

RESOLUTION NO. 512 (Amended)

**AMENDED RESOLUTION OF NECESSITY
OF SUNNYSLOPE COUNTY WATER DISTRICT
TO CONDEMN REAL PROPERTY**

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

1. Resolution No. 512 is being amended and re-adopted to include the legal descriptions of the property being condemned, which descriptions are more particularly described in **Exhibits 1B, 2B, 3C, 4B, 5A and 5B**, attached, hereto.
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 SCWD 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. SCWD is a public agency engaged in providing a wastewater treatment facility for properties located within SCWD’s service area jurisdiction; and
4. SCWA proposes improvements to its wastewater treatment plant (“WWTP”) to meet the long-term treatment and disposal needs of the SCWD, including wastewater treatment facility upgrades to reduce the levels of ammonia, nitrates, BOD, TSS, and pH, and a recycled water distribution system; and
5. Lynn and Susan Hilden (“Owners”) are the owners of the real property located on Mark’s Drive Hollister, San Benito County, California, as more particularly described in **Exhibits 1B, 2B, 3C, 4B, 5A and 5B**, attached hereto (“Mark’s Drive Property”); and
6. The Mark’s Drive Property is required by SCWD for improvements to the WWTP facilities at that location (“WWTP Project”). SCWD intends to devote the Mark’s Drive Property to this proposed public use; and
7. On January 19, 2009, an appraisal completed for SCWD of the certain fee and easement interests in the Mark’s Drive Property needed for the WWTP Project determined the appraised value the Mark’s Drive Property interests are \$13,055. A copy of the January 19, 2009 appraisal was given to Owners.
8. Notice of the Board’s intention to adopt this Amended Resolution of Necessity was duly given to Owners as required by law, and on the date and time and place fixed for hearing, this Board did hear and consider all of the evidence presented; and
 - (a) On August 4, 2009, SCWD mailed Owners its initial written notice of its intention to adopt a Resolution of Necessity and gave Owners the requisite fifteen (15) days to file a written request to appear from the date of the mailing of the Notice, which written request to appear was required to be filed at the SCWD office by 5:00 pm on August 19th, 2009; and
 - (b) On August 8, 2009, Owners submitted written comments and a written request to appear to SCWD in reply to the Notice; and
 - (c) On August 17, 2009, Owners were given further written notice of the Board’s intention to adopt a Resolution of Necessity and opportunity to be heard at the Board’s specially held Board meeting on August 19, 2009, at 5:00 p.m. at the District’s offices at 3570 Airline Highway, Hollister, California; and
 - (d) On August 19, 2009, the Board heard and considered all of the evidence presented and entered into good faith and judicious considerations of the pros and cons of the issue.
 - (e) On August 19, 2009, the Board adopted Resolution No. 512, “Resolution of Necessity of Sunnyslope County Water District to Condemn Real Property”. Exhibit A, containing

the legal descriptions of the property to be condemned, however, was not attached to the Resolution when it was adopted.

(f) On October 28, 2009 SCWD mailed Owners another written notice of its intention to adopt this Amended Resolution of Necessity, which notice included the legal descriptions of the property to be condemned as more particularly described in **Exhibits 1B, 2B, 3C, 4B, 5A and 5B** attached hereto, and gave Owners the requisite fifteen (15) days to file a written request to appear from the date of the mailing of the Notice, which written request to appear was required to be filed at the SCWD office by 5:00 pm on November 12, 2009; and

(g) **Owners did not submit written comments or a written request to appear to SCWD in reply to the October 28, 2009 Notice; and**

(h) On November 12, 2009, the Board heard and considered all of the evidence presented and entered into good faith and judicious considerations of the pros and cons of the issue.

9. July 16, 2009 the SCWD Board certified an Environmental Impact Report (“EIR”) for the proposed improvements to the WWTP. The adoption of this Resolution of Necessity is consistent with the WWTP reviewed in the certified EIR and, therefore, complies with California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED, by at least a two-thirds vote of the SCWD Board, under Code of Civil Procedure Sections 1240.030 and 1245.230, that the SCWD Board finds and determines each of the following:

1. The Board adopts the above findings.
2. The public interest and necessity require the WWTP Project.
3. The WWTP Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
4. The Mark’s Drive Property sought to be acquired is necessary for the WWTP Project.
5. The offer required by Government Code section 7267.2 was made to the Owners of Record of the Mark’s Drive property.

AND BE IT FURTHER RESOLVED, that Legal Counsel for the SCWD is authorized and directed to commence and maintain a proceeding in San Benito County to acquire for the SCWD a **fee simple and certain easement right** interests in that certain real property, as more particularly designated and described in **Exhibits 1B, 2B, 3C, 4B, 5A and 5B** attached hereto; and

BE IT FURTHER RESOLVED, that Legal Counsel for the SCWD is hereby authorized and directed to make application to the Court for an Order for Possession Before Judgment in said proceeding; and

BE IT FURTHER RESOLVED, that the Finance & Human Resource Manager is hereby authorized and directed to draw a check the San Benito Bank account in the amount of Thirteen Thousand fifty-Five Dollars (\$13,055) made payable to the Clerk of the Superior Court of San Benito County, and delivered to the SCWD’s Legal Counsel to be deposited with the payee as security for the Order of Possession Before Judgment authorized; and

THE FOREGOING RESOLUTIONS were passed and adopted by a vote of the SCWD Board of Directors at its regularly held meeting on November 12, 2009, by the following vote:

AYES: Keck, Nelson, Hailstone, Anderson, and 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 Amended Resolution adopted on November 12, 2009, as Resolution No. 512 (Amended).

Dated: November 12, 2009


Bryan M. Yamaoka, Secretary

RECORDING REQUESTED BY, AND
WHEN RECORDED, RETURN TO:

Sunnyslope County Water District
3576 Airline Highway
Hollister, CA 95023-9702

A portion of San Benito County Assessor's Parcel Numbers 020-320-022-000, 020-320-020-000, & 020-430-040-000

GRANT DEED

We, Lynn G. Hilden and Susan M. Hilden, husband and wife, as joint tenants, hereby grant to Sunnyslope County Water District ("District") the real property located in the County of San Benito, State of California, described in Exhibits 1B, 2B, and 3C and shown in Exhibit Maps 1B, 2B, and 3C, attached hereto of which exhibits are incorporated herein by reference,

And, the real property located in the County of San Benito, State of California, described in Exhibit 4B and shown in Exhibit Map 4B, attached hereto of which exhibits are incorporated herein by reference,

And, the real property located in the County of San Benito, State of California, described in Exhibits 5A and 5B and shown as parcels 1 and parcel 2 in Exhibit Map 5, attached hereto of which exhibits are incorporated herein by reference.

Lynn G. Hilden, Husband

Date

Susan M. Hilden, Wife

Date

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 $56^{\circ} 19' 29''$ East 281.02 feet from the most southerly corner thereof; thence South $10^{\circ} 15' 40''$ East 43.25 feet; thence South $10^{\circ} 37' 39''$ West 30.95 feet; thence South $17^{\circ} 48' 58''$ West 41.53 feet; thence South $26^{\circ} 06' 11''$ West 44.48 feet; thence South $33^{\circ} 15' 47''$ West 35.97 feet; thence South $41^{\circ} 06' 49''$ 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 $21^{\circ} 54' 28''$ East 132.66 feet; thence South $34^{\circ} 15' 55''$ East 454.01 feet; thence South $57^{\circ} 16' 06''$ East 80.80 feet; thence South $80^{\circ} 16' 17''$ East 266.63 feet to a point which bears North $86^{\circ} 05' 36''$ West 11.13 feet, North $76^{\circ} 58' 20''$ West 125.31 feet and South $25^{\circ} 39' 28''$ 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 2B
TEMPORARY CONSTRUCTION EASEMENTS

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.

TOGETHER WITH a portion of the above described Parcel 2 which begins at 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, 1984, at Recorder's File Number 8406015, San Benito County Records, said point bears South 21° 59' 41" East 59.33 feet, South 86° 05' 36" East 84.20 feet, South 65° 28' 58" East 260.33 feet and South 20° 06' 23" East 396.99 feet from the most southerly corner common to Lots 218 and 219 of Ridgemark Estates Unit 4, Tract No. 116, recorded July 12, 1977, in Book 8 of Maps, page 61, San Benito County Records; thence from said point of beginning South 20° 06' 23" East 64.47 feet; thence South 10° 25' 33" West 90.75 feet; thence South 83° 35' 30" West 161.15 feet; thence North 59° 11' 11" East 156.83 feet; thence North 34° 04' 46" East 10.79 feet; thence North 21° 56' 18" East 19.62 feet; thence North 11° 26' 25" East 27.51 feet; thence North 22° 05' 51" West 36.65 feet; thence North 70° 36' 32" East 40.60 feet to the point of beginning.

Exhibit 3C

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

The grant of easement 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 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 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:

A 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.

Exhibit 3C (Continued)

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

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.

The grant of 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 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:

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 3C (Continued)

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

The grant of easement 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 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 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 by a line more particularly described as follows:

Exhibit 3C (Continued)

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

A STRIP OF LAND 20 feet wide the centerline of which begins at a point that bears South 88° 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° 25' 36" East 77.00 feet; thence South 27° 03' 23" East 70.18 feet; thence South 39° 02' 40" East 105.77 feet; thence South 21° 39' 01" East 44.19 feet; thence South 4° 18' 00" West 162.94 feet; thence South 0° 29' 13" East 92.28 feet; thence South 3° 55' 47" East 66.18 feet; thence South 6° 33' 31" East 187.75 feet; thence South 4° 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° 06' 23" East 302.39 feet from the northeasterly corner thereof.

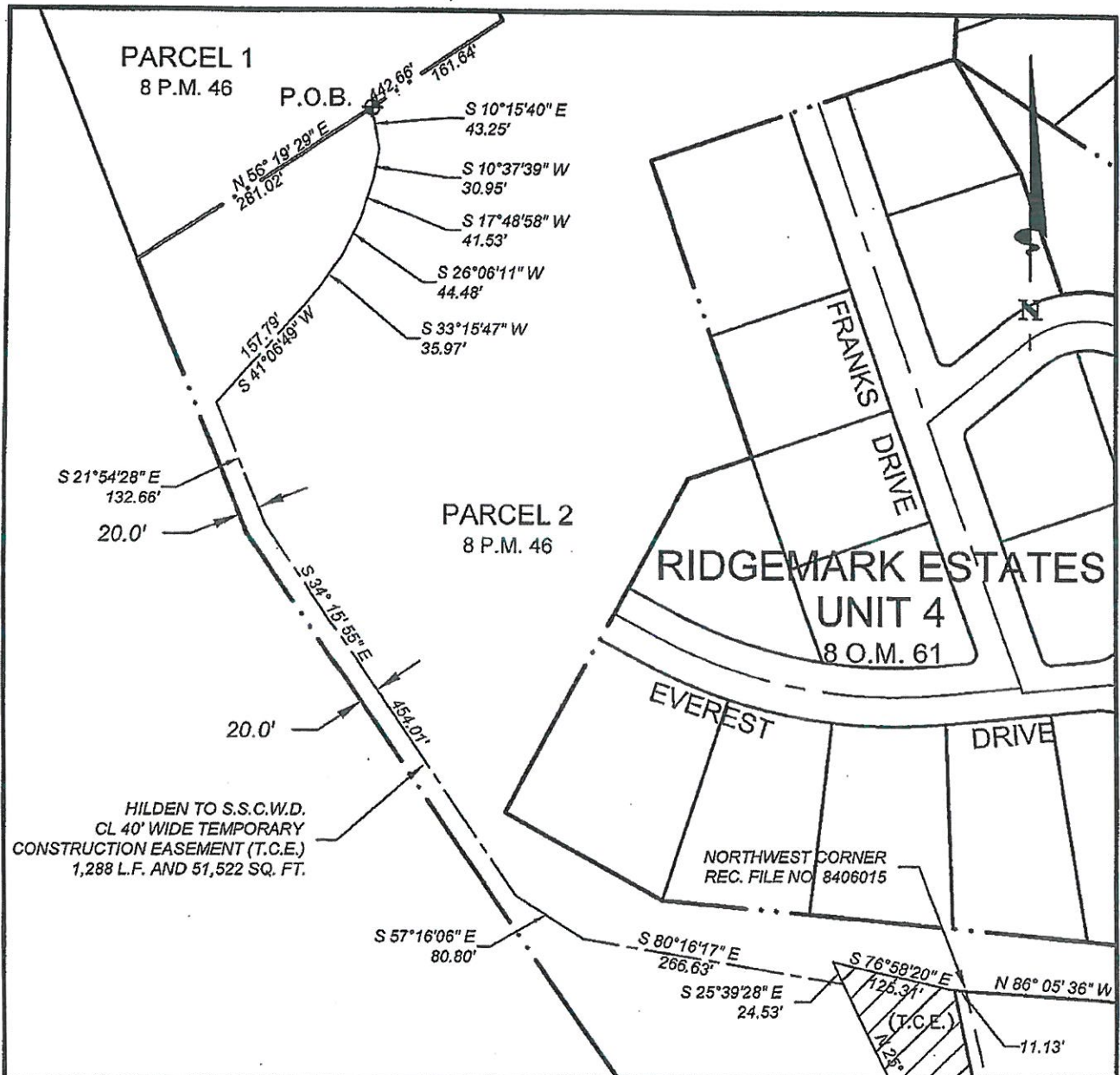


EXHIBIT MAP "1B"

TEMPORARY CONSTRUCTION EASEMENT ACCESS ROAD

APRIL, 2009

SCALE 1" = 150'

SAN BENITO ENGINEERING & SURVEYING, INC.

502 MONTEREY STREET

HOLLISTER, CA 95023

831-637-2763

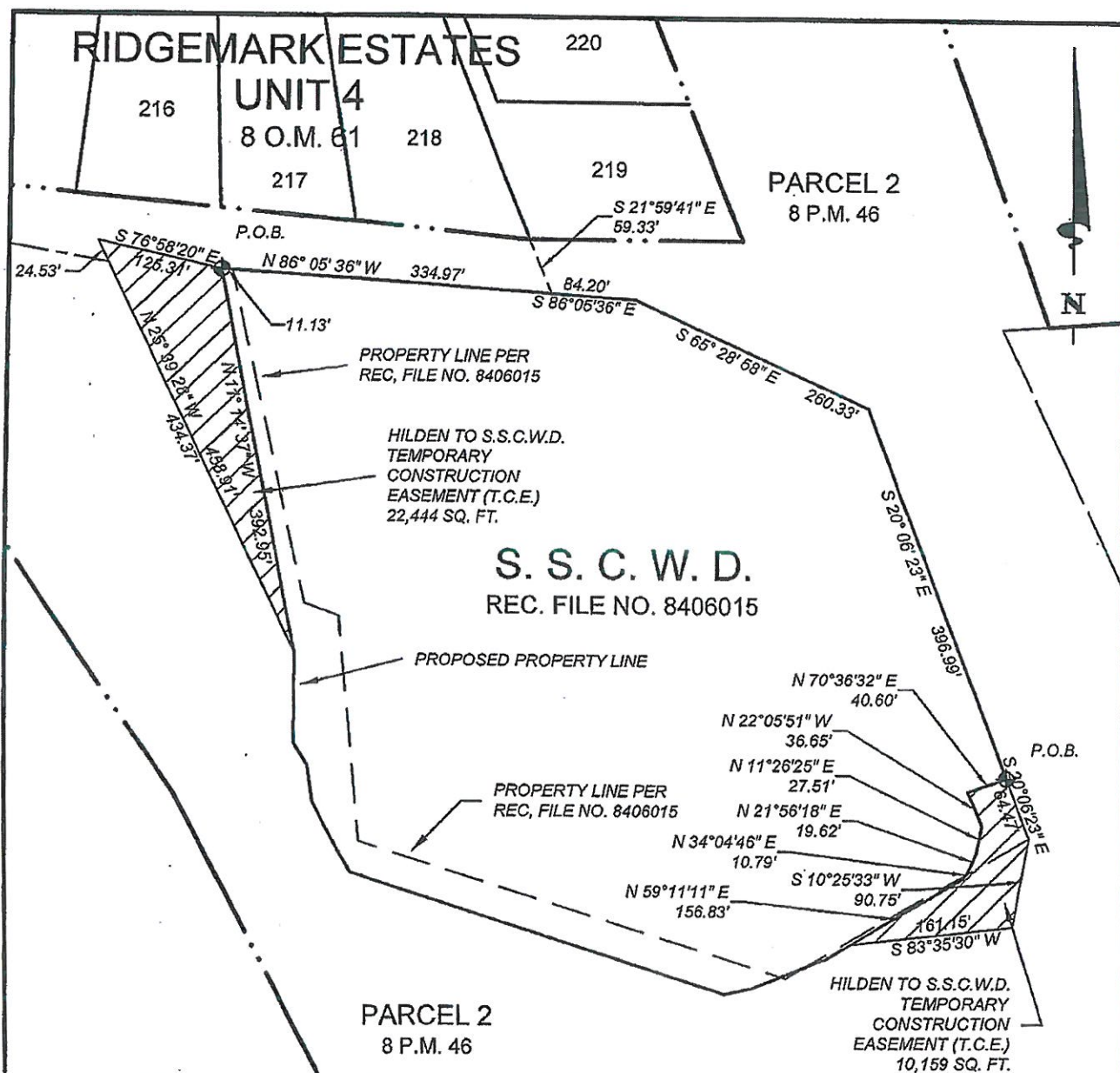


EXHIBIT MAP "2B"
TEMPORARY CONSTRUCTION EASEMENTS
SEWER POND AREA

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

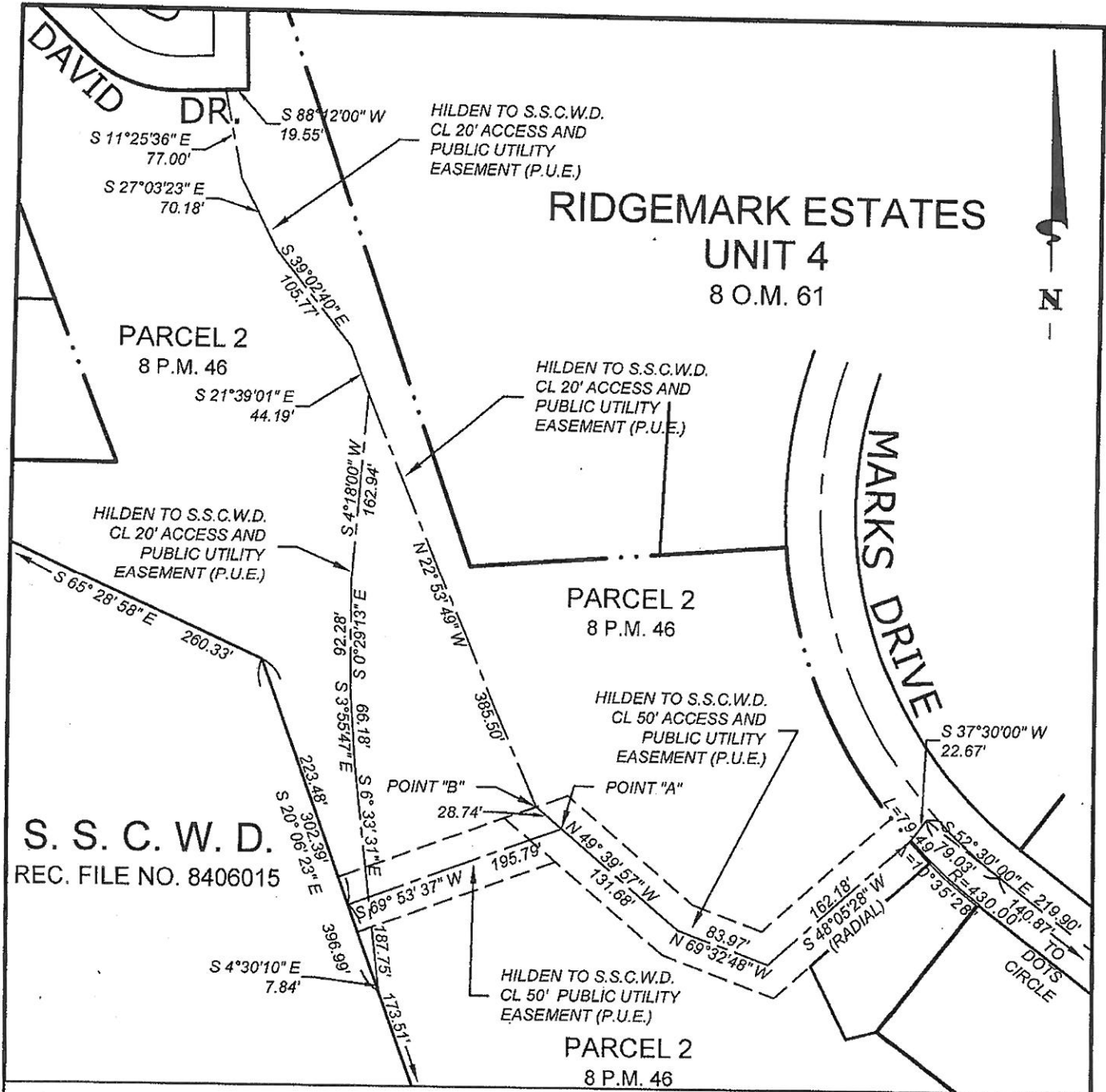


EXHIBIT MAP "3C"

ACCESS AND UTILITY EASEMENT

APRIL, 2009 SCALE 1" = 125'

SAN BENITO ENGINEERING & SURVEYING, INC.

502 MONTEREY STREET

HOLLISTER, CA 95023

831-637-2763

EXHIBIT 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.

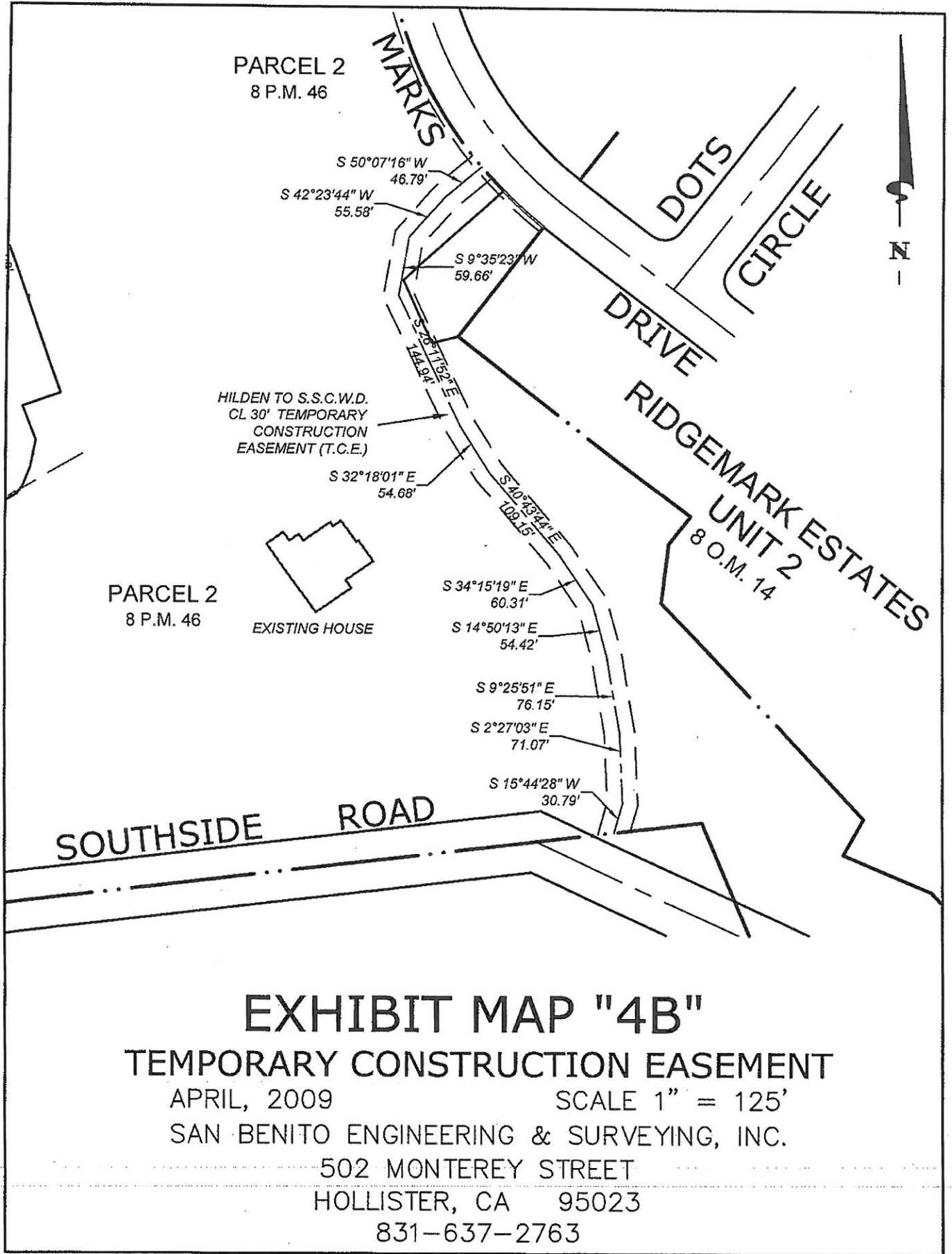


EXHIBIT 5A

PARCEL 1

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, bounded by a line more particularly described as follows:

BEGINNING at a point in the northerly line of that certain parcel of land conveyed by Grant Deed from Ridgemark Financial Corporation, a California corporation, to Sunnyslope County Water District recorded November 9, 1984 at Recorder's File Number 8406015, San Benito County Records, which bears South 21° 59' 41" East 59.33 feet from the southerly corner common to Lots 218 and 219 of Ridgemark Estates, Unit 4, Tract No. 116, recorded July 12, 1977, in Book 8 of Maps, page 61, San Benito County Records; thence running along the northerly and easterly lines of said parcel of land conveyed to Sunnyslope County Water District South 86° 05' 36" East 84.20 feet; thence South 65° 28' 58" East 260.33 feet; thence South 20° 06' 23" East 396.99 feet to a point; thence leaving said easterly line South 70° 36' 32" West 40.60 feet; thence South 22° 05' 51" East 36.65 feet; thence South 11° 26' 25" West 27.51 feet; thence South 21° 56' 18" West 19.62 feet; thence South 34° 04' 46" West 10.79 feet; thence South 59° 11' 11" West 156.83 feet; thence South 68° 08' 06" West 81.09 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" East 92.02 feet; thence North 11° 14' 37" West 392.95 feet, more or less, to the intersection with the westerly prolongation of the northerly line of the said parcel of land conveyed to Sunnyslope County Water District; thence along said prolongation and said northerly line South 86° 05' 36" East 334.97 feet to the point of beginning.

EXHIBIT 5B

PARCEL 2

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 the northerly corner of Lot 99 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, said corner being in the southwesterly line of Marks Drive and in the easterly line of the above said Parcel 2; thence running along the northwesterly line of said Lot 99 South 37° 30' 00" West 140.00 feet to the westerly corner thereof; thence 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, more or less, to a point in the southwesterly line of Marks Drive; thence along said southwesterly line and 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, a central angle of 7° 15' 29" and an arc length of 54.47 feet to the point of beginning.

