

**RESOLUTION NO. 3865
BEFORE THE GOVERNING BOARD
OF THE CLOVIS UNIFIED SCHOOL DISTRICT
FRESNO COUNTY, CALIFORNIA**

**IN THE MATTER OF DECLARING INTENTION TO CONVEY A PUBLIC STREET
RIGHTS-OF-WAY AND PUBLIC UTILITY EASEMENT TO THE CITY OF
FRESNO/APN 574-130-01T (PORTION) AND SETTING OF PUBLIC HEARING**

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; and

WHEREAS, by this Resolution, the Board intends to declare its intention to convey the Easement Area to the City of Fresno and to fix a date and time for the public hearing upon the question of making the conveyance of the Easement Area to the City of Fresno.

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

1. Declares and adopts the foregoing recitals as true and correct.
2. Declares its intention to convey the Easement Area to the City of Fresno for a public street rights-of-way and public utility improvements, such Easement Area as described in the Deed of Easement attached hereto along with such terms and conditions as agreed upon by the District and the City of Fresno.
3. Fixes the date and time of the public hearing upon the question of making the conveyance of the Easement Area as follows: No earlier than 6:45 p.m. on May 4, 2022, the Board shall hold a public hearing upon the question of making the proposed conveyance of the Easement Area to the City of Fresno. The meeting shall be held at the Board's regular place of meeting, Boardroom, 1680 David E. Cook Way, Clovis, California.
4. The Superintendent or designee is authorized and directed to give notice of the adoption of this Resolution and of the time and place of holding the meeting at which the public hearing shall be conducted. The notice shall be given by posting copies of this Resolution and publishing as required by law.
5. 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 20th day of April, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Member

Member

Member

Member

Member

Member

Member

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.

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

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