

**BOARD OF TRUSTEES
OF THE SYLVAN UNION SCHOOL DISTRICT**

RESOLUTION NO. 2018-2019 #11

**RESOLUTION AUTHORIZING
CONVEYANCE OF EASEMENT TO MODESTO IRRIGATION DISTRICT**

WHEREAS, Section 17556 et seq. of the California Education Code authorizes the Sylvan Union School District ("**District**"), by two-thirds (2/3) vote of its Board of Trustees ("**Board**"), to dedicate or convey to the State, or any political subdivision or municipal corporation thereof, an easement or any real property belonging to the District, either with or without consideration and without a vote of the electors of the District first being taken.

WHEREAS, the District owns one parcel of land in the City of Modesto, comprising the Elizabeth Ustach Middle School campus, located on approximately 15.51 acres at 2701 Kodiak Drive, Modesto, California, 95355 ("**Ustach School Property**").

WHEREAS, District now desires to grant an easement and right-of-way over, under, and across a portion of the Ustach School Property to the Modesto Irrigation District ("**MID**") for purposes of constructing, operating, inspecting, maintaining, replacing, and relocating irrigation facilities and appurtenances, along with temporary construction access for reasonable staging and access thereto (collectively "**Irrigation Facilities Easement**").

WHEREAS, the Irrigation Facilities Easement is legally described in the attached **EXHIBIT A** and depicted in the attached **EXHIBIT B**.

WHEREAS, pursuant to Section 17557 of the California Education Code, on September 11, 2018, the Board adopted a resolution and declared its intent to convey the Irrigation Facilities Easement to MID for constructing, operating, inspecting, maintaining, replacing, and relocating irrigation facilities and appurtenances, along with temporary construction access for reasonable staging and access thereto, and to call a public hearing in connection therewith.

WHEREAS, pursuant to Sections 17558 and 17559 of the California Education Code, all statutorily required notices were given, and on this 9th day of October, 2018, the Board held a public hearing on the question of conveying the Irrigation Facilities Easement to MID, at which hearing all persons desiring to speak were afforded an opportunity to be heard.

WHEREAS, Section 17559 of the California Education Code authorizes the Board, unless a protest is entered, to adopt a resolution by two-thirds (2/3) vote of all its members authorizing and directing the president of the Board, or any other presiding officer, secretary or members thereof, to execute a deed of conveyance of the easement and to deliver it.

WHEREAS, pursuant to Section 27281 of the California Government Code, deeds or grants conveying any interest in or easement upon real property to a political corporation or governmental agency for public purposes shall not be accepted for recordation without the consent of the grantee evidenced by its certificate or resolution of acceptance attached to or printed on the deed or grant.

NOW, THEREFORE, the Board of Trustees of the Sylvan Union School District does hereby resolve, approve, and order as follows:

Section 1. Recitals. The foregoing recitals are true and correct.

Section 2. Approval of Conveyance of the Easement. Having received no legal protest to the conveyance of the Irrigation Facilities Easement, the Board hereby approves the District's conveyance of the Irrigation Facilities Easement to MID for constructing, operating, inspecting, maintaining, replacing, and relocating irrigation facilities and appurtenances, along with temporary construction access for reasonable staging and access thereto.

Section 3. Authorization. The President of the Board or the Superintendent, or designee, is hereby authorized and directed to execute all documents and take all actions necessary to carry out the intent of the Board pursuant to this Resolution, including, without limitation, to prepare and execute an easement deed in accordance with the terms this Resolution, and to record the easement deed with the Stanislaus County Clerk-Recorder's office.

THE FOREGOING RESOLUTION was introduced at a Regular Meeting of the **SYLVAN UNION SCHOOL DISTRICT'S** Board of Trustees held on the a 9th day of October, 2018, by Board Member _____, who made the motion, which motion being duly seconded by Board Member _____, was, upon roll call, carried into Resolution and passed by at least two-thirds of its Members, as shown below:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

I, DEBRA M. HENDRICKS, Secretary of the Board of Trustees, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Board of Trustees of the **SYLVAN UNION SCHOOL DISTRICT** at a Regular Meeting of October 9, 2018, which Resolution is on file in office of said Board.

DATE:

SIGNED: _____

Debra M. Hendricks, Secretary,
Board of Trustees

EXHIBIT "A"
EASEMENT DEED
LEGAL DESCRIPTION

All that certain real property situate in the City of Modesto, County of Stanislaus, State of California, lying within the Southeast quarter of the Southwest quarter of Section 11, Township 3 South, Range 9 East, Mount Diablo Meridian, described as follows:

EASEMENT NO. 1:

ALL that certain parcel of land conveyed to Sylvan Union School District by Grant Deed filed in the Office of the Recorder of the County of Stanislaus on June 30, 2017 as document number 2017-0047541 of Official Records, being more particularly described as follows:

BEGINNING at the Southeast corner of said Sylvan Union School District parcel of land, said corner lying North 00°30'18" West, a distance of 587.06 feet from the South quarter corner of said Section 11 and also being a point on the West line of that certain parcel of land conveyed to the Sylvan Union School District by Quitclaim Deed filed in the Office of the Recorder of the County of Stanislaus on February 27, 1991 as document number 014584 of Official Records; thence North 89°41'23" West along the south line of said Sylvan Union School District parcel of land, a distance of 10.00 feet; thence North 00°30'18" West along a line which lies 10.00 feet west of and parallel with the east line of said Sylvan Union School District parcel of land, a distance of 200.93 feet to the northwest corner thereof; thence South 89°41'38" East along the north line said Sylvan Union School District parcel of land, a distance of 10.00 feet to the Northeast corner thereof and also being the northwest corner of said Sylvan Union School District parcel of land described in the above referred to Quitclaim deed; thence South 00°30'18" East along the common line dividing said Sylvan Union School District parcels of land, a distance of 200.93 feet to the point of beginning.

CONTAINING 2,009 square feet more or less

EASEMENT NO. 2:

ALL that portion of that certain parcel of land conveyed to Sylvan Union School District by Quitclaim Deed filed in the Office of the Recorder of the County of Stanislaus on February 27, 1991 as document number 014584 of Official Records, being more particularly described as follows:

BEGINNING at the Northwest corner of said Sylvan Union School District parcel of land, said corner also being the Northwest corner of Parcel 2 as shown on that map filed in the Office of the Recorder of the County of Stanislaus on May 10, 1983 in Book 34 of Parcel Maps at Page 4; thence South 89°41'38" East along the north line of said Sylvan Union School District parcel of land, a distance of 20.00 feet; thence South 00°30'18" East along a line which lies 20.00 feet east of and parallel with the west line of said Sylvan Union School District parcel of land, a distance of 200.93 feet to a point on the easterly extension of the south line of above referred

to Sylvan Union School District parcel of land conveyed by Grant Deed document number 2017-0047541; thence North 89°41'23" West along last said easterly extension, a distance of 20.00 feet to the Southeast corner of last said Sylvan Union School District parcel of land and being a point on the west line of said Sylvan Union School District parcel of land conveyed by the herein above described Quitclaim Deed; thence North 00°30'18" West along the common line dividing said Sylvan Union School District parcels of land, a distance of 200.93 feet to the point of beginning.

CONTAINING 4,019 square feet more or less

EASEMENT PARCELS herein above described are subject to all easements and/or rights of way of record




Dave Skidmore, PLS 7126
January 31, 2018

Exhibit B

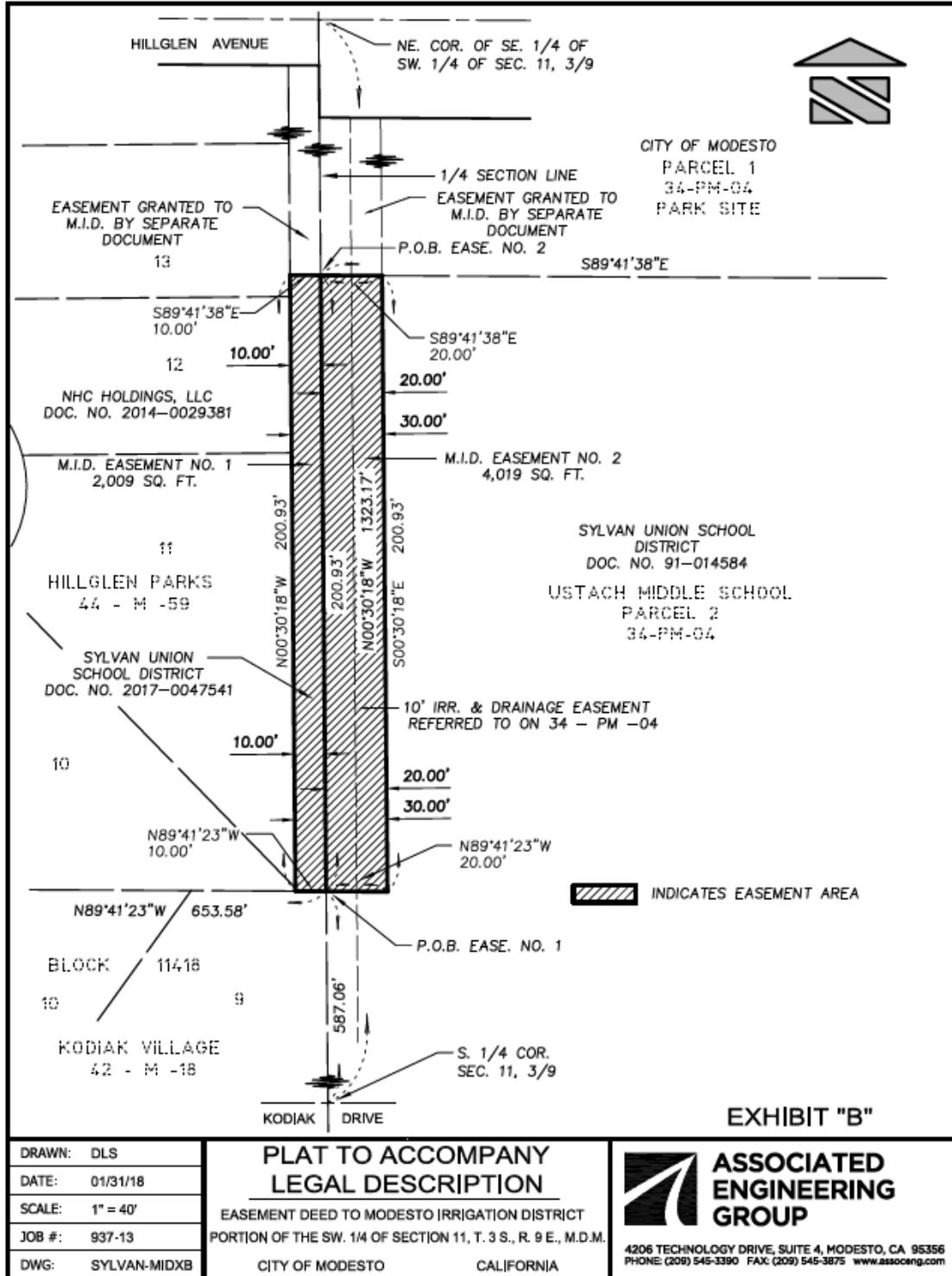


EXHIBIT "B"