

RESOLUTION NO. 2342

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX
AUTHORIZING THE SALE OF A PORTION OF LOT 507, MAP #3 OF DEER PARK,
ASSESSORS PARCEL #002-145-35, CURRENTLY OWNED BY THE TOWN OF
FAIRFAX, TO DENISE M. DUNN**

WHEREAS, the Town of Fairfax is the owner of Lot 507, Map #3 Of Deer Park, Assessors Parcel #002-145-35, in the Town of Fairfax; and

WHEREAS, Denise M. Dunn is the owner of the adjacent parcel, located at 32 Power Lane, Assessor's Parcel #002-141-45, in the Town of Fairfax, which includes a residence and related improvements; and

WHEREAS, the residence of Denise M. Dunn and a significant number of related improvements encroach upon the parcel owned by the Town, Assessors Parcel #002-145-35; and

WHEREAS, Denise M. Dunn has requested that the Town of Fairfax sell to her the portion of Assessors Parcel #002-145-35 upon which said encroachments are located, constituting an area of 4381 square feet; and

WHEREAS, at the direction of the Town, Denise M. Dunn has provided and paid for a title search, a survey and an appraisal of said Parcel #002-145-35, and the results of said title search, survey, and appraisal are deemed acceptable to the Town; and

WHEREAS, said appraisal indicates that the portion of Parcel #002-145-35 to be sold to Denise M. Dunn is worth \$6.84 per sq. ft., for a total of \$29,966.04 and the Town finds said price to be fair and reasonable, and

WHEREAS, Denise M. Dunn has agreed that all remaining improvements at 32 Power Lane meet all Town Code requirements as to setbacks; and

WHEREAS, Denise M. Dunn has agreed to reimburse the Town of Fairfax for Staff time related to processing this request for sale;

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF FAIRFAX
DOES HEREBY RESOLVE AS FOLLOWS:**

1. The Town Clerk is authorized to establish an escrow account with California Land Title of Marin and to execute escrow instructions and any other documents necessary to effectuate the sale of the portion of Parcel #002-145-35 described in the form of Quitclaim Deed attached hereto as Exhibit A, for the sum of \$29,966.04, together with any additional sums owed to the Town for processing this request for sale.

2. The Town Clerk shall determine the Staff time related to processing this request for sale and shall add the value of said time to the sum to be paid by Denise M. Dunn and shall instruct California Land Title of Marin to collect said sum and place it in escrow.

3. The Town Planning Director shall ascertain and certify that all remaining improvements at 32 Power Lane meet all Town Code requirements as to setbacks.

4. The Town Clerk is authorized to execute a Quitclaim Deed on behalf of the Town of Fairfax in the form attached hereto as Exhibit A upon the fulfillment of the conditions specified in Sections 2 and 3.

5. The proceeds of said sale shall be deposited in a special reserve account with future determination to be made by the Town Council for its use.

PASSED AND ADOPTED by the Town Council of the Town of Fairfax at a regular meeting held on the 3rd day of August, 2004, by the following called vote:

AYES: Bragman, Brandborg, Ghiringhelli, Tremaine, Egger

NOES: None

FRANK EGGER, MAYOR

Attest:

Judy Anderson, Town Clerk