

RESOLUTION NO. 513

RESOLUTION OF THE OF SUNNYSLOPE COUNTY WATER DISTRICT
APPROVING THE ACQUISITION OF EASEMENTS FOR THE RIDGEMARK
WASTEWATER TREATMENT PLANT; AUTHORIZING ACCEPTANCE OF THE
DEEDS; AUTHORIZING THE FILING OF A NOTICE OF DETERMINATION AND
AUTHORIZING THE DISMISSAL OF THE CONDEMNATION
PROCEEDING UPON CONVEYANCE OF THE DEEDS OR JUDGMENT IN THE
CONDEMNATION ACTION

WHEREAS, the Board of Directors (“Board”) of Sunnyslope County Water District (“SSCWD”) FINDS AND DETERMINES AS FOLLOWS:

1. SSCWD is a public agency engaged in providing a wastewater treatment facility for properties located within SSCWD’s service area jurisdiction; and
2. Section 1230.010 and following; Section 1240.010 and following; Section 1240.110 and following; and Section 1245.210 and following of the California Code of Civil Procedure authorizes acquisition of property rights by public agencies for public utilities purposes by eminent domain procedures. Section 31040 of the California Water Code authorizes the SSCWD to take any property necessary to carry out the business of the district by grant, purchase, gift, devise, condemnation, or lease with or without the privilege of purchase.
3. SSCWD proposes improvements to its wastewater treatment plant (“WWTP”) to meet the long-term treatment and disposal needs of the SSCWD, including wastewater treatment facility upgrades to reduce the levels of ammonia, nitrates, BOD, TSS, and pH, and a recycled water distribution system; and
4. The District’s Engineer and General Manager have determined that to complete the WWTP improvements and facilities (“WWTP Project”) and meet the long-terms needs of SSCWD, SSCWD needs to obtain easements, relinquish easements, and grant easements as more particularly described herein.
5. Lynn and Susan Hilden (“Hilden”) are the owners of the real property located on Mark’s Drive Hollister, San Benito County, California, as more particularly described on **Exhibit A** and **Exhibit B** attached hereto (“Hilden Property”); and
6. The Hilden Property is required by SSCWD for the WWTP Project. SSCWD intends to devote the Hilden Property to this proposed public use; and
7. SSCWD is the owner of existing easements located in San Benito County described in **Exhibit C** attached hereto which the District Engineer and General Manager have determined will no longer be needed when it obtains the Hilden Property for the WWTP Project.
8. SSCWD is owner of property located in San Benito County described in **Exhibit D** over which the District Engineer and General Manager have determined that Hilden will need access easements when SSCWD obtains the Hilden Property.
9. On July 16, 2009, the SSCWD Board certified an Environmental Impact Report (“EIR”) for the proposed improvements to the WWTP. The adoption of this Resolution and the actions authorized hereby are consistent with the WWTP reviewed in the certified EIR, and therefore comply with the California Environmental Quality Act (“CEQA”).
10. On November 12, 2009 the Board adopted a Resolution of Necessity (amended) to obtain the Hilden property by condemnation.
11. On November 24, 2009, SSCWD filed an action in the Superior Court of San Benito County (Case No. CU-09-00218, *Sunnyslope County Water District v. Lynn Hilden*,

Susan Hilden and Does 1-50) to obtain the Hilden property by condemnation (“Condemnation Proceeding”).

12. On January 14, 2010, the Board reviewed a proposed agreement with Hilden regarding the transfer of the Hilden Property to SSCWD and the other related transfers, which agreement could settle the Condemnation Proceeding and directed the General Manager to present the agreement to Hilden.

13. On January 27, 2010, SSCWD and Hilden entered into an Agreement for the Property Transfer to Facilitate Ridgemark Wastewater Treatment and Recycled Water Improvements Project (the Hilden Agreement) to settle the Condemnation Proceeding. Consistent with the agreement previously reviewed by the Board on January 14, 2010, the Hilden Agreement provides that:

- (a) SSCWD will quitclaim two existing easements, as described in **Exhibit C**, to Hilden and grant to two access easements, as described in **Exhibit D**, to Hilden (“SSCWD Deeds”); and
- (b) Hilden will grant various permanent easement and temporary constructions easements, as described in **Exhibit A**, to SSCWD and Hilden will grant various permanent easements, as described in **Exhibit B**, to SSCWD and other public utilities (“Hilden Deeds”)
- (c) SSCWD will pay Hilden Seventy-Two Thousand One Hundred and Seventy Dollars (\$72,170) upon the successful recordation of the Hilden Deeds, which compensation the Board determines to be fair based on the appraisal of the property and the cost of litigation to condemn the property.

14. On January 28, 2010, the San Benito Superior Court issued an Order of Possession for SSCWD to take possession of the Hilden Property.

NOW, THEREFORE, BE IT RESOLVED the Board hereby resolves as follows:

1. The Board adopts the above findings.
2. The Board approves the Hilden Agreement reviewed by the Board on January 14, 2010 and the execution thereof.
3. The Board authorizes and directs the President and Secretary to accept the Hilden Deeds and authorizes the recording of said deeds upon satisfaction by the District’s Engineer and General Manager that the property for which the easements are being granted is not encumbered in a manner that would render the property unusable for public purposes or could cause SSCWD’s interest in the property to be foreclosed..
4. The Board authorizes and directs the President and Secretary to sign the SSCWD Deeds and authorizes the recording of the deeds concurrent with the recording of the Hilden Deeds.
5. The Board authorizes and directs the Secretary to issue payment to Hilden, or his designee, in the amount of Seventy-Two Thousand One Hundred and Seventy Dollars (\$72,170) for the Hilden Property upon the successful recordation of the Hilden Deeds which are not subject to prior encumbrances that would render the property unusable for public purposes or could cause SSCWD’s interest in the property to be foreclosed.
6. The Board authorizes and directs the Secretary to open an escrow at First American Title Company in Hollister, California to handle the property transfers, the recording of the deeds, and the payment to Hilden, or his designee, and to take whatever actions are necessary to provide escrow instructions to the Title Company and/or complete the transaction consistent with the terms of this Resolution.

7. The Board authorizes and directs the Secretary to file a Notice of Determination for this action based on the certified EIR for the WWTP under the provisions of CEQA, pursuant to Title 14, California Code of Regulations, Section 15094.

8. The Board authorizes and directs the District's Council to file a dismissal of the Condemnation Proceeding upon successful recordation of the Hilden Deeds pursuant to this Resolution or to proceed to judgment, if necessary, to obtain the Hilden Property free of any encumbrances that could render the property unusable for public purposes or could cause SSCWD's interest in the property to be foreclosed.

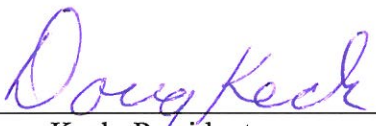
THE FOREGOING RESOLUTION was passed and adopted by a vote of the SSCWD Board of Directors at its regularly held meeting on February 11, 2010, by the following vote:

AYES: Keck, Nelson, Hailstone, Anderson, Meraz

NAYS: None

ABSENT: None

SUNNYSLOPE COUNTY WATER DISTRICT

By 
Doug Keck, President

(S E A L)

ATTEST:


Bryan M. Yamaoka, Secretary

CERTIFICATE OF SECRETARY

The undersigned Secretary of the Board of Directors of the Sunnyslope County Water District hereby certifies that the foregoing is a full, true and correct copy of the resolution adopted on February 11, 2010, as Resolution No. 513.

Dated: February 12, 2010


Bryan M. Yamaoka, Secretary

EXHIBIT A

Exhibit 1B TEMPORARY CONSTRUCTION EASEMENT

A temporary construction easement which begins on the day the Notice to Proceed is issued and ends two years after the Notice to Proceed is issued. The temporary construction easement grants Sunnyslope County Water District, its agents, assigns, lessees, and successors the temporary right, privilege, and easement to enter upon and leave said land, survey, grade, re-grade, excavate, fill, place soil, stockpile soil, and remove soil, store materials and machinery, locate temporary trailers and temporary structures and temporary utilities, and for all other purposes useful or necessary in connection with the construction of water, wastewater facilities, and related utilities, and incidental purposes, at any and all points over, on and through the following described land.

All lands which were previously used as dirt or paved roads shall be returned to a condition similar to their original condition which will allow for their continued use as roads after construction is completed. All lands which were previously used as grazing, farm, or fallow land shall be returned to their preconstruction condition and planted with a vegetative cover to help prevent erosion after construction is completed.

Said land is situated in the County of San Benito, State of California, to wit:

A STRIP OF LAND 40 feet wide the centerline of which is more particularly described as follows:

BEGINNING at a point in the southeasterly line of Parcel 1 as is found shown on that certain Parcel Map Number 1003-90 recorded October 31, 1991 in Book 8 of Parcel Maps, page 46, San Benito County Records, which bears North 56° 19' 29" East 281.02 feet from the most southerly corner thereof; thence South 10° 15' 40" East 43.25 feet; thence South 10° 37' 39" West 30.95 feet; thence South 17° 48' 58" West 41.53 feet; thence South 26° 06' 11" West 44.48 feet; thence South 33° 15' 47" West 35.97 feet; thence South 41° 06' 49" West 157.79 feet, more or less to a point that is 20 feet northeasterly of as measured at right angles to the southwesterly line of that certain Parcel 2 of the above said Parcel Map Number 1003-90; thence running parallel with and 20 feet northeasterly of as measured at right angles to the said southwesterly line of Parcel 2 South 21° 54' 28" East 132.66 feet; thence South 34° 15' 55" East 454.01 feet; thence South 57° 16' 06" East 80.80 feet; thence South 80° 16' 17" East 266.63 feet to a point which bears North 86° 05' 36" West 11.13 feet, North 76° 58' 20" West 125.31 feet and South 25° 39' 28" East 24.53 feet from the northwesterly corner of that certain parcel of land conveyed to Sunnyslope County Water District by Grant Deed from Ridgemark Financial Corporation, a California corporation, recorded November 9, 1984 at Recorder's File No. 8406015, San Benito County Records.

EXHIBIT A

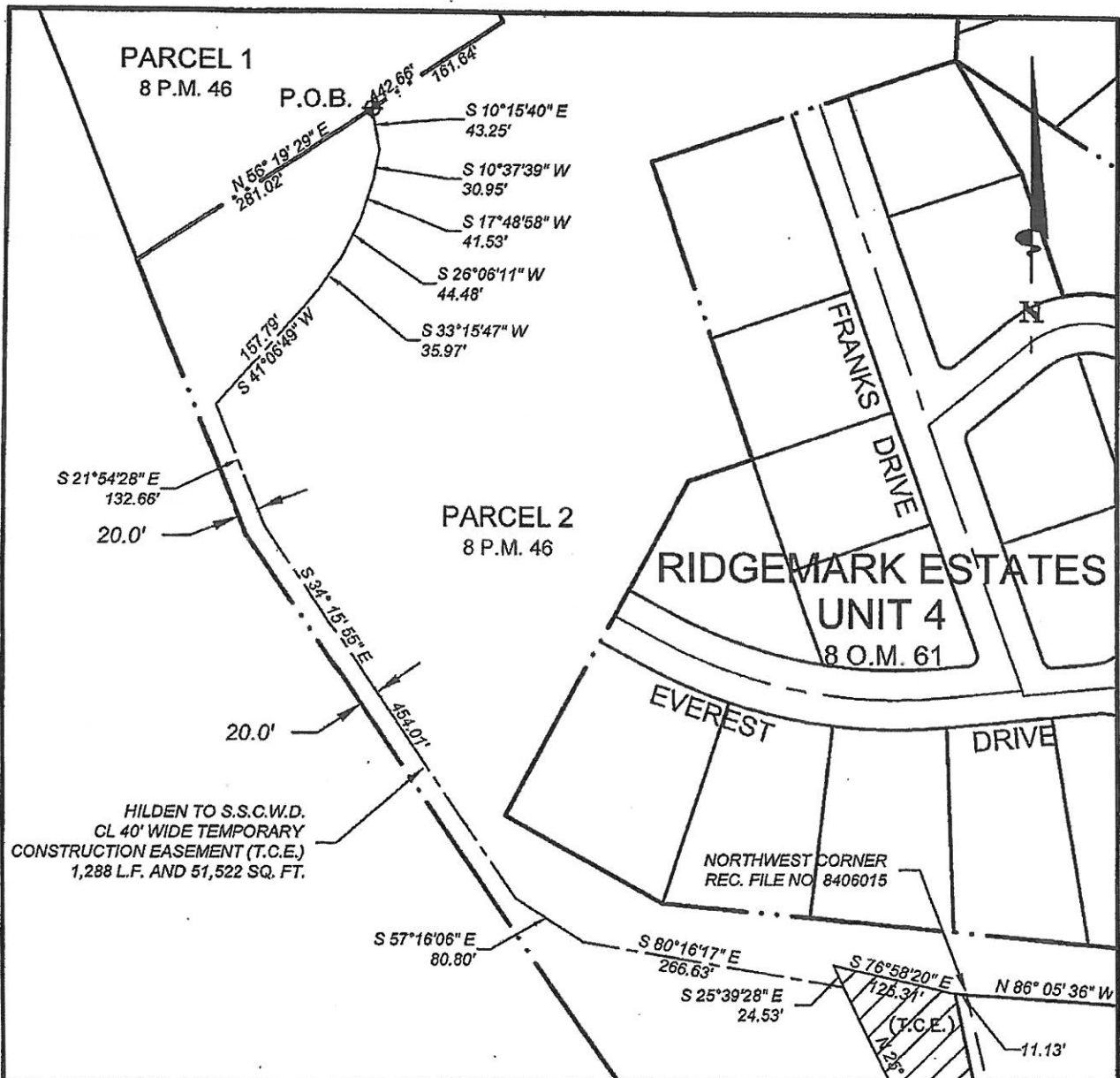


EXHIBIT MAP "1B"

TEMPORARY CONSTRUCTION EASEMENT
ACCESS ROAD

APRIL, 2009

SCALE 1" = 150'

SAN BENITO ENGINEERING & SURVEYING, INC.

502 MONTEREY STREET

HOLLISTER, CA 95023

831-637-2763

EXHIBIT A

Exhibit 2B TEMPORARY CONSTRUCTION EASEMENT

A temporary construction easement which begins on the day the Notice to Proceed is issued and ends two years after the Notice to Proceed is issued. The temporary construction easement grants Sunnyslope County Water District, its agents, assigns, lessees, and successors the temporary right, privilege, and easement to enter upon and leave said land, survey, grade, re-grade, excavate, fill, place soil, stockpile soil, and remove soil, store materials and machinery, locate temporary trailers and temporary structures and temporary utilities, and for all other purposes useful or necessary in connection with the construction of water, wastewater facilities, and related utilities, and incidental purposes, at any and all points over, on and through the following described land.

All lands which were previously used as dirt or paved roads shall be returned to a condition similar to their original condition which will allow for their continued use as roads after construction is completed. All lands which were previously used as grazing, farm, or fallow land shall be returned to their preconstruction condition and planted with a vegetative cover to help prevent erosion after construction is completed.

Said land is situated in the County of San Benito, State of California, to wit:

BEING A PORTION of that certain Parcel 2 as found shown on Parcel Map No. 1003-90 and recorded October 31, 1991, in Book 8 of Parcel Maps, page 46, San Benito County Records, bounded by a line more particularly described as follows:

BEGINNING at a point which bears South 21° 59' 41" East 59.33 feet and North 86° 05' 36" West 334.97 feet from the most southerly corner common to Lots 218 and 219 of Ridgemark Estates, Unit 4, Tract No. 116, recorded July 21, 1977, in Book 8 of Maps, page 61, San Benito County Records; thence from said point of beginning South 11° 14' 37" East 392.95 feet; thence North 25° 39' 28" West 458.91 feet; thence South 76° 58' 20" East 125.31 feet to the point of beginning.

EXHIBIT A

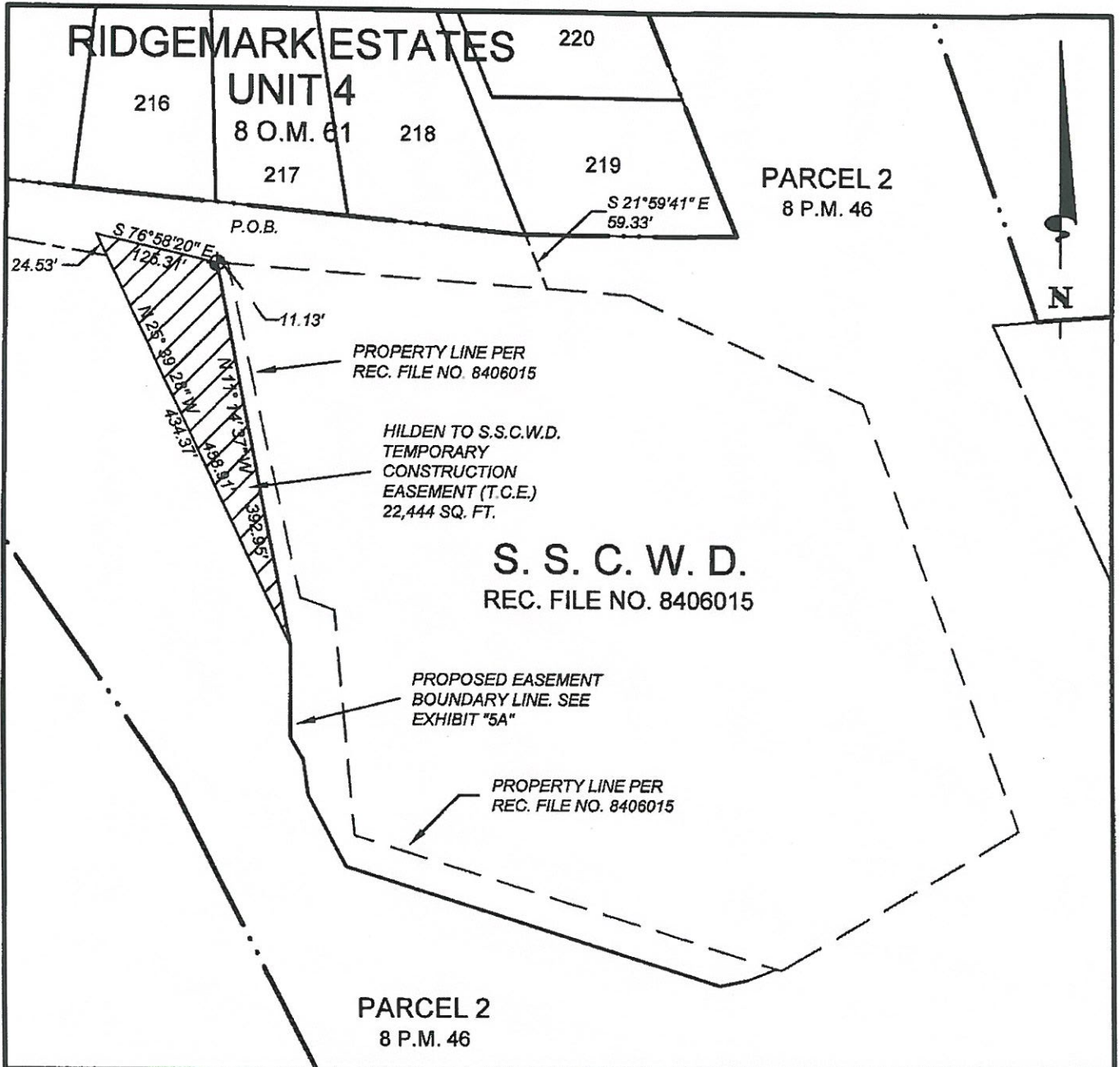


EXHIBIT MAP "2B"
TEMPORARY CONSTRUCTION EASEMENTS
SEWER POND AREA

APRIL, 2009 SCALE 1" = 150'
SAN BENITO ENGINEERING & SURVEYING, INC.
502 MONTEREY STREET
HOLLISTER, CA 95023
831-637-2763

EXHIBIT A

Exhibit 3B TEMPORARY CONSTRUCTION EASEMENT

A temporary construction easement which begins on the day the Notice to Proceed is issued and ends two years after the Notice to Proceed is issued. The temporary construction easement grants Sunnyslope County Water District, its agents, assigns, lessees, and successors the temporary right, privilege, and easement to enter upon and leave said land, survey, grade, re-grade, excavate, fill, place soil, stockpile soil, and remove soil, store materials and machinery, locate temporary trailers and temporary structures and temporary utilities, and for all other purposes useful or necessary in connection with the construction of water, wastewater facilities, and related utilities, and incidental purposes, at any and all points over, on and through the following described land.

All lands which were previously used as dirt or paved roads shall be returned to a condition similar to their original condition which will allow for their continued use as roads after construction is completed. All lands which were previously used as grazing, farm, or fallow land shall be returned to their preconstruction condition and planted with a vegetative cover to help prevent erosion after construction is completed.

Said land is situated in the County of San Benito, State of California, to wit:

BEING A PORTION of Homestead Lot 45 of the San Justo Rancho according to the map thereof recorded July 21, 1876, in Volume 1 of Maps, page 64, San Benito County Records, and being also a portion of Parcel 2 as shown on Parcel Map No. 1003-90 and recorded October 31, 1991, in Book 8 of Parcel Maps, at page 46, San Benito County Records, and bounded by a line more particularly described as follows:

BEGINNING at the southeasterly corner of that certain parcel of land conveyed to Sunnyslope County Water District by Grant Deed recorded November 9, 1984 as Recorder's File No. 8406015, San Benito County Records and running thence South $10^{\circ} 25' 33''$ West 90.75 feet; thence South $83^{\circ} 35' 30''$ West 161.15 feet; thence North $59^{\circ} 11' 11''$ East 129.32 feet; thence North $34^{\circ} 04' 46''$ East 5.33 feet to a point in the southeasterly line of said parcel of land conveyed to Sunnyslope County Water District; thence along said southeasterly line conveyed to Sunnyslope County Water District North $59^{\circ} 40' 00''$ East 72.43 feet to the point of beginning.

EXHIBIT A

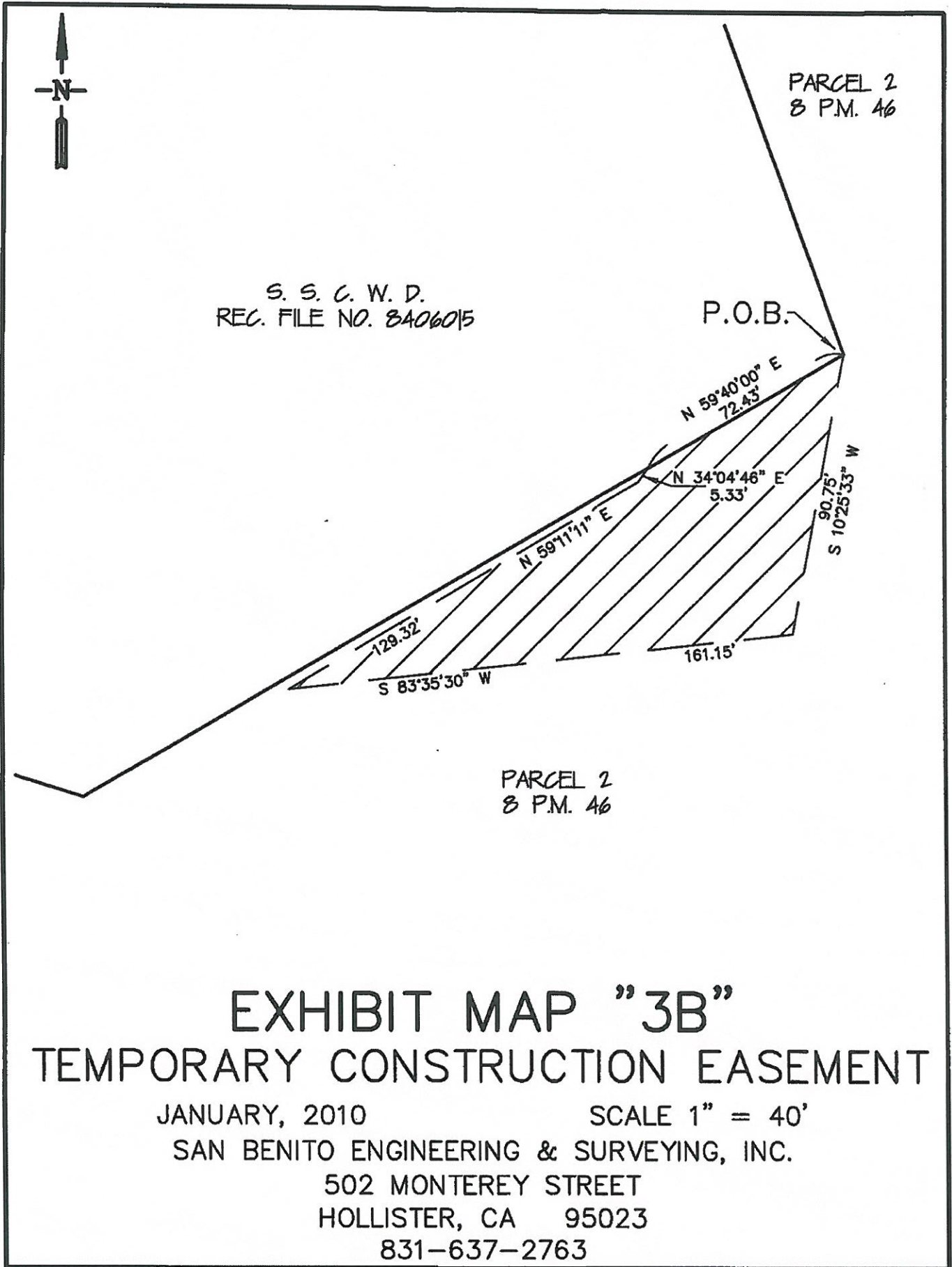


EXHIBIT MAP "3B"

TEMPORARY CONSTRUCTION EASEMENT

JANUARY, 2010

SCALE 1" = 40'

SAN BENITO ENGINEERING & SURVEYING, INC.

502 MONTEREY STREET

HOLLISTER, CA 95023

831-637-2763

EXHIBIT A

Exhibit 4B TEMPORARY CONSTRUCTION ACCESS EASEMENT

A temporary construction access easement which begins on the day the Notice to Proceed is issued and ends two years after the Notice to Proceed is issued. The temporary construction access easement grants Sunnyslope County Water District, its agents, assigns, lessees, and successors the temporary right, privilege, to enter upon and leave said land for all purposes useful or necessary in connection with the construction of water, wastewater, recycled water and related utilities. All lands which were previously used as roads shall be returned to a condition similar to their original condition which will allow for their continued used as roads after construction is completed.

BEING A PORTION of that certain Parcel 2 as found shown on Parcel Map No. 1003-90 and recorded October 31, 1991, in Book 8 of Parcel Maps, page 46, San Benito County Records, bounded and more particularly described as follows:

A STRIP OF LAND 30 feet wide, the centerline and boundaries of which are shown on sheet 3 of 3 of Parcel Map No 1003-90, in the Unincorporated Territory of the County of San Benito, State of California, A Portion of Homestead Lot 45 of the Rancho San Justo, Dated August 1990, and filed by the County Recorder of San Benito County on October 31st, 1990 in Book 8 of Parcels Maps at Page 46 at the request of San Benito Engineering & Surveying, Inc.

The point of beginning begins at a point located at the northern end of a 30' access easement centerline and the intersection of a line labeled C7, which is located near the western boundary of Marks Drive

Thence, from said point of beginning South 50° 07' 16" West 46.79 feet; thence South 42° 23' 44" West 55.58 feet; thence South 9° 35' 23" West 59.66 feet; thence South 26° 11' 52" East 144.94'; thence South 32° 18' 01" East 54.68 feet; thence South 40° 43' 44" East 109.15 feet; thence South 34° 15' 19" East 60.31 feet; thence South 14° 50' 13" East 54.42 feet; thence South 9° 25' 51" East 76.15 feet; thence South 2° 27' 03" East 71.07 feet; thence South 15° 44' 28" West 30.79 feet, more or less to a point.

EXHIBIT A

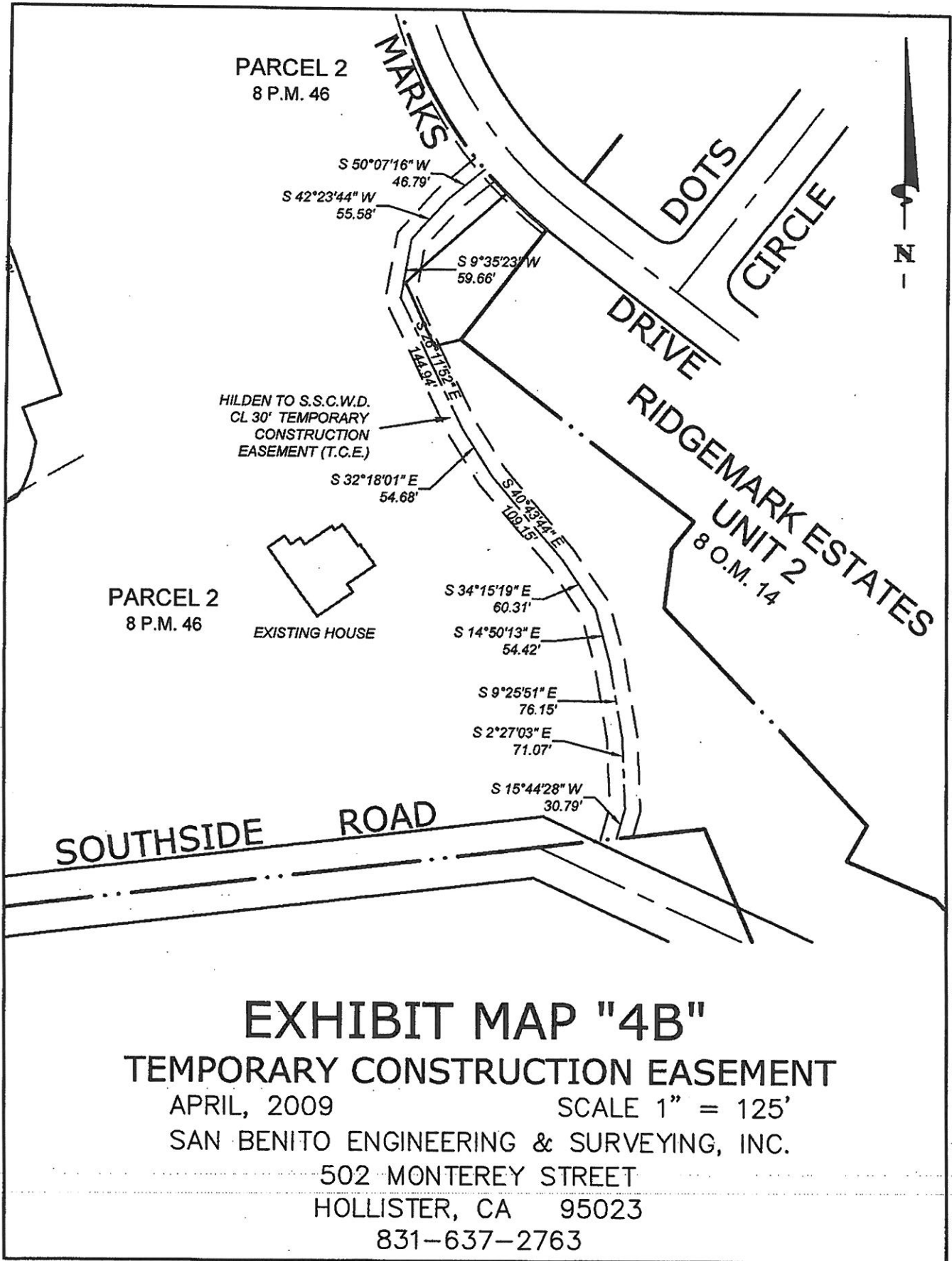


EXHIBIT MAP "4B"

TEMPORARY CONSTRUCTION EASEMENT

APRIL, 2009

SCALE 1" = 125'

SAN BENITO ENGINEERING & SURVEYING, INC.

502 MONTEREY STREET

HOLLISTER, CA 95023

831-637-2763

EXHIBIT A

Exhibit 5A WATER, WASTEWATER, RECYLED WATER, PUBLIC UTILITY & ROAD EASEMENT

The grant of exclusive above ground and below ground easement to Sunnyslope County Water District, herein, is for water, wastewater, recycled water and other related utilities such as gas, electric, communication, television, internet, and communication facilities which are necessary to serve related water, wastewater, and recycled water facilities. Easement shall include the right of utilities, their agents, assigns, lessees, and successors to enter upon and leave said land, survey, construct, reconstruct, lay, re-lay, maintain, place, operate, inspect, repair, replace, control, use and remove said pipelines, conduits, aerial facilities, utilities, poles, anchors, guys, cables, wires, cross-arms, manholes, hand-holes, markers, pedestals, terminal equipment cabinets, fixtures and appurtenances, and to remove objects interfering therewith. Easement shall include the right to construct a dirt, gravel, or paved road to access water, wastewater, recycled water, or other related facilities.

Grantor may not build any facilities including, but not limited to: wells, permanent sheds, buildings or above ground structures within the easement.

Said land is situated in the County of San Benito, State of California, to wit:

BEING A PORTION of Homestead Lot 45 of the San Justo Rancho according to the map thereof recorded July 21, 1876, in Volume 1 of Maps, page 64, San Benito County Records, and being also a portion of Parcel 2 as shown on Parcel Map No. 1003-90 and recorded October 31, 1991, in Book 8 of Parcel Maps, at page 46, San Benito County Records, and bounded by a line more particularly described as follows:

BEGINNING at the northwesterly corner of that certain parcel of land conveyed to Sunnyslope County Water District by Grant Deed, recorded November 9, 1984 as Recorder's File No. 8406015, San Benito County Records and running thence along the westerly and southwesterly lines of said parcel of land conveyed to Sunnyslope County Water District the following four (4) courses and distances: (1) South 12° 36' 49" East 343.39 feet; thence (2) South 70° 14' 22" East 37.00 feet; thence (3) South 5° 00' 00" East 228.00 feet; thence (4) South 72° 30' 00" East 446.93 feet; thence leaving said southwesterly line of said parcel of land conveyed to Sunnyslope County Water District and running South 68° 08' 06" West 31.03 feet; thence South 78° 04' 25" West 28.97 feet; thence North 72° 17' 48" West 396.35 feet; thence North 28° 05' 33" West 81.19 feet; thence North 7° 50' 12" West 36.34 feet; thence North 30° 38' 33" West 25.42 feet; thence North 0° 16' 41" West 92.02 feet; thence North 11° 14' 37" West 392.95 feet; thence South 86° 05' 36" East 11.13 feet to the point of beginning.

EXHIBIT A

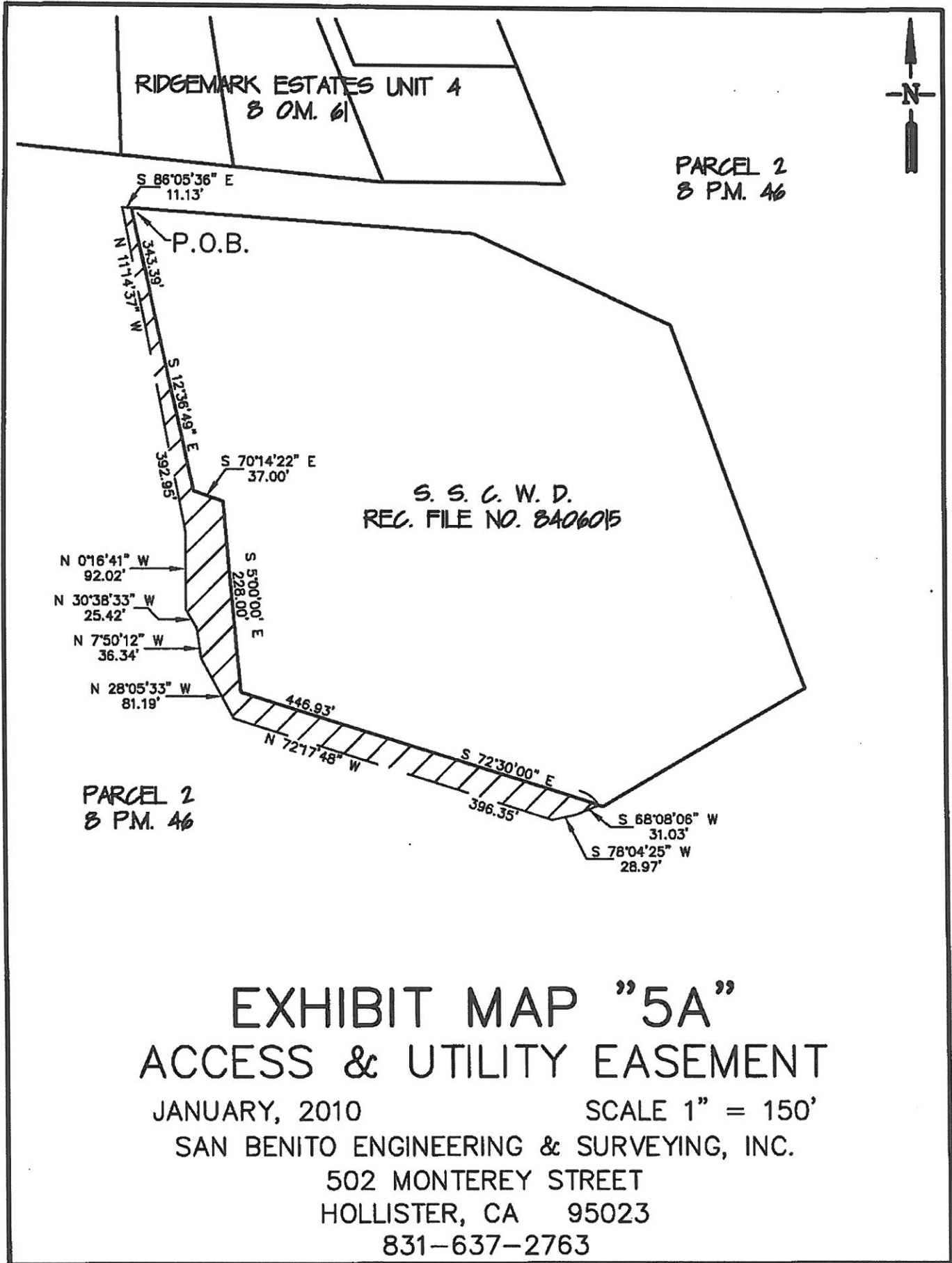


EXHIBIT MAP "5A"

ACCESS & UTILITY EASEMENT

JANUARY, 2010

SCALE 1" = 150'

SAN BENITO ENGINEERING & SURVEYING, INC.

502 MONTEREY STREET

HOLLISTER, CA 95023

831-637-2763

EXHIBIT A

Exhibit 5B

WATER, WASTEWATER, RECYLED WATER, PUBLIC UTILITY & ROAD EASEMENT

The grant of exclusive above ground and below ground easement to Sunnyslope County Water District, herein, is for water, wastewater, recycled water and other related utilities such as gas, electric, communication, television, internet, and communication facilities which are necessary to serve related water, wastewater, and recycled water facilities. Easement shall include the right of utilities, their agents, assigns, lessees, and successors to enter upon and leave said land, survey, construct, reconstruct, lay, re-lay, maintain, place, operate, inspect, repair, replace, control, use and remove said pipelines, conduits, aerial facilities, utilities, poles, anchors, guys, cables, wires, cross-arms, manholes, hand-holes, markers, pedestals, terminal equipment cabinets, fixtures and appurtenances, and to remove objects interfering therewith. Easement shall include the right to construct a dirt, gravel, or paved road to access water, wastewater, recycled water, or other related facilities.

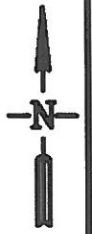
Grantor may not build any facilities including, but not limited to: wells, permanent sheds, buildings or above ground structures within the easement.

Said land is situated in the County of San Benito, State of California, to wit:

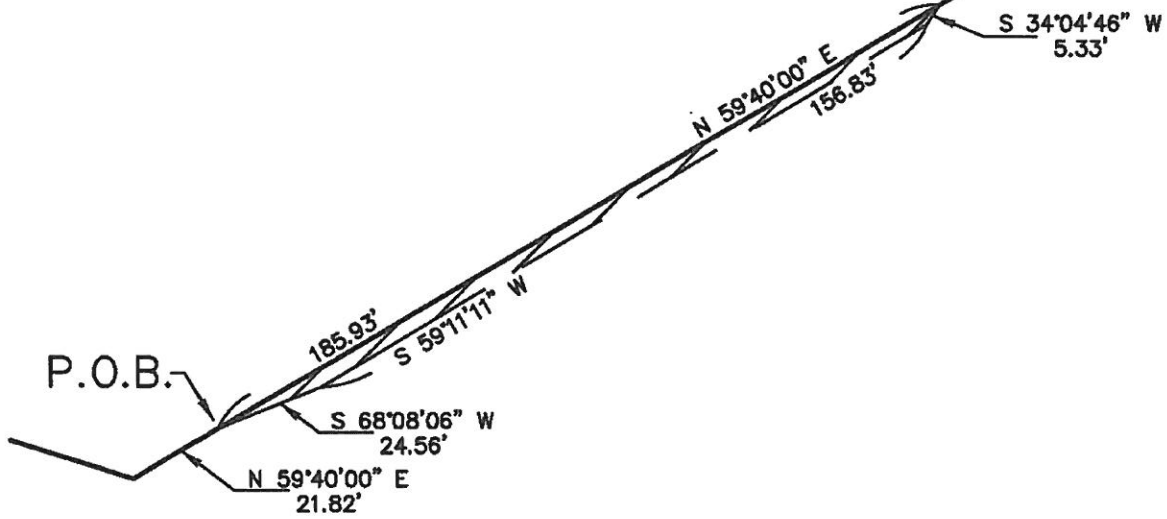
BEING A PORTION of Homestead Lot 45 of the San Justo Rancho according to the map thereof recorded July 21, 1876, in Volume 1 of Maps, page 64, San Benito County Records, and being also a portion of Parcel 2 as shown on Parcel Map No. 1003-90 and recorded October 31, 1991, in Book 8 of Parcel Maps, at page 46, San Benito County Records, and bounded by a line more particularly described as follows:

BEGINNING at a point in the southeasterly line of that certain parcel of land conveyed to Sunnyslope County Water District by Grant Deed recorded November 9, 1984 as Recorder's File No. 8406015, San Benito County Records, said point being North 59° 40' 00" East 21.82 feet from the most southerly corner thereof; thence along the southeasterly line of said parcel of land conveyed to Sunnyslope County Water District North 59° 40' 00" East 185.93 feet; thence South 34° 04' 46" West 5.33 feet; thence South 59° 11' 11" West 156.83 feet; thence South 68° 08' 06" West 24.56 feet to the point of beginning.

EXHIBIT A



S. S. C. W. D.
REC. FILE NO. 8A06015



PARCEL 2
8 P.M. 46

EXHIBIT MAP "5B"

ACCESS & UTILITY EASEMENT

JANUARY, 2010

SCALE 1" = 40'

SAN BENITO ENGINEERING & SURVEYING, INC.

502 MONTEREY STREET

HOLLISTER, CA 95023

831-637-2763

EXHIBIT A

Exhibit 5C

WATER, WASTEWATER, RECYLED WATER, PUBLIC UTILITY & ROAD EASEMENT

The grant of exclusive above ground and below ground easement to Sunnyslope County Water District, herein, is for water, wastewater, recycled water and other related utilities such as gas, electric, communication, television, internet, and communication facilities which are necessary to serve related water, wastewater, and recycled water facilities. Easement shall include the right of utilities, their agents, assigns, lessees, and successors to enter upon and leave said land, survey, construct, reconstruct, lay, re-lay, maintain, place, operate, inspect, repair, replace, control, use and remove said pipelines, conduits, aerial facilities, utilities, poles, anchors, guys, cables, wires, cross-arms, manholes, hand-holes, markers, pedestals, terminal equipment cabinets, fixtures and appurtenances, and to remove objects interfering therewith. Easement shall include the right to construct a dirt, gravel, or paved road to access water, wastewater, recycled water, or other related facilities.

Grantor may not build any facilities including, but not limited to: wells, permanent sheds, buildings or above ground structures within the easement.

Said land is situated in the County of San Benito, State of California, to wit:

BEING A PORTION of Homestead Lot 45 of the San Justo Rancho according to the map thereof recorded July 21, 1876, in Volume 1 of Maps, page 64, San Benito County Records, and being also a portion of Parcel 2 as shown on Parcel Map No. 1003-90 and recorded October 31, 1991, in Book 8 of Parcel Maps, at page 46, San Benito County Records, and bounded by a line more particularly described as follows:

BEGINNING at a point in the easterly line of said Parcel 2, at the most westerly corner of Lot 99, in Ridgemark Estates, Unit No. 2, recorded February 27, 1973, in Book 8 of Maps, at page 14, San Benito County Records, and running thence along the southerly line of a drainage easement, in Ridgemark Estates Unit No. 3, recorded April 29, 1976 in Book 8 of Maps, at page 48, San Benito County Records, South 75° 30' 00" West 27.17 feet; thence North 25° 46' 10" West 70.02 feet; thence North 48° 05' 28" East 135.67 feet to the westerly line of Marks Drive; thence along the westerly line of Marks Drive along a non-tangent curve to the left, from a tangent that bears South 45° 14' 31" East, having a radius of 430.00 feet, through a central angle of 7° 15' 29", for a distance of 54.47 feet; thence along the northwesterly line of said Lot 99 South 37° 30' 00" West 50.00 feet to the northeasterly corner of Parcel 1 as conveyed to Sunnyslope County Water District by Grant Deed recorded July 18, 1973 in Book 384 of Official Records, at page 16, San Benito County Records; thence along the northeasterly line of said Parcel 1 North 52° 30' 00" West 10.00 feet to the northwesterly corner thereof; thence along the northwesterly line of said Parcel 1 South 37° 30' 00" West 30.00 feet to the southwesterly corner thereof; thence along the southwesterly line of said Parcel 1, South 52° 30' 00" East 10.00 feet to the southeasterly corner thereof, being also a point in the northwesterly line of said Lot 99; thence along the northwesterly line of said Lot 99 South 37° 30' 00" West 60.00 feet to the point of beginning.

EXHIBIT A

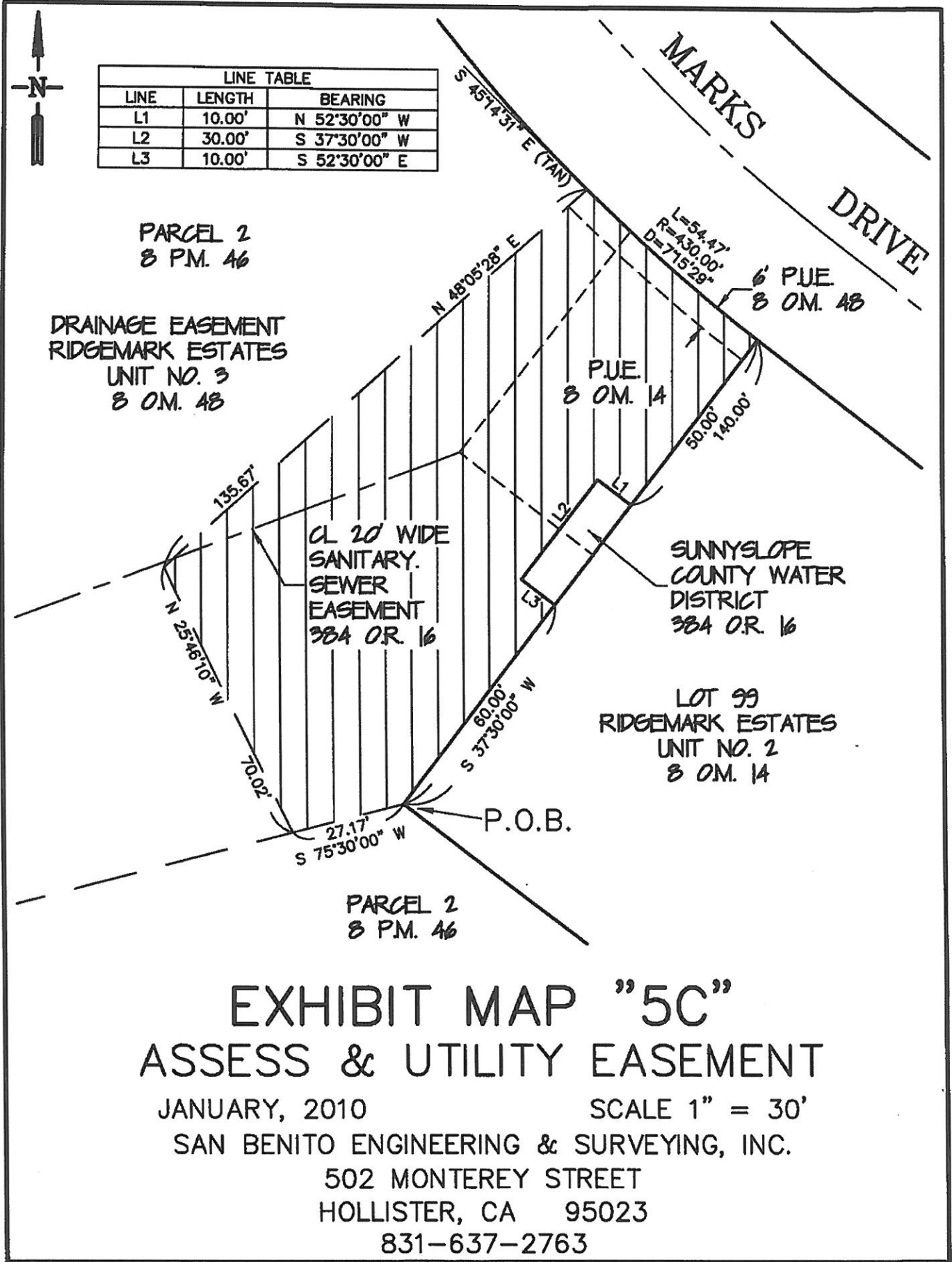


EXHIBIT MAP "5C"
ASSESS & UTILITY EASEMENT

JANUARY, 2010

SCALE 1" = 30'

SAN BENITO ENGINEERING & SURVEYING, INC.

502 MONTEREY STREET
HOLLISTER, CA 95023
831-637-2763

EXHIBIT B

Exhibit 3C PUBLIC UTILITY & ROAD EASEMENTS

The grant of nonexclusive easement herein is for all utilities, including, but not limited to: water, wastewater, recycled water, gas, electric, communication, television, internet, and communication facilities. Easement shall include the right of utilities, their agents, assigns, lessees, and successors to enter upon and leave said land, survey, construct, reconstruct, lay, re-lay, maintain, place, operate, inspect, repair, replace, control, use and remove said pipelines, conduits, aerial facilities, utilities, poles, anchors, guys, cables, wires, cross-arms, manholes, hand-holes, markers, pedestals, terminal equipment cabinets, fixtures and appurtenances, and to remove objects interfering therewith. Easement shall include the right for Sunnyslope County Water District to ingress/egress to their property, and the right to construct a dirt, gravel, or paved road.

Grantor may not build any wells, permanent sheds, buildings or above ground structures within the easement except for a gate, which may only be constructed with the written permission of Sunnyslope County Water District. Grantor reserves the right to cultivate, occupy and use the premises for any purpose consistent with the rights of privileges above granted and which will not interfere with, damage or endanger any of the structures or equipment of the District or the use thereof. The right to occupy and use the premises reserved by the Grantors herein shall include the construction of driveways, roads, fences, pipelines, and ditches as long as they do not interfere with, damage or endanger any of the structures of the utilities or prevent reasonable access thereto for the purposes of operation and maintenance. In the event of interference by Grantor, Utilities shall have the right, without notice, to remove any structures, fences, trees, vines, shrubs, or other encroachments from said right-of-way and easement. Grantor reserves the right to trim such tree foliage and to cut such limbs and roots on said property as may be necessary for the protection of said facilities. Utilities shall be responsible for damage caused intentionally or by any negligent act or omission of utilities, its agents or employees while exercising the rights granted herein. The provisions hereof shall inure to the benefit of and bind the successors and assigns of the grantor and utilities.

Said land is situated in the County of San Benito, State of California, to wit:

BEING A PORTION of that certain Parcel 2 as found shown on Parcel Map No. 1003-90 and recorded October 31, 1991, in Book 8 of Parcel Maps, page 46, San Benito County Records, bounded and more particularly described as follows:

EXHIBIT B

Exhibit 3C (Continued)

STRIP OF LAND 50 feet wide the centerline of which begins at a point on the westerly line of Marks Drive which bears North 52° 30' 00" West 219.90 feet and South 37° 30' 00" West 22.67 feet from the intersection of the centerline of Marks Drive and the centerline of Dots Circle as is shown on the map of Ridgemark Estates, Unit No. 2, Tract No. 116, recorded February 27, 1973 in Book 8 of Maps, page 14, San Benito County Records; thence from said point of beginning South 48° 05' 28" West 162.18 feet; thence North 69° 32' 48" West 83.97 feet; thence North 49° 39' 57" West 131.68 feet; to a point that for convenience will be called Point "A"; thence from said Point "A" North 49° 39' 57" West 28.74 feet to a point that for convenience will be called Point "B" and the terminus of the described strip of land 50 feet wide.

TOGETHER WITH a strip of land 20 feet wide the centerline of which begins at the above said Point "B" and runs North 22° 53' 49" West 385.40 feet, more or less, to a point in the 20 foot wide access easement shown on the above said Parcel Map No. 1003-90.

PUBLIC UTILITY & ROAD EASEMENT

The grant of nonexclusive easement herein is for all utilities, including, but not limited to: water, wastewater, recycled water, gas, electric, communication, television, internet, and communication facilities. Easement shall include the right of utilities, their agents, assigns, lessees, and successors to enter upon and leave said land, survey, construct, reconstruct, lay, re-lay, maintain, place, operate, inspect, repair, replace, control, use and remove said pipelines, conduits, aerial facilities, utilities, poles, anchors, guys, cables, wires, cross-arms, manholes, hand-holes, markers, pedestals, terminal equipment cabinets, fixtures and appurtenances, and to remove objects interfering therewith. Easement shall include the right for Sunnyslope County Water District to ingress/egress to their property, and the right to construct a dirt, gravel, or paved road.

Grantor may not build any wells, permanent sheds, buildings or above ground structures within the easement. Grantor reserves the right to cultivate, occupy and use the premises for any purpose consistent with the rights of privileges above granted and which will not interfere with, damage or endanger any of the structures or equipment of the District or the use thereof. The right to occupy and use the premises reserved by the Grantors herein shall include the construction of driveways, roads, fences, pipelines, and ditches as long as they do not interfere with, damage or endanger any of the structures of the utilities or prevent reasonable access thereto for the purposes of operation and maintenance. In the event of interference by Grantor, Utilities shall have the right, without notice, to remove any structures, fences, trees, vines, shrubs, or other encroachments from said right-of-way and easement. Grantor reserves the right to trim such tree foliage and to cut such limbs and roots on said property as may be necessary for the protection of said facilities. Utilities shall be responsible for damage caused intentionally or by any negligent act or omission of utilities, its agents or employees while exercising the rights granted herein. The provisions hereof shall inure to the benefit of and bind the successors and assigns of the grantor and utilities. Said land is situated in the County of San Benito, State of California, to wit:

EXHIBIT B

Exhibit 3C (Continued)

BEING A PORTION of that certain Parcel 2 as found shown on Parcel Map No. 1003-90 and recorded October 31, 1991, in Book 8 of Parcel Maps, page 46, San Benito County Records, bounded by a line more particularly described as follows:

A STRIP OF LAND 20 feet wide the centerline of which begins at a point that bears South $88^{\circ} 12' 00''$ West 19.55 feet from the southeasterly corner of the intersection of David Drive and George's Drive, both being 60 feet wide and found on the map of Ridgemark Estates, Tract No. 116, Unit No. 4, and recorded July 12, 1977 in Book 8 of Maps, page 61, San Benito County Records; thence South $11^{\circ} 25' 36''$ East 77.00 feet; thence South $27^{\circ} 03' 23''$ East 70.18 feet; thence South $39^{\circ} 02' 40''$ East 105.77 feet; thence South $21^{\circ} 39' 01''$ East 44.19 feet; thence South $4^{\circ} 18' 00''$ West 162.94 feet; thence South $0^{\circ} 29' 13''$ East 92.28 feet; thence South $3^{\circ} 55' 47''$ East 66.18 feet; thence South $6^{\circ} 33' 31''$ East 187.75 feet; thence South $4^{\circ} 30' 10''$ East 7.84 feet, more or less, to a point in the easterly line of that certain parcel of land conveyed by Ridgemark Financial Corporation, a California Corporation, to Sunnyslope County Water District by Grant Deed recorded November 9, 1994, at Recorder's File Number 8406015, San Benito County Records, said point bears South $20^{\circ} 06' 23''$ East 302.39 feet from the northeasterly corner thereof.

EXHIBIT B

Exhibit 3C (Continued)

PUBLIC UTILITY

The grant of nonexclusive easement herein is for all utilities, including, but not limited to water, wastewater, recycled water, gas, electric, communication, television, internet, and communication facilities, their successors, assigns, lessees and agents. Easement shall include the right of utilities to enter upon and leave said land, survey, construct, reconstruct, lay, re-lay, maintain, place, operate, inspect, repair, replace, control, use and remove said pipelines, conduits, aerial facilities, utilities, poles, anchors, guys, cables, wires, cross-arms, manholes, hand-holes, markers, pedestals, terminal equipment cabinets, fixtures and appurtenances, and to remove objects interfering therewith.

Grantor may not build any wells, permanent sheds, buildings or above ground structures within the easement. Grantor reserves the right to cultivate, occupy and use the premises for any purpose consistent with the rights of privileges above granted and which will not interfere with, damage or endanger any of the structures or equipment of the District or the use thereof. The right to occupy and use the premises reserved by the Grantors herein shall include the construction of driveways, roads, fences, pipelines, and ditches as long as they do not interfere with, damage or endanger any of the structures of the utilities or prevent reasonable access thereto for the purposes of operation and maintenance. In the event of interference by Grantor, Utilities shall have the right, without notice, to remove any structures, fences, trees, vines, shrubs, or other encroachments from said right-of-way and easement. Grantor reserves the right to trim such tree foliage and to cut such limbs and roots on said property as may be necessary for the protection of said facilities. Utilities shall be responsible for damage caused intentionally or by any negligent act or omission of utilities, its agents or employees while exercising the rights granted herein. The provisions hereof shall inure to the benefit of and bind the successors and assigns of the grantor and utilities

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Said land is situated in the County of San Benito, State of California, to wit:

A strip of land 50 feet wide the centerline of which begins at the above said Point "A" and runs South 69° 53' 37" West 195.79 feet, more or less, to a point on the easterly line of that certain parcel of land conveyed by Ridgemark Financial Corporation, a California Corporation, to Sunnyslope County Water District by Grant Deed recorded November 9, 1994 at Recorder's File Number 8406015, San Benito County Records, said point bears South 20° 06' 23" East 223.48 feet from the northeasterly corner thereof.

EXHIBIT B

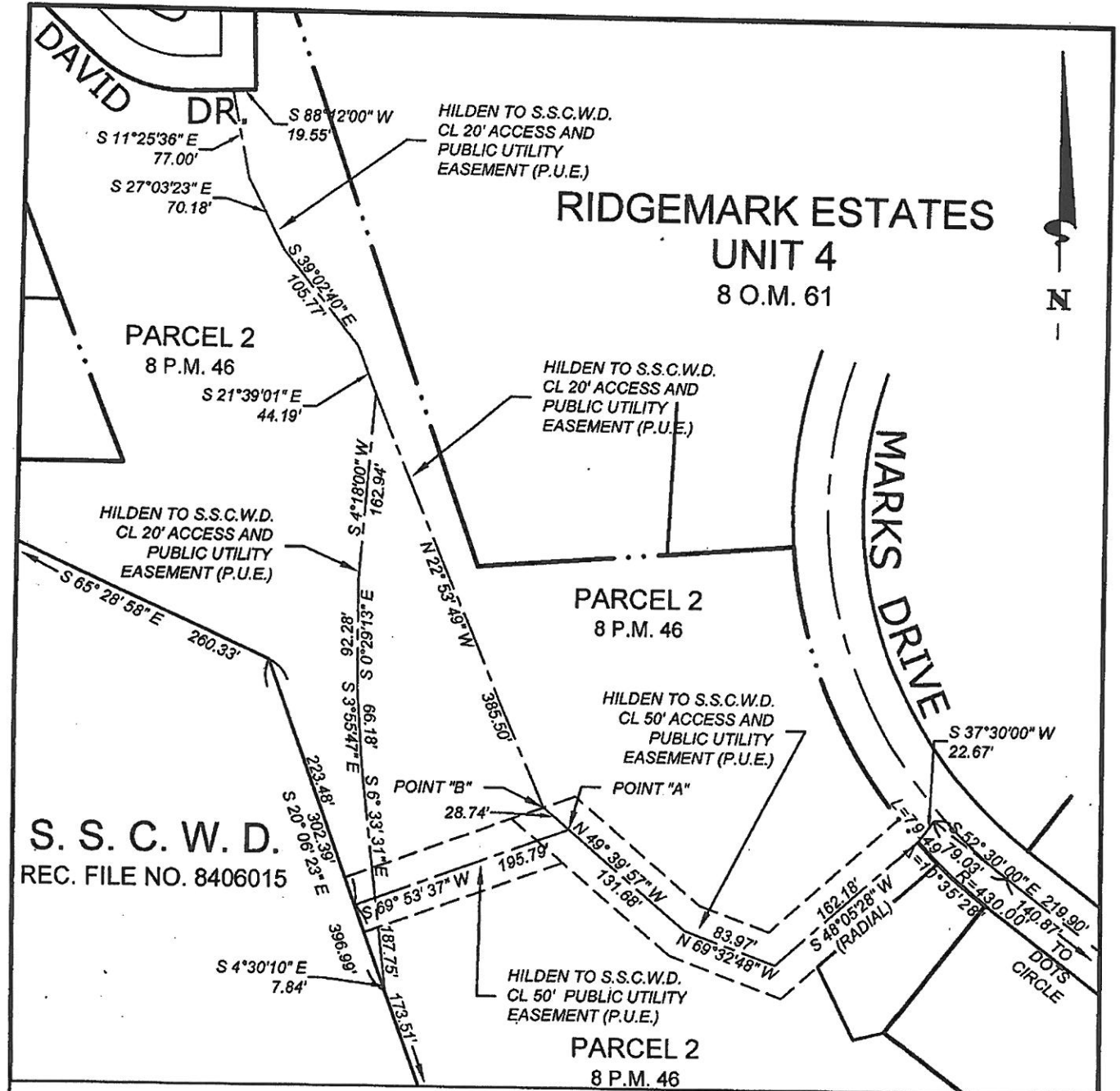


EXHIBIT MAP "3C"

ACCESS AND UTILITY EASEMENT

APRIL, 2009

SCALE 1" = 125'

SAN BENITO ENGINEERING & SURVEYING, INC.

502 MONTEREY STREET

HOLLISTER, CA 95023

831-637-2763

EXHIBIT C

Exhibit A

Being a portion of a deed of easement recorded in Vol 384 of Official Records at Pages 20, 21, and 22, San Benito County from Ridgemark Corporation, a California corporation, as Grantor, to Sunnyslope County Water District, as Grantee, easements for roadway and utility purposes as to Parcel A and for a sanitary sewer main or mains as to Parcel B for the installation, construction, reconstruction, maintenance, repair and operation of road and utility facilities and a sanitary sewer main or mains, together with all necessary manholes and appurtenances and all work auxiliary thereto, in, over, across, and upon the following described parcels of real property situate in the County of San Benito, State of California and more particularly described as follows:

Parcel A as described in Volume 384 of Official Records at Page 20, San Benito County.

Parcel B as described in Volume 384 of Official Records at Page 21, San Benito County.

EXHIBIT C

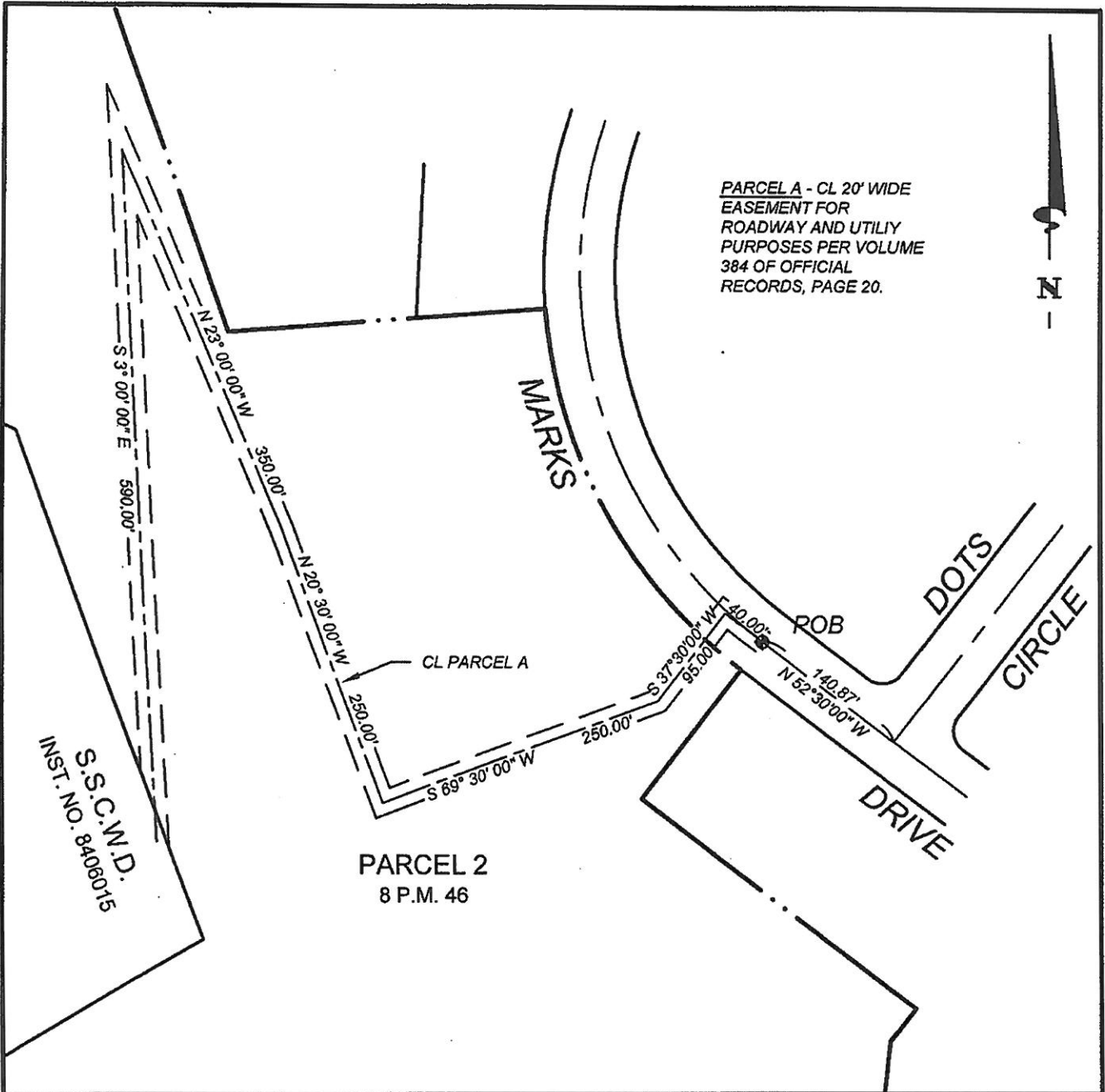


EXHIBIT MAP 1Q
EXISTING EASEMENT

OCTOBER, 2009

SCALE 1" = 125'

SAN BENITO ENGINEERING & SURVEYING, INC.

502 MONTEREY STREET

HOLLISTER, CA 95023

831-637-2763

EXHIBIT C

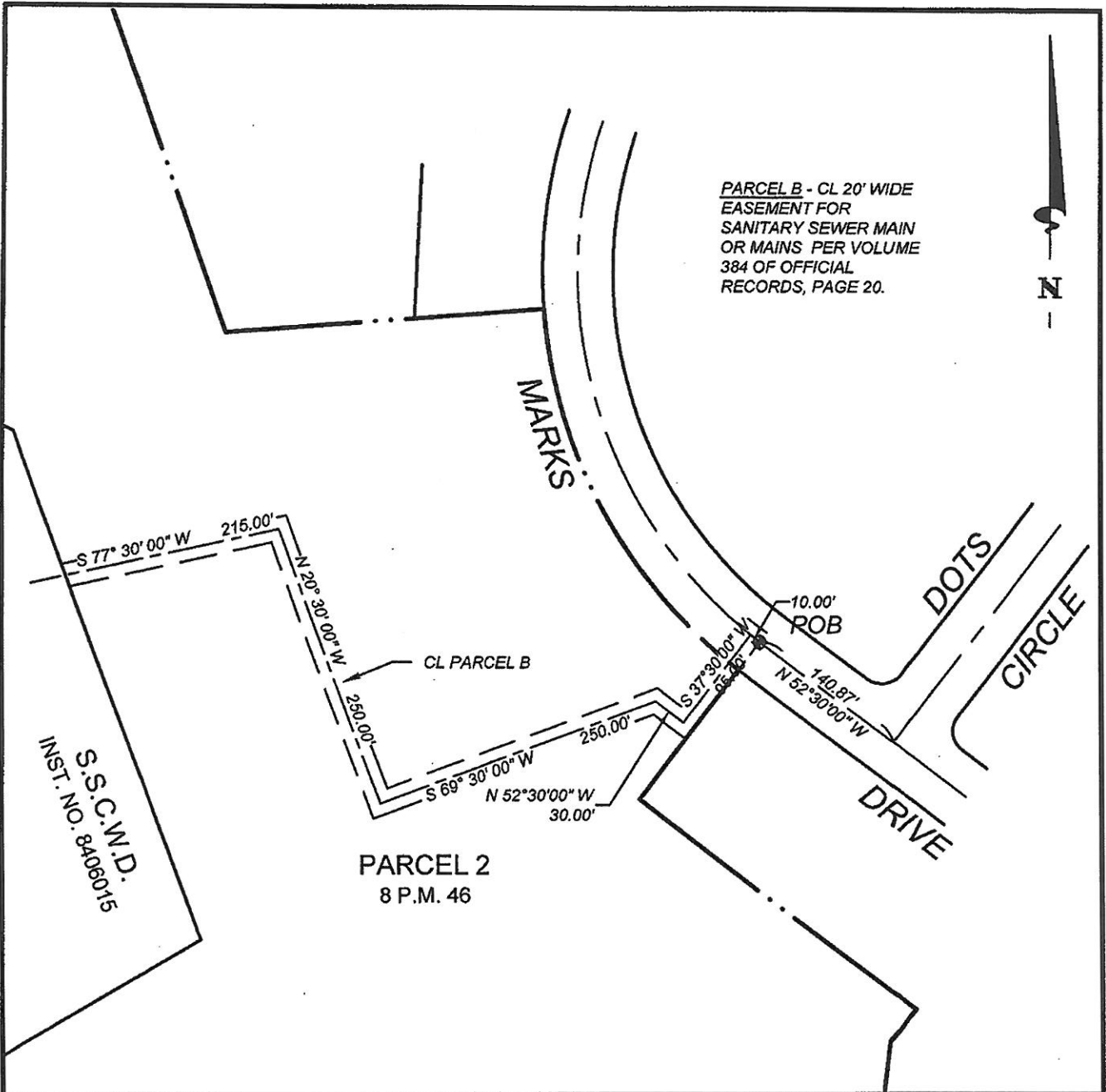


EXHIBIT MAP 2Q
EXISTING EASEMENT

OCTOBER, 2009

SCALE 1" = 125'

SAN BENITO ENGINEERING & SURVEYING, INC.

502 MONTEREY STREET

HOLLISTER, CA 95023

831-637-2763

EXHIBIT D

Exhibit 6A ACCESS EASEMENT

An exclusive access easement, for ingress and egress only, for Lynn G. Hilden and Susan M. Hilden. Grantees may not construct any above ground or below ground structures or facilities other than an all weather road, and a gate, at their own expense. If a gate is built, the gate may only be built with the written permission of Sunnyslope County Water District.

BEING A PORTION of Homestead Lot 45 of the San Justo Rancho according to the map thereof recorded July 21, 1876, in Volume 1 of Maps, page 64, San Benito County Records, and being also a portion of that certain parcel of land conveyed to Sunnyslope County Water District by Grant Deed, recorded November 9, 1984 as Recorder's File No. 8406015, San Benito County Records, and bounded by a line more particularly described as follows:

BEGINNING at the most southerly corner of said parcel of land conveyed to Sunnyslope County Water District and running thence along the southwesterly line of said parcel of land conveyed to Sunnyslope County Water District North 72° 30' 00" West 5.07 feet; thence North 68° 08' 06" East 25.50 feet to a point in the southeasterly line of said parcel of land conveyed to Sunnyslope County Water District; thence along the southeasterly line of said parcel of land conveyed to Sunnyslope County Water District South 59° 40' 00" West 21.82 feet to the point of beginning.

EXHIBIT D

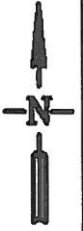
Exhibit 6B ACCESS EASEMENT

An exclusive access easement, for ingress and egress only, for Lynn G. Hilden and Susan M. Hilden. Grantees may not construct any above ground or below ground structures or facilities other than an all weather road, and a gate, at their own expense. If a gate is built, the gate may only be built with the written permission of Sunnyslope County Water District.

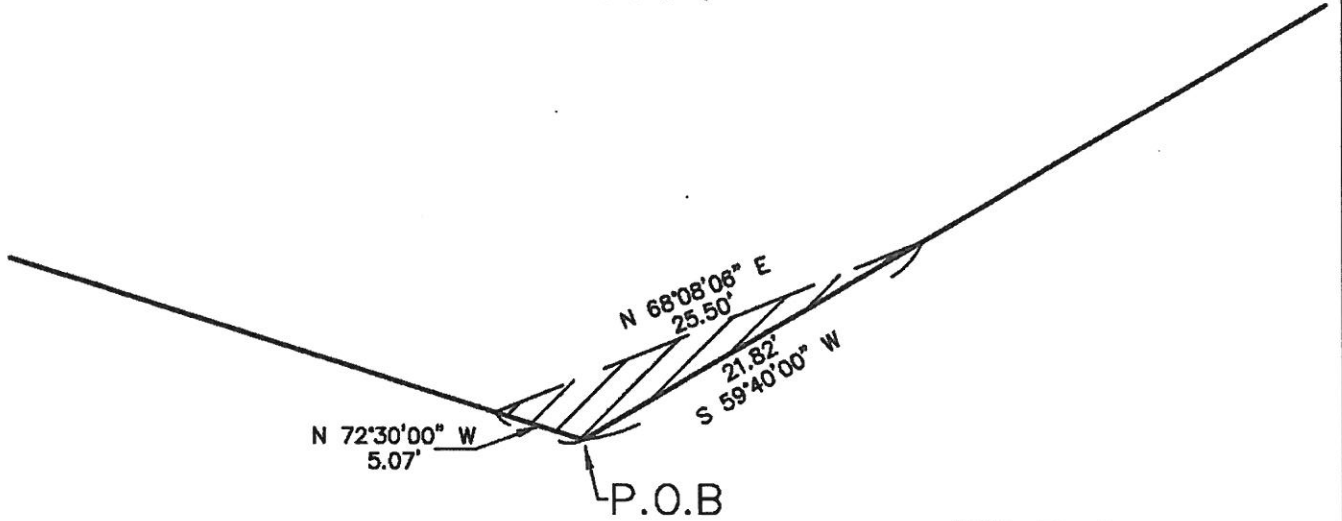
BEING A PORTION of Homestead Lot 45 of the San Justo Rancho according to the map thereof recorded July 21, 1876, in Volume 1 of Maps, page 64, San Benito County Records, and being also a portion of that certain parcel of land conveyed to Sunnyslope County Water District by Grant Deed, recorded November 9, 1984 as Recorder's File No. 8406015, San Benito County Records, and bounded by a line more particularly described as follows:

BEGINNING at the southeasterly corner of said parcel of land conveyed to Sunnyslope County Water District and running thence along the southeasterly line thereof South $59^{\circ} 40' 00''$ West 72.43 feet; thence North $34^{\circ} 04' 46''$ East 5.46 feet; thence North $21^{\circ} 56' 18''$ East 19.62 feet; thence North $11^{\circ} 26' 25''$ East 27.51 feet; thence North $22^{\circ} 05' 51''$ West 36.65 feet; thence North $70^{\circ} 36' 32''$ East 40.60 feet to a point in the easterly line of said parcel of land conveyed to Sunnyslope County Water District; thence along the easterly line of said parcel of land conveyed to Sunnyslope County Water District South $20^{\circ} 06' 23''$ East 64.47 feet to the point of beginning.

EXHIBIT D



S. S. C. W. D.
REC. FILE NO. 8A06015



PARCEL 2
8 P.M. 46

PARCEL 2
8 P.M. 46

EXHIBIT MAP "6A"

ACCESS EASEMENT

JANUARY, 2010

SCALE 1" = 10'

SAN BENITO ENGINEERING & SURVEYING, INC.

502 MONTEREY STREET

HOLLISTER, CA 95023

831-637-2763

EXHIBIT D

