

**RESOLUTION NO #05-004
SADDLE CREEK COMMUNITY SERVICES DISTRICT
A RESOLUTION OF THE BOARD OF DIRECTORS OF
SADDLE CREEK COMMUNITY SERVICES DISTRICT
ABANDONING A PORTION OF AN EASEMENT FOR
OPEN SPACE-WILDLIFE HABITAT WITHIN LOT 31,
SADDLE CREEK UNIT 1**

RECITALS

WHEREAS, Will and Denise Butler are the owners of Lot 31 within Saddle Creek Unit 1 (hereinafter "Owner"); and

WHEREAS, the Saddle Creek Community Services District was formed to maintain certain facilities and provide certain services to residents of Saddle Creek (hereinafter "District"); and

WHEREAS, the Saddle Creek Project has previously transferred certain easements for open space-wildlife habitat purposes to the District by separate instrument, recorded on November 22, 1995 as Document Number 1995 14956 in the Official Book of Records of Calaveras County; and subsequently the District abandoned a portion of said easement lying within said Lot 31 by quit claim, recorded August 20, 1997, as Document No 1997 10052 of the Official Records of Calaveras County; and

WHEREAS, the Owner has requested and the District concurs, that the remainder of said easement, located within Lot 31 of Saddle Creek Unit 1 and more particularly described and delineated in attached Exhibits "A" and "B", is no longer necessary and has never served the purpose for which it was created; and

WHEREAS, the District finds that it is in the public interest to terminate the remaining easement interest within Lot 31 in favor of its use for the benefit of the owner of said lot; and


WHEREAS, the Board of Directors finds:

- 1. The foregoing recitals are true and correct,**
- 2. The purpose for which this certain easement was created no longer serves the public interest, and that the easement area described and delineated in Exhibits "A" and "B" attached hereto, was never used for open space-wildlife habitat purpose or for any other public purpose, and**
- 3. There is no foreseeable public interest served by retaining the easement interest.**

NOW THEREFORE BE IT RESOLVED, that the easement area located within Lot 31 of Saddle Creek Unit 1 and more particularly described and delineated in attached Exhibits "A" and "B" is hereby abandoned and that the Board of Directors hereby authorizes the Board Vice-President to execute the Quitclaim Documents attached hereto.

THE FORGOING RESOLUTION was introduced at a regular meeting of the Saddle Creek Community Services District held on June 12, 2005, by Board Member Kenyon, who moved its adoption, which was duly seconded by Board Member Cherniss and the Resolution was adopted by the following vote:

AYES Directors Cherniss, Jette, Kenyon, Robinson
NOES 0
ABSTAIN Director Merrill
ABSENT 0



Vice President, Charlie Robinson



CSD Clerk, Sue Russ

-SEAL-



RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

Name **Will H. Butler & Denise S. Butler**
Street Address **761 Vinci Way**

City, State, Zip **Livermore, CA 94550**

Order No

Parcel No. 055-061-015

SPACE ABOVE THIS LINE FOR RECORDER'S USE

QUITCLAIM of EASEMENT

THE UNDERSIGNED GRANTOR(s) DECLARE(s)

Documentary Transfer Tax is \$None

- computed on full value of interest or property conveyed, or
- full value less value of liens or encumbrances remaining at the time of sale
- Unincorporated area, and

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

Saddle Creek Community Services District

hereby Remises, Releases and forever Quitclaims to

Will H. Butler and Denise S. Butler, husband and wife, as Joint Tenants

That portion of the Non-Exclusive Easement for Open space – Wildlife Habitat, as shown on the Map of Saddle Creek Unit 1, Tract 94-545, filed in the Office of the Recorder of the County of Calaveras, State of California on November 30, 1995 in Book 7 of Subdivisions, Page 22, for preservation management and maintenance, including weed abatement and wildfire fuel control, lying within Lot 31 as described in Exhibit "A" attached hereto and made a part hereof.

Dated: July 18, 2005

Saddle Creek Community Services District,

By: Charles M. Robinson
CHARLES M. ROBINSON

Its: VICE-PRESIDENT

By: _____

MAIL TAX STATEMENTS TO PARTY SHOWN ON THE FOLLOWING LINE; IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE

Name

Street Address

City & State

Grantor



444 East Saint Charles Street

Mail: Post Office Box 807, San Andreas, CA 95249-0807

Phone: (209) 754-3826 • Fax: (209) 754-5497 • Email: sadocs@thesterlingtitle.com

NON-CONDITIONAL INSTRUCTIONS

TO: **The Sterling Title Company**

Gentlemen:

Order No.: **Accommodation 2005-07/05**

Deposited herewith are the following:

- Documents identified as follows:
- Quitclaim of Easement from Saddle Creek Community Services District
to Will H. Butler and Denise S. Butler, husband and wife as Joint Tenants

Said monies, documents and/or other items deposited herewith are to be used as follows:

- Delivered *non-conditionally* and recorded solely as an *accommodation* without demand to the maker and without any liability whatsoever to The Sterling Title Company, a California Corporation, including but not limited to any disbursements, delivery, recordation, and sufficiency of the documents, the condition of title and/or the priority of any liens and conveyances.
The undersigned hereby agree to save and hold The Sterling Title Company harmless against any and all loss or damage, including attorneys' fees and costs, it may sustain as a result of the referenced items being processed as an accommodation without the protections that may have otherwise been available had the undersigned chosen to utilize the full services of the escrow holder and provider of title services.
You are hereby authorized to immediately disburse that portion of the funds deposited herewith to cover any costs you incur for recording, document preparation, transfer tax, special handling charges and/or other services related to the items referenced herein.

The undersigned have been advised of the benefits afforded by being named an insured in a CLTA Standard Coverage Policy of Title Insurance, but nevertheless do not desire to purchase a policy insuring title to the property described in the documents referenced herein. Said parties declare that they are satisfied with their own investigation of any title-related issues and that no representations, written or oral, have been made by The Sterling Title Company as to the condition of title or the effect of any documents delivered herewith or referenced herein, which matters would have been addressed in the course of issuing the policy of title insurance that is being declined.

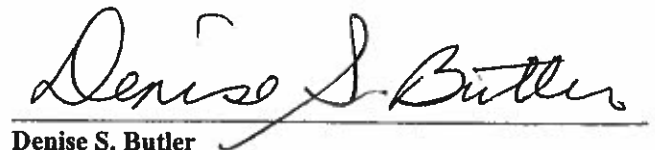
In those instances where a policy of title insurance will not be issued. California Civil Code Section 1057.6 requires that the

connection with the close of escrow since there may be prior recorded liens and encumbrances which affect your interest in the property being acquired. A new policy of title insurance should be obtained in order to ensure your interest in the property you are acquiring."

Date: **July 5, 2005**



Will H. Butler



Denise S. Butler

THE **STERLING**
TITLE COMPANY

444 East Saint Charles
Mail: P.O. Box 807, San Andreas, CA 95249

July 6, 2005

Will H. Butler
761 Vinci Way
Livermore, CA 94550

Re: Accommodation No.: 2005-07/05
Your Reference: Lot 31 Saddle Creek Unit 1
Quitclaim of Easement from Saddle Creek Community Services District

Dear Mr. Butler:

Enclosed you will find an original and copy of a Quitclaim of Easement for the Saddle Creek Community Services District to sign. Also, enclosed is an original and copy of Non-Conditional Instructions to be executed by you and your wife. When we are in receipt of the signed Quitclaim and signed Instructions, we will have the quitclaim recorded and forward a conformed copy. The fee to record the Quitclaim will be \$7.00 for the first page, plus \$3.00 for each additional page.

Very truly yours,



William R. Curnutt
Chief Title Officer

WC/com

w/enclosure



***** SALE *****
Mail Boxes Etc.
Making Business Easier. Worldwide.

Shift:0856 Drw:01 ID:404 Clerk:ADMIN
7/19/05 13:57:43

Center #2766
570 EL CAMINO REAL
150
REDWOOD CITY, CA 94063
Phone 650-367-8900

Qty	Description	Unit	Ext
1	Notary	10.00	10.00
	Sub Total:		10.00
	Total Sale:		10.00
	Cash:		20.00
	Change:		10.00

Get Personal Mailbox, Ask For Details
We Do Notary
The UPS Store
Lower rates Direct from UPS

Visit our Web Site at: WWW.MBE.COM

Notary Fee
Charlie Robinson

EXHIBIT A

**OPEN SPACE – WILDLIFE HABITAT EASEMENT ABANDONMENT AREA
LOT 31, SADDLE CREEK UNIT 1, TRACT 94-545**

All that portion (Easement Abandonment Area) of that certain “non-exclusive easement for open space – wildlife habitat, as described, for preservation, management and maintenance, including weed abatement and wild fire fuel control”, as the same was accepted on October 30, 1995, by the Saddle Creek Community Services District, pursuant to Resolution 95-02, filed for record on November 22, 1995, as Instrument No. 1995 14956, et seq., of Official Records of the Calaveras County Recorder, as modified by that certain portion which was abandoned by a quit claim deed to Cloudburst Partners, L/P., filed for record on August 20, 1997, in Instrument No. 1997 10052, et seq., Official Records of Calaveras County, the resultant of which is hereinafter referred to as Established Easement, lying over, under, upon, across and within Lot 31, as said Lot is shown and delineated on that certain Final Map entitled “Saddle Creek Unit 1, Tract No. 94-545”, filed for record on November 30, 1995, in Book 7 of Subdivisions, at Page 22, et seq., Document No. 1995 15335, in the Office of the Calaveras County Recorder, State of California, hereinafter referred to as Final Map, and being more particularly described as follows:

All of said remaining Established Easement within Lot 31 as follows:

Commencing at the most Northerly corner of said Lot 31, a point on the right-of way line of Flagstone Court, said corner monumented, as shown on said Final Map, by a 5/8-inch rebar, tagged LS 4626; thence, with bearings and distances based on said Final Map, along the Northwesterly boundary line of said Lot 31, South 66°50'00" West, 153.16 feet, to the most Westerly corner of said Lot 31 and the True Point of Beginning and most Northerly corner of the herein described area, said corner monumented by a similar tagged rebar; thence from said Point of Beginning, along said Northwesterly line, North 66°20'00 East, 33.16 feet, to the most Northerly corner of said Established Easement; thence, leaving said Northwesterly line, along the Northeasterly line of said Established Easement, South 36°44'13" East, 60.66 feet and South 53°31'16" East, 63.18 feet to a point on the Easterly boundary line of said Lot 31; thence, along said Easterly line, South 29°00'00" West, 19.22 feet, to the most Southerly corner of said Lot 31, shown as monumented by a similar tagged rebar; thence, along the Southwesterly boundary line of said Lot 31, North 50°20'00" West, 140.48 feet, to the Point of Beginning, containing 0.061 acre.

The hereinabove described Abandonment Area is shown on Exhibit B, attached hereto and made a part hereof.

End of Description

05-12-05

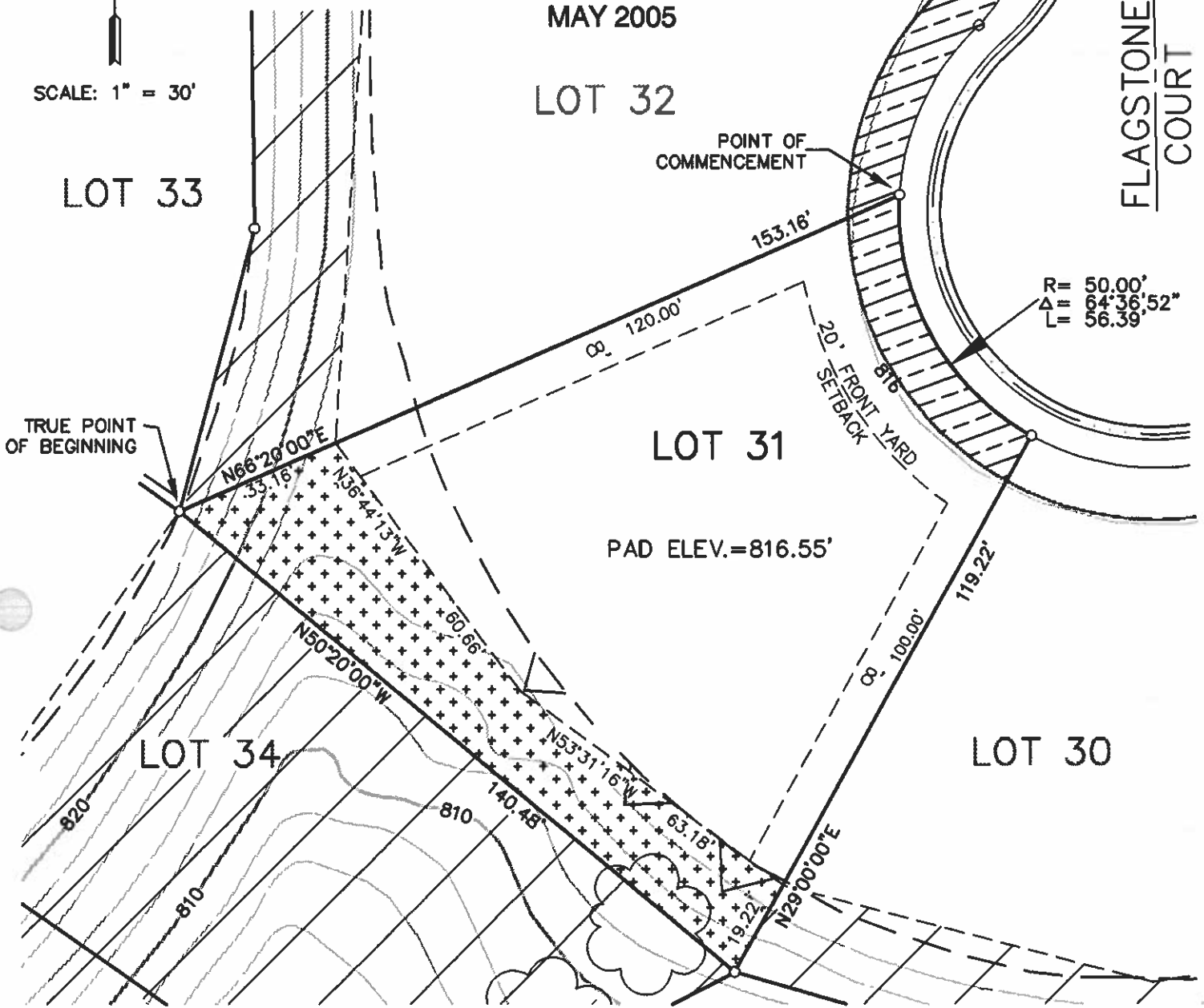
Sierra Engineering Associates



EXHIBIT 'B' EXHIBIT MAP

**OPEN SPACE - WILDLIFE HABITAT EASEMENT ABANDONMENT
LOT 31 SADDLE CREEK UNIT 1
BOOK 7 OF SUBDIVISIONS AT PAGE 22
MAY 2005**

N
SCALE: 1" = 30'



LEGEND

- 5/8" REBAR TAGGED LS 4626
- LOT LINE
- 10' WIDE UTILITY EASEMENT PER INSTRUMENT # 1996 9750
- OPEN SPACE - WILDLIFE HABITAT ABANDONMENT AREA: RE-ESTABLISHED AS A "VIEW CORRIDOR" CONTAINING 0.061 ACRE
- AREAS CONTAINING OPEN SPACE - "WILDLIFE HABITAT EASEMENTS"
- TOP OF SLOPE (Typ)
- TOE OF SLOPE (Typ)

**LOT 31
SADDLE CREEK UNIT NO. 1
TRACT NO. 94-545
CALAVERAS COUNTY, CA
A.P.N. 55-061-15
16 FLAGSTONE COURT**

COPYRIGHT 2005

05-05-01(EA)R31R1.DWG
(DISK 550)

May 25, 2005

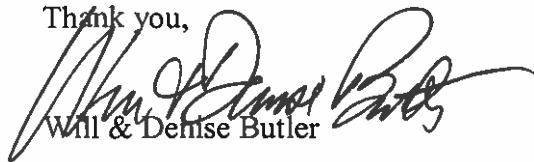
To: CSD Staff – Charles Martin

From: Will & Denise Butler

Re: 16 Flagstone Court, Copperopolis
Easement Abandonment Area – See enclosures

Please review all of the enclosed documents. We request that this issue be heard at the next CSD meeting. Dave Haley will attend on our behalf. If you have questions, please don't hesitate to call.

Thank you,



Will & Denise Butler

June 7, 2005

To: Saddle Creek CSD

From: Mr. and Mrs. Merrill

Re: Lot 31 – Butler residence

We have no objection for Saddle Creek CSD abandoning the Wildlife Habitat on portions of lot 31, Saddle Creek Unit 1. This will allow owner of the lot, Mr. & Mrs. Butler to landscape this area and maintain it. The landscaping must meet Saddle Creek CSD "View Corridor" requirements.

Sincerely,

A handwritten signature in cursive script that reads "Mr. & Mrs. Merrill".

Mr. and Mrs. Merrill

June 7, 2005

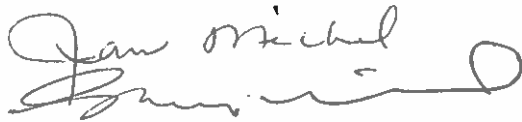
To: Saddle Creek CSD

From: Mr. and Mrs. Michel

Re: Lot 31 – Butler residence

We have no objection for Saddle Creek CSD abandoning the Wildlife Habitat on portions of lot 31, Saddle Creek Unit 1. This will allow owner of the lot, Mr. & Mrs. Butler to landscape this area and maintain it. The landscaping must meet Saddle Creek CSD "View Corridor" requirements.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jean Michel". The signature is written in dark ink and is positioned below the word "Sincerely,".

Mr. and Mrs. Michel

June 7, 2005

To: Saddle Creek CSD

From: Mr. & Mrs. Caracalas

Re: Lot 31 – Butler residence

We have no objection for Saddle Creek CSD abandoning the Wildlife Habitat on portions of lot 31, Saddle Creek Unit 1. This will allow owner of the lot, Mr. & Mrs. Butler to landscape this area and maintain it. The landscaping must meet Saddle Creek CSD "View Corridor" requirements.

Sincerely,

Mrs. Caracalas 6/21/05
Marlene J. Caracalas 6/21/05
Mr. & Mrs. Caracalas

Castle & Cooke

CALAVERAS, INC.

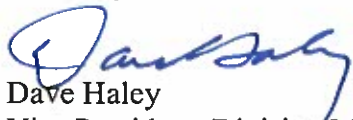
June 7, 2005

Saddle Creek Community Services District
1000 Saddle Creek Drive
Copperopolis, CA 95228

Re: Lot 31 – Butler residence

Castle & Cooke Saddle Creek, Inc. is agreeable to abandoning the Wildlife Habitat on portions of lot 31, Saddle Creek Unit 1 in accordance with the revised Wildlife Habitat area map prepared by Sierra Engineers, which is an exhibit to the CSD consent agreement. This will allow the owner of the lot, Mr. & Mrs. Butler to landscape this area and maintain it. The landscaping must meet Saddle Creek CSD "View Corridor" requirements.

Sincerely,



Dave Haley
Vice President, Division Manager

SIERRA ENGINEERING ASSOCIATES, LTD.

ENGINEERING – SURVEYING - PLANNING

130 East St. Charles P. O. Box 279
San Andreas, CA 95249
Bus. (209) 754-4237
Fax (209) 754-1283

TRANSMITTAL

TO: Will Butler
761 Vinci Way
Livermore, CA 94550

DATE: May 17, 2005
JOB NO: 05-05-01
RE: Lot 31 Saddle Creek Unit 1
Habitat Abandonment

ATTENTION: _____

WE ARE

SENDING YOU: HEREWITH

UNDER SEPARATE COVER VIA: _____

THE

FOLLOWING: ORIGINAL

RECORD OF SURVEY No. _____

SPECIFICATIONS

PRINTS

PARCEL MAP No. _____

COMPUTATIONS

REPRODUCIBLES

TRACT MAP No. _____

DESCRIPTIONS

LETTER

SITE MAP

IMPROVEMENT PLANS

OTHER: _____

QTY.	DATE	REF. NO.	DESCRIPTION
1	05-05		Exhibit A Legal Description
1	May 05		Map Exhibit 'B'
1			CSD Abandonment Resolution
1			Sample Quit Claim Deed cover
1			Copy of Exhibit Ok'd by Dave Haley

FOR: YOUR APPROVAL

FOLLOW UP

SUBMITTAL

CHECKING

YOUR INFORMATION

REVISION

SIGNATURE

YOUR FILES

RECORDING

OTHER: Processing

REMARKS: Dave Haley has Ok'd the Exhibit.

The listed documents, along with a Quit Claim deed cover (per sample), may possibly need to be signed off by your neighbors again and then processed through Charlie Martin at the CSD. If you wish, you may contact Bill Curnutt, at Sterling Title in San San Andreas (209) 754-3826, to prepare the Quit Claim deed cover.

Call me if you have any questions.

COPY TO: _____ BY: Ken Purcell





Saddle Creek Community Services District, 1000 Saddle Creek Drive, Copperopolis, CA 95228

Board of Directors: President Dennis Merrill, V/P Charlie Robinson, Director/Treasurer Lou Cherniss
Director/Secretary Bob Kenyon, Director Chris Jette

June 3, 2005

Mr. & Mrs. Will Butler
761 Vinci Way
Livermore, CA 94550

Re: Request for Abandonment of Wildlife Habitat/16 Flagstone Court, Copperopolis, CA

Dear Mr. & Mrs. Butler,

The District is in receipt of your request for Saddle Creek CSD Abandonment of Wildlife Habitat on portions of Lot # 31, Saddle Creek Unit 1.

In order that we may finalize processing your request for the June 12, 2005, CSD Board of Directors Meeting, the following items are required:

- 1) Letters of support/concurrence from affected parties (Mr. & Mrs. Caracalas, Mr. & Mrs. Michel, Mr. & Mrs. Merrill and Castle & Cooke), and
- 2) \$250 processing fee made payable to "Saddle Creek Community Services District".

Enclosed is a copy of the District's Habitat Abandonment Policy. Please do not hesitate to contact me if you have questions on this matter.

Sincerely,

Charlie Martin, GM *pub.*
Saddle Creek CSD

Home Phone: (209) 295-3414
Email: modonrnc@volcano.net

WILLIAM H. BUTLER
DENISE SERRANO BUTLER
761 VINCI WAY 925-371-8383
LIVERMORE, CA 94550-7175

90-7162/3222
8611356185

8893

DATE

6/8/05

Received check
6/14/05
pme

THE
OF

Saddle Creek CSD.
Two Hundred Fifty & 00/100

\$ 250.00

DOLLARS



Security Features
Details on Back

Copperopolis, CA 95228

Director/Treasurer Lou Cherniss

?

Washington Mutual

Washington Mutual Bank, FA
Fremont Financial Center 1125
39395 Paseo Padre Parkway
Fremont, CA 94538

1-800-788-7000
24 hour Customer Service

PLATINUM CUSTOMER

Will Butler

IEMO

Processing Fee Lot 31

⑆322271627⑆ 8611356185⑈ 8893

Mr. & Mrs. Will Butler
761 Vinci Way
Livermore, CA 94550

Re: Request for Abandonment of Wildlife Habitat/16 Flagstone Court, Copperopolis, CA

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Sincerely,

Charlie Martin

Charlie Martin, GM
Saddle Creek CSD

Home Phone: (209) 295-3414
Email: modonrnc@volcano.net