

**RESOLUTION NO. 3866  
BEFORE THE GOVERNING BOARD  
OF THE CLOVIS UNIFIED SCHOOL DISTRICT  
FRESNO COUNTY, CALIFORNIA**

**APPROVAL OF CONVEYANCE OF  
PUBLIC STREET RIGHTS-OF-WAY AND PUBLIC UTILITY EASEMENT  
TO THE CITY OF FRESNO / APN 574-130-01T (PORTION)**

**WHEREAS**, Clovis Unified School District (District) owns the real property located between McKinley Avenue and Clinton Avenue, and Fowler Avenue and Armstrong Avenue in the City of Fresno, County of Fresno, State of California and designated as a portion of APN 574-130-01T (Property). The District intends to construct a new elementary school on the Property; and

**WHEREAS**, the public street designated as McKinley Avenue currently ends at the boundary of the Property. The District and the City of Fresno intend for McKinley Avenue to be extended onto and through the Property when the District constructs its new elementary school; and

**WHEREAS**, the City of Fresno desires to acquire an easement over and under a portion of the Property (Easement Area) for the purpose of a public street rights-of-way and laying, constructing, reconstructing, maintaining, and operating sewer and storm drain. The description and drawing of the Easement Area are set forth in the Deed of Easement attached hereto; and

**WHEREAS**, the Easement Area is not now and will not at the time of the construction and operation of the new elementary school be needed for classroom or other school purposes by the District; and

**WHEREAS**, the public street rights-of-way and public utility improvements will benefit the District; and

**WHEREAS**, it is in the best interest of the District to transfer ownership of said Easement Area to the City of Fresno for purposes of the public street rights-of-way and public utility improvements; and

**WHEREAS**, pursuant to Education Code section 17556, a school district governing board may dedicate or convey to: (1) any state or any political subdivision or municipal corporation thereof for public street or highway purposes any real property belonging to the

district; and (2) any public corporation or private corporation engaged in the public utility business an easement to lay, construct, reconstruct, maintain, and operate water, sewer, gas, or storm drain pipes or ditches, electric or telephone lines, and access roads used in connection therewith, over and upon any land belonging to the school district, upon such terms and conditions as agreed to by the parties; and

**WHEREAS**, Education Code section 17557 requires the governing board, by not less than a two-thirds vote of all of its board members, to adopt a resolution declaring its intention to dedicate or convey the easement and set a public hearing not less than 10 days thereafter on the question of making the conveyance. At its regular board meeting on April 20, 2022, the Board adopted Resolution No. 3865, declaring its intention to convey a public street rights-of-way and public utility easement to the City of Fresno and setting a public hearing to be held on May 4, 2022; and

**WHEREAS**, notice of the public hearing was posted and published in accordance with Education Code sections 17558 and 17561. On May 4, 2022, the Board held a public hearing regarding the conveyance of the public street rights-of-way and public utility easement to the City of Fresno. No protest has been filed under Education Code section 17560; and

**WHEREAS**, by this Resolution, the Board intends to convey the Easement Area to the City of Fresno for use as a public street rights-of-way and public utility improvements.

**THEREFORE, BE IT RESOLVED** that the District's Governing Board hereby:

1. Declares and adopts the foregoing recitals as true and correct.
2. Pursuant to Education Code section 17556 et seq., conveys the Easement Area to the City of Fresno for use as a public street rights-of-way and public utility improvements, which Easement Area is set forth in the Deed of Easement attached hereto.
3. Authorizes and directs the Superintendent or designee to execute and deliver to the City of Fresno the attached Easement Deed or similar instrument(s), with such modifications thereto as the Superintendent or designee determines appropriate and agreed upon with the City of Fresno, to convey the Easement Area to the City of Fresno for public street rights-of-way and public utility improvements.
4. This Resolution shall take effect immediately upon its adoption.

**THE FOREGOING RESOLUTION** was adopted by the Governing Board of the Clovis Unified School District of Fresno County, California, at a regular meeting of said Board held on this 4<sup>th</sup> day of May, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Tiffany Stoker Madsen, President  
Governing Board  
Clovis Unified School District  
Fresno County, California

I, Yolanda Moore, the Clerk of the Governing Board of the Clovis Unified School District, County of Fresno, State of California, do hereby certify that the foregoing is a true copy of the Resolution adopted by said Board at a regular meeting there, at the time and by the vote therein stated, which original resolution is on file in the office of said Board.

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Yolanda Moore, Clerk  
Governing Board  
Clovis Unified School District  
Fresno County, California

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