

RESOLUTION NO. 10/2023-2024

RESOLUTION OF INTENTION OF THE DESERT SANDS UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION TO CONVEY A RIGHT-OF-WAY EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT TO THE CITY OF INDIAN WELLS AND CALLING PUBLIC HEARING IN CONNECTION THEREWITH

WHEREAS, section 17556 et seq. of the California Education Code authorizes the Desert Sands Unified School District ("District"), by two-thirds (2/3) vote of its Board of Education ("Board"), to convey land for public right-of-way and/or dedicate an easement to a public corporation, or private corporation engaged in the public utility business, to lay, construct, reconstruct, maintain, and operate water, sewer, gas, or storm drain pipes or ditches, electric or telephone lines, and access roads used in connection therewith, either with or without consideration and without a vote of the electors of the District first being taken; and

WHEREAS, District owns that certain real property adjacent to Gerald Ford Elementary School known as APN 633-350-012, located at 44-210 Warner Trail, Indian Wells, County of Riverside, State of California (the "Property"); and

WHEREAS, in pursuit of its "Warner Trail Project," the City of Indian Wells ("CIW") desires non-exclusive, non-assignable easement for public right-of-way ("Right-of-Way Easement") and a temporary construction easement ("TCE") of another portion of the Property for purposes of installing, constructing, and maintaining street, sidewalk, and driveway improvements which are described and depicted in the legal description of the Right-of-Way Easement and TCE attached hereto as Exhibits "1" and "2" and incorporated herein; and

WHEREAS, District desires to give notice of its intent to convey the Right-of-Way Easement and TCE to CIW in exchange for the consideration and subject to the terms and conditions set forth in the Right-of-Way Easement and TCE, and further desires to call a public hearing in connection therewith.

NOW THEREFORE, the Desert Sands Unified School District Board of Education hereby resolves, determines, and finds the following:

Section 1. **Recitals.** The foregoing recitals are true and correct and incorporated herein.

Section 2. **Intent to Convey Right-of-Way and Temporary Construction Easements.** The District declares its intent to convey the Right-of-Way Easement and TCE to CIW on, over, across, upon, and under a strip of land on the Property pursuant to the terms and conditions set forth in the legal description of the Right-of-Way Easement and TCE attached hereto as Exhibits "1" and "2."

Section 3. **Public Hearing.** The Superintendent, or his designee, is hereby directed to give notice that during the regularly scheduled public meeting of the Board on **November 14, 2023 at 7 p.m.**, or as soon thereafter as practicable, in the District Education Center, 47-950 Dune Palms Road, La Quinta, California, the Board will hold a public hearing on the question of making the conveyance of the Right-of-Way Easement and TCE to CIW. Notice of the public hearing shall be given by posting copies of this Resolution, signed by at least a majority of the Board (but adopted by a two-thirds (2/3) vote of all its members), in three (3) public places within the District at least ten (10) days prior to the hearing, and by publishing the notice once in a newspaper of general circulation in the District at least five (5)

days prior to the hearing. At the time and place of the hearing, if no legal protest is entered, the Board may adopt a resolution by a two-thirds (2/3) vote of all its members authorizing and directing the conveyance of the Right-of-Way Easement and TCE to CIW subject to the terms and conditions set forth in the Right-of-Way Easement and TCE.

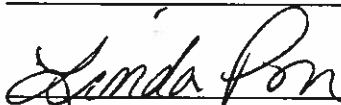
PASSED AND ADOPTED by the Desert Sands Unified School District Board of Education, this 17th day of October 2023, by the following vote:

AYES: Duran, Watson, Pearce, Alvarez, Porras _____

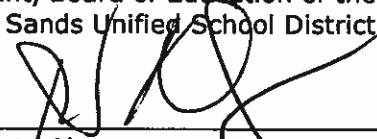
NOES: 0 _____

ABSTAIN: 0 _____


ABSENT: 0 _____




Linda Porras
President, Board of Education of the
Desert Sands Unified School District




Humberto Alvarez
Vice President/Clerk, Board of Education
of the Desert Sands Unified School District



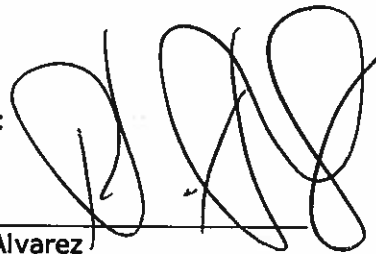
Michael Duran
Trustee, Board of Education of the
Desert Sands Unified School District



Tricia Pearce
Trustee, Board of Education of the
Desert Sands Unified School District



Kailee Watson
Trustee, Board of Education of the
Desert Sands Unified School District

Attested to: 

Humberto Alvarez
Clerk, Board of Education of the
Desert Sands Unified School District

EXHIBIT "1"
RIGHT-OF-WAY EASEMENT DEED

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

City of Indian Wells
44-950 Eldorado Drive
Indian Wells, CA 92210

WITH COPY TO:

Desert Sands Unified School District
Superintendent's Office
47-950 Dune Palms Road
La Quinta, CA 92253

Request recording without fee. Record for benefit of City of Indian Wells pursuant to Government Code sections 6103, 27383.
APN: 633-350-012 (THIS SPACE FOR RECORDER'S USE ONLY)

**RIGHT OF WAY EASEMENT DEED
FOR PUBLIC PURPOSES**

Documentary Transfer Tax: Exempt (Revenue and Taxation Code Section 11922)

The undersigned grantor(s) declare(s):

- Documentary transfer tax is \$ 0.00 [exempt]
- computed on full value of property conveyed, or
- computed on full value less value of liens and encumbrances remaining at time of sale
- Unincorporated area, or City of Indian Wells

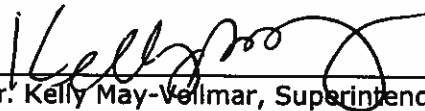
FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

**DESERT SANDS UNIFIED SCHOOL DISTRICT,
a California Public School District ("Grantor"),
hereby GRANTS AND CONVEYS to
CITY OF INDIAN WELLS, a Municipal Corporation ("Grantee"),**

a permanent easement for public right of way purposes, over, under, along and across all that real property, situated in the City of Indian Wells, County of Riverside, State of California described and depicted on the attached **Exhibit "A" and Exhibit "B"** ("Right of Way Easement"), together with the public facilities within the Right of Way Easement constructed for roadway, wastewater, water, storm drain, and/or recycled water purposes.

Grantee understands that it is solely responsible for the operation and maintenance of the Right of Way Easement for public streets and public utility purposes.

Signed by Grantor:
DESERT SANDS UNIFIED SCHOOL DISTRICT
A California Public School District



Dr. Kelly May-Vellmar, Superintendent

Dated: 10-18-23

**NOTE: SEE NEXT PAGE FOR ACKNOWLEDGMENT
NOTARY ACKNOWLEDGMENT MUST BE ATTACHED, PER CIVIL CODE SEC. 1180 ET. SEQ.**

California All-Purpose Certificate of Acknowledgment

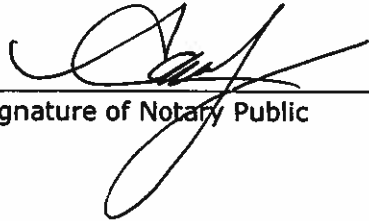
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
) ss.
COUNTY OF RIVERSIDE)

On October 18, 2023, before me, A. Orozco, Jr, Notary Public, personally appeared Kelly May-Vollmar, 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 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 of Notary Public

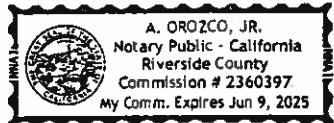


EXHIBIT "A"

**LEGAL DESCRIPTION
RIGHT OF WAY EASEMENT**

That portion of the north one-half of the northeast quarter of Section 24, Township 5 South, Range 6 East, San Bernardino Base and Meridian, in the City of Indian Wells, County of Riverside, State of California, according to the Official Government Plat thereof and as shown on Record of Survey, filed in Book 90, Page 89 of Record of Surveys in the Office of the County Recorder of said Riverside County, being described as follows:

BEGINNING at the westerly terminus of that certain course in the southerly line of Fred Waring Drive (55.00 foot half width), as shown on said Record of Survey having a bearing and distance of "N 89°56'47" E 658.01";

Thence along said southerly line of Fred Waring Drive North 89°56'47" East 6.80 feet;

Thence leaving said southerly line South 44°35'09" West 23.83 feet;

Thence South 00°03'55" East 25.54 feet;

Thence South 89°56'05" West 6.00 feet;

Thence South 00°03'55" East 69.61 feet;

Thence South 38°38'01" East 21.34 feet;

Thence South 81°00'00" East 1.69 feet;

Thence South 10°02'37" West 8.02 feet;

Thence South 17°34'17" West 32.55 feet;

Thence South 00°03'55" East 6.89 feet;

Thence South 41°01'15" West 19.31 feet to the easterly line of Warner Trail (30.00 foot half width) as shown on said Record of Survey;

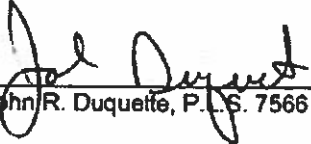
Thence along said easterly line the following courses: North 00°03'55" West 166.49 feet;

Thence North 47°20'19" East 33.89 feet to the **POINT OF BEGINNING**.

CONTAINS: 2,297 square feet, more or less.

As shown on Exhibit "B" attached hereto and by this reference made a part thereof.

This description was prepared by me or under my direction.



John R. Duquette, P.L.S. 7566

4/17/23
Date:

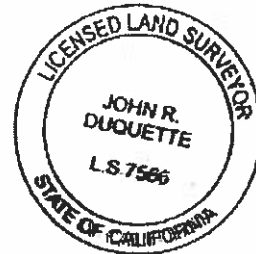
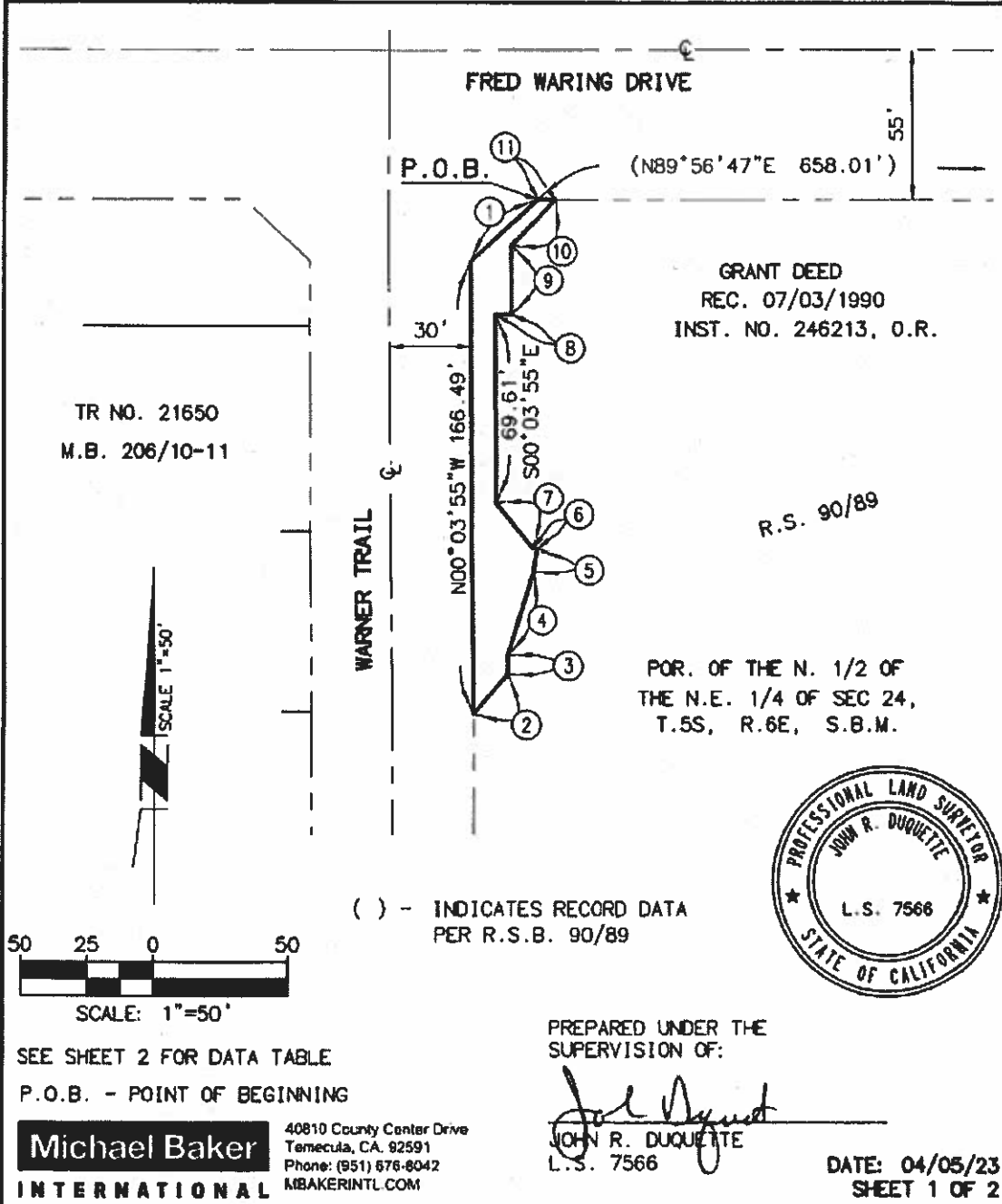
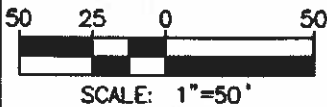


EXHIBIT "B"
RIGHT OF WAY EASEMENT



TR NO. 21650
M.B. 206/10-11



GRANT DEED
REC. 07/03/1990
INST. NO. 246213, O.R.

R.S. 90/89

POR. OF THE N. 1/2 OF
THE N.E. 1/4 OF SEC 24,
T.5S, R.6E, S.B.M.

() - INDICATES RECORD DATA
PER R.S.B. 90/89



PREPARED UNDER THE
SUPERVISION OF:

John R. Duquette
JOHN R. DUQUETTE
L.S. 7566

Michael Baker
INTERNATIONAL

40810 County Center Drive
Temecula, CA. 92591
Phone: (951) 676-8042
MBAKERINTL.COM

DATE: 04/05/23
SHEET 1 OF 2

EXHIBIT "B"
RIGHT OF WAY EASEMENT

DATA TABLE

(NO)	BEARING/DELTA	RADIUS	LENGTH
1	N47°20'19"E	--	33.89'
2	S41°01'15"W	--	19.31'
3	S00°03'55"E	--	6.89'
4	S17°34'17"W	--	32.55'
5	S10°02'37"W	--	8.02'
6	S81°00'00"E	--	1.69'
7	S38°36'01"E	--	21.34'
8	S89°56'05"W	--	6.00'
9	S00°03'55"E	--	25.54'
10	S44°35'09"W	--	23.83'
11	N89°56'47"E	--	6.80'

Michael Baker
INTERNATIONAL

40810 County Center Drive
Temecula, CA 92591
Phone: (951) 676-8042
MBAKERINTL.COM

DATE: 04/05/23
SHEET 2 OF 2

EXHIBIT "2"

TEMPORARY CONSTRUCTION EASEMENT (TCE)

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

City of Indian Wells
44-950 Eldorado Drive
Indian Wells, CA 92210

WITH COPY TO:

Desert Sands Unified School District
Superintendent's Office
47-950 Dune Palms Road
La Quinta, CA 92253

Request recording without fee. Record for benefit of City of Indian Wells pursuant to Government Code sections 6103, 27383.

(THIS SPACE FOR RECORDER'S USE ONLY)

TEMPORARY CONSTRUCTION EASEMENT

Documentary Transfer Tax: Exempt (Revenue and Taxation Code Section 11922)

The undersigned grantor(s) declare(s):

Documentary transfer tax is \$ 0.00 [exempt]

- () computed on full value of property conveyed, or
- () computed on full value less value of liens and encumbrances remaining at time of sale
- () Unincorporated area, or (X) City of Indian Wells

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

**DESERT SANDS UNIFIED SCHOOL DISTRICT,
a California Public School District ("Grantor"),
hereby GRANTS AND CONVEYS to
CITY OF INDIAN WELLS, a Municipal Corporation ("Grantee"),**

a Temporary and Non-Exclusive Construction Easement and right of way ("TCE"), over, on, under, in, across, along, and through that portion of Grantor's property described in **Exhibit "A"** and depicted in **Exhibit "B"**, attached hereto and incorporated herein, for the purpose of all reasonably necessary and convenient activities associated with construction of the Warner Trail Project ("Project").

The TCE shall be for a period of thirty-six (36) months, commencing on the date of recording of Grantee's fee ownership rights from Grantor for the Project or order of possession, unless the period is otherwise mutually extended by Grantor and Grantee ("**Construction Period**").

Grantee may not utilize the TCE until construction commences. The preconstruction period commences on the date of the TCE recording and shall be a standby option period ("**Option Period**") in which no onsite construction shall take place.

Grantee shall have the option to extend the TCE ("**Extension Period**") for up to an additional six (6) months by providing not less than ten (10) days' notice to Grantor before the TCE term ends.

GRANTOR shall not, without GRANTEE's express prior written consent, erect, place or maintain any improvement or undertake any activity within the TCE area prior to the TCE or during its existence and use.

The TCE allows GRANTEE and its agents, contractors, subcontractors and representatives to (i) perform all activities as may be necessary to facilitate the use of the TCE, (ii) use, control and occupy the TCE area, (iii) use and temporarily place and operate tools, equipment, machinery and materials on and within the TCE area, (iv) remove objects interfering with or obstructing the use of the TCE area, and (v) trim, cut or clear away any trees, brush or any other vegetation located within the TCE area.

The TCE shall, during its term, run with the land and be binding upon GRANTOR and GRANTEE and their respective heirs, successors and assigns. GRANTEE may assign its rights or remedies in the TCE without obtaining consent or providing notice to GRANTOR.

Upon expiration or termination of the TCE, GRANTEE shall restore the TCE area to a condition, as near as practicable, that existed prior to GRANTEE's operations. Additionally, upon expiration or termination of the TCE, GRANTEE shall have no other or further obligation, liability or duty in connection with the Property or to GRANTOR.

Based upon the above, GRANTOR grants and executes this TCE with the covenants contained in this instrument running with the land on the date set forth below.

Counterpart signature pages may be attached hereto for purposes of recording.

Signed by Grantor:
DESERT SANDS UNIFIED SCHOOL DISTRICT
A California Public School District



Dr. Kelly May-Vollmar, Superintendent

Dated: 10-18-23

**NOTE: SEE NEXT PAGE FOR ACKNOWLEDGMENT
NOTARY ACKNOWLEDGMENT MUST BE ATTACHED, PER CIVIL CODE SEC. 1180 ET. SEQ.**

California All-Purpose Certificate of Acknowledgment

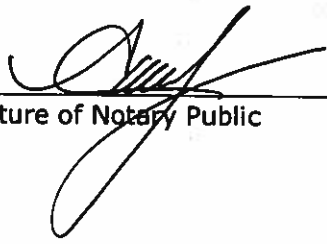
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE) ss.

On October 18, 2023, before me, A. Orozco, Jr., Notary Public, personally appeared Kelly May-Vollmar, 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 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 of Notary Public



EXHIBIT "A"

**LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT**

That portion of the north one-half of the northeast quarter of Section 24, Township 5 South, Range 6 East, San Bernardino Base and Meridian, in the City of Indian Wells, County of Riverside, State of California, according to the Official Government Plat thereof and as shown on Record of Survey, filed in Book 90, Page 89 of Record of Surveys in the Office of the County Recorder of said Riverside County, being described as follows:

COMMENCING at the westerly terminus of that certain course in the southerly line of Fred Waring Drive (55.00 foot half width), as shown on said Record of Survey having a bearing and distance of "N 89°56'47" E 658.01";

Thence along said southerly line North 89°56'47" East 6.80 feet to the **TRUE POINT OF BEGINNING**;

Thence leaving said southerly line South 44°35'09" West 23.83 feet;

Thence South 00°03'55" East 25.54 feet;

Thence South 89°56'05" West 6.00 feet;

Thence South 00°03'55" East 69.61 feet;

Thence South 38°36'01" East 21.34 feet;

Thence South 81°00'00" East 1.69 feet;

Thence South 10°02'37" West 8.02 feet;

Thence South 17°34'17" West 32.55 feet;

Thence South 00°03'55" East 6.89 feet;

Thence South 41°01'15" West 19.31 feet to the easterly line of Warner Trail (30.00 foot half width) as shown on said Record of Survey;

Thence along said easterly line South 00°03'55" East 7.61 feet;

Thence leaving said easterly line North 41°01'15" East 26.92 feet;

Thence North 00°03'55" West 7.99 feet;

Thence North 25°39'03" East 29.43 feet;

Thence North 14°15'59" East 15.88 feet to a point on a non-tangent curve concave southwesterly and having a radius of 49.39 feet, a radial line of said curve from said point bears South 21°34'00" West;

Thence along said curve westerly 9.78 feet through a central angle of 11°21'05";

Thence non-tangent from said curve North 38°36'01" West 12.84 feet;

Thence North 00°03'55" West 66.63 feet;

Thence North 89°56'05" East 3.00 feet;

Thence North 00°03'55" West 28.48 feet;


Thence North 44°35'09" East 26.71 feet to said southerly line of Fred Waring Drive;

Thence along said southerly line South 89°56'47" West 7.03 feet to the **TRUE POINT OF BEGINNING**.

CONTAINS: 1,428 square feet, more or less.

As shown on Exhibit "B" attached hereto and by this reference made a part thereof.

This description was prepared by me or under my direction.


John R. Duquette, P. S. 7566

4/5/23
Date:

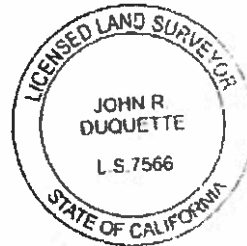
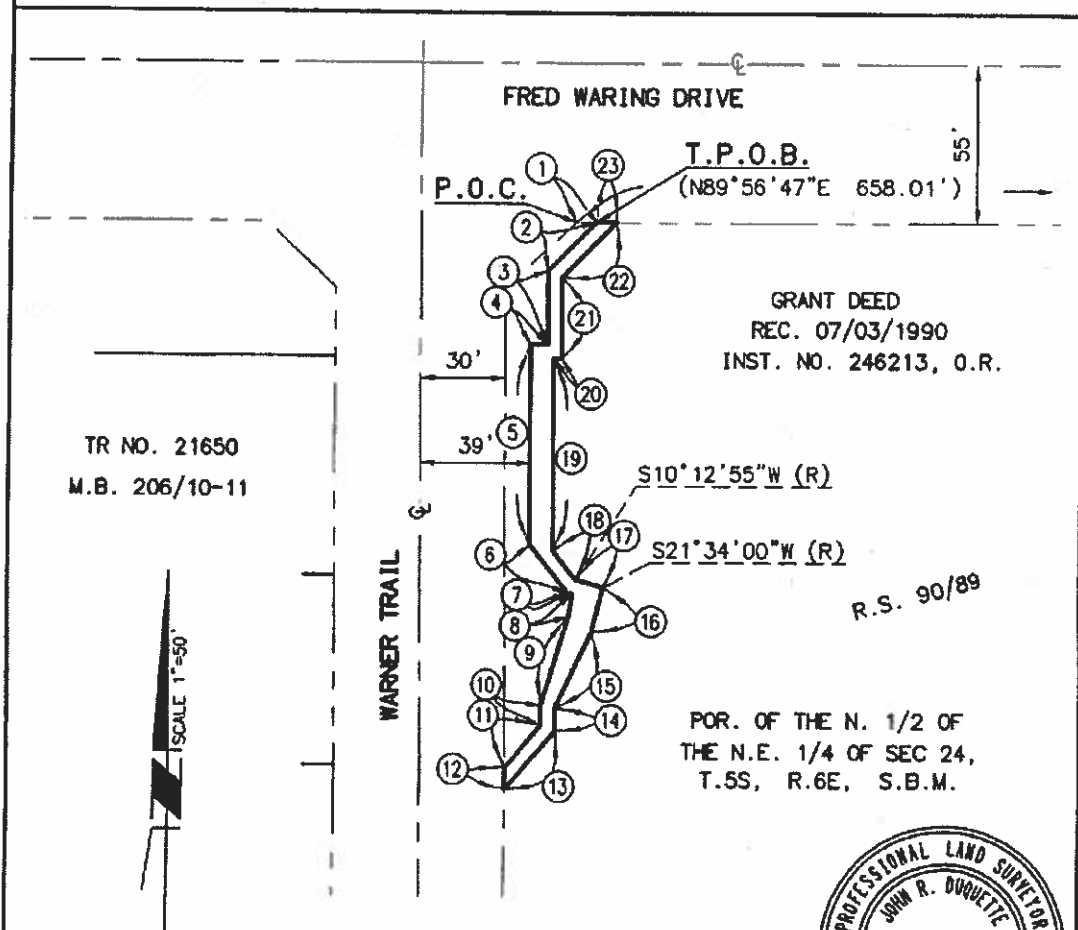


EXHIBIT "B"
TEMPORARY CONSTRUCTION EASEMENT

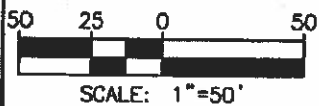


TR NO. 21650
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GRANT DEED
REC. 07/03/1990
INST. NO. 246213, O.R.

R.S. 90/89

POR. OF THE N. 1/2 OF
THE N.E. 1/4 OF SEC 24,
T.5S, R.6E, S.B.M.



() - INDICATES RECORD DATA
PER R.S.B. 90/89



SEE SHEET 2 FOR DATA TABLE

P.O.C. - POINT OF COMMENCEMENT
T.P.O.B. - TRUE POINT OF BEGINNING

Michael Baker
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40810 County Center Drive
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Phone: (951) 676-8042
MBAKERINTL.COM

PREPARED UNDER THE
SUPERVISION OF:

John R. Duquette
JOHN R. DUQUETTE
L.S. 7566

DATE: 04/05/23
SHEET 1 OF 2

EXHIBIT "B"
TEMPORARY CONSTRUCTION EASEMENT

DATA TABLE

NO	BEARING/DELTA	RADIUS	LENGTH
1	N89°56'47"E	--	6.80'
2	S44°35'09"W	--	23.83'
3	S00°03'55"E	--	25.54'
4	S89°56'05"W	--	6.00'
5	S00°03'55"E	--	69.61'
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9	S17°34'17"W	--	32.55'
10	S00°03'55"E	--	6.89'
11	S41°01'15"W	--	19.31'
12	S00°03'55"E	--	7.61'
13	N41°01'15"E	--	26.92'
14	N00°03'55"W	--	7.99'
15	N25°39'03"E	--	29.43'
16	N14°15'59"E	--	15.88'
17	11°21'05"	49.39'	9.78'
18	N38°36'01"W	--	12.84'
19	N00°03'55"W	--	66.63'
20	N89°56'05"E	--	3.00'
21	N00°03'55"W	--	28.48'
22	N44°35'09"E	--	26.71'
23	S89°56'47"W	--	7.03'

Michael Baker

INTERNATIONAL

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Temecula, CA. 92591
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DATE: 04/05/23
SHEET 2 OF 2