

IRVINE UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 16-17-33

**RESOLUTION OF THE BOARD OF EDUCATION OF
THE IRVINE UNIFIED SCHOOL DISTRICT
AUTHORIZING DEDICATION OF AN EASEMENT AND RIGHT-OF-WAY TO
IRVINE RANCH WATER DISTRICT**

WHEREAS, the Irvine Ranch Water District (“IRWD”) has requested that the Irvine Unified School District (“District”) dedicate an easement and right-of-way to the IRWD located upon a portion of the District’s property at Portola High School. The purpose of the easement and right-of-way is for maintenance and operation of a water and sewer pipeline. A legal description and a map depicting the location of the detector check easement and right-of-way is attached hereto as Exhibits “A”, “A-1” and “A-2” and “B”, “B-1” and “B-2” and incorporated herein; and

WHEREAS, the District desires to provide a non-exclusive easement and right-of-way to IRWD with regard to a water and sewer pipeline for the right to construct, re-construct, remove and replace, renew and inspect, maintain, repair, improve and otherwise use the property described in Exhibit “A”, “A-1” and “A-2” and shown in Exhibit “B”, “B-1” and “B-2” for these purposes; and

WHEREAS, the District and surrounding community will benefit from the dedication of the easement and right-of-way to the IRWD by allowing the IRWD to operate and maintain the water and sewer pipeline to the Portola High School site. A legal description and a map depicting the location of the easement are attached hereto as Exhibits “A”, “A-1” and “A-2” and “B”, “B-1” and “B-2” and incorporated herein; and

WHEREAS, pursuant to Education Section 17557, on December 13, 2016, the District’s governing Board, in a regular open meeting, by a two-thirds vote of all its members adopted Resolution No. 16-17-31 (the “Resolution”) declaring its intention to dedicate the easements and right-of-way to the IRWD; and

WHEREAS, in accordance with Education Code Section 17557, the District’s governing Board fixed January 17, 2017, for a public hearing (“Public Hearing”) upon the question of making the dedication of the easement and right-of-way to Irvine Ranch Water District; and

WHEREAS, pursuant to Education Code Section 17558, the District posted copies of the Resolution in three public places in the School District not less than ten (10) days before the Public Hearing, and published notice once, not less than five days before the Public Hearing, in a local newspaper; and

WHEREAS, pursuant to Education Code Section 17558, on January 17, 2017, at a regular meeting of the District’s governing Board, the District held a Public Hearing upon the question about making the dedication of the easement and right-of-way to IRWD; and

WHEREAS, no petition pursuant to Education Code Section 17560 has been filed with the School District’s governing board; and

WHEREAS, the District and IRWD have negotiated the agreement for the access easement and right-of-way, attached hereto as the "Grant of Easement";

NOW, THEREFORE, THE BOARD DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That the above recitals are all true and correct.

Section 2. That the Easement Agreements are hereby approved subject to any minor revisions agreed to by District's legal counsel and the District's Superintendent or his designee.

Section 3. That upon the IRWD's execution of the Grant of Easement and of any other documentation necessary to effectuate the property transaction contemplated by this Resolution, the Board hereby authorizes and directs the Superintendent, or his designee to execute the Grant of Easement and to take whatever action is necessary to complete the dedication of the easement and right-of-way to the IRWD, pursuant to the terms and conditions of said Grant of Easement.

Section 4. That the Board of the District hereby determines that the District is in compliance with all relevant Sections of the Education Code and all other applicable laws.

ADOPTED, SIGNED AND APPROVED by the Board of Education of the Irvine Unified School District this _____ day of _____, 2017.

AYES:

NOES:

ABSTAIN:

ABSENT:

President of the Board of Education
Irvine Unified School District

STATE OF CALIFORNIA)

) ss.

COUNTY OF ORANGE)

I, _____, Clerk of the Board of Education of the Irvine Unified School District of Orange County, California, hereby certify that the above and foregoing Resolution was duly and regularly adopted by the said Board at a regular meeting thereof held on the _____ day of _____, 2017, and passed by a _____ vote of said Board.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this _____ day of _____, 2017.

Clerk of the Board of Education
Irvine Unified School District