

**RESOLUTION OF THE GOVERNING BOARD OF THE  
OHLONE COMMUNITY COLLEGE DISTRICT**

In Re: )  
NOTICE of )  
INTENTION TO DEDICATE )  
EASEMENT TO ALAMEDA )  
COUNTY WATER DISTRICT )

RESOLUTION NO. 04/06-07

RECITALS

- A. Ohlone Community College District (the “District”) owns certain real property described in Exhibit A to this resolution.
- B. The District wishes to convey to Alameda County Water District (the “Water District”) an easement for access to and through the property described in Exhibit A according to the following stipulation:
  - (1) The easement area is intended to be used for the purposes of installing, constructing, reconstructing, removing, replacing, repairing, maintaining and using pipeline(s) for the conveyance of potable or nonpotable water, together with valves, braces, concrete vaults, and other appurtenances and fittings, devices for controlling electrolysis and underground wires, cables, and conduits and other electrical conductors and appurtenances for power and/or communication purposes, together with ingress and egress across the easement area for any of the aforesaid purposes.
- C. The aforesaid conveyance of easement to the Water District shall be subject to the following terms and conditions:
  - (1) The Water District, its successors and assigns, shall not do or allow to be done anything which may interfere with the full enjoyment by the District of its rights in said property.
  - (2) The Water District, its successors and assigns, forever shall covenant and agree to hold harmless, protect, indemnify and defend the District, its officers, agents, contractors or employees and their heirs, successors and assigns forever, with competent counsel reasonably satisfactory to the District, from all liability, penalties, losses, damages, costs, expenses, causes of action, claims and/or judgments, at law or equity (including, without limitation, all litigation costs, expert witness fees and reasonable attorneys’ fees), of every kind (a) resulting from any cause or causes whatsoever (other than the active negligence or willful misconduct of the District), (b) occurring in or about or resulting from the Water District’s constructing, improving, maintaining, repairing, operating, or otherwise using said easement and all appurtenances, or (c) resulting from the

negligence or willful misconduct of the Water District, its agents, employees, guests, invitees, and contractors, wherever the same may occur.

- (3) The Water District shall, at its sole cost and expense, clean, keep, repair and maintain the easement area, and all pipeline(s) and other appurtenances and fittings, and agrees to maintain, replace, repair and renew the pipeline(s) and other appurtenances and fittings as necessary to the reasonable satisfaction of the District, at the sole cost and expense of the Water District..

**RESOLVED**

1. The above recitals are true.
2. The Board of Trustees will direct and authorize its Secretary to cause notice to be given of the adoption of said Resolution and of the time and place of the holding of a public meeting not less than ten (10) days thereafter, in order to conduct a public hearing upon the question of making such a dedication; and
3. The Secretary will cause a notice to be published once, not less than ten (10) days before the date of said meeting in The Argus, a newspaper of general circulation and published or circulated in the District; and
4. At the direction of the Secretary, Donna Ordahl will post on \_\_\_\_\_, 2006, a copy of Resolution No. \_\_\_\_\_ in three (3) public places in said Ohlone Community College District, said posting being at least ten (10) days prior to the date of said meeting.

This Resolution was adopted by the following vote:

AYES:

ABSTENTIONS:

NOES:

ABSENT:

BOARD OF TRUSTEES OF THE OHLONE  
COMMUNITY COLLEGE DISTRICT

BY \_\_\_\_\_  
President of the Board of Trustees  
Authorized Agent of the Board of Trustees of the  
Ohlone Community College District

I certify that the Resolution above is a full and correct excerpt from the Journal of the Board of Trustees of the Ohlone Community College District pertaining to the adoption of the Resolution at a meeting held on \_\_\_\_\_.

BY \_\_\_\_\_  
Secretary of the Board of Trustees