

RESOLUTION NO. 23-24-023

**RESOLUTION OF THE GOVERNING BOARD OF
EUREKA CITY SCHOOLS
APPROVING THE EXCHANGE OF PROPERTY**

WHEREAS, Eureka City Schools (the “District”) is the fee owner of certain real property, generally referred to as the Jacobs School site, located at 674 Allard Avenue, Eureka, California, APN 009-111-006-000 and 009-101-018-000 (“District Property”), which is not in use by the District; and

WHEREAS, on June 6, 2019, the District’s Board of Education (“Board”) adopted Resolution No. 18-19-036, declaring the District Property as surplus to the District’s needs; and

WHEREAS, on August 3, 2023, the Board adopted Resolution No. 23-24-003, and on October 5, 2023, the Board adopted Resolution No. 23-24-011 (“Exempt Surplus Land Resolutions”), both declaring the District Property as “exempt surplus land” under the California Surplus Land Act (Gov. Code §§ 54220, *et seq.*); and

WHEREAS, AMG Communities-Jacobs, LLC (“Developer”) is the fee owner of approximately 0.15 acres of real property (APN 011-221-018) (“Developer Property”) located at 3553 I Street in the City of Eureka in Humboldt, County, California; and

WHEREAS, the District desires fee ownership of the Developer Exchange Property for the purpose of housing district employees in the future; and

WHEREAS, the Developer desires fee ownership of a portion of the District Property consisting of approximately ± 8.3 acres, including all of APN 009-111-006-000 and a portion of 009-101-018-000 (the “District Exchange Property”); and

WHEREAS, pursuant to Government Code sections 66426.5 and 66428(a)(2), a conveyance of the District Exchange Property from the District is exempt from the requirements of the California Subdivision Map Act; and

WHEREAS, it is in the best interest of the District and Developer to exchange the District Exchange Property for the Developer Property (the “Property Exchange”), and the District is therefore willing to exchange the District Exchange Property for the Developer Property under the terms and conditions of that certain Agreement for Exchange of Real Property between the District and Developer, a copy of which is attached hereto as “Exhibit 1” and incorporated herein by reference (“Exchange Agreement”); and

WHEREAS, the District Exchange Property is depicted in Exhibit A to the Exchange Agreement and a legal description of that property will be prepared and incorporated into that Exhibit; and

WHEREAS, the Developer Property is depicted in Exhibit B to the Exchange Agreement and a legal description of that will be prepared and incorporated into that Exhibit; and

WHEREAS, pursuant to Education Code section 35160, the governing board of any school district may initiate and carry on any program, activity, or may otherwise act in any manner which is not in conflict with or inconsistent with, or preempted by, any law and which is not in conflict with the purposes for which school districts are established; and

WHEREAS, the District is empowered to exchange real property, upon such terms and conditions the Board finds acceptable, under California Education Code sections 17536; and

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

WHEREAS, the purpose of this Resolution is to satisfy the requirements of Education Code sections 17536, et seq., and authorize the Property Exchange in accordance with the terms and conditions of the Exchange Agreement; and

WHEREAS, the District believes that the Property Exchange is in the best interests of the District; and

WHEREAS, the District's proposed approval of the Property Exchange (the "Project") is a project for purposes of the California Environmental Quality Act ("CEQA"); and

WHEREAS, the CEQA Guidelines, California Code of Regulations Title 14, Chapter 13 ("CEQA Guidelines"), exempt certain projects from CEQA evaluation, where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment (CEQA Guidelines § 15061(b)(3));

WHEREAS, the California Department of Housing and Community Development on September 6, 2023, and October 20, 2023, confirmed that the District Exchange Property qualifies as exempt surplus land under the Surplus Land Act, including for purposes of an exchange;

NOW, THEREFORE, the Governing Board of the Eureka City Schools hereby finds, determines, declares, orders, and resolves as follows:

1. That the above recitals are true and correct and are incorporated herein by this reference.
2. The Board hereby declares its intention to exchange the District Exchange Property for the Developer Property as described in the attached Exchange Agreement.

3. The Board finds that the Property Exchange is in the best interests of the District, and will benefit students, staff, parents, visitors, and the community at large, and on that basis, the Board approves the Exchange Agreement.

4. The Project is exempt from CEQA under CEQA Guidelines Section 15601(b)(3) because it can be seen with certainty that there is no possibility that the Property Exchange will have a significant effect in the environment. The Board hereby authorizes and directs District staff to file a Notice of Exemption with the County Clerk of Humboldt County in accordance with the terms of CEQA and its implementing regulations.

5. The District's Superintendent, or his designee, is authorized and directed to finalize and execute the Exchange Agreement and to carry out the proposed Property Exchange referred to above and to take such other and further actions and execute such documents as may be necessary or convenient to carry out the purpose and intent of this Resolution.

6. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED, on December 14, 2023 by the Board of Education of Eureka City Schools by the following vote:

AYES: 5

NOES: 0

ABSTENTION: 0

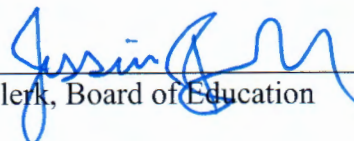
CERTIFICATION

We hereby certify that the foregoing is a full, true and correct copy of a Resolution passed at a Regular Meeting of the Board of Education of the Eureka City Schools held on December 14, 2023.

EUREKA CITY SCHOOLS



President, Board of Education



Clerk, Board of Education