

RESOLUTION NO. 2009-10-09

BOARD OF EDUCATION OF THE ALBANY UNIFIED SCHOOL DISTRICT

**RESOLUTION APPROVING THE CONVEYANCE OF CERTAIN REAL
PROPERTY TO THE CITY OF ALBANY FOR THE INSTALLATION
OF A CURB RAMP LOCATED AT THE SOUTHWEST CORNER
OF JACKSON STREET AND BUCHANAN STREET**

WHEREAS, the Albany Unified School District (“School District”) is the owner of certain real property located at 1000 Jackson Street, in the City of Albany (“City”), County of Alameda, State of California, more commonly known as Ocean View Elementary School (“School”); and

WHEREAS, the City requests the conveyance by the School District of a certain portion of the property owned by the School District fronting Buchanan Street at the School, measuring no more than approximately seventy and one-half (70.5) square feet as more particularly illustrated in Exhibit A, attached hereto and incorporated by reference (“Property”), for the purposes of constructing, operating and maintaining a curb ramp located at the southwest corner of Jackson Street and Buchanan Street; and

WHEREAS, the Property belonging to the School District is not now and is not expected to be needed exclusively for classroom or other school purposes by the School District; and

WHEREAS, the curb ramp will be part of a project by the City to install a left-hand turn lane, which turn lane will improve traffic flow by and to the School, and it is therefore in the best interest of the School District to convey the Property to the City for such purposes; and

WHEREAS, Education Code sections 17556, et seq., provide that the governing board of a school district may convey to a municipal corporation real property belonging to the school district for public street purposes; and

WHEREAS, on January 19, 2010, the Board of Education of the School District adopted by a two-thirds vote of all its members Resolution No. 2009-10-08 (“Resolution”),

declaring its intention pursuant to Education Code section 17557 to convey in fee the Property to the City and establishing that during its regular meeting on or after January 5, 2010, the Board of Education would conduct a public hearing upon the question of making the conveyance of the Property to the City pursuant to Education Code section 17558; and

WHEREAS, pursuant to Education Code section 17558, notice of adoption of the Resolution was given by posting a true copy of the Resolution in three public places in the School District not less than ten days before the February 2, 2010 public hearing, and notice of the public hearing was given by publishing a true copy of the Resolution in the West County Times, a newspaper of general circulation, published in the School District, not less than five days before the February 2, 2010 public hearing; and

WHEREAS, the public hearing took place on February 2, 2010; and

WHEREAS, no protest was filed against the proposed conveyance at the February 2, 2010 public hearing pursuant to Education Code section 17560; and

WHEREAS, after hearing and considering all information presented to the Board of Education prior to and at the public hearing, the Board of Education concludes that it is in the best interest of the School District to convey the Property to the City for the purpose of constructing, operating and maintaining a curb ramp located at the southwest corner of Jackson Street and Buchanan Street.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the above recitals are true and correct; and

BE IT FURTHER RESOLVED that pursuant to Education Code sections 17559, et seq., the Board of Education hereby agrees to convey the Property to the City for the purposes set forth herein; and

BE IT FURTHER RESOLVED that upon the effective date of such conveyance, the City shall assume all of the rights and obligations as fee simple owner of the Property; and

BE IT FURTHER RESOLVED that the President of the Board of Education is authorized and directed to execute and deliver the deed of conveyance to the City attached hereto as Exhibit B; and

BE IT FURTHER RESOLVED that the conveyance shall be effective upon the delivery and acceptance of the deed by the City.

Passed and adopted on the 18th day of February, 2010, at a regular meeting of the Board of Education by the following vote:

AYES: 4

NAYS: 1

ABSENT: 0

I, Marla Stephenson, Clerk of the Board of Education of Albany Unified School District, hereby certify that the foregoing Resolution was duly introduced, passed and adopted by the Governing Board at a regular meeting thereof held on the 18 day of February, 2010, by a vote of 5 to 0



Marla Stephenson, Clerk