



CALIFORNIA
DEPARTMENT OF
EDUCATION

TOM TORLAKSON
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

August 22, 2017

Governing Board
Morgan Hill Unified
15600 Concord Cir.
Morgan Hill, CA 95037

Project Tracking No: 69583-89
Re: Borello Elementary School
Peet Road and Mission Avenida
Morgan Hill, CA
County: Santa Clara
Acres: 9
Grade Level: K - 5

Dear Governing Board: .

Subject: Contingent Site Approval

The California Department of Education is providing contingent approval of the parcel of property described on the attachment. This contingent site approval is provided pursuant to Education Code Section 17072.13(c)(1)(A) and (B) and 17213.1(a)(10)(c) for sites which the Department of Toxic Substances Control has determined that further investigation and/or response actions are required prior to acquisition or new construction and/or pursuant to State Allocation Board Regulation 1859.81.1 for districts determined by the Office of Public School Construction to meet the criteria of financial hardship specified in State Allocation Board Regulation 1859.81.

This site meets the California Department of Education's standards for safety and educational adequacy (California Code of Regulations, Title 5, Section 14001 et seq. and Education Code 17251 (a) and (b)). Please note the local governing board's responsibilities under Education Code Section 17212 and Public Resource Code Section 21151.2. Completion of the appropriate California Environmental Quality Act (CEQA) actions and all Department of Toxic Substances Control (DTSC) approvals under Education Code 17213.1 and/or 17213.2, is also required prior to acquisition of the site and/or implementation of any response actions as determined necessary by DTSC.

The California Department of Education, pursuant to Education Code Section 17072.13(e) and State Allocation Board Regulation 1859.81, related to financial hardship funding, and/or Education Code 17072.13(c)(1)(B) and State Allocation Board regulation 1859.75.1, related to environmental hardship funding, also determines that based on the information provided by the district, the site proposed for acquisition/use is the "best available alternative site."

This property is 7.37 usable acres. This represents 77.58% of the California Department of Education's recommended master plan site size of 9.5 acres as contained in the California Department of Education's Guide to "Guide to School Site Analysis and Development (2000)."

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As required by Education Code 17072.12(b) and State Allocation Board Regulation 1859.75(b) for districts requesting state aid in site acquisition, the district has certified to the California Department of Education that there are no district-owned sites that are usable for this project.

The site has two powerlines of 115 kV rating within 100 feet of the property.

The district is requesting a limited use exemption for the powerline running along Peet Road. The second powerline is located east of the site. The district will ensure the adequate setback by fencing off portions of the school resulting in a reduction of net acreage.

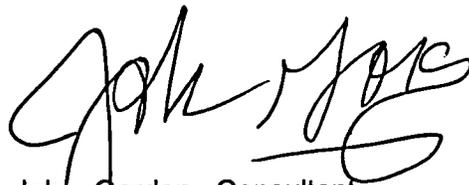
This contingent site approval is valid for a maximum of one (1) year from the date of this contingent approval letter. This contingent site approval may be renewed for an additional one (1) year extension period based upon demonstration of satisfactory progress toward acquisition of the site and/or initiation of the response action. However, if prior to acquisition and/or initiation of the response action changes take place within this one year period which would affect or alter the Department of Education's original contingent approval---including but not limited to changes in surrounding land uses or CEQA determination, the master plan capacity of the site and changes in code and/or regulation---the site may be subject to reevaluation using current standards in effect at the time of reevaluation.

Please contact the undersigned if you have questions regarding this letter.

Sincerely,



Fred A. Yeager, Assistant Director
School Facilities and Transportation Services
Division



John Gordon, Consultant
School Facilities and Transportation Services
Division
(916)323-0575

DP8642/S5457
cc: OPSC Real Estate

EXHIBIT "A"

LEGAL DESCRIPTION

All that real property situated in the County of Santa Clara, State of California and being all of Parcel 'E', Parcel 'F' and a portion of Parcel 'G' as shown upon that certain Final Map, Tract No. 10094 (Alicante Phase 4), filed for record on December 16, 2011, in Book 849 of Maps, pages 32-34, at the Office of Recorder of Santa Clara County, and being more particularly described as follows:

BEGINNING at the southernmost corner of said Parcel 'G', lying in the north line of Peet Road, a public street (61.5' northerly half); thence along the said north line of said street N.64°13'58"W., a distance of 984.97 feet; thence leaving said street and following (3) courses along the easterly line of Open Space 'O.S. 1' as shown upon certain Final Map, Tract No. 9578 (Alicante Phase 1), recorded on September 09, 2004, in Book 774 of Maps, pages 49-52, at the said County:

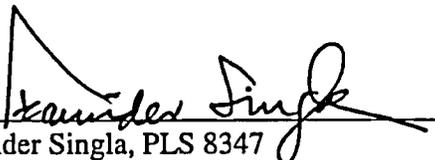
- 1) N.25°46'02"E., a distance of 15.00 feet;
- 2) thence N.19°13'58"W., a distance of 21.21 feet;
- 3) thence N.64°13'58"W., a distance of 25.00 feet to the south line of Mission Avenida, a public street (48 feet wide); thence along the said street following (4) courses:
 - 1) N.25°46'02"E., a distance of 16.98 feet to a point of curve to the right having a radius of 218.00 feet and a central angle of 29°11'23";
 - 2) thence northeasterly along said arc a distance of 111.06 feet;
 - 3) thence N.54°57'28"E., a distance of 168.30 feet to a point of curve to the left having a radius of 924.00 feet and a central angle of 08°26'22";
 - 4) thence northeasterly along said arc a distance of 136.10 feet to the northernmost corner of said Parcel 'E' lying in the said street; thence leaving said street following (7) courses:
 - 1) S.54°12'35"E., a distance of 15.34 feet to a point of curve to the left having a radius of 572.00 feet and a central angle of 24°27'12";
 - 2) thence southeasterly along said arc a distance of 244.12 feet;
 - 3) thence S.78°39'47"E., a distance of 75.00 feet to a point of curve to the right having a radius of 178.00 feet and a central angle of 12°22'45";
 - 4) thence easterly along said arc a distance of 38.46 feet;
 - 5) thence S.66°17'03"E., a distance of 60.70 feet;
 - 6) thence S.32°56'45"E., a distance of 106.30 feet;
 - 7) thence S.74°20'19"E., a distance of 264.29 feet to the east line of said Parcel 'G';

thence S.15°50'55"W. along said east line, a distance of 454.47 feet to the POINT OF BEGINNING, containing 392,308 square feet or 9.006 acres, more or less.

END OF DESCRIPTION.

See Exhibit 'B' attached hereto and made a part hereof.

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.


Harinder Singla, PLS 8347
Expires: 12/31/2017

7-01-16
Date

Prepared by the firm of MH engineering Company, Morgan Hill, CA

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LEGEND

P.O.B POINT OF BEGINNING
 S.F. SQUARE FEET
 (r) RADIAL BEARING

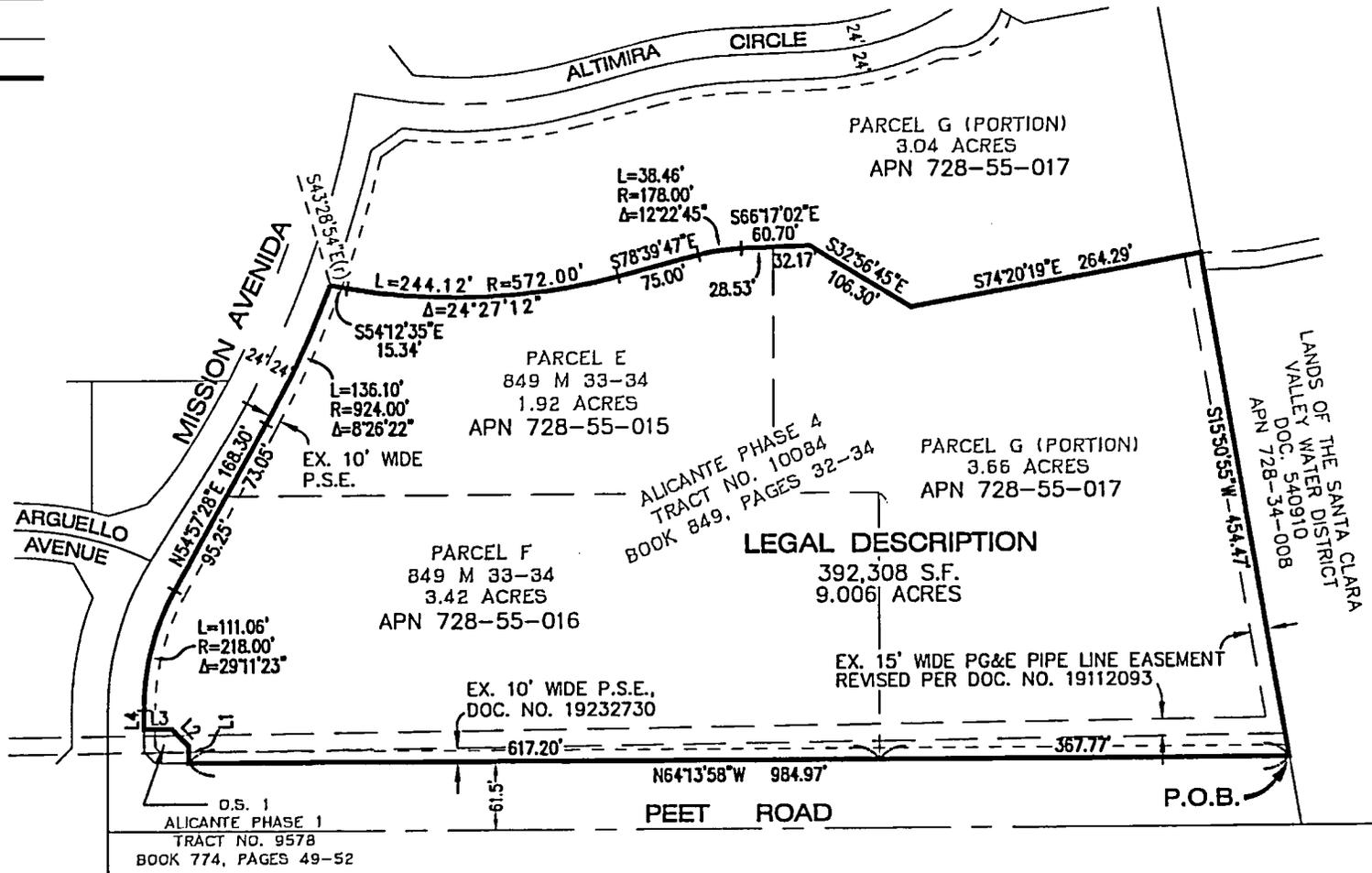
CENTERLINE

UNDERLYING PARCEL LINE

PARCEL BOUNDARY

LINE	LENGTH	BEARING
L1	15.00'	N25°46'02"E
L2	21.21'	N19°13'58"W
L3	25.00'	N64°13'58"W
L4	16.98'	N25°46'02"E

SCALE 1" = 150'



7-01-16

EXHIBIT "B"
 PLAT TO ACCOMPANY A LEGAL DESCRIPTION
 FOR A PROPERTY IN THE CITY OF MORGAN HILL
 SANTA CLARA COUNTY, CALIFORNIA

MH engineering Co.
 16075 Vineyard Boulevard
 Morgan Hill, CA 95037

DRAWN BY: MM	JOB # 212017.1
JULY 01, 2016	SHEET 1 OF

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