



CITY COUNCIL OF PARLIER SPECIAL MEETING

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DATE: THURSDAY, APRIL 4, 2024
TIME: IMMEDIATELY FOLLOWING REGULAR MEETING ADJOURNMENT
PLACE: Parlier City Hall
1100 E. Parlier Avenue
Parlier, CA 93648

CALL TO ORDER/WELCOME:

Roll Call: Mayor Alma M. Beltran, Mayor Pro tem Sabrina Rodriguez, Council member Juanita “Janie” Molina, Council member Diego Garza, Council member Cathryn “Kathy” Solorio, City Clerk Dorothy Garza and Treasurer Michelle Lopez.

REGULAR BUSINESS:

1. **SUBJECT:** Consideration and Necessary Action Authorization of Payment of \$45,870 to Sarbat Bhala Inc. for Reacquisition of Real Property Previously Conveyed to Payee.

RECOMMENDATION: Staff recommends the City Council authorize the \$45,870 payment to Sarbat Bhala Inc.

ADJOURNMENT

ADA NOTICE

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at (559) 646-3545 ext. 227. Notification 48 hours prior to the meeting will enable the city to make arrangements to ensure accessibility to this meeting.

DOCUMENTS

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the front counter at City Hall located at 1100 East Parlier Avenue, Parlier, CA during normal business hours. In addition, most documents are posted on the city’s website at www.parlier.ca.us.



AGENDA ITEM: #1

MEETING DATE: April 4, 2024

DEPARTMENT: Administration

REPORT TO THE CITY COUNCIL

SUBJECT:

Consideration and Necessary Action on Authorization of Payment of \$45,870 to Sarbat Bhala Inc for Reacquisition of Real Property Previously Conveyed to Payee.

RECOMMENDATION:

Staff recommends Council authorize the \$45,870 payment to Sarbat Bhala Inc.

DISCUSSION:

This staff report simply supplements the Memorandum previously provided to the City Council relating to this matter which was on a Special Meeting Agenda for March 21, 2024. At that time, the Council deferred taking action on this item until this meeting after having an opportunity to review the documents which provide the justification for the payment requested to be authorized.

In summary, the property consists of approximately 20 acres located on Academy Avenue north of the City and is the location of the City's planned indoor sports arena and adjacent park to be paid for with grant funds. On August 21, 2017, the property was deeded to Sarbat Bhala Inc by the City in exchange for \$45,870. The sales contract provides that if a training center is not constructed on the property on or before January 1, 2018, title reverts to the City.

On April 20, 2022, upon being apprised of the award of the Proposition 68 Park Grant, and that this property was the site at which the park would be constructed, after obtaining Council approval in closed session for payment of the \$45,870 to Sarbat Bhala in exchange for a deed to the property (which is simply a refund of the purchase price), the City Attorney wrote to Sarbat Bhala demanding that the property be reconveyed to the City and stating that the City would refund the full purchase price and attaching a grant deed for execution by Sarbat Bhala. Sarbat Bhala or its principles were nonresponsive initially but later agreed to sign a deed.

On August 25, 2022, the City Attorney wrote to Sarbat Bhala again stating that the City would file in court for an order requiring the execution of a deed reconveying the property to the City. That letter reflects Sarbat Bhala's agreement to execute a deed but

failure to appear to sign the deed as agreed. The City Council adopted a resolution on September 6, 2022, authorizing the City Manager to execute a Certificate of Acceptance of the deed from Sarbat Bhala which they executed, as recited in Resolution 2022-52 on August 31, 2022. The deed executed is the same deed that was attached to the April 20, 2022, letter and was executed at City Hall on August 31, 2022, and maintained in the City Manager's office until the Certificate of Acceptance Resolution was adopted by the City Council on September 6, 2022.

Thereafter, on September 8, 2022, the City Manager executed a Certificate of Acceptance and provided that together with the executed grant deed to an employee who went to the Recorder's Office on that date. As is required, the employee left the deed with the Recorder, paid a \$2.50 fee for which we have the receipt or record of electronic payment. The \$2.50 is the only charge the City is not exempt from paying which is a charge for mailing the document back to the City once it was recorded. The deed says on the top, as is customary, "Recording requested by and when recorded mail to the City of Parlier" at the address for City Hall. Recording a deed is a lengthy process. The Recorder must identify the property covered by the legal description in the deed and confirm the identity of the owner to determine whether the deed is properly recorded, which is a process that takes days. Accordingly, deeds are always simply left with the Recorder and the Recorder, after recording, will mail the deed to the person requesting that it be recorded, in this case, the City of Parlier. We know from the receipt of the \$2.50 the deed and certificate of acceptance were left with the recorder.

It was not until January 26, 2024, that the City Attorney learned that the deed had not been recorded. After attempting to locate the deed or evidence of it at the Recorder's Office, or at the City, Sarbat Bhala was contacted to have a new deed executed. Sarbat Bhala refused to do unless proof of payment of the \$45,870 was provided. On attempting to locate the evidence of that payment, it was determined that no such payment had ever been made.

The Council previously authorized this payment simply because the alternative is to file suit and have Sarbat Bhala ordered to execute a deed, a process which takes time and not an insignificant amount of money. The project is in the planning stage. To avoid the time and expense of going to court to compel Sarbat Bhala to execute a deed, it is recommended that the \$45,870 payment be authorized.

RECOMMENDATION:

Staff recommends Council authorize the \$45,870 payment to Sarbat Bhala Inc.

FISCAL IMPACT:

\$45,870, which is the amount that should have been in or about paid but was not.

Prepared by:

Neal E. Costanzo, City Attorney