

RESOLUTION NO. 138

A RESOLUTION MAKING DETERMINATIONS, DESCRIBING EXTERIOR BOUNDARIES OF TERRITORY DESIGNATED "SUNNYSLOPE COUNTY WATER DISTRICT ANNEXATION NO. 7" ESTABLISHING TERMS AND CONDITIONS AND ORDERING ANNEXATION OF TERRITORY TO THE DISTRICT AND TO IMPROVEMENT DISTRICT NO. 2 THEREOF

SUNNYSLOPE COUNTY WATER DISTRICT
ANNEXATION NO. 7

RESOLVED, by the Board of Directors of the Sunnyslope County Water District, San Benito County, California, that

WHEREAS, on April 11, 1974, this Board adopted its Resolution No. 137, "A Resolution of Application by Sunnyslope County Water District Requesting the Local Agency Formation Commission to Take Preliminary Proceedings for Annexation of Territory to the District and to Improvement District No. 2 Thereof," which resolution, together with a form of Written Consent of all of the owners of all of the lands comprising the territory proposed to be annexed to said District and to Improvement District No. 2 thereof, was filed with the Executive Officer of the Local Agency Formation Commission of the County of San Benito;

WHEREAS, on May 23, 1974, the Local Agency Formation Commission of the County of San Benito adopted its Resolution No. 74-5, "Resolution Approving the Annexation of Territory to the Sunnyslope County Water District," wherein it designated said territory as "Sunnyslope County Water District Annexation No. 7, L.A.F.C. FILE NO. 1974-101;"

WHEREAS, said Resolution No. 74-5 of the Local Agency Formation Commission of the County of San Benito approved the proposed annexation and authorized this Sanitary Board to annex said territory without notice and hearing and without an election and subject to terms and conditions stated in said Resolution No. 137;

WHEREAS, said resolution of the Local Agency Formation Commission made certain findings and determinations which were summarized before the Board of Directors of the Sunnyslope County Water District;

WHEREAS, a form of Written Consent, signed by all of the owners of all of the land within the territory proposed to be annexed to the District and to Improvement District No. 2 thereof, has been filed with the District; and

WHEREAS, all of the proceedings for the annexation of territory to the District and to Improvement District No. 2 thereof are being had pursuant to the District Reorganization Act of 1965, Division 1 of Title 6, comprising Government Code Sections 56000 through 56550 and the County Water District Law, Division 12, comprising Water Code Sections 30000 through 33901;

NOW, THEREFORE, IT IS FOUND, DETERMINED and ORDERED, that

1. The territory proposed to be annexed is uninhabited as such term is defined in Government Code Section 56074, and the description of the exterior boundaries of the territory is set forth in Exhibit "A" attached hereto and made a part hereof, and that no written protests were or have been filed.

2. Annexation to the District and to Improvement District No. 2 thereof is approved subject to the terms and conditions authorized in the Written Consent to the annexation, in said Resolution No. 137 of application adopted by the Sunnyslope County Water District and approved by said Resolution No. 74-5 adopted by the Local Agency Formation Commission, as follows:

1. In the event that pursuant to rules, regulations or ordinances of the District, as now or hereafter amended, the District shall require any payment of a fixed or determinable amount of money, either as a lump sum or in installments, for the acquisition, transfer, use or right of use of all or any part of the existing property, real or personal, of the District or Improvement District No. 2 thereof, such payment will be made to the District in the manner and at the time as provided by the rules, regulations or ordinances of the District, as now or hereafter amended.

2. Upon and after the effective date of said annexation, the Territory, all inhabitants within such Territory, and all persons entitled to vote by reason of residing or owning land within the Territory, shall be subject to the jurisdiction of the District; shall have the same rights and duties as if the Territory had been a part of the District upon its original formation; shall be liable for the payment of principal, interest, and any other amounts which shall become due on account of any outstanding or then authorized but thereafter issued bonds, including revenue bonds, or other contracts or obligations of the District; shall be subject to the levying or fixing and collection of any and all taxes, assessments,

service charges, rentals or rates as may be necessary to provide for such payment; and shall be subject to all of the rates, rules, regulations and ordinances of the District, as now or hereafter amended.

3. The Secretary of the District is hereby authorized and directed to prepare and execute a certificate of completion of said annexation, which certificate shall have a certified copy of this resolution attached, together with a map indicating the boundaries of the area hereby ordered annexed to the District and to Improvement District No. 2 thereof, which certificate, resolution and map shall be filed by the Secretary of the District with the Secretary of State of the State of California. The District Secretary shall, upon receipt of a Certificate of Filing from the Secretary of State, record a counterpart original of the District Secretary's Certificate, and the original or a counterpart original of the Secretary of State's Certificate of Filing in the office of the County Recorder of San Benito County, being the County in which all of the Sunnyslope County Water District is located, and the Secretary of said District shall make such filings as are required in the office of the State Board of Equalization and in the office of the County Assessor, pursuant to Chapter 8 of Part 1, Division 2, Title 5 of the Government Code of the State of California (commencing at Section 54900), and pursuant to the District Reorganization Act of 1965 and particularly Section 56457 of the Government Code, a part of said District Reorganization Act and in accordance with the requirements of the County Water District Law.

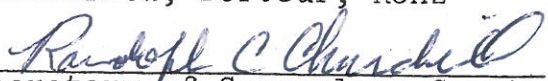
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I hereby certify that the foregoing resolution was passed and adopted by the Board of Directors of the Sunnyslope County Water District, San Benito County, California, at a meeting thereof held on the 8th day of August, 1974, by the following vote of the members thereof:

AYES, and in favor thereof, Directors: Churchill, Hassler, Loofbourrow, Porteur, Renz

NOES, Directors: None

ABSENT, Directors, None


Secretary of Sunnyslope County
Water District

APPROVED:



President

EXHIBIT "A"

SUNNYSLOPE COUNTY WATER DISTRICT
ANNEXATION NO. 7

BEING a portion of Homestead Lot 45 of the Rancho San Justo according to the map thereof filed July 21, 1876, in Volume 1 of Maps, at page 64, San Benito County Records, and being bounded by a line particularly described as follows:

BEGINNING at a point on the north line of said Homestead Lot 45 at the common corner of Homestead Lots 43, 44, and 45; thence along said north line

NORTH 80° 30' West, 1838.10 feet to the northeast corner of the part of said Homestead Lot 45 conveyed to Harriet A. Green by deed from W. W. Hollister, dated December 15, 1876, and recorded in Volume 2 of Deeds, at page 575; thence along the northeasterly line of land so conveyed to Harriet A. Green

SOUTH 22° 56' East, 1567.50 feet, thence

SOUTH 34° East, 1193.28 feet, thence

SOUTH 64° East, 264.00 feet, thence

SOUTH 11° 15' West, 219.78 feet to the northerly line of Southside Road, thence along said northerly line

SOUTH 63° 35' 15" East, 497.36 feet, thence

NORTH 83° 15' East, 856.02 feet to a point on the westerly line of that certain 101.73 acre parcel conveyed by Donald C. Gomes, et. ux., to Ridgemark Corporation by deed dated February 1, 1972, and recorded in Volume 372 of Official Records, at page 614, San Benito County Records, thence along the westerly line of land so conveyed to Ridgemark Corporation

NORTH 22° 47' West, 443.52 feet, thence

NORTH 41° 20' West, 699.60 feet, thence

NORTH 25° 11' West, 792.00 feet, thence

NORTH 0° 58' East, 930.60 feet to the point of beginning, and

CONTAINING THEREIN 85.04 acres of land, more or less.