

**SYLVAN UNION SCHOOL DISTRICT
RESOLUTION 2019/2020 - #11**

**RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A
QUITCLAIM DEED WITH RESPECT TO THE CORRECTION OF A
MINISTERIAL ERROR IN CONNECTION WITH VESTING OF TITLE TO
A PORTION OF THE MARY LOU DIETERICH ELEMENTARY SCHOOL
IN STANISLAUS UNION SCHOOL DISTRICT**

WHEREAS, in August 1977, the City of Modesto (“City”) formed a “Lot Tax Committee” comprised of representatives from all school districts located in whole or in part within the City and the Modesto High School District attendance area, in order to address the need for purchase of school sites and the building of school facilities; and

WHEREAS, in October 1977, the City adopted an ordinance imposing a School Site and Facilities Tax (“Lot Tax”) within the City, for administration by the Lot Tax Committee to purchase land for new or expanded school sites and to purchase classroom buildings for lease to school districts; and

WHEREAS, in March 1978, the Greater Modesto Relocatable Administration Agency (“GMRAA”) was formed pursuant to a Joint Powers Agreement (as subsequently amended, the “JPA”), to assume the duties of the Lot Tax Committee, including the acquisition of relocatable buildings and school sites for its members using the proceeds of the Lot Tax and rentals received from the lease of relocatable buildings; and

WHEREAS, the initial membership in GMRAA included Modesto High School District, Modesto City Elementary School District, Stanislaus Union School District (“SUSD”), Sylvan Union School District, Empire Union School District, Hart-Ransom School District, and Salida Union School District (collectively, the “Member Districts”); and

WHEREAS, pursuant to the Bylaws of the GMRAA, SUSD was appointed to serve as the responsible local agency (“RLA”) empowered to, among other things, contract for the purchase and delivery of property of the GMRAA and maintain the books and records of the GMRAA;

WHEREAS, in October 1980, SUSD and the City agreed in writing (the “City Agreement”) that the City should acquire a 10.85 acre parcel of property located on Snyder Avenue in Modesto (now serving as SUSD’s Mary Lou Dieterich Elementary School), then known as the “McKinney Colony School Site” (the “School Site”), with proceeds of the Lot Tax, and transfer the School Site to SUSD when SUSD was prepared to construct a school at the site;

WHEREAS, the City Agreement was premised upon the condition that, if SUSD sells one or both of its other existing school sites, the net proceeds of such sale would be used to reimburse the City; and

WHEREAS, the School Site is described as “Parcel 2” on page 4 of Book 34 in the Stanislaus County Records and is comprised of both a 0.85 acre strip (APN 078-055-023) along the western and northern sides for then-potential roadway dedications (the “Strip Parcel”) and a 10.0 acre school site (APN 078-055-024) (the “Campus Parcel”); and

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WHEREAS, in November 1981, the City determined to terminate the Lot Tax after generating over \$2 million in tax revenues over four years; and

WHEREAS, in October 1982, the City withdrew from the Lot Tax Committee and transferred the remaining Lot Tax funds to GMRAA; and

WHEREAS, in December 1984, GMRAA acquired title to the School Site from the City and the grant deed was recorded in April 1985; and

WHEREAS, in April 1989, the City Agreement was amended to provide that GMRAA, rather than City, would be reimbursed by SUSD for acquisition of the School Site if SUSD sells one or both of its other existing school sites; and

WHEREAS, GMRAA authorized the transfer to District of the entirety of the School Site (including the Strip Parcel and further authorized SUSD, as RLA, to execute a grant deed transferring the entire School Site (including the Campus Parcel and the Strip Parcel) to SUSD, pursuant to Resolution No. 90/91-01 of GMRAA, adopted October 23, 1990 (“GMRAA Granting Resolution”).

WHEREAS, in November 1990, SUSD approved the acquisition of the School Site and paid GMRAA \$214,370 from its building fund for the School Site pursuant to the City Agreement; and

WHEREAS, in February 1991, SUSD, acting in its capacity as RLA to GMRAA, executed a grant deed for the School Site, but through ministerial error, transferred only the Campus Parcel, leaving the Strip Parcel vested in GMRAA;

WHEREAS, as of June 2002 GMRAA materially exhausted its available lease revenue funds;

WHEREAS, the GMRAA held its last meeting on March 31, 2004 and determined to dissolve as of that date; and

WHEREAS, on May 17, 2004, the remaining member districts determined to distribute the ending fund balance of the GMRAA (\$6,265) among all 8 elementary school districts within the Modesto High School District on the basis of percentage of October 2003 CBEDS enrollment; and

WHEREAS, the SUSD completed construction of its Mary Lou Dieterich Elementary School on the Campus Parcel in June 2004; and

WHEREAS, SUSD has landscaped and maintained the Strip Parcel since taking title to the Campus Parcel, assuming that title to the Strip Parcel had properly vested in SUSD; and

WHEREAS, in February 2019, the City, in connection with street and utility improvements, requested SUSD to grant additional access and utility easements to City on a portion of the Strip Parcel;

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and

WHEREAS, upon review of title, SUSD discovered the ministerial error in title transfer as described herein; and

WHEREAS, in order to acquire title to the Strip Parcel, SUSD has requested that the other remaining Member Districts quitclaim, as successor entities to the GMRAA, any respective interests they may have, if any, in the Strip Parcel to SUSD, so that SUSD may have proper control and fee title ownership over the entirety of the School Site as originally intended by the GMRAA Granting Resolution; and

WHEREAS, the Governing Board of the Sylvan Union School District (the "Board") desires at this time to enter into the Quitclaim Deed to address the ministerial error described above.

NOW, THEREFORE, the Governing Board of the Sylvan Union School District hereby finds, determines, orders, and approves as follows:

Section 1. Recitals True and Correct. The Board finds and determines that the recitals herein are true and correct.

Section 2. Approval of Documents. The Board hereby determines to quitclaim its interests, if any, in the Strip Parcel. The form, terms and provisions of the Quitclaim Deed are hereby approved in substantially the form of Exhibit "A" attached hereto and presented at this meeting, with such insertions, omissions and changes as shall be approved by the Superintendent and/or any Assistant, Deputy or Associate Superintendent, or members of the governing body of the District executing the same (each, an "Authorized Officer"), the execution of such documents being conclusive evidence of such approval; and any Authorized Officer is hereby authorized and directed to execute, and the President or Clerk of the Board is hereby authorized and directed to attest, if required, the Quitclaim Deed and to deliver an executed and notarized counterpart to the Quitclaim Deed to Stanislaus Union, or its legal counsel, for recordation thereof.

Section 3. Other Actions Authorized. The officers and employees of the District shall take all action necessary or reasonably required by the terms of this Resolution or the Quitclaim Deed to carry out, give effect to and consummate the transactions contemplated hereby and thereby and to take all action necessary in conformity therewith.

Section 4. No General Liability. Nothing contained in this Resolution, the Quitclaim Deed nor any other instrument, including the Quitclaim Deed, shall be construed with respect to the District as incurring a pecuniary liability or charge upon the general credit of the District or against its taxing power, nor shall the breach of any agreement contained in this Resolution, the Quitclaim

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Deed, or any other instrument or document executed in connection herewith or therewith impose any pecuniary liability upon the District or any charge upon its general credit or against its taxing power.

Section 5. *Severability.* If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 6.*Effective Date.* This Resolution shall be effective immediately upon its approval and adoption.

ADOPTED AND APPROVED by the Board of the District at a Regular Board Meeting of the **SYLVAN UNION SCHOOL DISTRICT** Board of Trustees held on the 8th day of October, 2019, by Board Member _____, who made the motion, which motion being duly seconded by Board Member _____ upon roll call, carried into Resolution and passed by the following vote:

AYES: _____
NOES: _____
ABSENT: _____
ABSTAIN: _____

SYLVAN UNION SCHOOL DISTRICT

By: _____
President of the Governing Board

Attest:

By: _____
Clerk of the Governing Board

EXHIBIT A

QUITCLAIM DEED

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Sean B. Mick, Esq.
Dannis Woliver Kelley
555 Capitol Mall, Suite 645
Sacramento, CA 95814

THIS TRANSACTION IS EXEMPT FROM CALIFORNIA DOCUMENTARY TRANSFER TAX UNDER SECTION 11929 OF THE CALIFORNIA REVENUE AND TAXATION CODE. THIS DOCUMENT IS EXEMPT FROM RECORDING FEES UNDER SECTION 27383 OF THE CALIFORNIA GOVERNMENT CODE.

QUITCLAIM DEED

(APN 078-055-023)

MODESTO CITY ELEMENTARY SCHOOL DISTRICT, MODESTO HIGH SCHOOL DISTRICT, SYLVAN UNION SCHOOL DISTRICT, EMPIRE UNION SCHOOL DISTRICT, SALIDA UNION SCHOOL DISTRICT, and HART-RANSOM UNION SCHOOL DISTRICT, each a school district duly organized and existing under the Constitution and laws of the State of California (collectively, the "Grantors"), as successors-in-interest to the GREATER MODESTO RELOCATABLE ADMINISTRATION AGENCY, hereby quitclaims to the STANISLAUS UNION SCHOOL DISTRICT ("Grantee"), all of its right, title, and interest in and to that certain real property located in the County of Stanislaus, State of California, bearing the legal description attached herewith as Exhibit A and incorporated herein by this reference.

This Quitclaim Deed may be executed in counterparts.

Dated as of: _____, 2019.

IN WITNESS WHEREOF, the undersigned authorized officer has executed and delivered this Quitclaim Deed as of the date first written above.

SYLVAN UNION SCHOOL DISTRICT

By: _____
Debra M. Hendricks
Superintendent

[Signature page to Quitclaim Deed; Attach Notarial Acknowledgment]

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

Parcel 2 as shown on Parcel Map filed for record May 10, 1983 in Book 34 of Parcel Maps, at Page 4, Stanislaus County Records.

EXCEPTING THEREFROM all that portion of said land conveyed to the Stanislaus Union School District, a school district, by grant Deed recorded February 14, 1991, Instrument No. 011614, Stanislaus County Records.

ALSO EXCEPTING THEREFROM all that portion contained in "Resolution of the Governing Board of the Stanislaus Union School District Authorizing the President of the Governing Board or his Designee to Execute the Easement Deed to the City of Modesto" recorded October 10, 2002, as Instrument No. 2002-0131590-00, Stanislaus County Records.

APN: 078-055-023

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in Real Property conveyed by quitclaim deed dated as of _____, 2019, by MODESTO CITY ELEMENTARY SCHOOL DISTRICT, MODESTO HIGH SCHOOL DISTRICT, SYLVAN UNION SCHOOL DISTRICT, EMPIRE UNION SCHOOL DISTRICT, SALIDA UNION SCHOOL DISTRICT, and HART-RANSOM UNION SCHOOL DISTRICT (collectively, the "Grantors"), as successors-in-interest to the GREATER MODESTO RELOCATABLE ADMINISTRATION AGENCY, is hereby accepted by the undersigned officer on behalf of the STANISLAUS UNION SCHOOL DISTRICT ("Grantee") pursuant to authority conferred by Resolution of the Board of Trustees of Grantee, adopted on _____, 2019, and the Grantee consents to recordation of the Quit Claim Deed by its duly authorized officer.

Dated as of _____, 2019.

STANISLAUS UNION SCHOOL DISTRICT

By: _____
Shannon Sanford
Superintendent