BOARD OF TRUSTEES
OF THE SYLVAN UNION SCHOOL DISTRICT

RESOLUTION NO. 2018/2019 - #6

RESOLUTION OF INTENT TO CONVEY AN EASEMENT
TO THE MODESTO IRRIGATION DISTRICT

WHEREAS, Section 17556 et seq. of the California Education Code authorizes the Sylvan Union School District ("**District**"), by two-thirds (2/3) vote of its governing board ("**Board**"), to dedicate or convey to the State, or any political subdivision or municipal corporation thereof, an easement or any real property belonging to District, either with or without consideration and without a vote of the electors of the District first being taken.

WHEREAS, the District owns one parcel of land in the City of Modesto, comprising the Elizabeth Ustach Middle School campus, located on approximately 15.51 acres at 2701 Kodiak Drive, Modesto, California, 95355 ("**Ustach School Property**").

WHEREAS, District now desires to grant a thirty (30) foot easement and right-of-way over, under, and across approximately two hundred (200) feet of the northern portion of the western property line of the Ustach School Property to the Modesto Irrigation District ("**MID**") for purposes of constructing, operating, inspecting, maintaining, replacing, and relocating irrigation facilities and appurtenances, along with temporary construction access for reasonable staging and access thereto (collectively "**Irrigation Facilities Easement**").

WHEREAS, the District desires to give notice of its intent to convey the Irrigation Facilities Easement to MID, and to call a public hearing in connection therewith.

NOW, THEREFORE, the Board of Trustees of the Sylvan Union School District does hereby resolve as follows:

Section 1.   Recitals. The foregoing recitals are true and correct.

Section 2.   Intent to Convey an Easement. The District declares its intent to convey the Irrigation Facilities Easement to MID for the purposes of constructing, operating, inspecting, maintaining, replacing, and relocating irrigation facilities and appurtenances, along with temporary construction access for reasonable staging and access thereto.

Section 3.   Public Hearing and Future Grant of Irrigation Facilities Easement. The Superintendent or designee is hereby directed to give notice that, on **Tuesday, October 9, 2018, at 7:00 p.m.**, or as soon thereafter as practicable, in the **Sylvan Union School District Boardroom**, located at **605 Sylvan Avenue in Modesto**, the Board will hold a public hearing on the question of whether to convey the Irrigation Facilities Easement to MID. The public hearing shall be held during the regularly scheduled public meeting of the Board. Notice of the public hearing shall be given by posting copies of this Resolution, signed by the Board members or a majority thereof, in three (3) public places within the District, at least ten (10) days prior to the hearing, and by publishing the notice once in a newspaper of general circulation in the District, at least five (5) days prior to the hearing. At the time and place of the hearing, if no legal protest is entered, the Board may adopt a resolution by a two-thirds (2/3) vote of all of its members authorizing and directing the conveyance of the Irrigation Facilities Easement to MID, and authorizing the execution and delivery of a deed of conveyance. Thereafter, upon the delivery and acceptance of an approved deed, the conveyance shall be effective.

THE FOREGOING RESOLUTION was introduced at a Regular Meeting of the **SYLVAN UNION SCHOOL DISTRICT'S** Board of Trustees held on the a 11th day of September, 2018, by Board Member_____, who made the motion, which motion being duly seconded by Board Member_____, was, upon roll call, carried into Resolution and passed by at least two-thirds of its Members, as indicated by signatures shown below:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

_____   _____
Cyndi Lindsey, President, Board of Trustees   David Collins, Vice President, Board of Trustees

_____   _____
Christine Harvey, Member, Board of Trustees   Jennifer Miyakawa, Member, Board of Trustees

_____
George Rawe, Member, Board of Trustees