

Parties shall promptly execute and deliver all documents and instruments reasonably requested to give effect to the provisions of this Site Lease.

34. Recitals Incorporated

The Recitals set forth at the beginning of this Site Lease are hereby incorporated into its terms and provisions by this reference.

35. Time of the Essence

Time is of the essence with respect to each of the terms, covenants, and conditions of this Site Lease.

36. Force Majeure

A party shall be excused from the performance of any obligation imposed in this Site Lease and the exhibits hereto for any period and to the extent that a party is prevented from performing such obligation, in whole or in part, as a result of delays caused by the other party or third parties, a governmental agency or entity, an act of God, war, terrorism, civil disturbance, forces of nature, fire, flood, earthquake, strikes or lockouts, and such non-performance will not be a default hereunder or a grounds for termination of this Site Lease.

37. Interpretation

None of the Parties hereto, nor their respective counsel, shall be deemed the drafters of this Site Lease or the Facilities Lease for purposes of construing the provisions of each. The language in all parts of this Site Lease shall in all cases be construed according to its fair meaning, not strictly for or against any of the Parties hereto.

IN WITNESS WHEREOF, the Parties have caused this Site Lease to be executed by their respective officers who are duly authorized, as of the Effective Date.

ACCEPTED AND AGREED on the date indicated below:

Dated: _____, 2017

San Rafael City Schools

By: _____
Name: Michael Watenpaugh
Title: Superintendent

Dated: Jan. 29, 2017

Alten Construction, Inc.

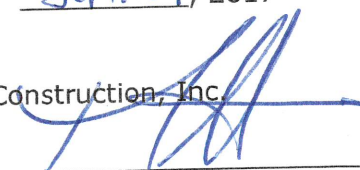
By: 
Name: Robert Alten
Title: President

EXHIBIT A

LEGAL DESCRIPTION OF SCHOOL SITE

Attached is the Legal Description for:

Venetia Valley K-8 School New Construction and Modernization Project
177 N San Pedro Road
San Rafael, CA 94903

PARCEL ONE:

BEGINNING at the point of intersection of the Northwesterly line of the San Pedro County Road with the boundary between the lands of Stetson and the former Wagner Ranch, said point of beginning being further described as distant North 44 ° 06' East 2.0 feet and South 45° 54' East 5.0 feet from the Southeast corner of Lot 35, Block 1, as shown on that certain map entitled, "Map of Subdivision 'A' of the Golf Links Tract" filed January 14, 1908 in Book 2 of Maps at Page 107, Marin County Records; running thence from said point of beginning along said tract boundary North 45° 54' West 700.0 feet; thence leaving said boundary North 44° 06' East 599.26 feet, thence South 43° 00' East 444.09 feet, thence South 75° 30' East 291.20 feet to said Northwesterly line of the San Pedro County Road as said road is described in that certain deed from Edward Gray Stetson to the County of Marin dated March 18, 1893 and recorded in Volume 25 of Deeds at Page 253, Marin County Records; running thence along said County Road line South 30 ° 41' West (called South 30° 26' West in said deed) 14.16 feet; thence South 44° 06' West 706.86 feet to the point of beginning.

EXCEPTING THEREFROM the following described portion:

BEGINNING at the point of Intersection of the Northwesterly boundary line of the Northeasterly boundary line of San Rafael Elementary School District as shown upon "Record of Survey Map of Portion of Property of Meriam Stetson, Santa Venetia Area, Marin County, California", recorded June 24, 1955 in Volume 2 of Surveys at Page 175 in the office of the Recorder of the County of Marin, State of California; thence running along said Northeasterly boundary line South 43° 00' 20" East 444.09 feet to an angle point, as shown upon said map; thence leaving said boundary line and running North 47° 14' 20" West 443.64 feet to said Northwesterly boundary line, distant thereon South 44° 05' 40" West 32.79 feet from said point of beginning; thence North 44° 05' 40" East 32.79 feet to the point of beginning.

ALSO EXCEPTING THEREFROM the following portion:

All that certain real property as described on Exhibit C in the Grant Deed from San Rafael School District of Marin County, California, to the County of Marin, a political subdivision recorded June 3 1968 in Book 2215 at Page 285, Marin County Official Records.

PARCEL TWO:

Commencing at the most Easterly corner of Lot 35 in Block 1 as the same is shown on that certain map entitled "Map of Subdivision A of Golf Links Tract, near San Rafael, Marin County, California" filed January 14, 1908 in Map Book 2, Page 107; running thence North 45° 54' West 735 feet to the most Northerly corner of Lot 21 in Block 1; thence North 44°

06' East 2 feet; thence South 45° 54' East 735 feet and thence South 44 ° 06' West 2 feet to the point of commencement.

PARCEL THREE:

COMMENCING at the point of Intersection of the Northwesternly line of San Rafael Elementary School District with the Northeastly line of the lands of Scettrini, as shown upon "Record of Survey Map of Portion of Property of Mariam Stetson, Santa Venetia Area, Marin County, California", recorded June 24, 1955, In Volume 2 of Surveys at Page 175, In the office of the Recorder of the County of Marin, State of California; thence running along said Northeastly line of Scettrini North 45° 54' 20" West 13.00 feet, to the true point of beginning of the parcel of land to be described; thence continuing along last mentioned line North 45° 54' 20" West 140.00 feet; thence leaving said line and running North 44° 05' 40" East 662.91 feet, thence South 47° 14' 20" East 140.00 feet; thence South 44° 05' 40" West 566.17 feet to the true point of beginning.

PARCEL FOUR:

BEGINNING at the point of Intersection of the Northwesternly line of San Rafael Elementary School District with the Northeastly line of the lands of Scettrini as shown upon "Record of Survey Map of Portion of Property of Mariam Stetson, Santa Venetia Area, Marin County, California" recorded June 24, 1955 In Volume 2 of Surveys at Page 175, In the office of the Recorder of the County of Marin, State of California; thence running along said Northeastly line of Scettrini North 45° 54' 20" West 13.00 feet, thence leaving said line and running North 44 ° 05' 40" East 566.17 feet; thence running South 47° 14' 20" East 13.00 feet to said Northwesternly line of San Rafael Elementary School District distant thereon North 44° 05' 40" East 566.47 feet from said point of beginning; thence running along said Northwesternly line South 44° 05' 40" West 566.47 feet to the point of beginning.

PARCEL FIVE:

A 10 foot strip of land designated as Pedestrian Lane lying between Lots 81 and 82 as shown on that certain map entitled, "Map of Northbridge Subdivision No. 3" filed for record November 25, 1958 in the office of the County Recorder of the County of Marin, State of California in Book 10 of Maps at Page 8. Marin County Records.

PARCEL SIX:

A 10 foot strip of land designated as Pedestrian Lane lying between Lots 172 and 173 as shown on that certain map entitled, "Map of Northbridge Subdivision No. 3" filed for record November 25, 1958 in the office of the County Recorder of the County of Marin, State of California in Book 10 of Maps at Page 8. Marin County Records.

PARCEL SEVEN:

EASEMENT for sewer purposes in, over and upon that certain parcel of land lying within the County of Marin, State of California, described as follows:
COMMENCING at the point of Intersection of the courses "North 45° 54' 20" West 1096.34 feet and South 44° 05' 40" West 599.26 feet" as shown upon that certain map entitled, "Record of Survey Map of Portion of Property of Meriam Stetson, Santa Venetia Area. Marin County, California", recorded June 24, 1955 in Volume 2 of Surveys Page 175 In the office

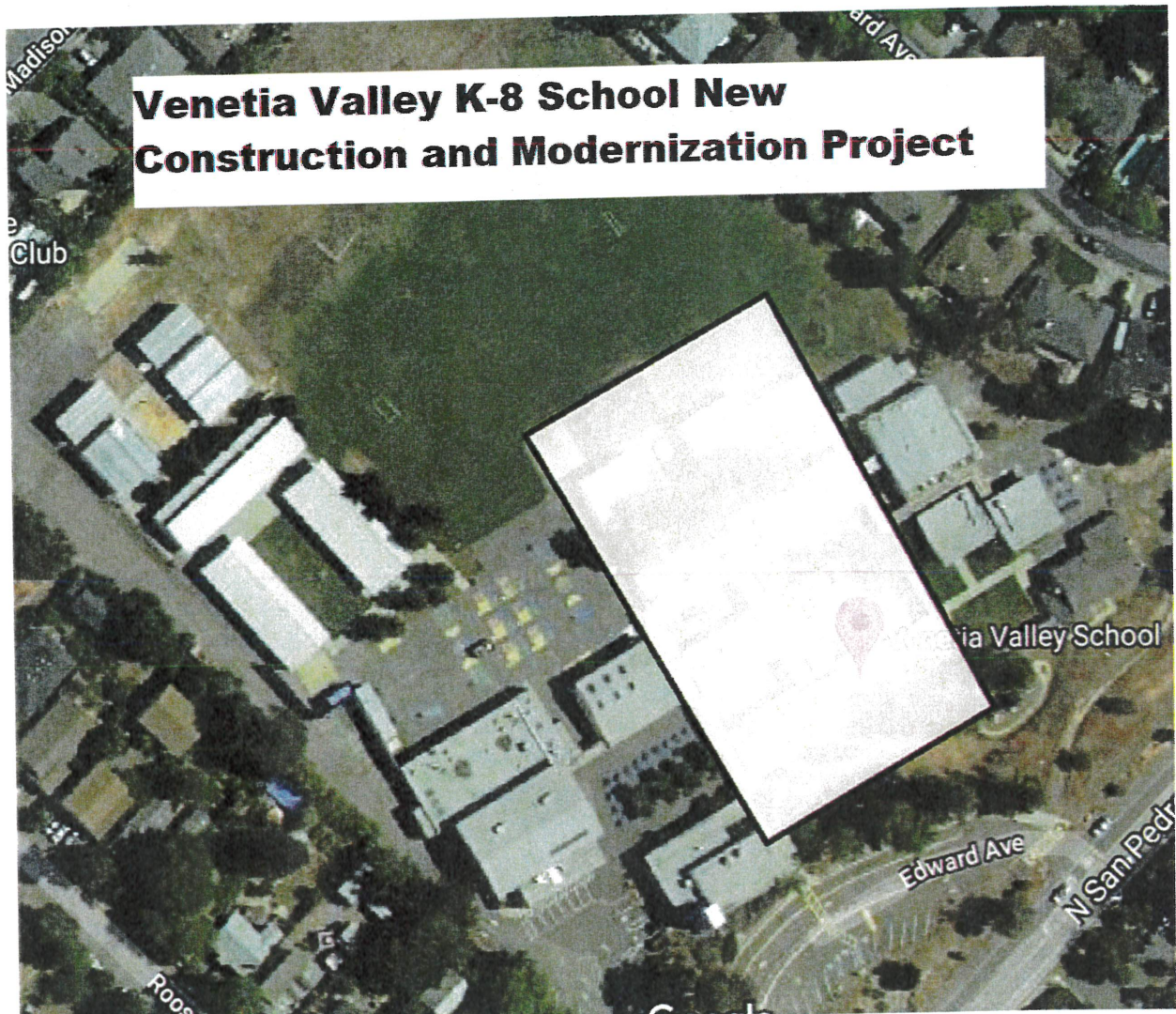
of the Recorder of the County of Marin, State of California, running thence along the Northeasterly boundary line of the lands of Scettrini, as shown upon said map, North 45° 54' 20" West 153.00 feet to the True Point of Beginning of the parcel of land to be described herein; thence continuing along said boundary line 45° 54' 20" West 68.411 feet to a point on the Southeasterly line of the proposed extension South of Madison Avenue; thence along said proposed line of Madison Avenue, along the arc of a curve to the left, the center of which bears North 69° 16' 20" West 433.458 feet from last mentioned point, with a radius of 433.458 feet, a central angle of 1 ° 25' 13", distance of 10.745 feet and thence along the arc of a curve to the right, tangent to the preceding curve, with a radius of 383.458 feet, a central angle of 0° 00' 60", a distance of 0.092 feet to a point on a line drawn parallel with an perpendicularly distant Northeasterly 10 feet from said boundary line of the lands of Scettrini; thence along said parallel line South 45° 54' 20" East 72.586 feet to a point distant North 44° 05' 40" East 10.00 feet from said true point of beginning; thence South 44° 05' 40" West 10.00 feet to said true point of beginning.

A.P.N. 186-362-04, 21, 26 and 28

EXHIBIT B

DESCRIPTION OF PROJECT SITE

Attached is a map or diagram showing the location of the School Site that is subject to this Site Lease and upon which Developer will construct the Project.



The Project site area is shaded white in the image above.