

RESOLUTION NO. 19-40

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE
SANTA CLARA UNIFIED SCHOOL DISTRICT
GIVING NOTICE OF INTENT TO GRANT AN EASEMENT FOR PUBLIC STREET AND OTHER PUBLIC PURPOSES
TO THE CITY OF SAN JOSE**

WHEREAS, the City of San Jose ("City") has requested the Santa Clara Unified School District ("District") grant an easement to the City of San Jose located upon a portion of the District's property, the Agnews K-12 Campus at 3534, 3556 and 3588 Zanker Road, attached as Exhibit "A" and incorporated herein; the purpose of the easement being public road access and access for constructing, reconstructing, installing, operating, maintaining, repairing, and/or replacing public utility systems, and appurtenances; and

WHEREAS, the School District desires to provide a non-exclusive easement and right of way to the City of San Jose for the purposes described in Exhibit A; and

WHEREAS, the School District and surrounding community will benefit from the dedication of the Easement to the City by improvements to Zanker Road and by allowing the City to operate and maintain public utilities which provides storm drain, sanitary sewer, recycled water and domestic water to the Agnews Middle School and Agnews High School. A legal description and a map depicting the location of the easement are attached hereto as Exhibit "A" and incorporated herein; and

WHEREAS, pursuant to Education Code section 17556, the governing Board of a school district may convey, for easement purposes associated with public utilities, any real property belonging to the school district upon such terms and conditions as the parties thereto may agree; and

WHEREAS, pursuant to Education Code section 17557, the School District's governing Board must, prior to dedicating an easement, adopt a resolution declaring its intention to dedicate such easement in a regular open meeting by two-thirds (2/3) vote of all of its members; and

WHEREAS, pursuant to Education Code section 17557, the School District's governing Board must fix a time at its regular place of meeting for a public hearing upon the question making the dedication of an easement; and

WHEREAS, pursuant to Education Code section 17558, the School District is required to post copies of this Resolution, signed by the Board, in three (3) public places within the School District's boundaries not less than ten (10) days before the public hearing, and publish notice once, not less than five (5) days before the public hearing in a newspaper of general circulation published in the district, if there is one, or, if there is no such newspaper published in the district, then in a newspaper published in the county which has a general circulation in the district; and

WHEREAS, the actual Grant of Easement document, which needs to be executed and recorded after the fixed date of August 22, 2019 for the Public Hearing and subsequent approval of the second required Board Resolution Authorizing the Dedication of the Easement, is attached hereto directly following this Resolution;

NOW, THEREFORE, BE IT RESOLVED THAT

Section 1. The School District's Board declares its intent to dedicate an easement to the City of San Jose upon the terms and conditions set forth in the recitals.

Section 2. The Board establishes August 22, 2019 for a public hearing on the question of the School District's intent to dedicate the easement to the City of San Jose.

Section 3. The School District staff shall post this resolution in three (3) public places within the School District's boundaries and publish notice of the adoption of this resolution in compliance with Education Code section 17558.

Santa Clara Unified School District

Resolution No. 19-40: Intent to Grant Public Street Easement

August 8, 2019

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APPROVED, PASSED AND ADOPTED by the Board of Trustees of the Santa Clara Unified School District this 8th day of August, 2019.

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

SANTA CLARA UNIFIED SCHOOL DISTRICT

Michele Ryan, Ph.D.
President of the Board of Trustees

ATTEST:

Mark Richardson
Clerk of the Board of Trustees