

EVERETT SCHOOL DISTRICT NO. 2

RESOLUTION NO. 556

A resolution of the Board of Directors (the "Board") of the Everett School District No. 2 (the "District") to purchase real property.

WHEREAS, the District has identified a need for additional real property for school purposes; and

WHEREAS, Kenneth W. Crow, Wolfgang Keller, Lawrence Thomas and Cynthia L. Thomas, and Dorothy E. Zimmer own properties legally described in Exhibits A, B, C and D (the "Properties") incorporated herein by this reference, which Properties appear suitable for the District's use for school purposes; and

WHEREAS, the District's Superintendent, Dr. Jane Hammond, and the various sellers have executed purchase and sale agreements for each of the Properties (the "Agreements"), for the Board's approval, which provide for the District to purchase the Properties for the consideration and subject to and in accordance with the terms of the Agreements (which terms include allowing the sellers to occupy the Properties rent free for up to three (3) years after closing);

WHEREAS, the Board desires to acquire the Properties, but only if the District is completely satisfied with the results of a Level I Environmental Assessment and a complete feasibility study of the Properties, the District will acquire adequate title to the Properties, and the Properties, after investigation, are otherwise suitable for the District's use.

NOW, THEREFORE, BE IT RESOLVED that the actions of the District's Superintendent in negotiating and executing the Agreements are hereby ratified, affirmed and approved;

AND FURTHER RESOLVED that the District should acquire each of the Properties for the respective purchase prices stated in the Agreements, subject to and in accordance with the terms of the Agreements, provided that the following conditions, at a minimum, are satisfied:

(a) the District's title to each of the Properties shall be free and clear of all liens and encumbrances except those which are not, in the District's determination in its sole discretion, inconsistent with the District's intended use of the Properties, and shall be insurable to meet such standard;

(b) the District shall conduct a Level I Environmental Assessment and a complete feasibility study of the Properties and be completely satisfied with the results of both; and

(c) the "Sellers" as defined in the Agreements shall comply with the Agreements;

AND FURTHER RESOLVED that the District's Superintendent, Dr. Jane Hammond (or her authorized designee), be, and she hereby is, authorized and directed to purchase the Properties subject to and in accordance with the terms of this resolution on behalf of the District and take such other and further actions as may be necessary or appropriate to accomplish the purchases.

ADOPTED this 24th day of April, 1995.

EVERETT SCHOOL DISTRICT NO. 2
a municipal corporation in the State of
Washington by

By Sue M. Cooper
Sue Cooper, President

By Paul Baldwin
Paul Baldwin, Vice-President

By _____
Roy Yates, Member

By Shirley Vandermeer
Shirley Vandermeer, Member

By Mark Nesse
Mark Nesse, Member

ATTEST:

By Jane Hammond
Dr. Jane Hammond
Secretary for the Board

EXHIBIT A

Legal Description for Kenneth W. Crow Property

The east 100 feet of the west 444 feet of the north 190 feet of Tract 1, PLAT OF TWIN VALLEY GARDEN TRACTS, according to the plat thereof recorded in Volume 10 of Plats, page 21, in Snohomish County, Washington;

(Also known as being a portion of Lot 1 of Short Plat 212(6-80) as recorded under Recording Number 8111130195.)

EXHIBIT B

Legal Description for Wolfgang Keller Property

PARCEL A

The north 100 feet of Tract 2 as measured parallel with the north line, PLAT OF TWIN VALLEY GARDEN TRACTS, according to the plat thereof recorded in Volume 10 of Plats, page 21, in Snohomish County, Washington;

EXCEPT that portion thereof acquired by the State of Washington pursuant to Decree of Appropriation filed in Snohomish County Superior Court Cause Number 92-2-03982-4.

PARCEL B

Tract 3, PLAT OF TWIN VALLEY GARDEN TRACTS, according to the plat thereof recorded in Volume 10 of Plats, page 21, in Snohomish County, Washington;

EXCEPT that portion thereof acquired by the State of Washington pursuant to Decree of Appropriation filed in Snohomish County Superior Court Cause Number 92-2-03982-4.

EXHIBIT C

Legal Description for Lawrence and Cynthia L. Thomas Property

PARCEL A:

All that portion of Tract 1, PLAT OF TWIN VALLEY GARDEN TRACTS, according to the plat thereof recorded in Volume 10 of Plats, page 21, in Snohomish County, Washington, described as follows;

Beginning at the northwest corner of said Tract 1;
thence southerly on the west line of said Tract 1 for 190 feet;
thence east parallel to the north line of said Tract 1 for 344 feet;
thence northerly parallel to the west line for 190 feet to the north line of said Tract 1;
thence west on the north line of said Tract 1 for 344 feet to point of beginning;
EXCEPT that portion thereof acquired by the State of Washington pursuant to Decree of Appropriation filed in Snohomish County Superior Court Cause Number 92-2-04008-3.

PARCEL B:

Tract 2, Plat of Twin Valley Garden Tracts, according to the plat thereof recorded in Volume 10 of Plats, page 21, in Snohomish County, Washington;
EXCEPT the following described tracts:

The north 100 feet of said Tract 2 measured parallel with the north line;
AND EXCEPT Beginning at the southwest corner of said Tract 2;
thence northerly along the county road, a distance of 260 feet;
thence easterly parallel with the southerly line of said tract, a distance of 190 feet;
thence southerly, on a line parallel with the County Road, a distance of 260 feet;
thence westerly along the southerly line of said tract, a distance of 190 feet to the true point of beginning;
EXCEPT that portion thereof acquired by the State of Washington pursuant to Decree of Appropriation filed in Snohomish County Superior Court Cause Number 92-2-04008-3.

EXHIBIT D

Legal Description for Dorothy E. Zimmer Property

That portion of Tract 2, PLAT OF TWIN VALLEY GARDEN TRACTS, according to the plat thereof recorded in Volume 10 of Plats, page 21, in Snohomish County, Washington, described as follows;

Beginning at the southwest corner of said tract, which is the true point of beginning;
thence northerly along the county road a distance of 260 feet;
thence easterly parallel with the southerly line of said tract a distance of 190 feet;
thence southerly on a line parallel with county road a distance of 260 feet;
thence westerly along the southerly line of said tract a distance of 190 feet to the true point of beginning;
EXCEPT that portion thereof conveyed to the State of Washington by Warranty Deed recorded under Recording Number 9208110803.