

RESOLUTION 2009-*b-3*

A RESOLUTION OF THE SALTON COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS MAKING THE REQUIRED ANNUAL FINDINGS FOR THE CHANNEL MAINTENANCE ASSESSMENTS FOR TRACTS 576-A, 662, AND 679 FOR THE FISCAL YEAR ENDING JULY 1ST, 2009

WHEREAS, the Salton Community Services District has deed recorded covenants with the property owners of tracts 576-A, 662, and 679 authorizing the annual imposition of a fee, the proceeds of which are to be used solely for the maintenance of the channels adjacent to the respective tracts; and

WHEREAS, those covenants require annual findings of the amount of monies expended on the maintenance of those channels in the previous year; and

WHEREAS, those covenants further allow the District to assess more than the \$10 a year minimum only if the required findings show that the sum total of all assessments collected for a particular tract in the previous year is less than the amount of funds actually expended in that tract in that year.

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors finds the following:

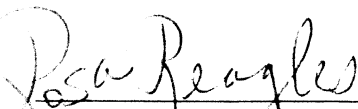
1. For fiscal year 2008/09 no funds were expended on the maintenance of channels in tract 576-A,
2. For fiscal year 2008/09 no funds were expended on the maintenance of channels in tract 662,
3. For fiscal year 2008/09 no funds were expended on the maintenance of channels in tract 679.

FURTHER, that per the deed recorded covenants only the minimum \$10 a year assessment shall be imposed on tracts 576-A, 662, and 679 for fiscal year 2009/10.

AYES:

NOES:

DATE: _____



Rosa Reagles, Secretary,
Board of Directors
Salton Community Services District

Dr. Jerry Medders, President
Salton Community Services District

COVENANT OF THE TRUST OF
THE SALTEN COMMUNITY SERVICES DISTRICT
BY AND FOR THE TRUSTEES, AS TO
A CERTAIN TRACT

W11110 PAC849

COVENANT

(Imposing annual charge on land for public purpose)

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2
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4 Come now SALTON SEA MARINA ESTATES, a limited partnership, COVENANTOR,
5 hereinafter variously designated as "owner" or "subdivider", with specific
6 reference to certain lots in Tract 576-A, County of Imperial, State of
7 California, included in the conveyance by grant deed of June 8, 1961, to said
8 owner from SALTEN COMMUNITY SERVICES DISTRICT, COVENANTEE, a political
9 subdivision of the State of California, and
10 FOR AND IN CONSIDERATION of the execution and delivery of said deed by
11 the Covenantor to the Covenantee, does hereby

12 COVENANT with Salton Community Services District that each and every
13 lot in said Tract 576-A except Lots 1-11, Block 1, conveyed by said deed shall
14 thereafter be subject to and burdened by an annual charge of not less than
15 \$10.00 plus such additional amount as shall represent the ratable share
16 allocable to each said lot in said tract arising from the expense of repair
17 and maintenance of the channels and adjacent lands solely within Tract 576-A
18 as contemplated and provided for in those covenants reserved by Salton
19 Community Services District in said deed, provided nevertheless that the
20 burden of such annual charge shall in no event exceed \$30.00 per lot.
21 The subdivider or its respective successors in interest shall pay such
22 sum to the Covenantee on or before September 1 of each year following the
23 computation and statement thereof on or about July 1 of each year, the same
24 to cover the cost and expense of such work for the prior fiscal year. The

25 subdivider shall pay to Covenantee on or before April 1, 1962, the sum of
26 \$760.00, representing \$10.00 per lot for each of the 76 lots contained in said
27 tract and affected by this Covenant, which sum shall provide a fund for
28 underwriting the initial expense of such work.

29 The burden and effect of this covenant is further that it shall run with
30 and be irrevocably attached to each and every lot in Tract 576-A as conveyed
31 by said deed except Lots 1-11, Block 1, the same for the benefit of Salton
32 Community Services District as the owner of certain lands and dominant estates

6066-736

COVENANT

(Imposing annual charge on land for public purpose)

* * * * *

Comes now SALTON HEIGHTS DEVELOPMENT CO., a California corporation, COVENANTOR, hereinafter variously designated as "owner" or "subdivider", with specific reference to each and every lot in Tract 679, County of Imperial, State of California, conveyed by grant deed of even date to said owner from SALTON COMMUNITY SERVICES DISTRICT, COVENANTEE, a political subdivision of the State of California, and

FOR AND IN CONSIDERATION of the execution and delivery of said deed by the Covenantee to the Covenantor, does hereby

COVENANT with Salton Community Services District that each and every lot in said Tract 679 conveyed by said deed shall thereafter be subject to and burdened by an annual charge of not less than \$10.00 plus such additional amount as shall represent the ratable share allocable to each lot in said tract arising from the expense of repair and maintenance of the channels and adjacent lands solely within Tract 679 as contemplated and provided for in those easements reserved by Salton Community Services District in said deed, burdened annual charge in no case to exceed \$30.00 per lot.

The owner and subdivider and its respective successors in interest shall pay such sum to the Covenantee on or before September 1 of each year following the computation and statement thereof on or about July 1 of each year, the same to cover the cost and expense of such work for the prior fiscal year. The owner and subdivider shall pay to Covenantee upon execution of

this covenant the sum of \$3,600.00 representing \$10.00 per lot for each of the 360 lots conveyed by said deed, thus providing a fund for underwriting the initial expense of such work

**SALTON COMMUNITY SERVICES DISTRICT
MINUTES
BOARD OF DIRECTORS MEETING
JULY 12, 1962**

A regular meeting of the Board of Directors of Salton Community Services District was convened at Salton City, California, in the County of Imperial, on Thursday, July 12, 1962, at 7:00 P.M.

ROLL CALL: Directors Jensen, Cline, and Thomas present.

MINUTES: Copies of the minutes of the regular meeting of June 28, 1962, having been previously circulated to each director and by each read and considered, on motion of Director Cline, seconded by Director Thomas, and duly adopted upon the unanimous voice votes of all directors present, action was taken to approve the minutes of said meeting.

RESOLUTION NO. 62-71

**TO IMPLEMENT PROVISIONS
FOR CHANNEL MAINTENANCE
TRACT NO. 662**

WHEREAS, the subdivider of Tract No. 662 has heretofore tendered its request to Salton Community Services District that it be accorded the same opportunity to negotiate and agree with the district on matters of channel maintenance such as has been by the district accorded to other subdividers, and

WHEREAS, in this connection it appears that the said subdivider is prepared to enter upon engagements and undertakings similar to those established for Tract No. 679 and Tract No. 576A, it appearing further that the said subdivider, Convertaplane, Inc., a corporation, has concurrently tendered to the district its deed dated June 30, 1962, by which Tract No. 662, with certain exceptions, is conveyed to Salton Community Services District in expectation that the following action would be taken,

BE IT RESOLVED:

1. That Salton Community Services District accept from Convertaplane, Inc., a corporation, its deed dated June 30, 1962, conveying Tract No. 662 with certain exceptions to the district;
2. That the president and the secretary be and they are hereby authorized to execute on behalf of Salton Community Services District a deed back to Convertaplane, Inc., covering Tract No. 662, but retaining title to certain canal lots, being Lots "A", "B", "C", and "E", Unit 2B, and reserving an easement consisting of the district's right of ingress and egress on and over the shoreward 45 feet of each and every lot bordering on the water in said tract and the subject of these conveyances, such deed as in this paragraph provided for also to include a special limitation appropriate in the premises;

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3. That Salton Community Services District accept the covenant of Convertaplane, Inc., to run with each and every lot contained in Tract No. 662 as affected by these conveyances, the same to pay \$10.00 per lot per year for underwriting the cost of channel maintenance in said tract up to \$30.00 per lot per year.

The foregoing resolution was offered upon motion of Director Cline, seconded by Director Jensen, and duly adopted upon the affirmative roll call votes of Directors Cline and Jensen, Director Thomas not voting.