



OAKLAND UNIFIED  
SCHOOL DISTRICT  
Community Schools. Thriving Students

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#### LEGISLATIVE FILE

File ID No. 15- 1599  
Introduction Date 8-26-2015  
Enactment No. 15-1312  
Enactment Date 8/26/15  
By AS

OAKLAND UNIFIED SCHOOL DISTRICT  
Office of the Board of Education  
August 29, 2015

To: Board of Education

From: Antwan Wilson, Superintendent and Secretary, Board of Education  
James Harris, President, Board of Education

Subject: Resolution of Intent to Dedicate an Easement to the East Bay Municipal Utility District at the James Madison Middle School Site.

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#### ACTION REQUESTED

Approval by the Board of Education of Resolution No. 1516-1599, A Resolution of the Governing Board of the Oakland Unified School District Declaring Its Intent to Dedicate an Easement to the East Bay Municipal Utility District at the James Madison Middle School Site.

#### BACKGROUND

The Oakland Unified School District ("District") owns real property located at 400 Capistrano Drive, Oakland, CA 94603, commonly known as James Madison Middle School ("School Site"). The East Bay Municipal Utility District, a California public corporation organized and existing under the laws of the State of California ("EBMUD"), is in need of an easement and right of way for purposes of constructing and maintaining pipes, pipelines and all necessary braces, connections, fastening and other appliances and fixtures necessary for the transmission and distribution of water across and through the School Site ("Easement").

The District does not need the Easement area for classroom buildings or educational purposes. The District's Governing Board needs to adopt Resolution No. 1516-0048, by two-thirds of its members, to declare its intent to dedicate the easement.

#### FISCAL IMPACT

No fiscal impact or implications associated with the approval of these documents.

#### RECOMMENDATION



OAKLAND UNIFIED  
SCHOOL DISTRICT  
*Community Schools, Thriving Students*

Approval by the Board of Education of Resolution No. 1516-1599, A Resolution of the Governing Board of the Oakland Unified School District Declaring Its Intention to Dedicate an Easement to the East Bay Municipal Utility District at the James Madison Middle School Site.

**ATTACHMENTS**

Resolution No. 1516-1599, A Resolution of the Governing Board of the Oakland Unified School District Declaring Its Intention to Dedicate an Easement to the East Bay Municipal Utility District at the James Madison Middle School Site.



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**RESOLUTION OF THE  
BOARD OF EDUCATION  
OF THE OAKLAND UNIFIED SCHOOL DISTRICT**

**RESOLUTION NO. 1516-1599**

**A RESOLUTION OF THE GOVERNING BOARD OF THE OAKLAND UNIFIED SCHOOL  
DISTRICT DECLARING ITS INTENTION TO DEDICATE AN EASEMENT TO THE  
EAST BAY MUNICIPAL UTILITY DISTRICT  
AT THE JAMES MADISON MIDDLE SCHOOL SITE**

WHEREAS, the Oakland Unified School District ("District") owns real property located at 400 Capistrano Drive, Oakland, CA 94603 (A.P.N.: 45-5420-1-4), commonly known as James Madison Middle School ("School Site"); and

WHEREAS, the East Bay Municipal Utility District, a public corporation organized and existing under the laws of the State of California ("EBMUD"), is in need of an easement and right of way for purposes of constructing and maintaining pipes, pipelines and all necessary braces, connections, fastening and other appliances and fixtures necessary for the transmission and distribution of water over, through and on the real property owned by the District, as identified in Exhibit "A" attached hereto; and

WHEREAS, the proposed Easement that includes the description and location of the Easement is set forth in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, the District does not need the Easement area for classroom buildings or educational purposes; and

WHEREAS, the District may dedicate or convey the Easement if, after adoption of this Resolution of Intent and publication of notice, the District's Governing Board adopts, in a regular open meeting ("Public Hearing"), by a two-thirds vote of all its members, a resolution authorizing and directing the Superintendent, or Superintendent's designee, to execute and deliver the Easement; and

WHEREAS, notice of the Governing Board's intent to dedicate the Easement ("Notice") shall be given pursuant to Education Code section 17558 by posting copies of this Resolution of Intent signed by the members of the Governing Board, or majority thereof, in three (3) public places in the District not less than ten (10) days before the date of the Public Hearing, and by publishing the Notice once not less than five (5) days before the date of the Public Hearing in a newspaper of general circulation, published in the District, if there is one, or if there is no such newspaper published in the District, then in an newspaper published in the county in which the District or any part thereof is situated and having a general circulation in the District; and





WHEREAS, the Public Hearing shall be held on September 9, 2015, at 6:15 p.m., or as soon thereafter as the matter may be heard in the Great Room located at the La Escuelita Education Center located at 1050 2<sup>nd</sup> Avenue, Oakland, CA 94606-2291.

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 real property upon which the Easement is to be located is not needed for school classroom buildings or educational purposes.

Section 3. The District intends to dedicate or convey the Easement.

Section 4. The Superintendent and Superintendent's designee is hereby authorized to provide public notice as required by Education Code section 17588.

Section 5. The District's Governing Board shall hold a public hearing on September 9, 2015, at 6:15 p.m., at its regular place of meeting for a public hearing, or as soon thereafter as the matter may be heard and shall consider authorizing the dedication and conveyance of the Easement from the District to EB MUD in accordance with the Easement attached hereto as Exhibit "A".

**APPROVED, PASSED AND ADOPTED** by the Governing Board of the Oakland Unified School District on this 26th day of August, 2015, by the following vote:

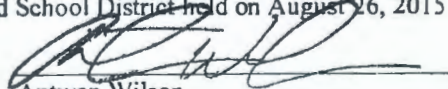
AYES: Roseann Torres, Aimee Eng, Shanthi Gonzales, Nina Senn, Jumoke Hinton Hodge, Vice President Jody London, President James Harris

NOES: None

ABSENT: None

ABSTAIN: None

I hereby certify that the foregoing is a full, true and correct copy of a Resolution adopted, at a Regular Meeting of the Governing Board of the Oakland Unified School District held on August 26, 2015.

  
Antwan Wilson  
Superintendent

File ID Number: 15-1599  
Introduction Date: 8/26/15  
Enactment Number: 15-1312  
Enactment Date: 8/26/15  
By: oo

**EXHIBIT "A"**

**EASEMENT**

**RECORDING REQUESTED BY**

East Bay Municipal Utility District

**AND WHEN RECORDED MAIL TO**

East Bay Municipal Utility District

Post Office Box 24055

Oakland, California 94623

Attn: Real Estate Services (RL)

SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN: 45-5420-1-4

Pursuant to Government Code Section 27383, Grantee is exempt from paying recording fees.

**GRANT OF EASEMENT**

THIS INDENTURE, made by and OAKLAND UNIFIED SCHOOL DISTRICT, a California public school district, hereinafter called the Grantor, and EAST BAY MUNICIPAL UTILITY DISTRICT, a public corporation organized and existing under the laws of the State of California, hereinafter called the Grantee,

**WITNESSETH:**

THAT the Grantor, for a good and valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, hereby grants to the Grantee and to its successors and assigns a perpetual easement and right-of-way for the purpose of laying down, constructing, reconstructing, removing, replacing, repairing, maintaining, operating and using, as the Grantee may see fit, for the transmission and distribution of water, a pipe or pipelines and all necessary braces, connections, fastenings and other appliances and fixtures including underground telemetry and electrical cables for use in connection therewith or appurtenant thereto, in, under, along and across that certain real property described in Exhibit "A" and shown on Exhibit "B", attached hereto and made a part hereof.

TOGETHER with the right of ingress to and egress from said right-of-way and the right at all times to enter in, over and upon said right-of-way and every part thereof and also to use said right-of-way for all purposes connected with the laying down, constructing, reconstructing, replacing, removing, repairing, maintaining, operating and using said pipe or pipelines.

The Grantor and the Grantor's heirs, successors, or assigns shall not place or permit to be placed on said right-of-way any building or structure, including but not limited to houses, garages, outbuildings, swimming pools, tennis courts, retaining walls, decks, and patios nor allow to be done anything which may interfere with the full enjoyment by the Grantee of the rights herein granted.

The above paragraph notwithstanding Grantor reserves the right to landscape the easement area in a manner consistent with the Grantee's use; however, such use by Grantor shall not include the planting of trees nor a change in the existing surface elevation (grade) of the easement area by more than one (1) foot without first having prior written consent of the Grantee.

The Grantee agrees that said pipe or pipelines shall be constructed and maintained at a depth of at least eighteen (18) inches below the present surface of the ground.

The Grantee agrees upon the completion of any of its works hereunder to restore as near as possible the surface of the ground to the condition in which it was prior to the commencement of said work.

TO HAVE AND TO HOLD, all and singular, the rights above described unto the Grantee and the Grantee's successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has executed this indenture this 29 day of October, 2015.

GRANTOR

By: [Signature]  
Antwan Wilson, Superintendent

By: [Signature]  
James Harris, Board of Education President

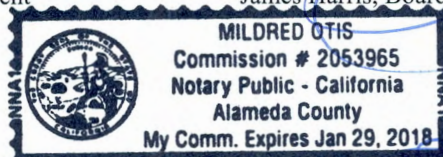


Exhibit "A"  
Legal Description  
For a 50' wide Water Line Easement over the  
Lands of the Oakland Unified School District (OUSD)  
Alameda County, Oakland Ca.

**GRANT OF EASEMENT**

Located on the grounds of James Madison Middle School, APN 45-5420-1-4 as  
shown on Alameda County Records, described as follows:

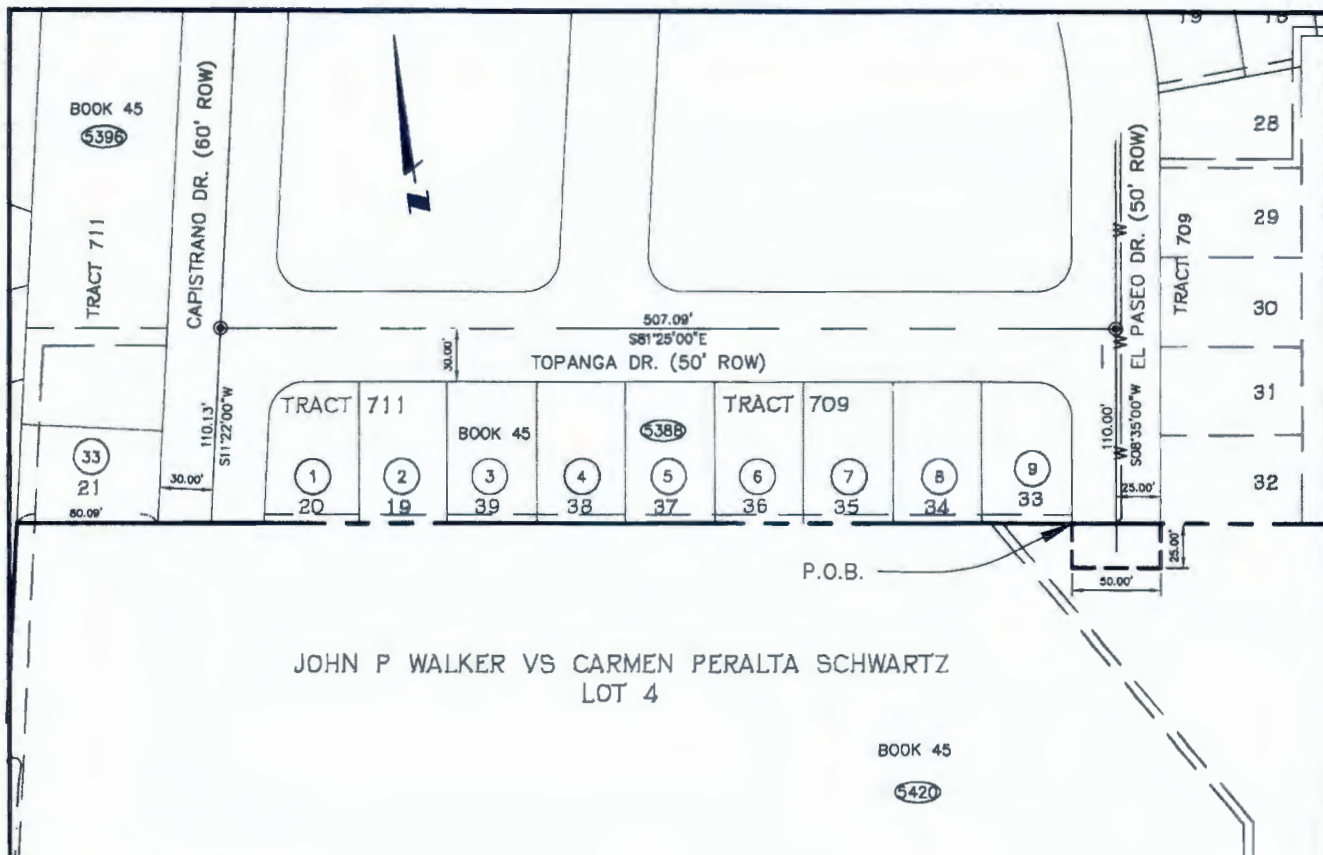
Beginning at the southeast corner of Lot 33 as said lot is shown on the Map of Tract 709,  
filed on May 2, 1945 in Book 11 at Page 14 in the Official Records of the Alameda  
County Recorder's Office; thence along the southern boundary of said Tract 709 South  
81°25'00"East 50.00 feet; thence along the prolongation of the eastern line of El Paseo  
Drive South 08°35'00"West 25.00 feet; thence North 81°25'00"West 50.00 feet; thence  
North 08°35'00"East 25.00 feet to the Point of Beginning.

**SURVEYOR'S STATEMENT**

I hereby state that this description and the accompanying plat were prepared by me or  
under my direction on March 30, 2015

WILEY J PIERCE JR. \_\_\_\_\_ DATE: \_\_\_\_\_  
L.S. NO.: 3300 LICENSE EXPIRATION DATE: JUNE 30, 2016





### SURVEYOR'S STATEMENT

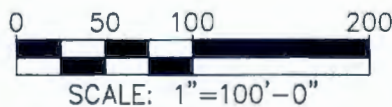
THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME  
OR UNDER MY DIRECTION IN CONFORMANCE WITH THE  
REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYORS'  
ACT AT THE REQUEST OF **Oakland Unified School District** ON  
MARCH, 2015

WILEY J PIERCE JR. \_\_\_\_\_  
DATE: \_\_\_\_\_  
L.S. NO.: 3300  
LICENSE EXPIRATION DATE: JUNE 30, 2016



### LEGEND

- PROPERTY BOUNDARY LINE
- RIGHT-OF-WAY (ROW)
- UTILITY EASEMENT
- W——W—— PROPOSED WATER LINE
- NEW UTILITY EASEMENT



### BASIS OF BEARING

FOUND CITY MONUMENT ON THE  
INTERSECTION OF CAPISTRANO  
DR. AND TOPANGA DR. AND  
TOPANGA DR. AND EL PASEO  
DR. AS TAKEN S81°25'00"E

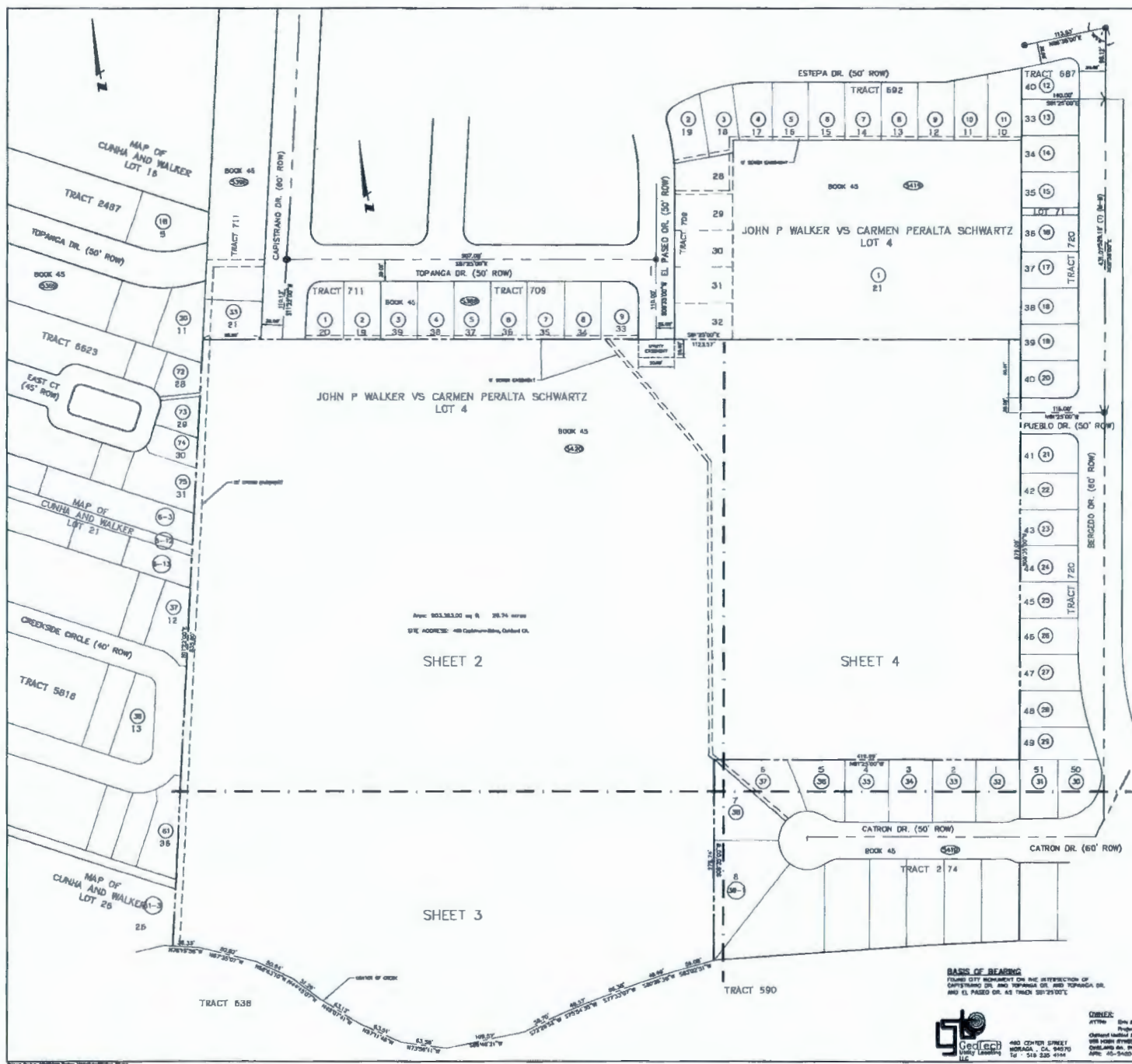
### JAMES MADISON MS PLAT MAP

OF  
EXHIBIT 'B'  
PLAT TO ACCOMPANY LEGAL DESCRIPTION  
FOR WATER LINE EASEMENT OVER THE  
LANDS OF THE OUSD, ALAMEDA COUNTY,  
OAKLAND, CA.

KCP & ASSOCIATES  
3301 BROADWAY, SUITE 400  
OAKLAND, CA 94612  
OFFICE: (916) 838-6800  
FAX: (916) 838-6801  
WWW.KCPNDICE.COM

DRAWN BY:	CAMJR	REVISIONS:
CHECKED BY:	WJP	
JOB NO:	2014009	
DATE:	3/26/15	
SCALE:	AS SHOWN	
SHEET:	1 OF 1	





UTILITY EASEMENT

**COUNTY OF SAGINAW**  
Located on the grounds of James Hamilton Middle School,  
APR 48-3885-1-4 on a street on Alameda County Records, described as follows:

Beginning of the southeast corner of Lot 33 as said lot is shown on the Map of Tract 708, filed on May 8, 1908 in Book 11 at Page 16 in the Official Records of the Alameda County Recorder's Office; thence along the southern boundary of said Tract 708 South 81°30'00" East, 26.00 feet, thence along the pre-emption line of the eastern line of U. S. Grant Survey South 07°00'00" East, 88.00 feet; thence South 81° 30'00" East, 50.00 feet, thence North 53°30'00" East, 58.00 feet to the Point of Beginning.


## SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON  
A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP  
ACT AND LOCAL ORDINANCE AT THE REQUEST OF Outland United Indian Cemetery ON AUGUST OF 2014.  
I HEREBY STATE THAT THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS  
INDICATED, AND THE MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

WILEY J. PIERCE JR. \_\_\_\_\_ BAND \_\_\_\_\_

L.S. NO. 2300 \_\_\_\_\_

LICENSE EXPIRATION DATE: June 30, 2018





REFERENCE DOCUMENT

- 67-1270-25 (PAGES 21-25)
- (1) CITY OF OAKLAND - SENIOR MAP 24 & 25  
(2) CITY OF OAKLAND - MONUMENT 24 & 25  
(3) TRACT 897 (BOOK 10, PAGE 61)  
(4) TRACT 898 (BOOK 10, PAGE 30)  
(5) TRACT 900 (BOOK 11, PAGE 14 & 15)  
(6) TRACT 911 (BOOK 11, PAGE 8)  
(7) TRACT 725 (BOOK 11, PAGE 36)  
(8) TRACT 2174 (BOOK 45, PAGE 26)  
(9) TRACT 2467 (BOOK 48, PAGE 68)  
(10) TRACT 5848 (BOOK 180, PAGE 90)  
(11) TRACT 9633 (BOOK 217, PAGE 12)  
(12) CUMMA & WEAVER PROPERTY (BOOK 24, PAGE 20)



JAMES MADISON MIDDLE SCHOOL

BOUNDARY & CONTROL SURVEY  
OF

LOT 4 AS SHOWN ON THE MAP ACCOMPANYING THE REPORT OF THE REFEREES I PARTITION IN THE ACTION OF JOHN P WALKER vs CARMEN PERALTA SCHWARTZ, IN THE SUPERIOR COURT, ALAMEDA COUNTY, STATE OF CALIFORNIA ON SEPTEMBER 10, 1986, COURT AS NO. 13006 IN THE OFFICE ALAMEDA COUNTY RECORDS OF ALAMEDA COUNTY,

<b>KCF INC.</b> 2201 SHADOWN, SUITE 105 OAKLAND, CA 94612 OFFICE: (510) 430-4000 FAX: (510) 430-4001 <a href="http://WWW.KCFINC.COM">WWW.KCFINC.COM</a>	DRAWN BY: CAMR CHECKED BY: BLP JOB NO: 2014008 DATE: 9/20/2014 SCALE: AS SHOWN SHEET: 4 OF 4	REVISIONS:
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SHEET 2

SHEET 3



GRAPHIC SCALE  
1 inch = 20 feet

**JAMES MADISON MIDDLE SCHOOL  
BOUNDARY & CONTROL SURVEY**

LOT 4 AS SHOWN ON THE MAP ACCOMPANYING THE REPORT OF THE REFEREE IN PARTITION IN THE ACTION OF JAMES P. WALKER vs. CARROLL W. WALKER, et al., in Case No. 10,006, filed in the Superior Court of the State of California on September 10, 1996, COURT AS NO. 10006 IN THE OFFICE ALAMEDA COUNTY RECORDS OF ALAMEDA COUNTY.

DATE	BY	REVISIONS
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10/1/96	J.M.	3.0
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10/1/96	J.M.	100.0

CONTRACT NO. 10006  
JAMES MADISON MIDDLE SCHOOL  
BOUNDARY & CONTROL SURVEY  
10/1/96  
J.M.

10006 JAMES MADISON MIDDLE SCHOOL  
BOUNDARY & CONTROL SURVEY  
10/1/96  
J.M.



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

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.

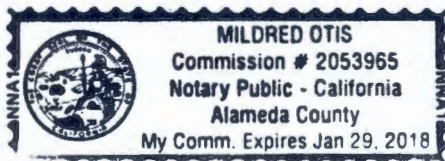
State of California )  
County of Alameda )

On 10-30-2015 before me, MILDRED OTIS, NOTARY  
Date Here Insert Name and Title of the Officer  
personally appeared James Harris & Artwan Wilson  
Name(s) of Signer(s)

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.



Signature \_\_\_\_\_  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document** Resolution to Dedicate an Easement to the East  
Title or Type of Document: Bay MuO w/ Madison MS Document Date: 8-29-15  
Number of Pages: 12 Signer(s) Other Than Named Above: NA

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: James Harris  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☒ Individual ☐ Attorney in Fact  
☐ Trustee ☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_  
Signer Is Representing: \_\_\_\_\_

Signer's Name: Artwan Wilson  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☒ Individual ☐ Attorney in Fact  
☐ Trustee ☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_  
Signer Is Representing: \_\_\_\_\_