

RESOLUTION NO. 2020-12

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE SAN BENITO COUNTY WATER DISTRICT**

**A RESOLUTION TO TERMINATE A PROJECT IN ZONE 104, TO WIT, THE
DISTRICT'S OWNERSHIP, OPERATION AND MAINTAINENCE OF THE FAIRVIEW
ROAD WATER SYSTEM AND TO RETURN THE WATER SYSTEM TO THE
PROPERTY OWNERS IN ZONE 104**

WHEREAS, on July 28, 2004, the SAN BENITO COUNTY WATER DISTRICT ("District") adopted Resolution 2004-18, A Resolution Establishing Zone 104 and Undertaking a Project Thereon, whereby the District created Zone 104 and agreed to assume ownership, operation and maintenance of the Fairview Road Water System. The District entered into a contract (the Contract) with the Fairview Road Water System landowners titled "Contract for Acquisition by the San Benito County Water District of Water Production and Service Facilities From Fairview Road Water System" on May 18, 2005 and recorded on June 3, 2005, Recorder's number 2005-0009532 San Benito County Official Records. Thereafter, the District undertook the ownership, operation and maintenance of the Fairview Road Water System; and

WHEREAS, May 18, 2020, and pursuant to the authority granted in Resolution 2004-18, a majority of electors in Zone 104 petitioned the District to terminate the aforesaid Contract and the District's ownership, operation and maintenance of the Fairview Road Water System. The landowners also petitioned the District to dissolve Zone 104; and

WHEREAS, on May 27, 2020, the Board of Directors considered the aforementioned petition to terminate the project in Zone 104; and

WHEREAS, on May 27, 2020 the Board of Directors adopted Resolution 2020-07 specifying its intention to dissolve Zone 104, and fixing the time place for public hearing on the dissolution of Zone 104; and

WHEREAS, on June 24, 2020 the Board of Directors adopted Resolution 2020-08 amending Resolution 2020-07 to change the date of the hearing on the dissolution of Zone 104 to July 29, 2020.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Zone 104 has no indebtedness, bonded, contractual or otherwise, or at all; Zone 104 will provide no service upon its dissolution; Zone 104 will have no property, works, or assets except unexpended cash reserves upon the effective date of its dissolution; and no useful purpose would be served by continuing the existence of Zone 104.
2. Good cause exists to dissolve Zone 104.

3. The Board of Directors hereby grants the petition of the landowners in Zone 104 to:

a.) Terminate the project and return the Fairview Road Water System and all assets related thereto to the landowners in Zone 104, effective the date the quitclaim deeds in item 4 are recorded with the Recorder's Office of San Benito County.

b.) Terminate the Contract as titled above and quitclaim the same to the landowners in Zone 104.

c.) Quitclaim to the landowners all of the District's right, title and interest in that certain "Grant of Well, Well Lot, and Pumping Plant Agreement," (Well Agreement) dated August 8, 1977 and recorded on September 27, 1977 in Volume 422 of Official Records at page 205, Recorder's File No. 139206, San Benito County Records.

4. The District shall prepare and record quitclaim deeds to effect the termination of the Contract and to transfer the Well Agreement to the landowners.

5. After the effective date of the termination of the Contract and transfer of the water system the landowners shall assume control over and operate and maintain the Fairview Road Water System and the District shall be forever released from any further responsibility relating to the Fairview Road Water System.

The foregoing Resolution was passed and adopted at a regular meeting of the Board of Directors of the San Benito County Water District held on July 29, 2020, by the following vote:

AYES: DIRECTORS: Tobias, Bettencourt, Flores, Tonascia & Williams

NOES: DIRECTORS: None

ABSENT: DIRECTORS: None

ABSTAIN: DIRECTORS: None

/s/John Tobias
John Tobias
President

ATTEST: /s/Sara Singleton
Sara Singleton
Assistant Manager