



Santa Barbara Unified School District

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Resolution No. 2017-18/35

RESOLUTION OF THE BOARD OF EDUCATION OF THE SANTA BARBARA UNIFIED SCHOOL DISTRICT DECLARING ITS INTENTION TO PARTICIPATE IN A REAL PROPERTY EXCHANGE WITH THE CITY OF SANTA BARBARA, PERTAINING TO TWO PARCELS OF REAL PROPERTY

WHEREAS, the Santa Barbara Unified School District (the "District") owns the contiguous real properties known together as La Cumbre Junior High School, located at 2255 Modoc Road, and referred to as Santa Barbara County Assessor Parcel Numbers APN 043-021-002 and APN 049-170-007.

WHEREAS, the City of Santa Barbara (the "City") has leased a portion of School District's La Cumbre Junior High property from School District, pursuant to a Lease dated March 29, 1966, assigned City Agreement No. 4,840, for City's construction, use and maintenance of Fire Station No. 5, located at 2505 Modoc Road (hereinafter referred to for convenience as "Fire Station 5").

WHEREAS, the City owns the contiguous real properties known together as Eastside Library, located at 1102 East Montecito Street, and Franklin Center, located at 1136 East Montecito Street, referred to together as Santa Barbara County Assessor Parcel Number APN 017-061-002 (hereinafter referred to for convenience as "Eastside Library").

WHEREAS the District owns the contiguous real properties known together as Franklin Elementary School, located at 1111 East Mason Street, and referred to as Santa Barbara County Assessor Parcel Numbers APN 017-061-003, APN 017-094-002, APN 017-101-003 and APN 017-101-004 (hereinafter referred to for convenience merely as "Franklin Elementary School").

WHEREAS, the District has leased land contiguous to City's Eastside Library property from City, pursuant to a Lease dated January 8, 2013, assigned City Agreement No. 24,336, for the placement and maintenance by School District of additional educational classroom structures occupied and used as a portion of Franklin Elementary School (hereinafter referred to for convenience as "Franklin School Classrooms").

WHEREAS the Lease by City for its Fire Station 5 and the Lease by District for its Franklin School Classrooms have each subsequently been amended by that certain First Lease Amendment dated April 1, 2016, assigned City Agreement No. 24,336.1, as approved and set forth in Ordinance No. 5738, adopted by the Council of the City of Santa Barbara on March 1, 2016.

WHEREAS the Lease by City for its Fire Station 5 and the Lease by District for its Franklin School Classrooms are each scheduled to expire on April 30, 2018.

WHEREAS the respective governing bodies of City and District have reasonably determined that it is in the best interests of City and District, and of the public, that in lieu of negotiating and executing new leases for each leasehold site, it is necessary and desirable for the parties to

exchange fee title to the leased land underlying Fire Station 5 for the leased land underlying the Franklin School Classrooms.

WHEREAS the respective governing bodies of City and School District have also reasonably determined that the size and continuing public use of the Fire Station 5 leasehold property, consisting of approximately 15,000 square feet of land area, and the Franklin School Classrooms leasehold property, consisting of approximately 16,704 square of land area, are generally considered comparable and equal in value, and therefore, no monetary consideration will be paid to either party for the exchange of leasehold properties.

WHEREAS as part of this property exchange, City shall convey to the District the real property underlying the District's Franklin School Classrooms, while reserving easements for public water lines and sewer mains owned, operated, and maintained by City.

WHEREAS, as part of this property exchange, District shall convey to City the real property underlying City's Fire Station 5.

WHEREAS, the parties have formalized the real property exchange agreement in a document entitled "Agreement to Exchange Leasehold Properties," a true and correct copy of which is attached hereto as Exhibit 1.

WHEREAS, true and correct copies of the grant deeds to be executed by the City and the District to effect the real property exchange are attached hereto as Exhibit 2.

WHEREAS, pursuant to Educational Code section 17536, the governing board of a school district may exchange any of its real property for real property of another person or private business firm. Any exchange shall be upon such terms and conditions as the parties thereto may agree and may be entered into without complying with any provisions in this code except as provided in this article.

WHEREAS, the Board of Education has previously discussed and considered the property exchange and a public hearing was held regarding the matter at the February 27, 2018, meeting of the Board;

WHEREAS, pursuant to Educational Code section 17537, before ordering any exchange of real property the board shall adopt, by a two-thirds vote of its members, a resolution declaring its intention to exchange the property. The resolution shall describe the properties to be exchanged in a manner to identify them, and the terms and conditions, not including the price, upon which they will be exchanged.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Education of the Santa Barbara Unified School District as follows:

Section 1. Recitals. The Board finds and determines that the foregoing recitals are true and correct.

Section 2. Purposes of the Real Property Exchange. The Board finds and determines that the real property exchange as set forth above will provide a mutual benefit to both District and the

City and will benefit the public as it avoids the costs and expenses associated with renegotiating and renewing lease terms for the leasehold properties on an ongoing basis.

Section 3. Intention to Participate in Real Property Exchange. The Board hereby declares that it is the intention of the District to participate in the real property exchange with the City on the terms and conditions set forth above.

Section 4. Severability. If any section, subsection, phrase or clause of this Resolution is for any reason found to be invalid, such section, subsection, phrase or clause shall be severed from, and shall not affect the validity of, all remaining portions of this Resolution that can be given effect without the severed portion.

Section 5. General Authorization with Respect to the Real Property Exchange. The members of the District's Board, the District's Superintendent, and the other officers of the District, and each of them individually, are hereby authorized and directed to do any and all things and to execute, deliver, and perform any and all agreements and documents that they deem necessary or advisable in order to effectuate the purposes of this Resolution. All actions heretofore taken by the officers and agents of the District that are in conformity with the purposes and intent of this Resolution are hereby ratified, confirmed, and approved in all respects.

The foregoing Resolution was adopted by the Board of Education of the Santa Barbara Unified School District on March 13, 20178, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

/s/

President, Board of Education
Santa Barbara Unified School District

ATTEST:

/s/

Clerk, Board of Education
Santa Barbara Unified School District