signature]

Name: Jesse J. Avila

Title: Deputy County Counsel

Date: 3/27, 2014

EXHIBIT A

**THE "PROPERTY IMPROVEMENTS" REFERRED TO HEREIN
BELOW ARE SITUATED IN THE COUNTY OF MONTEREY,
STATE OF CALIFORNIA, AND ARE DESCRIBED AS
FOLLOWS:**

PROPERTY IMPROVEMENTS CONSISTING OF ONE 1,200-SQUARE FOOT, ONE-STORY, WOOD-FRAME, SLAB-ON-GRADE HOUSE BUILT IN 1945, AND ONE 1,000-SQUARE FOOT, ONE-STORY, WOOD-FRAME GARAGE (IMPROVEMENTS TO BE REMOVED FROM LAND), LOCATED ON LOTS 7 AND 8, IN BLOCK C, AS SHOWN ON THE MAP OF SAN LUCAS, MONTEREY COUNTY, CALIFORNIA, FILED DECEMBER 5, 1888, IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AND NOW ON FILE IN SAID OFFICE IN MAP BOOK ONE, CITIES AND TOWNS, AT PAGE 43 THEREIN.

APN: 231-036-005-000

EXHIBIT B, PAGE 1 OF 3

**RECORDING REQUESTED BY AND)
WHEN RECORDED MAIL TO:)**

County of Monterey)
RMA-Public Works, Real Property)
168 West Alisal Street 2rd Flr)
Salinas CA 93901-2438)

No Document Fee per CA Govt. Code §27383

THE UNDERSIGNED GRANTOR(s) DECLARE(s)
DOCUMENTARY TRANSFER TAX is \$ _____
 Computed on full value of property conveyed, or
 Computed on full value less value of liens or encumbrances remaining at time of sale,
 Unincorporated area City of _____

Space above this line for Recorder's use

Signature of Declarant or agent – Firm Name

**QUITCLAIM DEED
(Improvements Only)**

APN: 231-036-005-000

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
that **Reyes Venegas**, (“Grantor”) hereby remises, releases, and quitclaims to GRANTEE:

COUNTY OF MONTEREY a political subdivision of the State of California

and/or their successors and assigns, all its right, title, and interest in the real property
improvements (improvements to be removed from land) located in the County of Monterey,
California, and more particularly described in Exhibit “A” attached hereto and incorporated by
this reference herein.

This Quitclaim Deed is executed on this _____ day of _____, 2014.

GRANTOR
Reyes Venegas

EXHIBIT B, PAGE 2 OF 3

ACKNOWLEDGMENT

STATE OF CALIFORNIA }
COUNTY OF _____ }

On _____ before me, _____,
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 signatures(s) on the instrument the person(s) or their 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 _____

Place Notary Seal Above

EXHIBIT B, PAGE 3 OF 3

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