

TOPIC: **RESOLUTION No. 17-13-14 AUTHORIZING THE SALE OF DISTRICT REAL PROPERTY, FINDING THE SALE OF DISTRICT PROPERTY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING THE FILING AND RECORDATION OF A NOTICE OF EXEMPTION – WALNUT SITE**

DESCRIPTION: Evaluation and disposal of surplus property is identified as a strategy under the "Efficient Use of Resources" area of the strategic plan. In keeping with the strategic plan, a District Advisory Committee was convened for the purpose of studying potential surplus properties and providing recommendations to the Board of Education. The Board received a report from the Committee on July 24, 2008 that stated in part, "The Walnut property will not be needed in the future for school facilities and should be considered surplus."

At the November 14, 2013 meeting, the Board adopted Resolution 09-13-14 declaring the Walnut site surplus.

This evening's action will authorize staff to offer the property for sale at no less than the minimum bid of twelve million nine hundred thousand dollars (\$12,900,000). However, the Board may also consider counteroffers if no conforming bid proposals are received.

FISCAL IMPACT: Special Reserve Fund for Capital Outlay Projects Income of \$12,900,000 or highest and best counteroffer if no conforming bid proposals are received.

RECOMMENDATION: It is recommended that the Board of Education approve Resolution No. 17-13-14, authorizing the sale of District real property, finding the sale of District property exempt from the California Environmental Quality Act, and approving the filing and recordation of a notice of exemption for the Walnut Site.

This is to certify that this item was approved by the Board of Education.



Michael L. Christensen
Superintendent and Secretary
Orange Unified School District

**RESOLUTION NO. 17-13-14 OF THE BOARD OF EDUCATION
OF THE ORANGE UNIFIED SCHOOL DISTRICT
AUTHORIZING THE SALE OF DISTRICT REAL PROPERTY, FINDING
THE SALE OF DISTRICT PROPERTY EXEMPT FROM THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT, AND APPROVING THE FILING
AND RECORDATION OF A NOTICE OF EXEMPTION**

(WALNUT PROPERTY)

WHEREAS, the Orange Unified School District (“District”) is the owner of approximately 9.77 acres of certain excess real property, located adjacent to Santiago Middle School on N. Rancho Santiago Blvd., in Orange, (“Property”), and as more particularly described in the map depiction attached hereto as Exhibit “A”;

WHEREAS, the District Advisory Committee, formed pursuant to Education Code section 17388 et seq., submitted a report to the Board on July 24, 2008 (“Committee Report”) concluding that the Property was not needed to house District students and was not necessary for school purposes;

WHEREAS, the Board previously declared the Property surplus; and

WHEREAS, the Board adopted and approved a resolution (Resolution Number 19-13-14), attached hereto as Exhibit “B”, reaffirming the Board’s previous declaration of the Property as surplus and declaring the Board’s intention to retain the Property, until such time that the District determines to dispose of the Property, through separate board action, at a future date;

WHEREAS, the District now desires to sell the Property, in a public sale, pursuant to Education Code Section 17466, et seq.;

WHEREAS, the Property has not been used for school playground, playing field, or other outdoor recreational purposes in more than 8 years nor is the Property open-space land particularly suited for recreational purposes and therefore the Property is not subject to the requirements of Education Code section 17485 et seq., known as the Naylor Act;

WHEREAS, prior to any sale to the public, the Property must be offered to specified public entities pursuant to Education Code section 17464 and Government Code section 54222;

WHEREAS, after complying with Education Code section 17464 and Government Code section 54222, the District desires to sell the Property in a public bid auction, pursuant to Education Code section 17466 et seq.;

WHEREAS, prior to the sale of the Property, the District must comply with the California Environmental Quality Act (“CEQA”);

WHEREAS, categorical exemptions to CEQA are set forth in Article 19 of Title 14 of the California Code of Regulations (“CEQA Guidelines”):

WHEREAS, CEQA Guidelines Section 15312 sets forth an exemption from CEQA for sales of surplus government property;

WHEREAS, the District will sell the Property pursuant to CEQA Guidelines Section 15312; and

WHEREAS, the District Property is not located in an area of statewide, regional, or areawide concerns as identified in CEQA Guidelines Section 15206(b)(4);

WHEREAS, the District has considered whether the sale of the Property may have significant impacts on the environment; and

WHEREAS, the District has concluded, through its own independent review and analysis, that the sale of the Property will not have a significant impact on the environment.

NOW, THEREFORE, the Board of the Orange Unified School District hereby finds, determines, declares, orders and resolves as follows:

Section 1. That all of the recitals set forth above are true and correct.

Section 2. That the Board hereby declares the Board's intention to sell said Property.

Section 3. That, the sale of the Property is not hereby limited to any particular manner, and the District will use its best efforts to ensure the Property is sold at no less than the minimum bid of TWELVE MILLION NINE HUNDRED THOUSAND DOLLARS (\$12,900,000); provided, however, should such a sale not come to fruition, the Board may take further action at a later date with respect to the Property.

Section 4. That the District's Superintendent or his designee is authorized and directed to send written offers for the sale of the Property to public agencies pursuant to Education Code section 17464 and Government Code section 54222, and written notice to the District's local planning agency of the proposed disposal of the Property pursuant to Government Code section 65402(c).

Section 5. That the Property does not consist of land which is used or has been used, for school playground, playing field, or other outdoor recreational purposes for more than 8 years and is the Property is not open space land particularly suited for recreational purposes, therefore the Property is not subject to the requirements of Education Code section 17485 et seq.

Section 6. That in the event that no public agencies listed in Education Code section 17464 or Government Code section 54222 express an interest in the Property, this Board, pursuant to Education Code section 17466, does hereby announce its intention to receive and consider proposals for the sale of the Property and may also consider counteroffers if no conforming bid proposals are received.

Section 7. That the District's Superintendent or his designee is authorized and directed to give notice of the District's intent to sell the Property by posting copies of this Resolution in at least three locations within the District not less than 15 days before the bid

auction and by publishing notice in any newspaper of general circulation located within the District, once a week for three weeks.

Section 8. That each bidder shall submit with its bid proposal a certified or cashier's check made payable to the Orange Unified School District in the amount of Ten Thousand Dollars (\$10,000.00) as bid security for entering into the purchase agreement which shall be negotiated in good faith with the District. The deposit of the successful bidder will be retained by the District and applied towards the purchase of the Property. After execution of the purchase agreement by a successful bidder, or thirty (30) days, whichever comes first, all other deposits will be returned. If the successful bidder fails to execute the purchase agreement and provide all necessary documents within five (5) days of receiving the final purchase agreement from the District, the District may retain the bid security.

Section 9. That the sale of the Property, at auction, shall be upon the following terms and conditions:

- a. The minimum bid for the sale of the Property shall be no less than the minimum bid of TWELVE MILLION NINE HUNDRED THOUSAND DOLLARS (\$12,900,000).
- b. The Property is sold in an "As-Is" condition.
- c. The purchaser shall bear all costs associated with recording fees, documentary and other transfer taxes, title insurance premiums, and other escrow costs; and
- d. Any other terms that the District may later approve prior to said bid auction.

Section 10. The District will not pay a real estate commission for the purchase or sale of the Property.

Section 11. That Bid Proposal forms for the purchase of the Property may be obtained from the Business Services Department of the District at 1401 North Handy Street, Orange, California 92867. Although a bidder may propose changes to the purchase agreement, unless otherwise agreed to by the District, the bidder shall agree that the existing terms and conditions of the purchase agreement will be binding upon the successful bidder. Any proposed changes to the purchase agreement must be submitted with the bid proposal. Any proposed material changes to the existing terms and conditions of the purchase agreement shall render such bid a counteroffer, which counteroffer may not be accepted by the District should any written or oral offer be made at or greater than the terms and conditions set forth in the purchase agreement and the minimum terms set forth herein. If there are no written or oral offers that conform to the terms and conditions set forth in the Purchase Agreement, the District may accept counteroffers.

Section 12. That the bid proposals shall be sealed and filed with the District at a specified future date and time, which date and time shall be noticed pursuant to the surplus property procedures and the law of the State of California. The Board delegates authority to the District's Superintendent or his designee to establish the date for submission of bid proposals and of the bid auction.

Section 13. That, at the bid auction to be held on September 10, 2014 at the District Office, or as determined by the Board, the sealed bid proposals shall be opened, examined and declared. The District's Superintendent or his authorized designee shall then call for oral bids. If, upon the call for oral bidding, any responsible person's offer to enter into said purchase agreement, upon the terms and conditions specified and for a price exceeding by at least five percent (5%) the highest written proposal for the Property, then the oral bid, which is highest for the Property shall be finally accepted. Final acceptance shall not be made, however, until the oral bid is reduced to writing and signed by the offeror and bid security, as described herein, in the form of a certified or cashier's check payable to the District has been submitted.

Section 14. That final acceptance of the highest bid, either written or oral, will be made at the Board meeting, or at any adjourned session of the same meeting held within ten (10) days. The Board may select the highest bid of any of the bids, or if it deems such action to be for the best public interest, it may reject any and all bids. The District reserves the right to make non-substantive changes to the purchase agreement. The highest successful bidder shall be required to execute the purchase agreement as a requirement for final acceptance by the Board.

Section 15. That the District's Superintendent or his designee is hereby authorized and directed to give notice of the Board's intent to sell the Property by posting executed copies of the Resolution in three (3) public places in the District not less than fifteen (15) days before the date of the meeting, and by publication of a Notice of Intent to Sell not less than once a week for three (3) consecutive weeks before the date of the meeting in a newspaper of general circulation published in the District or in the County in which the District or any part thereof is situated and having a general circulation in the County.

Section 16. That the District has considered whether the sale of the Property may have significant impacts on the environment.

Section 17. That the District has concluded, after reviewing the sale of the Property through its own independent review and analysis, that the sale of the Property will not have a significant impact on the environment.

Section 18. That the sale of the Property will not result in damage to scenic resources pursuant to Public Resources Codes Section 21084.

Section 19. That the Property is not located in an area of statewide, regional, or areawide concerns as identified in CEQA Guidelines Section 15206(b)(4).

Section 20. That the sale of the Property is subject to CEQA Guidelines Section 15312, and is therefore exempt from CEQA.

Section 21. That the District's Superintendent, or the Superintendent's designee, is instructed to file and/or record a Notice of Exemption from the California Environmental Quality Act, consistent with this Resolution, attached hereto as Exhibit "C," with any and all appropriate public agencies or entities, subject only to minor, non-substantive revisions, if necessary.

Section 22. This Resolution shall take effect immediately upon adoption.

ADOPTED, SIGNED AND APPROVED this 13th day of March, 2014.



John Ortega
President of the Board of Education of the
Orange Unified School District

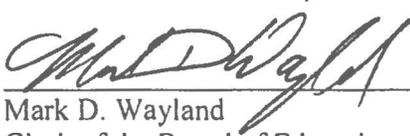
I, Mark D. Wayland, Clerk of the Board of Education of the Orange Unified School District, do hereby certify that the foregoing Resolution was adopted by the Board of said District at a meeting of said Board held on the 13th day of March, 2014, and that it was so adopted by the following vote:

AYES: 7

NOES: 0

ABSTAIN: 0

ABSENT: 0



Mark D. Wayland
Clerk of the Board of Education of the
Orange Unified School District

EXHIBIT "A"

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF THE LAND ALLOTTED TO NIEVES LOPEZ DE PERALTA AS DESCRIBED IN THE FINAL DECREE OF PARTITION OF THE RANCHO SANTIAGO DE SANTA ANA, WHICH WAS ENTERED SEPTEMBER 12, 1868 IN BOOK B, PAGE 410 OF JUDGMENTS OF THE DISTRICT COURT OF THE 17TH JUDICIAL DISTRICT IN AND FOR LOS ANGELES COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE 7.31 ACRE PARCEL OF LAND CONVEYED TO DAVID S. FIKE BY DEED RECORDED IN BOOK 66, PAGE 307 OF DEEDS, BEING ON THE EAST LINE OF BLOCK B OF THE LAND OF OGE AND BOND, AS SHOWN ON A MAP RECORDED IN BOOK 3, PAGES 430 AND 431 OF MISCELLANEOUS RECORDS OF LOS ANGELES COUNTY, CALIFORNIA; THENCE SOUTH TO A POINT 330.00 FEET NORTH FROM THE SOUTHEAST CORNER OF LOT 18 FOR SAID BLOCK B; THENCE EAST 627.00 FEET TO STATION 11 OF THE SURVEY MADE BY JOHN F. HALSTEAD FOR MRS. J. STONE IN FEBRUARY 1886; THENCE NORTHWESTERLY IN A DIRECT LINE TO THE NORTHEAST CORNER OF THE LAND DESCRIBED IN THE DEED TO EDWIN B. MARTIN AND WIFE, RECORDED APRIL 17, 1940 IN BOOK 1040, PAGE 220 OF OFFICIAL RECORDS; THENCE WEST TO A POINT EAST 403.00 FEET FROM THE EAST LINE OF SAID BLOCK B; THENCE NORTH TO THE SOUTH LINE OF SAID LAND CONVEYED TO FIKE; THENCE WEST 403.00 FEET TO THE POINT OF BEGINNING.

EXCEPTING THE WEST 16.50 FEET OF THE NORTH 192.00 FEET THEREOF. SUBJECT TO COVENANTS, CONDITIONS, RESERVATION, RESTRICTIONS, EASEMENTS AND RIGHT OF WAY OF RECORD.

EXCEPTING THEREFROM THAT PORTION DESCRIBED IN DEED TO MARION F. JONES RECORDED FEBRUARY 28, 1977 IN BOOK 12086 PAGE 464 OF OFFICIAL RECORDS.

Note: This Company has provided said description as an accommodation for the purpose of facilitating this report. Said description is not an Insurable parcel pursuant to the Subdivision Map Act of the State of California and should not be relied upon to convey or encumber said land, until approved by the appropriate governing agency.

Assessor's Parcel Number: **093-141-49**

Attachment B

Item No. 12.B.

TOPIC: RESOLUTION No. 09-13-14 RECONFIRMING ACCEPTANCE OF THE ADVISORY COMMITTEE RECOMMENDATION AND REAFFIRMING THE DECLARATION OF SURPLUS PROPERTY – WALNUT PROPERTY

DESCRIPTION: Evaluation and disposal of surplus property is identified as a strategy under the "Efficient Use of Resources" area of the strategic plan. In keeping with the strategic plan, a District Advisory Committee was convened for the purpose of studying potential surplus properties and making recommendations to the Board of Education. The Advisory Committee met on April 9, 2008, May 15, 2008, June 9, 2008 and July 2, 2008.

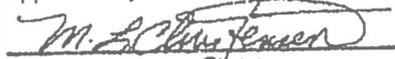
The Board received a report from the Committee on July 24, 2008 that stated in part, "The Walnut property will not be needed in the future for school facilities and should be considered surplus," at which meeting the Board accepted the report.

This evening's action will reaffirm the Board's previous declaration that the Walnut property is surplus in accordance with the Advisory Committee's recommendation.

FISCAL IMPACT: No Fiscal Impact

RECOMMENDATION: It is recommended that the Board of Education approve Resolution No. 09-13-14 confirming acceptance of the 7-11 Advisory Committee recommendation and reaffirming the previous declaration that the approximately 9.17 acres located adjacent to Santiago Middle School on N. Rancho Santiago Blvd., known as the Walnut Property is surplus.

This is to certify that this item was approved by the Board of Education.



Michael L. Christensen
Superintendent and Secretary
Orange Unified School District

RESOLUTION NO. 09-13-14

**RESOLUTION OF THE BOARD OF EDUCATION
OF THE ORANGE UNIFIED SCHOOL DISTRICT
RECONFIRMING ACCEPTANCE OF THE ADVISORY
COMMITTEE RECOMMENDATION AND REAFFIRMING
THE DECLARATION OF SURPLUS PROPERTY
(WALNUT PROPERTY)**

WHEREAS, the Orange Unified School District ("District") is the owner of approximately 9.17 acres of certain excess real property, located adjacent to Santiago Middle School on N. Rancho Santiago Blvd., in Orange, ("Property"), and as more particularly described in the map depiction attached hereto as Exhibit "A";

WHEREAS, on February 7, 2008, the District appointed a surplus property advisory committee ("Advisory Committee") pursuant to Education Code section 17388, et seq. to advise the District's governing board ("Board") in the development of district-wide policies and procedures governing the use or disposition of school buildings or space in school buildings which is not needed for school purposes, including the Property;

WHEREAS, the Advisory Committee met on April 9, 2008, May 15, 2008, June 9, 2008 and July 2, 2008;

WHEREAS, the Advisory Committee submitted the report titled "Final Report and Recommendation to the Board of Education" ("Report") to the Board on July 24, 2008, at which meeting the Board accepted the Report;

WHEREAS, the Advisory Committee recommends that the Board declare and/or reconfirm its declaration of the Property as surplus and reconfirms that the Property will not be needed in the future for school facilities.

WHEREAS, prior to the formation of the Advisory Committee, the Board previously declared the Property surplus and entered into a lease agreement for the Property pursuant to California law (the "Lease"). The Lease term is currently subject to automatic annual one year renewals.

WHEREAS, the Board desires to reaffirm its declaration of the Property as surplus in accordance with the Advisory Committee's recommendation, but retain the Property until such time that the District determines to dispose of the Property, through separate board action, at a future date.

NOW, THEREFORE, the Board of the Orange Unified School District hereby finds, determines, declares, orders and resolves as follows:

Section 1. That all of the recitals set forth above are true and correct.

Section 2. That the Board hereby reconfirms its acceptance of the Advisory Committee's Report and recommendations for the Property.

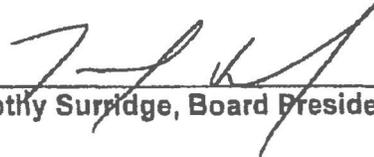
Section 3. That the Board hereby reaffirms its declaration that the Property is surplus.

Section 4. That the Board hereby declares the Board's intention to retain the Property, until such time that the District determines to dispose of the Property, through separate board action, at a future date.

ADOPTED, SIGNED AND APPROVED this 14th day of November, 2013.

**BOARD OF EDUCATION
ORANGE UNIFIED SCHOOL DISTRICT**

By:



Timothy Surridge, Board President

By:



Mark Wayland, Clerk of the Board

I, Mark Wayland, Clerk of the Board of Education of the Orange Unified School District, do hereby certify that the foregoing Resolution was adopted by the Board of said District at a meeting of said Board held on the 14th day of November, 2013, and that it was so adopted by the following vote:

AYES: 5
NOES: 1 - Moffat
ABSTAIN: 0
ABSENT: 1 - Singer



Mark Wayland, Clerk of the Board

NOTICE OF EXEMPTION**Attachment C**

TO: : Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM:

: Orange County Clerk-Recorder
12 Civic Center Plaza, Room 101
Santa Ana, CA 92701

ORANGE UNIFIED SCHOOL DISTRICT
1401 North Handy Street
Orange, CA 92867

Project Title: Sale of Walnut Property

Project Location - Specific: Property located adjacent to Santiago Middle School on N. Rancho Santiago Blvd., in Orange California, 92869

Project Location - City: Orange

Project Location - County: Orange

Description of Project:

Orange Unified School District ("District") proposes to sell its property located adjacent to Santiago Middle School on N. Rancho Santiago Blvd., in Orange California, 92869, known as the District's Walnut Property ("District Property").

Name of Public Agency Approving Project: ORANGE UNIFIED SCHOOL DISTRICT

Name of Person or Agency Carrying Out Project: ORANGE UNIFIED SCHOOL DISTRICT

Exempt Status: (check one)

- Ministerial (Sec. 21080(a)(1); 15268(b));
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State Type and section number:
Surplus Government Property Sales [15312]
- Statutory Exemptions. State Code number: _____

Reasons why project is exempt:

The Project involves the sale of the District Property. The Project will not cause a substantial adverse change in the significance of a historical resource. The Project will not involve the use of significant amounts of hazardous substances. The District Property is not located in an area of statewide, regional, or area-wide concern identified in CEQA Guidelines Section 15206(b)(4). The Project is not subject to any of the exceptions to exemption set forth in CEQA Guidelines section 15300.2.

Lead Agency Contact Person: Joe Sorrera, Assistant Superintendent of Business Services

Area Code/Telephone/Ext.: (714) 628-4479

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Date: _____ Title: _____

OUSD/Christensen
Board Agenda Agency
March 13, 2014

Date received for filing at OPR:

Signed by Applicant