

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

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FROM: County Counsel

SUBMITTAL DATE: April 21, 2003

SUBJECT: Settlement of Perret Park Litigation

RECOMMENDED MOTION: Adopt Resolution No. 2003-167 Objection to Public Sale of APN 367-180-044-7 and APN 375-204-044-3 and Authorization to Purchase and Exchange Real Property from the Treasurer-Tax Collector.

BACKGROUND: In 1999, Ortega Trail Recreation and Park District contracted to sell surplus park property to Mr. Philip Molitor. Four months later the property was sold to the County of Riverside. Mr. Molitor filed suit in Riverside Superior Court to enforce his contract. He has agreed to settle the case in exchange for other tax-defaulted property to be obtained by the County and conveyed to him at his expense. This settlement allows the County to retain the Perret Park property for public use.

Gordon V. Woo

GORDON V. WOO
Deputy County Counsel

FINANCIAL DATA:

CURRENT YEAR COST:	\$	ANNUAL COST:	\$
NET COUNTY COST:	\$	IN CURRENT YEAR BUDGET:	\$
		BUDGET ADJUSTMENT:	\$ FY:

SOURCE OF FUNDS:

C.E.O. RECOMMENDATION:

APPROVE

Lisa Brandt

County Executive Office Signature

Policy
 Policy

Consent
 Consent

Department Recommendation:
Per Executive Office:

Prev. Agn. ref.

Dist. 1

AGENDA NO.

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3 **RESOLUTION NO. 2003-167**

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5 **OBJECTION TO PUBLIC SALE OF APN 367-180-044-7 AND APN 375-204-044-3**
6 **AND AUTHORIZATION TO PURCHASE AND EXCHANGE**
7 **REAL PROPERTY FROM THE TREASURER-TAX COLLECTOR**

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9 WHEREAS, in October 1999, the Riverside County Regional Park and Open-Space
10 District acquired surplus vacant public park property ("Perret Park") near Lake Elsinore from the
11 Ortega Trail Recreation and Park District ("OTRPD") just three months before OTRPD dissolved and
12 went out of existence; and

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14 WHEREAS, four months earlier in June 1999, OTRPD had also previously entered into
15 escrow for sale of the same Perret Park property to a private citizen, Mr. Philip Molitor; and

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17 WHEREAS, in December 2000, Philip Molitor filed suit in Riverside Superior Court
18 Case No. 352258 against OTRPD and the County for breach of contract and for specific performance
19 of his land sale contract with OTRPD; and

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21 WHEREAS, Philip Molitor has agreed to settle the litigation and dismiss his lawsuit in
22 exchange for alternate tax-defaulted property to be obtained by County and conveyed to him at his
23 expense; now therefore,

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26 **BE IT RESOLVED, DETERMINED AND ORDERED** by the Board of Supervisors of the
27 County of Riverside, State of California, in regular session assembled on May 6,
28 2003, as follows:

- 1 1. The County objects to the proposed sale of Assessor Parcel Number **367-180-044-7** (Molitor's
2 first choice) and Assessor Parcel Number **375-204-004-3** (Molitor's second choice).
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- 4 2. The County offers to purchase either parcel on behalf of Philip Molitor (but not both) and to
5 enter into an Agreement of Sale with the County of Riverside Treasurer-Tax Collector for
6 the purchase of one of the parcels (based on availability) pursuant to California Revenue
7 and Taxation Code Section 3791.3 *et seq.* This is expressly conditioned upon payment by
8 Philip Molitor of the full purchase price for APN 367-180-044-7 in the amount of
9 \$66,275.62 or APN 375-204-004-3 in the amount of \$129,631.03 as respectively
10 determined by the County Treasurer-Tax Collector, together with all applicable fees, price
11 increases and costs of giving notice as required by law.
12
- 13 3. Philip Molitor shall pay publication costs, even if either or both properties are redeemed
14 and therefore not conveyed to the County. Molitor shall also pay the full cost of lot book
15 reports, as required by the Treasurer-Tax Collector.
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- 17 4. The Board directs County staff to prepare the required documents and take the actions
18 necessary to complete this transaction and convey the substitute property to Philip Molitor.
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- 20 5. This Resolution shall take effect immediately upon its adoption.
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22 BE IT FURTHER DIRECTED that the Clerk of the Board shall file a certified copy of this
23 Resolution with the Treasurer-Tax Collector
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