



Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on: August 21 or 22, 2014

Title	Agenda Item Type
Disposition of Judicial Council of California Equity in Calexico Courthouse	Information Only
Submitted by	Date of Report
Trial Court Facility Modification Advisory Committee	July 25, 2014
Hon. David Edwin Power, Chair	Contact
	Eunice Calvert-Banks Manager, Real Estate eunice.calvert-banks@jud.ca.gov (415) 865-4048

Executive Summary

The Superior Court of California, County of Imperial (Court) vacated the Calexico Courthouse as of July 1, 2014 and has informed the Judicial Council that it has no foreseeable need for the facility. The County of Imperial (County) advised staff that it does not intend to repurchase the facility. Due to a right of reversion held by the City of Calexico (City) in the underlying deed to the County, the facility will be returned to the City via deed by the council.

Previous Council Action

None.

Background

The Calexico Courthouse was transferred to the council pursuant to the Trial Court Facilities Act of 2002 (SB 1732, Escutia) Chapter 1082, Statutes of 2002, as amended. The council obtained title to the facility from the County subject to a right of reversion in favor of the City, which was recorded on the property in 1965. By operation of this encumbrance on the property, the City has a right to reacquire the property in the event it was not used as a court facility and county office building for a period of one year.

The Court earlier this year notified staff that it was vacating the Calexico court facility effective July 1, 2014, and has no foreseeable use for that facility. (Attachment 1.) As required by the terms of the transfer agreement, Judicial Council staff notified the County that the Court was vacating the building and inquired whether the County had an interest in reacquiring the property. (Attachment 2.) The County informed staff they were not interested in acquiring the property. (Attachment 3.) Because the property will not be used as either a court or county facility, staff then contacted the City. The City is exercising its right of reversion and has requested that the council deed its interest in the property to the City as required by law. (Attachment 4.)

Policy and Cost Implications

The facts presented in this report are specific to the Calexico facility. When the property transferred to the council it was already subject to a reversionary interest dating from 1965. Once the Court determined that it did not have a foreseeable use for the facility, the terms of the transfer agreement and the reversionary interest compelled certain actions as a matter of law. Due to the specific nature of the rights related to this property, there are no significant policy implications to be drawn for other facilities.

Although the original deed from the City to the County does not require the Calexico courthouse to be deeded to the City until a full year of non-use as a court or county facility has occurred, the council will save the ongoing operations and maintenance costs for the facility the sooner the facility is deeded back to the City.

Next Steps

Staff will prepare the necessary documents to deed the Calexico courthouse to the City of Calexico.

Attachments and Links

1. Correspondence dated March 21, 2014 from Kristi Kussman, Court Executive Officer of the Superior Court of California, County of Imperial
2. Correspondence dated May 6, 2014 to County of Imperial
3. Correspondence dated May 29, 2014 from County of Imperial
4. Correspondence dated July 7, 2014 from City of Calexico

Attachment 1

From: Kristi.Kussman@imperial.courts.ca.gov
To: [Calvert-Banks, Eunice](#)
Cc: Sergio.Valadez@imperial.courts.ca.gov; Maria.Rhinehart@imperial.courts.ca.gov; McGrath, Patrick; Darr, Terri; [Boulais, Bradford](#); [Gieck, Mona](#)
Subject: Calexico Court
Date: Friday, March 21, 2014 11:54:31 AM

Eunice

I am providing you with notice that the Superior Court, County of Imperial will not be needing or using the Calexico Court located on 4th Street in Calexico, California. The effective date is July 1, 2014. We will have all court property removed from the facility so that the State can comply with the deed in that the property will belong to the City of Calexico.

Additionally because of this change the Delegation for maintenance will be modified accordingly as well as insurance, utilities, etc.

Let me know if you need this information on letter head and or notify another person of our intentions to relinquish the Calexico Court property.

Kristine Kussman
Court Executive Officer
Superior Court, County of Imperial
939 Main Street
El Centro, CA 92243
(760) 482-2255



Attachment 2

Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

JUDICIAL AND COURT ADMINISTRATIVE SERVICES DIVISION

2255 North Ontario Street, Suite 220 • Burbank, California 91504-3120

Telephone 818-558-3060 • Fax 818-558-3114 • TDD 415-865-4272

TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

STEVEN JAHR
Administrative Director of the Courts

CURT SODERLUND
Chief Administrative Officer

May 6, 2014

County of Imperial
Attention: Ralph Cordova Jr., County Executive Officer
940 West Main Street, Suite 208
El Centro, CA 92243

County of Imperial
Attention: Michael Rood, County Counsel
940 West Main Street, Suite 205
El Centro, CA 92243

Dear Mr. Cordova and Mr. Rood:

On December 16, 2008, the County of Imperial ("County") and the Judicial Council of California, Administrative Office of the Courts ("AOC") entered into a Transfer Agreement For The Transfer of Responsibility for Court Facility ("Agreement"), regarding the Calexico courthouse, located at 415 Fourth Street, in Calexico ("Property"). Thereafter, the County deeded the Property to the AOC, by a Grant Deed which recorded on October 30, 2009, as Document No. 2009-030975.

Section 4.5 of the Agreement provides the following:

"4.5. Consultation Concerning Disposition of Court Facility. Pursuant to Section 70391(c) of the Act, after the Transfer of Title, the AOC will consult with the County concerning the disposition of the Court Facility if it becomes surplus. If requested by the County, the AOC will offer the surplus Court Facility to the County at fair market value before offering it to any other State or local government agency."

County of Imperial
May 6, 2014
Page 2

The Imperial County Superior Court ("Court") will cease all operations at the Property by June 30, 2014. Once that happens, neither the Court nor the County will occupy or use the Property. When the County acquired title to the Property from the City of Calexico ("City"), on November 4, 1964, the deed included a provision ("Reversion") which provided as follows:

"This conveyance is made subject to the condition that said property shall be continuously used as a Court facility and as a County Office Building. In the event that said property is not so used for a period of one year, all of the Rights of the Grantee shall terminate and the Property shall revert to the City of Calexico, its successors or assigns."

A copy of that deed is enclosed, for your information.

The Court does not intend to re-occupy the Property in the future. Due to the existence of the Reversion, is it not practical for the AOC to lease or deed the property to a third party. Pursuant to Section 4.5 of the Agreement, the AOC is to offer the Property to the County, but if the County re-acquires the Property it will do so subject to the Reversion.

The AOC proposes that we contact the City and inquire as to whether the City wishes to exercise its right of reversion. In the event that the City does wish to exercise its right of reversion, the AOC plans to deed the Property to the City. This letter is being written in order to comply with Section 4.5 of the Agreement. In the event the County does not want the AOC to contact the City, and wishes to re-acquire the property pursuant to Section 4.5 of the Agreement, please contact me on or before June 15, 2014. If I do not hear from the County by that date I shall conclude that the County agrees with the AOC's plan to contact the City, and I will proceed to do so without contacting the County further.

Yours truly,



Joanne Williamson
Senior Real Estate Analyst

JW/hs
Enclosure

Quitclaim Deed

City of Calexico

a municipal corporation organized and existing under the laws of the State of California, and having its principal place of business in the city of Calexico, State of California, in consideration of One Dollar and other valuable considerations Dollars does hereby QUITCLAIM to The County of Imperial, State of California

all that real property situate in the City of Calexico, County of Imperial, State of California, described as follows:

The South 125 feet of the East 150 feet, Block 42, Original Townsite of Calexico.

This conveyance is made subject to the condition that said property shall be continuously used as a Court facility and as a County Office Building. In the event that said property is not so used for a period of one year, all of the Rights of the Grantee shall terminate and the Property shall revert to the City of Calexico, its successors or assigns.

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in otherwise appertaining, and the reversion and reversants, remainder and remainders, rents, issues and profits thereof.

In Witness Whereof said Municipal Corporation, pursuant to a Resolution dated November 4, 1964, has caused its corporate name and seal to be hereunto affixed by its Mayor and City Clerk hereunto duly authorized, this 4th day of November, 1964.

By: *[Signature]*
City Clerk

City of Calexico
By: *[Signature]*
Mayor

STATE OF CALIFORNIA
COUNTY OF IMPERIAL

On this 8th day of March, 1965, I, *[Signature]*, a County Clerk and of said County and State,

do hereby certify that *[Signature]* known to me to be the Mayor, and

[Signature] known to me to be the City Clerk of the CITY OF CALEXICO, the municipal corporation that executed the within and foregoing instrument, and known to me to be the Mayor who executed the within instrument and the corporation therein named, and that such corporation executed

the foregoing instrument, and official seal, the day and date hereof, as above written.

[Signature]
County Clerk

SPACE BELOW FOR RECORDER'S USE ONLY

RECORDING REQUESTED BY
and RETURN TO
County Clerk

81 JOHN W. KENNERSON
COUNTY RECORDER

'65 MAR 22 PM 3:34
BOOK 1203 PAGE 665
OFFICIAL RECORDER
IMPERIAL COUNTY, CALIF.

No fee

MAR 22 1965

#7

COUNTY EXECUTIVE OFFICE

Attachment 3

Ralph Cordova, Jr.
Executive Officer



County Administration Center
940 Main Street, Suite 208
El Centro, CA 92243
760-482-4290 Tel
760-352-7876 Fax
ralphcordova@co.imperial.ca.us
www.co.imperial.ca.us

May 29th, 2014

Administrative Office of the Courts
Judicial and Court Administrative Services Division
Attention: Senior Real Estate Analyst
2255 North Ontario Street, Suite 220
Burbank, CA 91504-3120

Administrative Office of the Courts
Office of Court Construction and Management
Attention: Manager, Real Estate
455 Golden Gate Avenue
San Francisco, CA 94102-3688

Re: Calexico Courthouse

To Whom It May Concern:

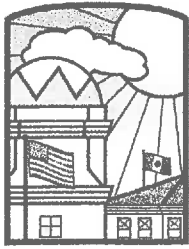
The County of Imperial ("County") is in receipt of the letter dated May 6th, 2014 from the State of California Judicial Council of California Administrative Office of the Courts ("AOC") in regards to the Calexico Courthouse Facility located at 415 Fourth Street, Calexico, California ("Property"). In accordance with Paragraph 4.5 of the executed Transfer Agreement for the Responsibility for Court Facility between the County and the AOC for this Property, the AOC has offered the Property to the County for purchase at fair market value since the AOC no longer intends to occupy or use the Property.

After careful consideration, the County respectfully declines this offer. Should you have any questions, please do not hesitate to contact me at your earliest convenience. You may reach me or Andrea Gonzales, Administrative Analyst II, at (760) 482-4290 or via email at ralphcordova@co.imperial.ca.us or andreaonzales@co.imperial.ca.us, respectively.

Sincerely,

A handwritten signature in black ink, appearing to be "Ralph Cordova, Jr.", written over a horizontal line.

Ralph Cordova, Jr.
County Executive Officer



CITY OF CALEXICO

608 Heber Avenue
Calexico, CA 92231
www.calexico.ca.gov

RECEIVED

JUL 10 2014

AOC

July 7, 2014

Judicial Council of California
Administrative office of the Courts
Judicial and Court Administrative Services Division
2255 North Ontario Street, Ste. 220
Burbank, CA 91504-3120

Re: Calexico Courthouse
AOC Facility ID No. 13-C1

Dear Ms. Williamson:

We are in receipt of your letter dated June 30, 2014 in which you have notified us that the Superior Court of Imperial County will cease all operations at the property by June 30, 2014, with no intentions to re-occupy the property in the future. In light of this information, the City wishes to exercise our right of reversion over the Calexico courthouse property.

Please contact Erica LaCuesta from my office at (760) 768-7433 (elacuesta@calexico.ca.gov) so she may coordinate with you to move forward with this process.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Warne", with a long horizontal line extending to the right.

Richard Warne
Interim City Manager