

IRVINE UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 14-15-46

**APPROVING PURCHASE AGREEMENT AND FINAL
ACCEPTANCE OF REAL PROPERTY FOR THE
PROPOSED PLANNING AREA (PA) 5B
ELEMENTARY SCHOOL**

WHEREAS, the Irvine Unified School District (the “District”) desires to acquire a site of 10 acres located in an area bordered by Rotunda to the west, Meander to the south, a paseo to the east, and a public neighborhood park to the north in the City of Irvine, County of Orange (the “Property”) as more particularly described in Exhibit “A”, for use in constructing the District’s proposed PA 5B Elementary School (the “Project”);

WHEREAS, the Property is owned by Irvine Community Development Company, LLC (“Seller”);

WHEREAS, the District and Seller have negotiated a Purchase and Sale Agreement (the “Agreement”) which details the terms and conditions of the sale of Seller’s interest in the Property to the District, and which agreement is being presented to the Board herewith;

WHEREAS, on April 14 2015, the District adopted an Initial Study and Mitigated Negative Declaration (“IS/MND”) for the Project in compliance with the California Environmental Quality Act (“CEQA”), Public Resources Code section 21000 *et seq.*);

WHEREAS, pursuant to Education Code section 17213.1, the District contracted with a qualified environmental assessor to prepare a Preliminary Environmental Assessment (“PEA”) for the Project;

WHEREAS, the PEA concluded that no further investigation of the Project site is required;

WHEREAS, the District submitted the PEA to the Department of Toxic Substances Control (“DTSC”) and the California Department of Education for review and approval;

WHEREAS, after reviewing the PEA, DTSC notified the District that it concurs with the conclusion of the PEA and that no further action is required with respect to evaluation or remediation of the Property;

WHEREAS, after reviewing the site, the California Department of Education (“CDE”) has approved the Property as a school site;

WHEREAS, pursuant to Public Resources Code section 21151.8 and Education Code section 17213, the District has investigated the Project site and determined that the Project site is not the site of a current or former hazardous waste disposal site or solid waste disposal site, a

hazardous substance release site identified by the DTSC in a current list adopted pursuant to Section 25356 for removal or remedial action pursuant to Chapter 6.8 of Division 20 of the Health and Safety Code, a site that contains one or more pipelines, situated underground or above ground that carries hazardous substances, extremely hazardous materials, or hazardous wastes, or a site that is within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor as defined in Education Code section 17213(d)(9) and Public Resources Code section 21151.8(c)(9);

WHEREAS, pursuant to Public Resources Code section 21151.8 and Education Code section 17213, the District has given notice to and consulted with the administering agency and governing air quality management district (“Air Quality District”) requesting identification of facilities located within one-fourth of a mile of the Project site which might reasonably be anticipated to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste;

WHEREAS, such consultation and investigation have resulted in the conclusion that no facilities have been identified within one-fourth of a mile of the Project site which might reasonably be anticipated to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste;

WHEREAS, pursuant to Education Code section 17212, the District has caused a geological and soil engineering investigation report for the Property to be completed (“Geological Report”);

WHEREAS, on June 2, 2015, the governing board of the District (the “Board”) held a public hearing on the acquisition of the Property pursuant to Education Code section 17211 utilizing the site selection standards set forth in Sections 14001 and 14010 of Title 5 of the California Code of Regulations;

WHEREAS, pursuant to Government Code section 27281, deeds or grants conveying any interest in or easement upon real estate to a political corporation or governmental agency for public purposes cannot be accepted for recordation without the consent of the political corporation or governmental agency evidenced by its certificate or resolution of acceptance attached to or printed on the deed or grant;

NOW, THEREFORE, the Board hereby finds, determines, declares, orders and resolves as follows:

Section 1. That all of the recitals set forth above are true and correct, and the Board so finds and determines.

Section 2. That the Agreement and all exhibits thereto, in the form submitted to this meeting in all material effects, is hereby approved.

Section 3. That the acquisition of the Property meets the site selection standards set forth in Section 17211 of the Education Code and Sections 14001 and 14010 of Title 5 of the California Code of Regulations.

Section 4. That pursuant to Education Code section 17213.1, the District has properly prepared a Preliminary Environmental Assessment for the Property and has been notified by DTSC that no further action is required with respect to evaluation or remediation of the Property.

Section 5. That pursuant to Public Resources Code section 21151.8 and Education Code section 17213, the District has investigated the Project site and determined that the Project site is not the site of a current or former hazardous waste disposal site or solid waste disposal site, a hazardous substance release site identified by the DTSC in a current list adopted pursuant to Section 25356 for removal or remedial action pursuant to Chapter 6.8 of Division 20 of the Health and Safety Code, a site that contains one or more pipelines, situated underground or above ground that carries hazardous substances, extremely hazardous materials, or hazardous wastes, or a site that is within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor as defined in Education Code section 17213(d)(9) and Public Resources Code section 21151.8(c)(9).

Section 6. That pursuant to Public Resources Code section 21151.8 and Education Code section 17213, the District has given notice to and consulted with the administering agency and governing air quality management district requesting identification of facilities located within one-fourth of a mile of the Project site which might reasonably be anticipated to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste.

Section 7. That such consultation and investigation have resulted in the conclusion that no facilities have been identified within one-fourth of a mile of the Project site which might reasonably be anticipated to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste.

Section 8. That the District has complied with Public Resources Code section 21092.6.

Section 9. That the Geological Report concludes that there is not a trace of a geological fault along the surface which could reasonably be expected to occur within the life of any of the proposed school building upon the Property, nor are there any school buildings upon the Property which are proposed to be constructed within 50 feet of a trace of a geologic fault along which a surface rupture can reasonably be expected to occur within the life of such school buildings.

Section 10. That the District has made findings and taken all necessary action required pursuant to the California Environmental Quality Act ("CEQA") for the acquisition of the Property and implementation of the Project.

Section 11. That the District's Superintendent, or his designee, is directed, at the close of escrow for the Property, to accept and consent to the conveying of such applicable Property to the District pursuant to Section 27281 of the Government Code.

Section 12. That the District's Superintendent, or his designee, is hereby authorized and directed to execute the Agreement and all exhibits and documents related thereto, and to do

any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to consummate the purchase of the Property pursuant to the Agreement, and otherwise to carry out, give effect to and comply with the terms and intent of this Resolution, and that any and all such prior actions by the District's Superintendent, or his designee, is hereby ratified by the Board.

Section 13. That this Resolution shall be effective as of the date of its adoption.

APPROVED, PASSED AND ADOPTED by the Board of the Irvine Unified School District on the 2nd day of June, 2015, by the following vote:

AYES:

NOES:

ABSTENTIONS:

President of the Governing Board of the
Irvine Unified School District

Attested to:

Clerk of the Governing Board of the
Irvine Unified School District

EXHIBIT "A"

PROPERTY DESCRIPTION

Order Number: NHSC-4725421 (29)

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LEGAL DESCRIPTION

Real property in the City of Irvine, County of Orange, State of California, described as follows:
LOT 15 OF TRACT NO. 17523, IN THE CITY OF IRVINE, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 926, PAGES 1 THROUGH 18, INCLUSIVE OF MISCELLANEOUS RECORD MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM ALL WATER RIGHTS, INCLUDING RIGHTS CLASSIFIED AS OVERLYING, RIPARIAN, APPROPRIATIVE OR OTHER CLASSIFICATION, DERIVED FROM USAGE, EXTRACTION OR DIVERSION UPON OR OTHERWISE PERTAINING TO THE ABOVE LAND AS CONVEYED TO IRVINE RANCH WATER DISTRICT BY QUITCLAIM DEED RECORDED JUNE 21, 2006 AS INSTRUMENT NO. 2006000416403 OF OFFICIAL RECORDS.

ALSO EXCEPTING FROM A PORTION OF THE LAND, ANY AND ALL OIL, OIL RIGHTS, MINERALS, MINERAL RIGHTS, NATURAL GAS RIGHTS, AND OTHER HYDROCARBONS BY WHATSOEVER NAME KNOWN, GEOTHERMAL STEAM, ANY OTHER MATERIAL RESOURCES AND ALL PRODUCTS DERIVED FROM ANY OF THE FOREGOING, THAT MAY BE WITHIN OR UNDER THE PROPERTY, TOGETHER WITH THE PERPETUAL RIGHT OF DRILLING, MINING, EXPLORING AND OPERATING THEREFROM AND STORING IN AN REMOVING THE SAME FROM THE PROPERTY OR ANY OTHER PROPERTY, INCLUDING THE RIGHT TO WHIPSTOCK OR DIRECTIONALLY DRILL AND MINE FROM PROPERTIES OTHER THAN THOSE CONVEYED HEREBY, OIL OR GAS WELLS, TUNNELS AND SHAFTS INTO, THROUGH OR ACROSS THE SUBSURFACE OF THE PROPERTY, AND TO BOTTOM SUCH WHIPSTOCKED OR DIRECTIONALLY DRILLED WELLS, TUNNELS AND SHAFTS UNDER AND BENEATH OR BEYOND THE EXTERIOR LIMITS THEREOF, AND TO REDRILL, RETUNNEL, EQUIP, MAINTAIN, REPAIR, DEEPEN AND OPERATE ANY SUCH WELLS OR MINES; WITHOUT, HOWEVER, THE RIGHT TO DRILL, MINE, STORE, EXPLORE AND OPERATE THROUGH THE SURFACE OR THE UPPER 500 FEET OF THE SUBSURFACE OF THE PROPERTY, AS RESERVED BY THE IRVINE COMPANY LLC, A DELAWARE LIMITED LIABILITY COMPANY IN THE GRANT DEED RECORDED DECEMBER 28, 2012 AS INSTRUMENT NO. 2012000812939 OF OFFICIAL RECORDS.

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