

Gina Sudaria

*Superintendent*

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***Ravenswood City School District*ADMINISTRATIVE OFFICE**

2120 Euclid Avenue, East Palo Alto, California 94303
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“OUR CHILDREN – OUR FUTURE”

RESOLUTION NO. 2020/2021 - 23

RESOLUTION OF THE BOARD OF TRUSTEES OF THE RAVENSWOOD CITY SCHOOL DISTRICT DECLARING ITS INTENTION TO LEASE THE SITE COMMONLY REFERRED TO AS 2120 EUCLID AVENUE, IN EAST PALO ALTO, CALIFORNIA AND PRESENTLY USED AS THE DISTRICT OFFICE AND DIRECTING STAFF AND CONSULTANTS TO PROCEED WITH THE LEASE PROCESS

WHEREAS, the Ravenswood City School District (“District”) owns a parcel of land that is approximately four acres in size situated within the jurisdictional boundaries of the District, at 2120 Euclid Avenue, in East Palo Alto, California, and included as part of the land identified as Assessor’s Parcel Number 063-292-380 (the “Property”); and

WHEREAS, this Board determines that the Property is not and will not be needed by the District for school classroom buildings or other purposes and the Property has not previously operated, and was not constructed to be operated, as an early childhood education facility or a school for elementary and secondary instruction; and

WHEREAS, Section 17485, *et seq*., of the Education Code (“Naylor Act”) regulates the District’s ability to lease certain land that is used for playgrounds, play fields and recreational uses or that is open-space land that is particularly suited for recreational purposes; and

WHEREAS, the Naylor Act, where applicable, takes precedence over general statutory provisions relating to the lease of surplus property by school districts; and

WHEREAS, the Property is not, and has not, to the District’s knowledge, ever been used for playground, playing field or other recreational or outdoor purposes preceding the adoption of this resolution, nor is the Property particularly suited for such purposes; and

WHEREAS, there is no evidence or indication that any local planning decisions were made on the assumption that the Property would be available for playgrounds, play fields, or recreational uses; and

WHEREAS, Section 17466 of the Education Code requires that this Board adopt, by a two-thirds vote of its members, a resolution declaring this Board’s intent to sell or lease the Property, as the case may be; describing the property proposed to be sold or leased in such manner as to identify it; specifying the minimum price or rental for the Property and the terms upon which it will be sold or leased, as the case may be; and the commission or rate thereof, if any, which the Board will pay to a licensed real estate broker out of the minimum price or rental for the Property; and a time not less than three weeks after adoption of the resolution for a public meeting to be held by this Board at its regular place of meeting, at which sealed proposals to purchase or lease the Property will be received and considered (“Resolution of Intent”); and

WHEREAS, Education Code provisions require that copies of the notice of adoption of the Resolution of Intent be posted in at least three public places in the District, not less than fifteen days before the date of the public meeting at which sealed proposals to purchase or lease the Property will be received and considered and that such notice also be publishing not less than once a week for three successive weeks before the meeting in a newspaper of general circulation published in the county in which the District is situated; and

WHEREAS, in order to facilitate the marketing of the Property so as to maximize lease offers, this Board has hired a licensed real estate broker to advertise and solicit proposals from potential lessees and to negotiate lease offers; and

WHEREAS, this Board now wishes to proceed with the lease of the Property in a fashion that will yield the greatest economic benefits to the District.

NOW THEREFORE, BE IT FOUND, DETERMINED, AND RESOLVED BY THE BOARD OF TRUSTEES OF THE RAVENSWOOD CITY SCHOOL DISTRICT, COUNTY OF SAN MATEO, CALIFORNIA, AS FOLLOWS:

1. The foregoing recitals are adopted as true and correct.
2. This Board hereby determines that the Property is surplus property that the District will not need for educational purposes at the time of delivery of possession to the lessee and this Board does not anticipate that the Property will be needed for at least the next 10 years, in anticipation that a longer lease may be appropriate, to meet its educational or related service needs.
3. Pursuant to Section 17463.7 of the Education Code, because the Property has never been previously operated, nor was it constructed to be operated, as an early childhood education facility or a school for elementary and secondary instructional purposes, this Board is not required to appoint a district advisory committee pursuant to Section 17387, *et seq.* of the Education Code, prior to declaring the Property surplus.
4. It is in the District’s best interest to enter into a lease for the Property for a period of 10 years, with the opportunity for renewals or extensions to the lease term, but with the flexibility to end the lease at the end of the term in the event the District needs the Property for educational purposes.
5. Pursuant to Section 17466 of the Education Code, the Board hereby declares its intention to lease the Property in the manner described in this Resolution and otherwise in accordance with applicable law.
6. The minimum rental at which the District will consider leasing the Property shall be $100,000 (“Minimum Bid Amount”). In addition to the Minimum Bid Amount, the terms of the lease for the Property shall include that the initial term of the Lease shall be for 10 years; that the lessee shall be responsible for any possessory interest taxes or other taxes resulting from lessee’s use of the Property; the lessee shall take the Property in an as-is condition; and such other conditions as this Board or the Superintendent or his designee may adopt and properly publicize prior to the time that bids are due pursuant to this Resolution.
7. Each sealed bid for the Property, submitted prior to bidding, shall be in writing in such form as may be prescribed by the District Superintendent or her designee prior to the time that bids are due to be submitted (“Bid Form”), signed by the bidder and placed in a sealed envelope, which shall be marked “SEALED PROPOSAL FOR THE AUCTION TO LEASE THE RAVENSWOOD CITY SCHOOL DISTRICT 2120 EUCLID AVENUE PROPERTY.” All sealed bids must be received by the District no later than 1 p.m. on September 1st, 2021, which is the last business day prior to bid opening. The District may change this date at a future time. All bids shall be delivered to the Board of Trustees, Ravenswood City School District, c/o Will Eger, Chief Business Official, 2120 Euclid Avenue, East Palo Alto, CA 94303-1703. Bids delivered via United States Mail or other similar delivery service shall be sealed in an internal envelope that as labeled as set forth in this Section 7. Bidders are fully responsible for ensuring that mailed or delivered bids are received by the District by the date and time prescribed in this Section 7.
8. Signed and sealed bids for the lease of the Property will be received and considered at a public meeting of this Board at 7:00 p.m., or as soon thereafter as practicable, on September 1st, 2021 (“Public Auction”). The District may change this date at a future time. The Public Auction will occur at this Board’s meeting chambers at the District Offices, located at 2120 Euclid Avenue, East Palo Alto, CA 94303-1703. At the Auction, subject to the terms of this Resolution, all bids timely received, will be opened, examined, and declared by the Superintendent, or her designee.
9. After the Board has declared the highest responsible written bid, the Board shall call for any oral bids. If, after calling for such oral bids, a responsible person or firm offers, orally, to lease the Property pursuant to Education Code Section 17473, upon terms and conditions contained in this Resolution and at a price that exceeds the highest written proposal by at least five percent (5%), then the highest oral bid shall be accepted. Otherwise, the highest responsible written proposal shall be accepted. No oral bid shall be finally accepted until the oral bid is reduced to writing and signed by the bidder. Unsuccessful oral bidders are required to provide the District with identifying contact information at the time of the Public Auction in order for such bids to be considered, in the event of default by higher bidders.
10. All written and oral bids shall remain firm offers by the respective bidders to the District for sixty days after the Public Auction, or until the highest bidder enters into a written lease agreement with the District, whichever occurs first. The District shall have the right to offer the Property for lease to the next highest bidder in the event that the highest bidder fails to enter into a least agreement during that time. Such next highest bidder must, within three days of receiving the District’s request, provide written confirmation that it intends to honor its previous bid. Each bidder is responsible to provide the District with appropriate contact information to effectuate the provisions of this Section 10.
11. The bid for the Property which offers the District the highest price, conforms to all of the terms and conditions specified in this Resolution and is made by a responsible bidder shall be accepted by the Board at its meeting on October 28th, 2021 or at any adjourned session of the same meeting held within ten days, unless the Board rejects all bids. The Board specifically reserves the right to reject any and all bids, if it deems such action to be in the District’s interest.
12. Within fourteen working days after the highest bid to lease the property is accepted by this Board, the bidder shall be required to enter into a lease Agreement with the District in substantial conformity with the terms set forth in this Resolution and as may be identified hereafter pursuant to this Resolution.
13. The District may, in the time preceding the Public Auction, release further information and/or details regarding the Property and the lease of the Property by the District. Any person interested in receiving such information shall notify Will Eger, Chief Business Official, at weger@ravenswoodschools.org, and provide a mailing address, facsimile number and/or email address to which such information may be sent, Such service shall not relieve bidders from their duty to conduct their own due diligence before the Public Auction and the District assumes no responsibility for the timely receipt or lack of receipt of any notice that may be provided by Mr. Eger.
14. District staff is hereby authorized and directed to give notice of the adoption of this Resolution of Intent by posting copies of the Resolution in at least three (3) public places within the District at least three weeks prior to the Public Auction and to cause such notice to be published in a newspaper of general circulation in San Mateo County at least once each week for the three weeks immediately preceding the Public Auction.
15. The District’s Superintendent, or her designee, is authorized and directed to send written offers for the lease of the Property to public agencies if and to the extent that the Superintendent, or her designee, in consultation with District staff and consultants, determines that such written offers to public agencies to lease the Property are warranted or required pursuant to Section 17489 of the Education Code or Section 54222 of the Government Code.
16. In order to facilitate the marketing of the lease of the Property, this Board approves the payment to JLL Capital Markets commission rate not to exceed 6%; related to the lease of the Property. The Chief Business Officer is additionally authorized to negotiate a rate lower or a payment plan that reduces the district’s financial burden below that 6%.
17. The Superintendent and her designees are hereby authorized to take further actions necessary to accomplish the purposes of this Resolution, both with respect to the lease of the Property and the advertising of the District’s acceptance of bids for such lease. The Superintendent, or her designee, is authorized to give notice of and publicity to the adoption of this Resolution and the pending lease in ways deemed appropriate by the Superintendent and her designees, and to otherwise take actions as may be reasonably necessary to effectuate the purpose of this Resolution.
18. Copies of this Resolution shall be made available to prospective bidders upon request.

ADOPTED, SIGNED AND APPROVED this \_\_\_\_\_ of May, 2021.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 President of the Board of Trustees of the

 Ravenswood City School District

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Clerk of the Board of Trustees of the Ravenswood City School District, do hereby certify that the foregoing resolution was adopted by the Board of Trustees of the District at a meeting of the Board held on the \_\_\_\_\_\_\_\_\_\_ day of May, 2021 and it was so adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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 Clerk of the Board of Trustees of the

 Ravenswood City School District