

RESOLUTION NO. 21/22-13

RESOLUTION OF THE GOVERNING BOARD OF THE MODESTO CITY SCHOOLS TO ACCEPT AGREEMENT FOR TERMINATION OF LEASES AND QUIT CLAIM DEED

WHEREAS, Modesto City Schools ("District") and Robert E. Boyer Construction, Inc. ("Developer") entered into a Facilities Lease, dated as of September 8, 2020, ("Facilities Lease") and a Site Lease, dated as of September 8, 2020, ("Site Lease") for the construction of certain improvements by the Developer for construction and sitework services at various sites project ("Project"), located at Grace M. Davis High School, 1200 W. Rumble Road, Modesto, CA 95350 and Transportation Department – Corporation Yard, 1524 Woodland Avenue, Modesto, CA 95351, as further described in the Facilities Lease ("Project Site"); and

WHEREAS, under the terms of the Site Lease the District leased a portion of the Project Site to the Developer for the construction of the Project; and

WHEREAS, under the terms of the Facilities Lease the District leased back the Project from the Developer and is obligated to make lease payments to the Developer for the lease of the Project; and

WHEREAS, the District has paid its Project obligations in full which were secured by the lease payments payable under the Facilities Lease by making its final lease payment to the Developer, and the District has paid all other amounts due or to become due with respect to the Facilities Lease; and

WHEREAS, upon such payment in full, title to the Project leased under the Facilities Lease is to vest in the District, and the Facilities Lease and the Site Lease are to terminate immediately upon such payment; and

WHEREAS, the District and the Developer desire to unconditionally terminate the Facilities Lease which pertains to the Project Site and to concurrently unconditionally terminate the related Site Lease which also pertains to the Project Site; and

WHEREAS, the District and the Developer agree that the District has fulfilled its obligations under the Facilities Lease and that fee title to the Project and the Project Site leased thereby is to vest in the District;

NOW, THEREFORE, the Governing Board of the Modesto City Schools hereby finds, determines, declares, orders, and resolves as follows:

Section 1. The above recitals are true and correct.

Section 2. The District hereby accepts and approves the Termination Agreement and Quit Claim Deed terminating the Facilities Lease and the Site Lease and conveying all of Developer's right, title and interest in the Project Site and the Project to the District.

Section 3. The District does hereby accept all of Developer's right, title and interest in the Project Site and the Project remised, released, quitclaimed and conveyed to the District by the Termination Agreement and Quit Claim Deed.

Section 4. The Superintendent and/or designees are authorized to take all steps and sign all documents necessary to effect the intent of this resolution, including but not limited to the Termination Agreement and Quit Claim Deed and the Certificate of Acceptance of the real property and facilities located in Stanislaus County, California, as more particularly described in the Termination Agreement and Quit Claim Deed.

IN WITNESS WHEREOF, this resolution was approved and adopted by the Governing Board of the Modesto City Schools this 13th of December 2021.

AYES:

NOES:

ABSTENTIONS:

ABSENT:

President of the Governing Board of the
Modesto City Schools

[Seal]

ATTEST:

Clerk of the Governing Board of the
Modesto City Schools

No. 21/22-13
December 13, 2021

CLERK'S CERTIFICATE

I, Dr. Sara Noguchi, Clerk of the of the Governing Board of the Modesto City Schools, hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted at a regular meeting of the Governing Board of said District duly and regularly held at the regular meeting place thereof on December 13, 2021, of which meeting all of the members of said Governing Board had due notice and at which a majority thereof were present; and that at said meeting said resolution was adopted by the following vote:

AYES:

NOES:

ABSENT OR NOT VOTING:

An agenda of said meeting was posted at least 72 hours before said meeting at 426 Locust Street, Modesto, California, a location freely accessible to members of the public, and a brief general description of said resolution appeared on said agenda.

I further certify that I have carefully compared the same with the original minutes of said meeting on file and of record in my office; the foregoing resolution is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and that said resolution has not been amended, modified or rescinded since the date of its adoption, and the same is now in full force and effect.

Dated: December 13, 2021

Clerk of the Governing Board of the
Modesto City Schools

[Seal]