Resolution No. 19-17

RESOLUTION OF THE BOARD OF TRUSTEES
OF THE
SOUTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT
AUTHORIZING GRANT OF AN EASEMENT TO
IRVINE RANCH WATER DISTRICT (IRWD)

August 26, 2019

WHEREAS, Irvine Ranch Water District (“IRWD”) has requested that the South Orange County Community College District (“District”) grant an easement to IRWD upon a portion of the District’s Advanced Technology and Education Park Site (“Easement”). The Easement, including the legal description and map depicting the location of the Easement, is attached hereto as Exhibit “A” and incorporated herein; and

WHEREAS, pursuant to Education Code section 81310, the governing board of a community college district may convey to a public corporation, or private corporation engaged in the public utility business, an easement for utility purposes over any real property belonging to such community college district upon such terms and conditions as the parties thereto may agree; and

WHEREAS, the District desires to provide the Easement in order to allow IRWD to construct, reconstruct and maintain water and sewer pipelines that service Irvine Valley College’s IDEA Building and will provide future capacity for Phase 1 of the District’s Advanced Technology and Education Park site, pursuant to the terms and conditions set forth in the Grant of Easement attached hereto as Exhibit “A” and incorporated herein; and

WHEREAS, pursuant to Education Code section 81311, on July 15, 2019, the District’s governing board (“Board”), in a regular open meeting, by at least a two-thirds vote of all its members adopted Resolution No. 19-14 (the “Resolution”) declaring its intention to grant the Easement; and

WHEREAS, in accordance with Education Code section 81311, the District’s Board fixed August 26, 2019, for a public hearing (“Public Hearing”) upon the question of making the grant of the Easement to IRWD; and

WHEREAS, pursuant to Education Code section 81312, the District posted copies of the Resolution in three public places in the District not less than ten (10) days before the Public Hearing, and published notice once, not less than five days before the Public Hearing, in a local newspaper; and

WHEREAS, pursuant to Education Code section 81313, on August 26, 2019, at a regular meeting of the District’s Board, the District held a Public Hearing upon the question of making the grant of the Easement to IRWD; and
WHEREAS, no petition pursuant to Education Code section 81314 has been filed with the District’s Board; and

NOW, THEREFORE, the Board of Trustees of the South Orange County Community College District DOES HEREBY RESOLVE, DETERMINE and ORDER as follows:

1. That the above recitals are all true and correct.

2. The District’s Board authorizes and directs the Chancellor to execute the Easement and take whatever action is necessary to complete the grant of the Easement to Irvine Ranch Water District (IRWD).

3. That the District’s Board hereby determines that the District is in compliance with all relevant sections of the Education Code and all other applicable laws.

PASSED AND ADOPTED, by the Board of Trustees of the South Orange County Community College District, Orange County, State of California, on August 26, 2019.

______________________________  ______________________________
T.J. Prendergast III, President       Timothy Jemal, Vice President

______________________________  ______________________________
James R. Wright, Clerk             David B. Lang, Member

______________________________  ______________________________
Marcia Milchiker, Member           Barbara J. Jay, Member

______________________________  ______________________________
Terri Whitt, Member

______________________________  ______________________________
Kathleen F. Burke, Chancellor
And Secretary to the Governing Board
Recording Requested by and
Return to:

Ray Thatcher, District R/W Agent
Irvine Ranch Water District
15600 Sand Canyon Avenue
P. O. Box 57000
Irvine, California 92619-7000
IRWD Doc. E________

ASSESSOR'S PARCEL NO(S.):

430-283-09, 21

FREE RECORDING REQUESTED: ____________________________
Essential to Acquisition By
Irvine Ranch Water District
Government Code §§6103 & 27383

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)
Exempt from Documentary Transfer Tax per
Revenue and Taxation Code §11922

GRANT OF EASEMENT
TO
IRVINE RANCH WATER DISTRICT
BY
SOUTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
SOUTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT, a political subdivision of the State of
California ("Owner" herein), hereby grants and conveys to IRVINE RANCH WATER DISTRICT, a California Water
District organized under and existing pursuant to Section 34000 et seq. of the California Water Code, ("Grantee"
herein), a perpetual, non-exclusive easement and right-of-way for water and sewer pipeline and access purposes. This
 easement shall include, but not by way of limitation, the right to construct, reconstruct, remove and replace, renew,
inspect, maintain, repair, improve, enter upon, and otherwise use the hereinafter described property for these purposes,
together with incidental appurtenances and connections, in, over, under, upon, along, through and across the real
property located in the City of Tustin, County of Orange, State of California, as described in Exhibit "A" and depicted
in Exhibit "B", which exhibits are attached hereto and made a part hereof (the "Easement Area"), as necessary in
connection with the use, operation and maintenance of the facilities lying within the Easement Area. This easement
shall also include the right to construct, reconstruct, remove and replace, renew, inspect, maintain, repair, improve,
enter upon, and otherwise use parallel or any other facilities or appurtenances of the same general type and purpose
as the originally installed facilities (collectively, the originally installed facilities and any such parallel or other
facilities, and any replacements, renewals, repairs and improvements of any of the foregoing are collectively referred
to as the "Facilities").

Subject to: Covenants, conditions, restrictions, easements, rights, rights-of-way and encumbrances of record
or apparent.

A. Rights of Owner to Use Easement Area:

1. Rights of Use. Subject to the provisions of Paragraph A-2 below, it is understood and
agreed that the easements and rights-of-way acquired herein are also acquired subject to the rights of the Owner to use
the Easement Area for any purpose whatsoever to the extent that such use does not interfere with the Grantee's use of
its easement. The Owner retains the rights which are not inconsistent with the easement. Such use by the Owner shall
include, but not be limited to, the compatible use for streets, roadways, pipelines, fences or block walls, cuts, fills or
other structures or other compatible improvements under, upon, over, and across the Easement Area.

<table>
<thead>
<tr>
<th>Project</th>
<th>ATEP Campus, Pcl. 1-E-1.1, LLA No. LLA 03-01 (IRWD Code 6882)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title Company</td>
<td>none</td>
</tr>
<tr>
<td>Title Report No.</td>
<td>vesting deed Inst. No. 2004000369376, O.R.</td>
</tr>
<tr>
<td>Project Engineer</td>
<td>BKF</td>
</tr>
</tbody>
</table>

FORM SF (5-2003)
6882WSESMT.docx
2. **Concurrence of Grantee.** Such use by the Owner of the Easement Area for landscaping purposes which do not involve the erection of structures or other improvements upon the Easement Area and which are consistent with the Grantee's use of the easement may be made without notification to or concurrence of Grantee except that no trees shall be planted in said Easement Area without the prior written consent of Grantee. Further, such use by the Owner of the Easement Area for roadway improvements, which do not result in cuts closer than three (3) feet above the top of Grantee's Facilities or fills greater than two (2) feet above the existing ground may be made without notification to or concurrence of Grantee. It is agreed, however, that no such use for any other purposes shall be made until plans for such proposed use by Owner have been reviewed with or submitted to Grantee, and Grantee has concurred that such proposed use will be consistent with Grantee's use of the Facilities. Grantee agrees that it shall not unreasonably withhold its concurrence.

B. **Successors and Assigns:**

This Grant of Easement shall be binding upon and inure to the benefit of the successors and assigns of Owner and Grantee.

C. **Acceptance and Recordation:**

Grantee agrees, by acceptance and recordation of this Grant of Easement from Owner, that the terms and conditions herein set forth shall be binding upon and inure to the benefit of Grantee.

IN WITNESS WHEREOF this Grant of Easement has been executed this ___________ day of ________________, 20__.  

"Owner"  
SOUTH ORANGE COUNTY  
COMMUNITY COLLEGE DISTRICT,  
a political subdivision of the State of California  

By ____________________________________________  
Name ____________________________________________  
Title: ____________________________________________

Project: ATEP Campus, Pcl. 1-E-1.1, LLA No. LLA 03-01 (IRWD Code 6882)  
Title Company: none  
Title Report No: vesting deed Inst. No. 2004000369376, O.R.  
Project Engineer: BKF
ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF ____________________ )
COUNTY OF ____________________ )

On ____________________, 20___, before me, ______________________________________________________,

a Notary Public in and for said State, personally appeared ______________________________________________________

who 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(ies),

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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true

and correct.

WITNESS my hand and official seal.

__________________________________

Notary Public in and for said State

(SEAL)
IRVINE RANCH WATER DISTRICT

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by deed or grant dated ____________________________
from ____________________________
to IRVINE RANCH WATER DISTRICT, a California Water District, is hereby accepted by the undersigned officer
on behalf of the Board of Directors pursuant to authority conferred by Resolution 2014-40 of the Board of Directors,
adopted on September 8, 2014, and the grantee consents to recordation thereof by its duly authorized officer.

Date: ____________________________

IRVINE RANCH WATER DISTRICT

By: ____________________________

Leslie Bonkowski
Secretary to Board of Directors

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FORM SF (5-2003)
6882WSESMT.docx
EXHIBIT "A"
IRWD EASEMENT
Tustin, CA
Portion of APN: 430-283-29
LEGAL DESCRIPTION

Real property situated in the City of Tustin, County of Orange, State of California, described as follows:

Being the portion of the below described area lying within that certain PARCEL I-E-1.1 as said parcel is described in that certain document entitled "QUITCLAIM DEED AND ENVIRONMENTAL RESTRICTION PURSUANT TO CIVIL CODE SECTION 1471," filed for record on April 29, 2004 in Document No. 2004000369376, and excluding that portion lying within that certain PARCEL IV-J-6 as said parcel is described in that certain document entitled "SHORT FORM NOTICE OF LEASE IN FURTHERANCE OF CONVEYANCE," filed for record on May 14, 2002 as Document No. 20020404590, both of Official Records in the Office of said County Recorder, more particularly described as follows;

BEGINNING at a point in the easterly corner of said PARCEL I-E-4 as said parcel is described in that certain document entitled "QUITCLAIM DEED AND ENVIRONMENTAL RESTRICTION PURSUANT TO CIVIL CODE SECTION 1471," filed for record on May 14, 2002 in Document No. 20020404595, of Official Records of said County Recorder, said point being also on the southwesterly right of way line of Valencia Avenue;

Thence along said southwesterly line South 47°19'39" East, 36.03 feet;

Thence leaving said southwesterly line the following twenty-eight (28) courses:
1. South 40°29'44" West, 281.47 feet to the beginning of a curve to the left, having a radius of 326.00 feet;
2. Southwesterly along said curve, through a central angle of 31°39'59", an arc length of 180.17 feet to the beginning of a compound curve, having a radius of 15.00 feet, from said point a radial line bears South 81°10'15" East;
3. Southeasterly along said curve, through a central angle of 95°44'25", an arc length of 25.06 feet;
4. South 86°54'41" East, 2.53 feet;
5. North 3°05'19" East, 10.00 feet;
6. South 86°54'41" East, 6.00 feet;
7. South 3°05'19" West, 10.00 feet;
8. South 86°54'41" East, 28.65 feet to the beginning of a curve to the right, having a radius of 150.00 feet;
9. Easterly along said curve, through a central angle of 20°24'03", an arc length of 53.41 feet;
10. North 86°55'28" East, 22.36 feet;
11. South 66°30'38" East, 127.10 feet;
12. South 39°56'44" East, 22.36 feet;
13. South 66°30'38" East, 3.27 feet;
14. North 23°29'22" East, 9.18 feet;
15. North 50°03'16" East, 4.27 feet;
16. South 66°30'38" East, 13.92 feet;
17. South 23°28'15" West, 13.00 feet;
18. South 66°30'38" East, 198.00 feet to the beginning of a curve to the left, having a radius of 110.00 feet;
19. Easterly along said curve, through a central angle of 17°17'17", an arc length of 33.19 feet;
20. South 83°47'55" East, 54.51 feet to the beginning of a curve to the left, having a radius of 70.00 feet;
21. Easterly along said curve, through a central angle of 51°38'01", an arc length of 63.08 feet to the beginning of a reverse curve, having a radius of 75.00 feet, from said point a radial line bears South 45°25'56" East;
22. Northeasterly along said curve, through a central angle of 43°50'33", an arc length of 57.39 feet to the beginning of a reverse curve, having a radius of 70.00 feet, from said point a radial line bears North 1°35'23" West;
23. Northeasterly along said curve, through a central angle of 52°52'58", an arc length of 64.61 feet;
24. North 35°31'39" East, 17.86 feet;
25. North 54°28'21" West, 14.50 feet;
26. North 35°31'39" East, 15.00 feet;
27. South 54°28'21" West, 14.50 feet;
28. North 35°31'39" East, 62.53 feet to the easterly line of said PARCEL IV-J-6 being also a point on said southwesterly right of way line of Valencia Avenue;

Thence along said southwesterly right of way line South 54°27'57" East, 40.00 feet;

Thence leaving said southwesterly right of way line the following sixty-three (63) courses:
1. South 35°31'39" West, 94.26 feet;
2. South 54°28'21" East, 11.00 feet;
3. South 35°31'39" West, 7.00 feet;
4. North 54°28'21" West, 10.97 feet to the beginning of a non-tangent curve, concave East, having a radius of 70.00 feet, from said point a radial line bears South 56°02'19" East;
5. Southerly along said curve, through a central angle of 48°47'45", an arc length of 59.62 feet to the beginning of a reverse curve, having a radius of 75.00 feet, from said point a radial line bears South 75°09'56" West;
6. Southerly along said curve, through a central angle of 20°14'49", an arc length of 26.50 feet to the beginning of a reverse curve, having a radius of 55.00 feet, from said point a radial line bears South 84°35'15" East;
7. Southerly along said curve, through a central angle of 19°50'59", an arc length of 19.05 feet;
8. South 74°32'47" East, 8.87 feet;
9. North 66°36'13" East, 2.44 feet;
10. South 23°23'47" East, 6.00 feet;
11. South 66°36'13" West, 7.00 feet;
12. North 23°23'47" West, 1.97 feet;
13. North 74°32'47" West, 3.86 feet to the beginning of a non-tangent curve, concave Northeast, having a radius of 55.00 feet, from said point a radial line bears North 68°02'57" East;
14. Southeasterly along said curve, through a central angle of 27°24'07", an arc length of 26.30 feet;
15. South 49°21'10" East, 68.82 feet;
16. South 40°38'50" West, 40.00 feet;
17. North 49°21'10" West, 61.10 feet to the beginning of a curve to the left, having a radius of 70.00 feet;
18. Westerly along said curve, through a central angle of 51°41'06", an arc length of 63.15 feet to the beginning of a reverse curve, having a radius of 75.17 feet, from said point a radial line bears North 11°02'16" West;
19. Northwesterly along said curve, through a central angle of 73°14'04", an arc length of 96.07 feet to the beginning of a reverse curve, having a radius of 50.00 feet, from said point a radial line bears South 62°11'48" West;
20. Northwesterly along said curve, through a central angle of 55°59'43", an arc length of 48.87 feet;
21. North 83°47'55" West, 65.07 feet;
22. South 7°46'50" West, 11.00 feet;
23. North 82°13'10" West, 7.00 feet;
24. North 7°46'50" East, 11.00 feet to the beginning of a non-tangent curve, concave North, having a radius of 150.00 feet, from said point a radial line bears North 9°07'03" East;
25. Westerly along said curve, through a central angle of 14°22'19", an arc length of 37.63 feet;
26. South 86°55'28" West, 22.36 feet;
27. North 66°30'38" West, 8.65 feet;
28. South 23°29'22" West, 14.50 feet;
29. North 66°30'38" West, 15.00 feet;
30. North 23°29'22" East, 14.50 feet;
31. North 66°30'38" West, 103.45 feet;
32. North 39°56'44" West, 22.36 feet;
33. North 66°30'38" West, 99.30 feet;
34. South 23°29'22" West, 12.38 feet;
35. North 66°30'38" West, 19.20 feet;
36. North 11°15'32" East, 12.66 feet;
37. North 66°30'38" West, 22.37 feet;
38. South 23°29'22" West, 9.50 feet;
39. North 66°30'38" West, 10.00 feet;
40. North 23°29'22" East, 9.50 feet;
41. North 66°30'38" West, 63.55 feet to the beginning of a curve to the left, having a radius of 110.00 feet;
42. Westerly along said curve, through a central angle of 20°24'03", an arc length of 39.17 feet;
43. North 71°58'48" West, 31.05 feet;
44. North 86°54'41" West, 19.14 feet;
45. South 11°15'32" West, 115.76 feet;
46. South 18°08'42" West, 68.06 feet;
47. South 6°39'13" West, 6.74 feet;
48. South 83°20'47" East, 6.00 feet;
49. South 6°39'13" West, 7.00 feet;
50. North 83°20'47" West, 6.00 feet;
51. South 6°39'13" West, 238.37 feet to the beginning of a non-tangent curve, concave Southwest, having a radius of 74.00 feet, from said point a radial line bears South 21°49'56" West;
52. Southeasterly along said curve, through a central angle of 32°13'10", an arc length of 41.61 feet to the beginning of a reverse curve, having a radius of 105.00 feet, from said point a radial line bears North 54°03'06" East;
53. Southeasterly along said curve, through a central angle of 41°31'50", an arc length of 76.11 feet;
54. South 77°28'43" East, 42.38 feet;
55. North 12°31'17" East, 15.00 feet;
56. South 77°28'43" East, 15.00 feet;
57. South 12°31'17" West, 73.00 feet;
58. North 77°28'43" West, 57.38 feet to the beginning of a curve to the left, having a radius of 105.00 feet;
59. Westerly along said curve, through a central angle of 41°31'50", an arc length of 76.11 feet to the beginning of a reverse curve, having a radius of 74.00 feet, from said point a radial line bears North 29°00'33" West;
60. Westerly along said curve, through a central angle of 23°04'41", an arc length of 29.81 feet to the beginning of a reverse curve, having a radius of 105.00 feet, from said point a radial line bears South 5°55'52" East;
61. Southwesterly along said curve, through a central angle of 43°24'53", an arc length of 79.56 feet;
62. South 40°39'15" West, 97.20 feet to the beginning of a curve to the left, having a radius of 25.00 feet;
63. Southerly along said curve, through a central angle of 44°18'00", an arc length of 19.33 feet to a point on the proposed northeasterly right of way line of Bell Avenue;

Thence along said proposed line North 50°48'31" West, 59.37 feet to the beginning of a non-tangent curve, concave Northwest, having a radius of 25.00 feet, from said point a radial line bears North 7°58'17" West;

Thence leaving said line the following eleven (11) courses:
1. Northeasterly along said curve, through a central angle of 41°22'28", an arc length of 18.05 feet;
2. North 40°39'15" East, 96.48 feet;
3. North 49°20'45" West, 11.00 feet;
4. North 40°39'15" East, 7.00 feet;
5. South 49°20'45" East, 10.70 feet to the beginning of a non-tangent curve, concave West, having a radius of 105.00 feet, from said point a radial line bears North 53°42'02" West;
6. Northerly along said curve, through a central angle of 40°54'54", an arc length of 74.98 feet to the beginning of a reverse curve, having a radius of 74.00 feet, from said point a radial line bears North 85°23'04" East;
7. Northeasterly along said curve, through a central angle of 85°05'09", an arc length of 109.89 feet;
8. North 6°39'13" East, 256.48 feet;
9. North 18°08'42" East, 108.16 feet;
10. North 3°02'50" East, 64.36 feet;
11. North 10°50'51" East, 42.97 feet to the beginning of a non-tangent curve, concave Southeast, having a radius of 362.00 feet, from said point a radial line bears South 83°28'37" East;

Thence Northeasterly along said curve being also the southeasterly line of the lands described in that certain document entitled "QUIT CLAIM DEED AND ENVIRONMENTAL RESTRICTION PURSUANT TO CIVIL CODE SECTION 1471," filed for record on June 16, 2008 as Document No. 2008000297610, of Official Records in said Office of the County Recorder through a central angle of 33°58'20", an arc length of 214.64 feet;

Thence continuing along said southeasterly line and along the southeasterly line of said PARCEL I-E-4 (Doc No. 20020404595) North 40°29'44" East, 282.84 feet to the POINT OF BEGINNING.

Containing an area of 84,801 square feet or 1.947 acres, more or less.

As shown on Exhibit "B" attached hereto and made a part hereof.

By: 

[Signature]

Davis Thresh, P.L.S. No. 6868
License Expires 09/30/2020

Date: 4.25.2019