

LODI UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 2021-33

RESOLUTION OF INTENT TO CONVEY A RIGHT-OF-WAY AND PUBLIC UTILITY EASEMENT AND CALLING PUBLIC HEARING IN CONNECTION THEREWITH

WHEREAS, section 17556, et seq., of the California Education Code authorizes the Lodi Unified School District ("**District**"), by two-thirds (2/3) vote of its Board of Education ("**Board**"), to dedicate or convey to the State, or any political subdivision or municipal corporation thereof, for public street or highway purposes, either with or without consideration and without a vote of the electors of the District first being taken, any real property belonging to the District or 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 District, upon such terms and conditions as the parties thereto may agree; and

WHEREAS, District owns certain real property, located at West Vine Street in the City of Lodi, County of San Joaquin, State of California (the "**Property**"); and

WHEREAS, the City of Lodi ("**City**") desires to acquire an easement in over, under and across the Property for public roadway purposes and to construct, maintain, repair, replace, remove and operate lines for public utilities, both publicly and privately owned, together with the right to enter upon the Property to the extent that such entry may be necessary for the constructing, maintaining, repairing, replacing, removing and operating said access, lines or appurtenances thereto (the "**Right-of-Way and Public Utility Easement**"); and

WHEREAS, the proposed Right-of-Way and Public Utility Easement to be conveyed from District to City is identified on the attached EXHIBIT A and depicted in the attached EXHIBIT B.

WHEREAS, District desires to give notice of its intent to convey the Right-of-Way and Public Utility Easement to City, and to call a public hearing in connection therewith in accordance with statutory requirements.

NOW THEREFORE, the Lodi Unified School District Board of Education hereby resolves, determines, and finds the following:

Section 1. Recitals. The foregoing recitals are true and correct and incorporated herein.

Section 2. Intent to Convey Right-of-Way and Public Utility Easement. The District declares its intent to convey the Right-of-Way and Public Utility Easement pursuant to Education Code section 17557.

Section 3. Public Hearing. The Superintendent, or designee, is hereby directed to give notice that on July 13, 2021, at 7:00 p.m., or such later date as described herein, the Board will hold a public hearing on the question of whether to convey the Right-of-Way and Public Utility Easement to City. The public hearing shall be held during the regularly scheduled public meeting of the Board. This meeting will be held pursuant to Executive Order N-29-20 issued by California Governor Gavin Newsom on March 17, 2020, and the hearing will be held **in the District's** James Areida Education Support Center, located at 1305 East Vine Street, Lodi, CA 95240. Public comments can be submitted online by going to <https://lodipublic.ic-board.com/> and clicking on the Google survey titled "Board Meeting Comments" **after 5:30**

p.m. on July 13, 2021. Notice of the public hearing shall be given by posting copies of this adopted Resolution, signed by the Board members or a majority thereof, in three (3) public places within the District at least ten (10) days prior to the hearing, and by publishing the notice once in a newspaper of general circulation in the District at least five (5) days prior to the hearing. If no legal protest is entered, the Board may at that meeting or a meeting scheduled within sixty (60) days after the hearing, adopt a resolution by a two-thirds (2/3) vote of all of its members authorizing and directing the conveyance of the Right-of-Way and Public Utility Easement pursuant to the terms of the resolution. The Superintendent or designee is further authorized to determine that a continuation, adjournment, extension or rescheduling of the public hearing and/or the Board action regarding the easement dedication is in the best interests of the District and may do so by posting and publishing a notice thereof in the manner described in Education Code Section 17558, without further Board action.

PASSED, ADOPTED, and APPROVED by two-thirds (2/3) of the members of the Governing Board of the Lodi Unified School District on June 15, 2021, by the following votes:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

Signed: _____
Ron Freitas, President

Signed: _____
Susan Macfarlane, Vice President

Signed: _____
Courtney Porter, Clerk

Signed: _____
Gary Knackstedt, Member

Signed: _____
George Neely, Member

Signed: _____
Ron Heberle, Member

Signed: _____
Joe Nava, Member

EXHIBIT "A"

A portion of the parcel conveyed by deed to, Lodi Unified School District described in that certain Grant Deed recorded November 21, 2008, in Document No. 2008-182531, San Joaquin County Records, hereinafter referred to as the LUSD Parcel, situate in the City of Lodi, San Joaquin County, State of California, lying within the northwest quarter (NW 1/4) of Section 10, Township 3 North, Range 6 East, Mount Diablo Base and Meridian, being more particularly described as follows:

BEGINNING at the southeast (SE) corner of said LUSD Parcel, also being a point on the east/west quarter section line of said Section 10; thence along said east/west quarter section line, North 89°12'29" West, 586.24 feet to the southwest corner of said LUSD Parcel; thence along the west line of said LUSD Parcel, North 00°10'16" East, 893.33 feet to the northwest (NW) corner of said LUSD Parcel; thence along the north line of said LUSD Parcel, South 89°12'14" East, 1.83 feet; thence leaving last said line the following three (3) courses: (1) South 00°02'09" West, 851.65 feet; (2) South 44°35'10" East, 13.82 feet to a point 32.00 feet north (measured at right angles) of the south line of said LUSD Parcel, also being said east/west quarter section line; and (3) parallel with said east/west quarter section line, South 89°12'29" East, 572.59 feet to the east line of said LUSD Parcel; thence along said east line, South 00°02'09" West, 32.00 feet to the POINT OF BEGINNING.

EXHIBIT "B"

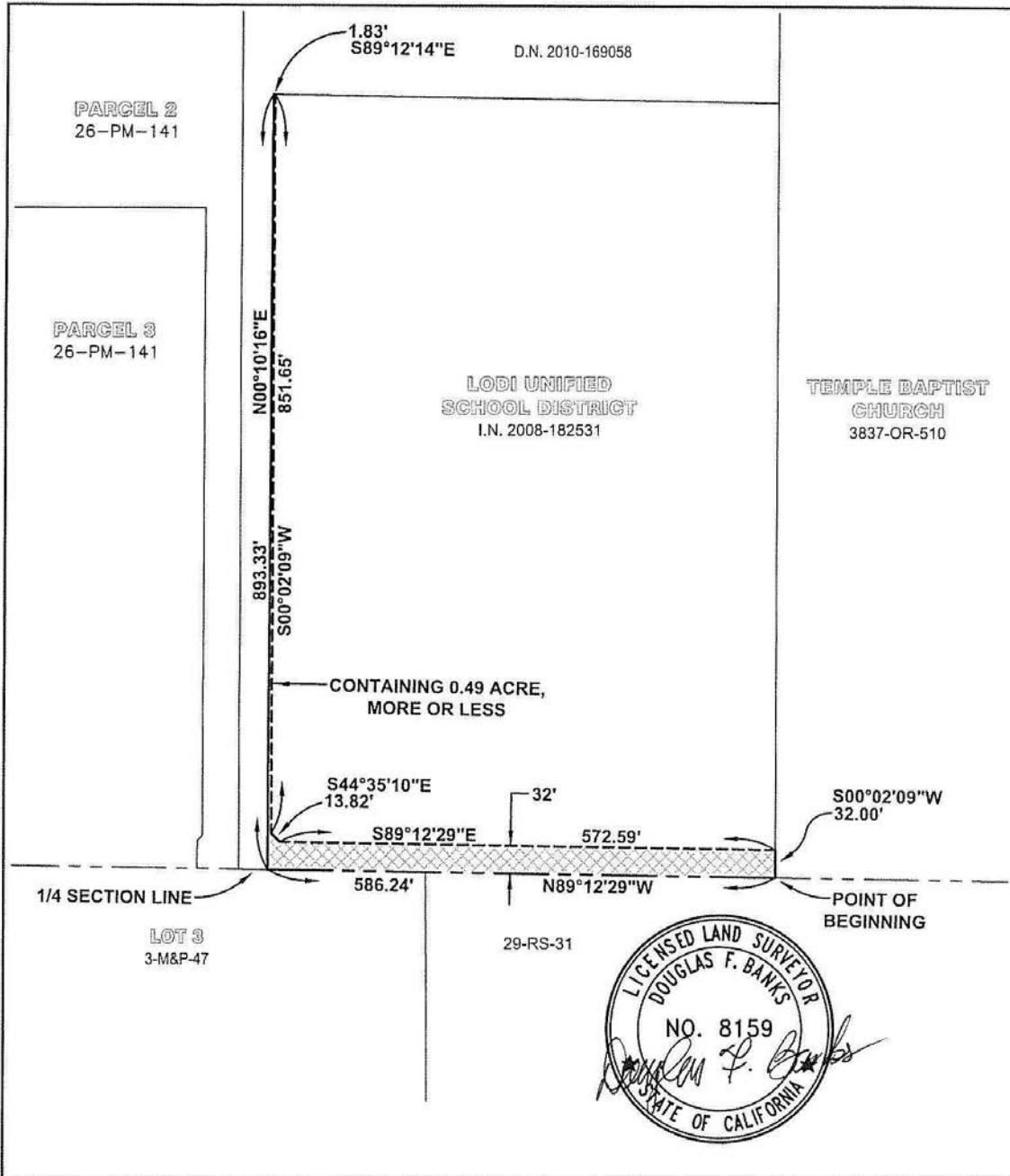


EXHIBIT "B"

VARIABLE-WIDTH CITY OF LODI STREET EASEMENT

CITY OF LODI, CALIFORNIA

DATE: JANUARY, 2021

MCR ENGINEERING
www.mcreng.com
 MCR ENGINEERING, INC.
 1242 DUPONT COURT
 MANTECA, CA 95336
 TEL: (209) 239-6229
 FAX: (209) 239-8839