

RESOLUTION NO. 003-21/22

RESOLUTION OF THE GOVERNING BOARD DECLARING ITS INTENTION TO ACCEPT RIGHTS OF WAY PROPERTY FROM THE CITY OF LIVERMORE AT THE LIVERMORE HIGH SCHOOL SITE

WHEREAS, the City Council for the City of Livermore (“City”) has approved and authorized the abandonment and transfer of its interest in certain right of way areas situated in the City of Livermore, County of Alameda, adjacent to the Livermore High School site and described as:

- (1) 629 square feet of land area of a portion of Church and Fifth Street (portion of A.P.N. 097-0136-999-99)

(the “Property”). The Property is more particularly described in **Attachment “A”** attached hereto; and

WHEREAS, the City has transferred fee title to the Property to the District; and

WHEREAS, the transfer of fee title the District will occur at no cost to the District; and

WHEREAS, the City has executed and delivered quitclaim deed for the Property to the District, whereby the City’s interest in the Property will be relinquished and transferred to the District. True and correct copies of the quitclaim deeds are attached hereto as **Attachment “A”**;

NOW THEREFORE, BE IT RESOLVED, that the District’s Governing Board hereby finds, determines, declares, orders, and resolves as follows:

Section 1. The foregoing recitals are true and correct.

Section 2. The Livermore Valley Joint Unified School District hereby agrees to accept fee title to the Property from the City.

Section 3. The Superintendent and Superintendent’s designee is hereby authorized to execute all documents necessary to accept the Property and record the Certificate of Acceptance attached hereto as **Attachment “B”**, and associated Quitclaim Deeds for the Property.

PASSED AND ADOPTED by the Governing Board of the Livermore Valley Joint Unified School District on this 17th day of August, 2021, by the following vote:

AYES: Bueno _____ Guzmán _____ Prusso _____ Wang _____ White _____

NOES: Bueno _____ Guzmán _____ Prusso _____ Wang _____ White _____

ABSTENTIONS: Bueno _____ Guzmán _____ Prusso _____ Wang _____ White _____

ABSENT: Bueno _____ Guzmán _____ Prusso _____ Wang _____ White _____

Clerk of the Board of Education
Livermore Valley Joint Unified School District of Alameda County
and Contra Costa County, State of California

ATTACHMENT "A"
QUITCLAIM DEED

(A portion of Fifth Street Right of Way)

CONFORMED COPY - has not been compared with Original.
2021205605 06/03/2021 03:34 PM 7 PGS

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

CITY CLERK
CITY OF LIVERMORE
1052 S. LIVERMORE AVENUE
LIVERMORE, CA 94550



OFFICIAL RECORDS OF ALAMEDA COUNTY
MELISSA WILK, CLERK-RECORDER
RECORDING FEES: \$0.00

EXEMPT FROM FILING FEES PURSUANT TO
GOV. CODE § 27383

Space Above This Line For Recorder's Use Only

21-373

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

**A RESOLUTION SUMMARILY VACATING A PORTION OF CHURCH STREET
RIGHT-OF-WAY AND AUTHORIZING EXECUTION OF QUIT CLAIM DEED**

The Livermore Valley Joint Unified School District ("District") is undergoing a major redevelopment that includes expanding its track and field facility and constructing a new gymnasium and new classrooms. As part of the redevelopment, the District requested the City vacate a portion of the adjoining street to accommodate their development plans.

The Streets and Highway Code sections 8334(a) allows the legislative body of a local agency to summarily vacate excess right-of-way of a street or highway not required for street or highway purposes.

On March 16, 2021, the Planning Commission reviewed the proposed vacations pursuant to the requirements in California Government Code Section 65402 and found that portion of the roadway to be vacated is no longer needed for street or highway purposes, and that the vacation is consistent with the adopted General Plan.

Staff recommends that the City Council summarily vacate a portion of Church Street right-of-way, as described in the legal description and plat attached as Exhibit A (the "Right-of-Way"), and authorizes execution of the quitclaim deed attached as Exhibit B, thereby releasing the existing right-of-ways by quitclaim deeds to the District.

To the extent the quitclaim of the right-of-ways to be vacated constitutes a project pursuant to the California Environmental Quality Act ("CEQA"), this action is exempt from CEQA pursuant to 14 California Code of Regulations, section 15061 since it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment because no change in use has ever been made of the area to be vacated, and the remaining roadway section and right-of-way are adequate and consistent with City Standards.

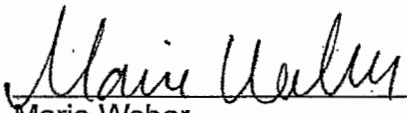
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livermore that:

1. The vacation of the Right-of-Way is exempt from CEQA pursuant to 14 CCR § 15061.
2. The City Council vacates the Right-of-Way described in the legal description and plat attached as Exhibit A.
3. That the City Manager is authorized to sign, on behalf of the City of Livermore, the Quit Claim Deed to Livermore Valley Joint Unified School District (Grantee), attached hereto as Exhibit B, to convey all remaining property rights in the Right-of-Way.
4. The City Clerk is directed to file a certified copy of this resolution of vacation with associated plat and legal descriptions with the Alameda County Recorder's Office.

On motion of Council Member Bonanno, seconded by Vice Mayor Munro, the foregoing resolution was passed and adopted on May 24, 2021, by the following vote:

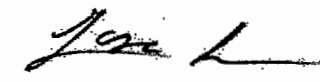
AYES: Council Members Bonanno, Carling, Kiick, Vice Mayor Munro, and Mayor Woerner
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:



Marie Weber
City Clerk

APPROVED AS TO FORM:

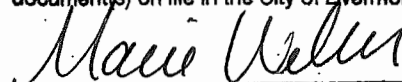


Jason Alcala
City Attorney

Date: May 26, 2021

Exhibit A – Plat and Legal Description
Exhibit B – Quitclaim Deed

I hereby certify that this is a true and accurate copy of a document(s) on file in the City of Livermore.



Marie Weber, City Clerk, City of Livermore
6/1/21

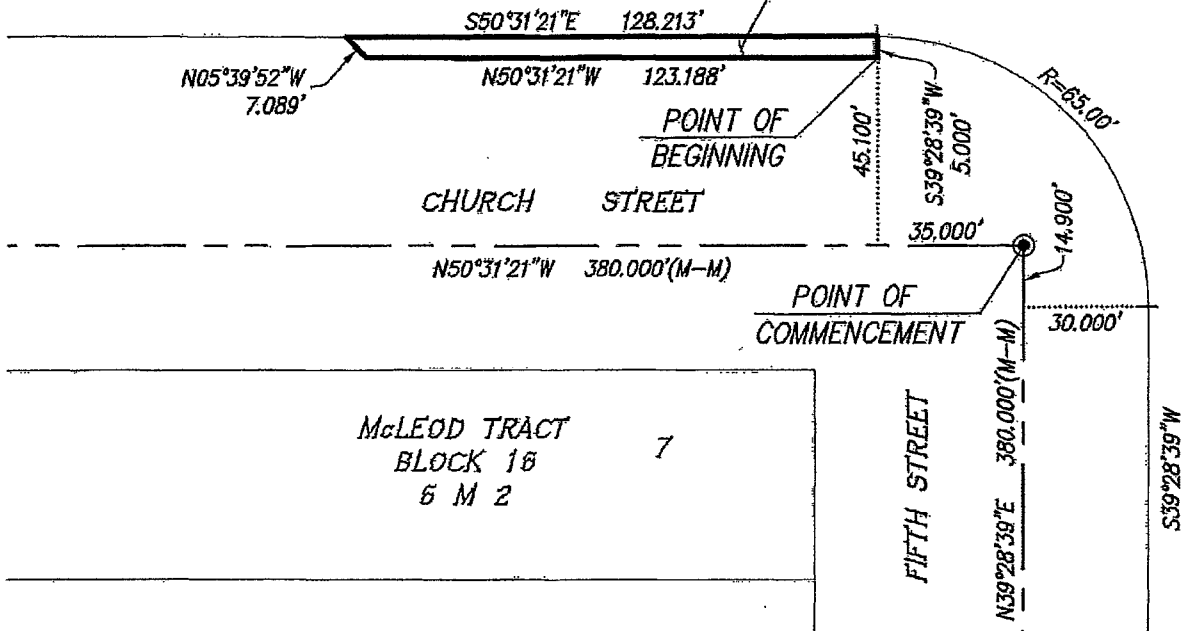
Date

EXHIBIT A

INDENTURE
LIVERMORE UNION HIGH SCHOOL DISTRICT
(2237 O.R. 10)

JUDGEMENT AND DECREE NO. 110989
LIVERMORE UNION HIGH SCHOOL DISTRICT
(2247 O.R. 134)

DESCRIBED AREA
= 629± SQ.FT.



[Handwritten Signature]
SCOTT A. SHORTLIDGE, L.S. 6441

EXHIBIT A
PLAT TO ACCOMPANY LEGAL DESCRIPTION
FOR
QUITCLAIM A PORTION OF
CHURCH STREET RIGHT OF WAY EASEMENT
CITY OF LIVERMORE, ALAMEDA COUNTY, CALIFORNIA

RJA
RUGGERI-JENSEN-AZAR
ENGINEERS + PLANNERS + SURVEYORS
4690 CHAROT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE (925) 227-9100 FAX (925) 227-9300

EXHIBIT A

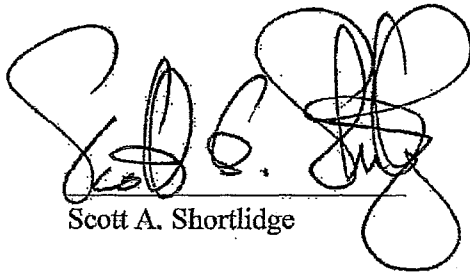
Real property situate in the City of Livermore, County of Alameda, State of California and being a portion of Church Street and Fifth Street as shown on the subdivision map entitled the McLeod Tract filed in Book 6 of Maps, at Page 2, Official Records of Alameda County, and being more particularly described as follows:

Commencing at the street monument found at the intersection of the monument lines of Fifth Street and Church Street; thence along the monument line of Church Street, North 50° 31' 21" West, 35.000 feet; thence across Church Street, North 39° 28' 39" East, 45.100 feet to a point 5.000 feet from a point on the north line of Church Street for the **Point of Beginning hereof**; thence along a line 5.000 feet south of and parallel to the north right of way line of Church, North 50° 31' 21" West – 123.188 feet; thence continuing across the right of way of Church Street, North 05° 39' 52" West – 7.089 feet to a point on the north right of way line of Church Street; thence along said north line, South 50° 31' 21" East – 128.213 feet; thence across the right of way of Church Street, South 39° 28' 39" West – 5.000 feet to the **Point of Beginning**.

Containing 629 square feet (0.01 acres) of land area, more or less.

See **Exhibit B** – Plat to Accompany Legal Description which is attached hereto and made a part hereof.

END OF DESCRIPTION


Scott A. Shortlidge



2-24-2021
Date

EXHIBIT B

RECORDING REQUESTED BY:
AND
WHEN RECORDED MAIL TO:

City Clerk
City of Livermore
1052 South Livermore Avenue
Livermore, CA 94550

ABOVE THIS LINE FOR RECORDER'S USE

MAIL TAX STATEMENTS TO:

The Undersigned grantor(s) declare(s):
CITY TRANSFER TAX \$0.00
DOCUMENTARY TRANSFER TAX \$ Release of easement
SURVEY MONUMENT FEE \$0.00

SAME AS ABOVE

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

Portions of APN 097-0136-999-99

Exempt from filing fees per Government Code Section §§ 27383 & 6103

QUITCLAIM DEED IN FEE

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

CITY OF LIVERMORE, a Municipal Corporation, "Grantor,"

hereby remises, releases and quitclaims in fee to Livermore Valley Joint Unified School District, a Public School District, ("Grantee") all right, title, and interest in that real property located in the City of Livermore (City), County of Alameda, State of California and more particularly described as Church Street Right-of-Way identified in Exhibits A and B.

By recording this Quitclaim Deed, Grantee agrees to release and indemnify the Grantor from any and all liability associated with or arising out of the past, current, or future use of the Quitclaimed property, except to the extent caused by the sole negligence or willful misconduct of the City, its agents, or its employees.

EXHIBITS "A", and "B" ARE ATTACHED HERETO AND MADE A PART HEREOF

State of California)
County of _____) S.S.

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.

On _____ 2021 before me, (_____), personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are described 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 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 forgoing paragraph is true and correct.

WITNESS my hand and official seal.

Signed this _____ day of _____, 2021

Signature: _____

Print Name: _____

My Commission Number: _____

My Commission Expires: _____

Principal County of Business: _____

Grantor Signature(s)

By: _____

Name: _____

Title: _____

EXHIBIT B

EXHIBIT A

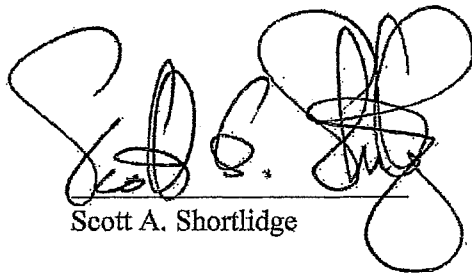
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END OF DESCRIPTION


Scott A. Shortlidge



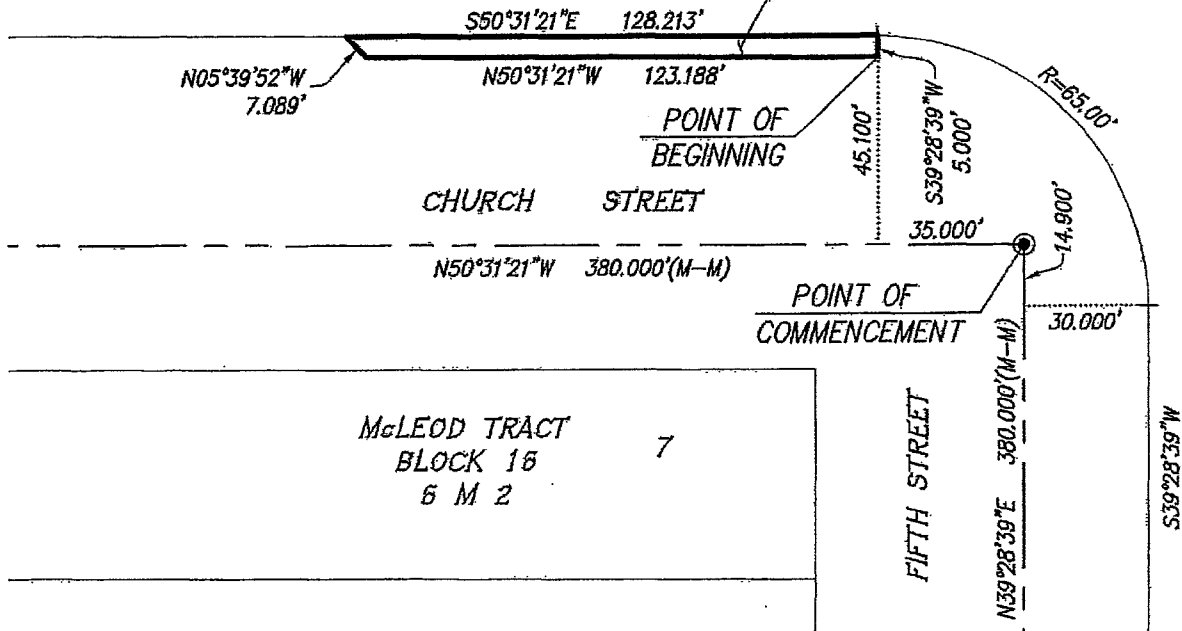
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INDENTURE
LIVERMORE UNION HIGH SCHOOL DISTRICT
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JUDGEMENT AND DECREE NO. 110989
LIVERMORE UNION HIGH SCHOOL DISTRICT
(2247 O.R. 134)

DESCRIBED AREA
= 629± SQ.FT.



McLEOD TRACT
BLOCK 16 7
6 M 2



[Handwritten Signature]
SCOTT A. SHORTLIDGE, L.S. 6441

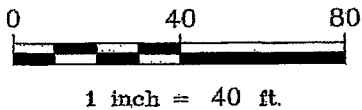
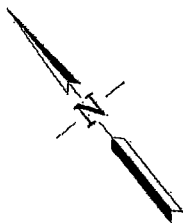


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PLAT TO ACCOMPANY LEGAL DESCRIPTION
FOR
QUITCLAIM A PORTION OF
CHURCH STREET RIGHT OF WAY EASEMENT
CITY OF LIVERMORE, ALAMEDA COUNTY, CALIFORNIA

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ENGINEERS * PLANNERS * SURVEYORS
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300

ATTACHMENT "B"
CERTIFICATE OF ACCEPTANCE

CERTIFICATE OF ACCEPTANCE

Agency: Livermore Valley Joint Unified School District

Assessor Parcel Nos. Portions of 097-0136-999-99

This is to certify that, pursuant to Sections 15853, 27281 and 70301 et seq. of the California Government Code, the interest in real property conveyed by the Quitclaim Deed in Fee dated _____, 2020, executed by the City of Livermore, a municipal corporation, to the **LIVERMORE VALLEY JOINT UNIFIED SCHOOL DISTRICT** is hereby accepted by the undersigned officer on behalf of the District's Governing Board pursuant to authority conferred by Resolution of said Board duly adopted, and the District consents to the recordation thereof by its duly authorized officer.

Accepted:

Livermore Valley Joint Unified School District

By: _____
Dr. Kelly Bowers
Superintendent

Dated: _____, 2020

