

CAPISTRANO UNIFIED SCHOOL DISTRICT
San Juan Capistrano, California

RESOLUTION NO. 1920-49

RESOLUTION OF THE CAPISTRANO UNIFIED SCHOOL DISTRICT TO AUTHORIZE THE CONVEYANCE OF AN EASEMENT TO MOULTON NIGUEL WATER DISTRICT FOR THE PURPOSES OF PROVIDING NECESSARY PUBLIC WATER, RECLAIMED WATER, AND WASTEWATER FACILITIES TO ALISO NIGUEL HIGH SCHOOL

WHEREAS, Moulton Niguel Water District (MNWD) requires an easement from the Capistrano Unified School District (District) in order to install, construct, reconstruct, remove and replace, renew, inspect, maintain, repair, improve, relocate, and otherwise use potable, recycled, or wastewater pipeline or pipelines and incidental appurtenances, connections, and structures (Facilities); and

WHEREAS, the Facilities will provide necessary public water, reclaimed water, and wastewater facilities to Aliso Niguel High School, located at 28000 Wolverine Way in the City of Aliso Viejo, identified as Orange County Assessor Parcel No. 634-241-04 (District Property) for the District's Aliso Niguel High School STEM Building Project; and

WHEREAS, the easement sought by MNWD and the specific location of the easement is attached hereto as Exhibit 1, and is incorporated herein by this reference (MNWD Easement); and

WHEREAS, the MNWD Easement is located in an area that will not interfere with the District's operation of its academic facilities on the District Property, or otherwise negatively impact school operation; and

WHEREAS, Education Code § 17556 *et seq.* provides the authority for the District to convey easements after first adopting a resolution declaring such an intent and holding a public hearing to consider such a conveyance; and

WHEREAS, pursuant to Education Code § 17557, the District's Board of Trustees (Board) adopted Resolution No. 1920-42 (Resolution of Intent) on March 18, 2020, declaring its intention to consider the conveyance of the MNWD Easement to MNWD, and establishing April 29, 2020, at 7:00 p.m., or as soon thereafter as reasonably possible, as the time for the Board to conduct a public hearing at its regular meeting to be held at the District Board Room, located at 33122 Valle Road, San Juan Capistrano, California 92675, to receive public comments with respect to the proposed conveyance of the MNWD Easement to MNWD; and

WHEREAS, the District provided notice of the public hearing, as required by Education Code § 17558, by posting a copy of the Resolution of Intent in three public places within the

District no later than April 19, 2020 and publishing notice of the hearing in the *Orange County Register* no later than April 24, 2020; and

WHEREAS, the Board conducted a public hearing on April 29, 2020, and considered all comments received, if any; and

WHEREAS, as authorized by Education Code § 17559, the Board may now consider and adopt a resolution to authorize the conveyance of the proposed MNWD Easement to MNWD, unless the Board receives a written protest signed by at least 10 percent of the qualified electors within the District; and

WHEREAS, the Board has not received a petition, signed by any qualified electors objecting to the conveyance of the MNWD Easement; and

WHEREAS, the Board desires to convey the MNWD Easement to MNWD in a manner substantially similar to that set forth in Exhibit 1, subject to the terms and conditions set forth therein.

NOW, THEREFORE, THE BOARD DOES HEREBY DETERMINE, RESOLVE, AND ORDER AS FOLLOWS:

Section 1. The above recitals are true and correct.

Section 2. At the public hearing held in accordance with Education Code Sections 17557 and 17559, the Board provided an opportunity for public comment on the question of whether the District should convey the MNWD Easement, and the Board has considered any and all comments made or received at such time.

Section 3. The Board hereby authorizes the conveyance of the MNWD Easement to MNWD, in the manner and form set forth in Exhibit 1. The Board hereby authorizes the President of the Board or the Superintendent to execute and deliver the MNWD Easement to MNWD.

Section 4. The Board hereby authorizes the Superintendent, or the Superintendent's designee, to take such additional action or execute such additional documentation as may be reasonably required to effectuate the intent of this Resolution, including, but not limited to, the delivery of the executed deeds to the appropriate entities.

(Signatures on following page)

PASSED AND ADOPTED by the Board of Trustees of the Capistrano Unified School District on April 29, 2020, by the following vote:

AYES	(7)
NOES	(0)
ABSTAIN	(0)
ABSENT	(0)

I, Kirsten M. Vital, Secretary of the Capistrano Unified School District Board of Trustees, hereby certify that the above and foregoing Resolution was duly and regularly adopted by the said Board at the meeting on April 29, 2020, by a roll call vote.

By: 
Gila Jones
Clerk of the Board of Trustees

By: 
Kirsten M. Vital, Superintendent
Secretary of the Board of Trustees

EXHIBIT 1
MNWD EASEMENT