RESOLUTION 960-06

A RESOLUTION OF THE GOVERNING BOARD OF THE CHICO UNIFIED SCHOOL DISTRICT APPROVING THE CONVEYANCE OF RIGHT OF WAY EASEMENTS

RECATIALS

WHEREAS, the District is the owner of certain real property located at 988 East Avenue (Assessor’s Parcel No. 015-230-029), more commonly known as John McManus Elementary School (“Property”); and

WHEREAS, the City of Chico (“City”) has requested the conveyance of two right of way easements of 16 square feet each over portions of the Property for the installation of two streetlights; and

WHEREAS, the terms and conditions of the conveyance of the right of way easements are set forth in the proposed Agreement for Acquisition of Easement for Public Purposes between the City and the District (“the Agreement”) attached hereto as Exhibit A; and

WHEREAS, as set forth in the Agreement, the City shall pay the District the sum of $500 as compensation for the conveyance of the two right of way easements as more particularly described and depicted in the Grant Deed - Right of Way Easement attached hereto as Exhibit B.

NOW, THEREFORE, BE IT RESOLVED, by the Board as follows:

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

Section 2. Approval of Agreement. The Board approves the Agreement presented to the Board and attached hereto, which recites the terms and conditions of compensation and conveyance.

Section 3. Authorization. The Board authorizes the Superintendent or his designee to take all necessary action to finalize and execute the Agreement. The Board further authorizes the Superintendent or his designee to take all necessary action to finalize, execute and deliver a grant deed conveying the right of way easements from the District to the City.

APPROVED, PASSED, AND ADOPTED by the Governing Board of the Chico Unified School District this 21st day of June, 2006, by the following vote:

AYES:
NOES:
ABSTENSION:
ABSENT:

______________________________  ______________________________
Rick Rees, President            Jann Reed, Vice President
Scott Huber, Clerk

Rick Anderson, Member

Anthony Watts, Member

ATTEST:

Dr. Chet M. Francisco, Secretary
Order No.
Escrow No. 0401-2146951
Loan No.

WHEN RECORDED MAIL TO:
City Manager
City of Chico
P. O. Box 3420
Chico CA 95927-3420

EXEMPT - R&T Code 11922

DOCUMENTARY TRANSFER TAX $ __________

___ Computed on the consideration of value of property conveyed; OR
___ Computed on the consideration or value less liens or encumbrances
remaining at time of sale.

__________________________
Signature of Declarant or Agent determining tax — Firm Name

GRANT DEED
Right of Way Easement
APN 015-230-029

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Chico Unified School District of Butte County, who acquired title as Pleasant Valley School District, does hereby GRANT to the City of Chico, a Municipal Corporation organized under the laws of the State of California, a right of way easement over, under and across the real property in the City of Chico, County of Butte, State of California, described in Exhibit "A" and depicted in Exhibit "B" attached hereto and incorporated herein.

Dated: ______________________
STATE OF CALIFORNIA } ss.
COUNTY OF ____________ } ss.

On _______________, before me, ______________________, a Notary Public, personally appeared ______________________, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

__________________________________________

MAIL TAX STATEMENTS TO:

__________________________

CHICO UNIFIED SCHOOL DISTRICT OF BUTTE COUNTY

By: ________________________

(Please sign in blue ink.)

S:\CRIS\Properties\East Ave UGICUSD ROW deed.wpd
EXHIBIT “A”

EAST AVENUE
RIGHT-OF WAY ACQUISITION NO. 58

PARCEL A

All that certain real property situate in the City of Chico, County of Butte, State of California, described as follows:

COMMENCING at the centerline intersection of North Avenue and East Avenue;

THENCE South 89°01’38” West along said centerline of East Avenue, a distance of 375.50 feet;

THENCE leaving said centerline, North 00°58'22" West a distance of 35.00 feet to a point on the north right-of-way line of East Avenue, said point being the True Point of Beginning;

THENCE leaving said right-of-way line, North 00°58'22" West a distance of 4.00 feet;

THENCE South 89°01’38” West a distance of 4.00 feet;

THENCE South 00°58'22" East a distance of 4.00 feet to a point on the north right-of-
way line of East Avenue;

THENCE North 89°01’38” East along said right-of-way line, a distance of 4.00 feet to the True Point of Beginning and containing 16 square feet (0.0004 acres), more or less

The above-described parcel is a portion of Assessor’s Parcel No. 015-230-029.

PARCEL B

All that certain real property situate in the City of Chico, County of Butte, State of California, described as follows:

COMMENCING at the centerline intersection of North Avenue and East Avenue;

THENCE South 89°01’38” West along said centerline of East Avenue, a distance of 223.50 feet;

THENCE leaving said centerline, North 00°58'22" West a distance of 35.00 feet to a point on the north right-of-way line of East Avenue, said point being the True Point of
Beginning;

THENCE leaving said right-of-way line, North 00°58'22" West a distance of 4.00 feet;

THENCE South 89°01'38" West a distance of 4.00 feet;

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The above-described parcel is a portion of Assessor's Parcel No. 015-230-029.

John Vonderhaar
L.S. 5350
Registration Expires: 12-31-05

Date: 12-3-05

Checked: [Signature]

Approved: [Signature]

Date: 11-20-05
AGREEMENT FOR ACQUISITION OF EASEMENT FOR PUBLIC PURPOSES

CHICO UNIFIED SCHOOL DISTRICT OF BUTTE COUNTY
APN 015-230-029
City of Chico Project 18041
EAST AVENUE RECONSTRUCTION PROJECT

This Agreement, made and entered into this ______ day of _______________ 2006, between Chico Unified School District Of Butte County, who acquired title as Pleasant Valley School District, owner of the referenced parcel ("Grantor"), and the City of Chico, a municipal corporation of the State of California ("City"), as Purchaser, for the conveyance of property rights for public purposes. The attached Exhibits referencing the property rights to be acquired are identified as follows:

Exhibits “A” and “B” – Legal Description and Plat
Exhibit “C” – Specific Details

In consideration of Grantor delivering to the City a Grant Deed conveying good, sufficient and insurable title to the property described in Exhibit “A” and depicted on Exhibit “B” (the “Property”), it is hereby agreed as follows:

1. This Agreement represents the entire agreement between City and Grantor. Any amendment to this Agreement must be reduced to a written document signed by both City and Grantor before it will be effective. Performance under this Agreement constitutes the entire consideration for this Agreement and shall relieve the City of all further obligations or claims on this account, including severance, or on account of the location, grade or construction of the proposed public improvement.

2. The purchase price has been determined by the City and the Grantor to be the fair market value and just compensation for the Property, and is based on a fair market property valuation made for the City by Bender Rosenthal, Inc.

3. The City shall:

(A) Pay the undersigned Grantor the total sum of $500.00 (five hundred dollars and no cents), for the property rights described and depicted in Exhibits “A” and “B” respectively, and perform the specific details pertinent to this transaction outlined in Exhibit “C”, as full compensation for the property rights conveyed to the City upon recordation of a deed granting such rights, free and clear of liens, encumbrances, assessments, easements, and leases (recorded and or unrecorded) and taxes except:
Agreement for Acquisition - Chico Unified School District Of Butte County/APN: 015-230-029

(1) Taxes for the tax year in which this escrow closes which shall be cleared and paid in the manner required by Section 5086 of the Revenue and Taxation Code, if unpaid at the close of escrow.

(2) Covenants, conditions, restrictions and reservations of record.

(3) Easements or rights of way over the property for public or quasi-public utility or public street purposes, if any.

(B) Pay all escrow and recording fees incurred in this transaction, and if the City desires title insurance, the premium charged therefore. This transaction will be handled through an escrow with Mid Valley Title. All costs of escrow, including consent to record fees, trustees’ fees or forwarding fees shall be borne by City.

4. It is hereby agreed that the right of possession and use of the Property by the City or its authorized agents, including the right to remove and dispose of improvements, shall commence on April 30, 2006, or the date of this Agreement as set forth above or the close of escrow whichever occurs first, and that the amount shown in Paragraph 3 above, including damages if any from that date, includes full payment for such possession and use of the Property.

5. Reasonable access over the existing driveway to the remaining property shall be maintained. The City’s Engineer or the City’s authorized agents shall give the Grantor written notification of the start of construction by either (1) personal delivery of such notice at least 72 hours in advance of construction affecting Grantors’ property or (2) by 1st class mail, postage prepaid, which is deposited in the mail at least 10 calendar days in advance of such construction, delivery deemed completed on date of mailing.
Agreement for Acquisition - Chico Unified School District of Butte County/APN: 015-230-029

GRANTOR

CHICO UNIFIED SCHOOL DISTRICT OF BUTTE COUNTY

By: ____________________________ DATE

Recommended for Approval

Right of Way Agent

CITY OF CHICO

By: Gregory T. Jones  DATE
City Manager

APPROVED AS TO FORM
David R. Frank, City Attorney

By: Lori J. Barker  DATE
Assistant City Attorney

No Obligations Other Than Those Set Forth Herein Will Be Recognized
EXHIBIT “A”

EAST AVENUE
RIGHT-OF-WAY ACQUISITION NO. 58

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PARCEL B

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John Vonderhaar
L.S. 5350
Registration Expires: 12-31-05

Date: 12-2-05

Checked: [Signature]

Approved: [Signature]

Date: 11-20-05
AGREEMENT FOR ACQUISITION OF
EASEMENT FOR PUBLIC PURPOSES

Exhibit C

Chico Unified School District

Project Improvements

The East Avenue Reconstruction Project, covering the area on East Avenue from east of Cohasset Road to Ceanothus Avenue, will provide improvements such as installation of streetlights, sewer laterals, and curb ramps, as well as the reconstruction of the roadway and related infrastructure within the right of way. The road reconstruction will follow the conversion of overhead utilities to underground facilities in this same area, which is designated as Underground Utility District 14, Area C.

Project Impacts

Construction will include the installation of two (2) streetlights. Adjacent landscaped areas affected will be restored in kind. All work will be accomplished at the sole expense of the City of Chico.
PROPOSED AGENDA ITEM: Board Policy & Administrative Regulation Series 3000

___ Consent

___ Information Only

X Discussion/Action

Board Date: June 21, 2006

Background Information

Every district needs an accurate and up-to-date policy manual in order to govern effectively. By law, districts are mandated to adopt many policies to ensure legal compliance. Working in conjunction with CSBA Policy Services, CUSD continues to update and revise Board Policies and Regulations to keep CUSD legally compliant.

Education Implications

Although the primary responsibility of public schools is to educate students, CUSD realizes that the ability of children to learn can be significantly impacted by a safe, healthy learning environment.

Fiscal Implications

No negative impact on the General Fund.

Prepared by: Randy Meeker, Assistant Superintendent – Business Services
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