

RESOLUTION No. 19-13

RESOLUTION OF THE BOARD OF TRUSTEES OF THE PASO ROBLES JOINT UNIFIED SCHOOL DISTRICT REGARDING OF INTENTION TO EXCHANGE REAL PROPERTY

WHEREAS, the Board of Trustees (the “Board”) of the Paso Robles Joint Unified School District (“District”) is the owner of certain real property, commonly known as Kermit King Elementary School, with Assessor’s Parcel Number 025-296-068, located in the City of Paso Robles, County of San Luis Obispo, State of California (the “District Property”); and

WHEREAS, Estrella Associates, Inc. (“Estrella Associates”) is the owner of certain real property adjacent to the District Property commonly known as River Oaks Golf Course, with Assessor’s Parcel Number 025-396-051, located in the City of Paso Robles, County of San Luis Obispo, State of California, (the “Estrella Property”); and

WHEREAS, in or around 2001, Estrella Associates, in consultation with the District, made certain improvements in connection with its development of the Estrella Property in order to accommodate school traffic and circulation recommendations set forth in the federal Safe Routes to Schools Program; and

WHEREAS, such improvements by Estrella Associates included the exchange of certain real property with the District, as agreed by the parties at that time (the “Property Exchange”); and

WHEREAS, the parties inadvertently failed to memorialize the agreed-upon Property Exchange and complete the lot line adjustment process as required by the City of Paso Robles, which would have identified the District Property and Estrella Property and improvements thereto as they have existed since 2001; and

WHEREAS, the District now desires to convey approximately 22,215 square feet of the District Property (the “District Exchange Property”) which will extend the lot line of the Estrella Property, in exchange for Estrella Associates’ conveyance of approximately 6,969 square feet of the Estrella Property (the “Estrella Associates Exchange Property”) which will extend the lot line of the District Property; and

WHEREAS, the proposed Property Exchange is beneficial to both parties; and

WHEREAS, Education Code section 17536 provides that the District may exchange real property with a person or private business; and

WHEREAS, Education Code section 17537 provides that before ordering any such exchange of real property, this Board shall adopt, by not less than two-thirds (2/3) vote of its members, a resolution declaring its intention to exchange the property, which resolution

(“Resolution”) shall describe the properties to be exchanged in a manner to identify them, and the terms and conditions upon which they will be exchanged; and

WHEREAS, the purpose of this Resolution is to satisfy the requirements of Education Code section 17537 as referenced above; and

WHEREAS, the District has considered the cumulative environmental effects of the proposed Property Exchange, alternatives and mitigating measures, and has determined that the Property Exchange will not have a significant effect on the environment; and

WHEREAS, the CEQA Guidelines exempt from further CEQA evaluation projects consisting of minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density, including minor lot line adjustments not resulting in the creation of any new parcel (14 CCR § 15305); and

WHEREAS, upon approval of this Resolution, the District will be authorized to enter into an agreement with Estrella Associates for the exchange of the District Exchange Property and the Estrella Associates Exchange Property (the “Agreement”); and

WHEREAS, as further consideration for the conveyance of the District Exchange Property, Estrella Associates is willing to grant an overhang easement (“Grant of Easement”) to the District for the purpose of allowing the District to access, operate, maintain, repair, and replace those District solar facilities, a portion of which are located on the Estrella Property, which Grant of Easement will be recorded by the parties following execution of the Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Paso Robles Joint Unified School District by no less than a two-thirds (2/3) vote of its members hereby finds, determines, declares and resolves as follows:

1. The foregoing recitals are true and correct and, by this reference, incorporated herein as if set forth in full.
2. The Board of Trustees hereby declares its intention to exchange the District Exchange Property for the Estrella Associates Exchange Property. No cash consideration shall be made by the District in connection with the Property Exchange.
3. The Board finds that the Property Exchange will not have a significant effect on the environment.
4. The Board finds that the Property Exchange is exempt from the requirements of CEQA pursuant to CEQA Guidelines section 15305.

5. The Property Exchange shall be accomplished by entering into the Agreement with Estrella Associates in substantially the form attached hereto as **Exhibit A**. The District's Interim Superintendent or his designee, is hereby authorized and directed to execute the Agreement on behalf of the District, subject to such changes or revisions therein as the Interim Superintendent may find necessary or desirable, to carry out the provisions of this Resolution.
6. The District's Interim Superintendent or his designee, is authorized and directed to take such other and further actions as may be necessary or convenient to carry out the purpose and intent of this Resolution, including filing a Notice of CEQA Exemption in accordance with CEQA, the CEQA Guidelines, and the findings set forth in this Resolution.
7. The District's legal counsel, Lozano Smith, is authorized and directed to prepare and/or review and approve all appropriate documents, opinions and instructions as necessary to carry out the purpose and intent of this Resolution.
8. This Resolution shall take effect immediately upon its adoption.

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This Resolution was adopted, by a two-thirds (2/3) vote, at a duly called meeting of the Paso Robles Joint Unified School District Board of Trustees held on February 26, 2019 Motion made by _____, seconded by _____. Passed and adopted by the following vote:

AYES: _____
 NOES: _____
 ABSTAINED: _____
 ABSENT: _____

APPROVE:

Joel Peterson
 President, Board of Trustees
 Paso Robles Joint Unified School District

I, _____, Clerk of the Board of Trustees of the Paso Robles Joint Unified School District, do hereby certify that the foregoing Resolution was regularly introduced, passed, and adopted by the Board of Trustees at its meetings held on February 26, 2019.

Stephanie Ulibarri
 Clerk, Board of Trustees
 Paso Robles Joint Unified School District