

MONTEREY PENINSULA UNIFIED SCHOOL DISTRICT

TO: Board of Education

DATE: December 4, 2006

ITEM: **REPORT:** Declare Three Properties Surplus and Offer for Sale to Certain Public and Non-Profit Entities

BACKGROUND:

On October 4 the Board participated in a Study Session to review a report with recommendations from the Surplus Property Advisory ("7-11") Committee. On October 23 the Board formally received that report. The next step in disposing of property recommended as surplus by the Committee is for the Board to formally declare each parcel to be surplus, and direct staff to comply with state law by offering the property to entities listed in statute. The attached three resolutions authorize these steps. Following the designated time periods, staff will return with a plan to dispose of any property not acquired by a public agency or nonprofit.

Resolutions are attached for:

Property Name	Resol. #	Acres	APN
Hidden Hills	0607-5	10	416-193-012-000
Monterra/Tarpy Flats	0607-6	50	259-011-016-000
Basketball Courts	0607-7	0.2	011-312-002-000

Each Resolution designates the respective parcel to be surplus in accordance with the recommendations received from the Surplus Property Advisory Committee and directs staff to comply with legal requirements to offer the land to certain groups.

DISCUSSION:

The Board is asked to adopt a resolution for each property that declares the property to be surplus and directs staff to comply with legal requirements by making offers to designated entities.

By declaring these properties surplus at this time, the Board will not be committed to sell, lease, or otherwise dispose of the properties.

Rather, such a declaration will only have the effect of allowing District staff to begin soliciting potential offers from certain statutorily specified public and nonprofit entities as required by law before the Board may later declare its intent to sell or lease the same properties at an auction open to the public. The acceptance of any offers received, or a determination to proceed with the sale of any of the surplus properties, will require future Board consideration and approval. District Staff will contract for appraisals on the subject properties to include highest and best use to maximize monetary return.

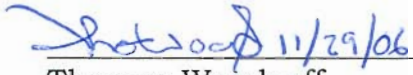
With those limitations in mind, if one or more properties are designated as surplus by the Board, the estimated timeline for potentially selling the properties is as follows:

1. Board of Education designates property as surplus and authorizes staff to solicit offers from public entities and nonprofit public benefit corporations as required by the Education and Government Codes. (December 4, 2006)
2. District notifies statutorily designated public entities and nonprofit public benefit corporations of the District's interest in receiving offers for the purchase of the designated properties. By statute, those entities will have various times in which to respond. Certain entities have 60 days to respond and 60 subsequent days to negotiate the potential purchase. Other entities will have 60 days in which to respond and negotiate the potential purchase following the third of three published notices by the District of its desire to receive offers. (Potentially March 2007.)
3. If, after negotiating with a responding public entity or nonprofit corporation for the required amount of time, the Board does not receive acceptable offers for the purchase of the properties, the Board of Education may consider a second resolution declaring its intention to sell the designated properties and establishing a date on which it will receive proposals for the purchase of the same from any interested party. (Potentially April 2007.)
4. Board may receive sealed written proposals for the purchase of the designated properties and call for oral proposals for the purchase of same. Thereafter, the Board may either accept the highest proposal for the purchase of the properties or reject all bids and withdraw its offer to sell the same. (Potentially May 2007.)

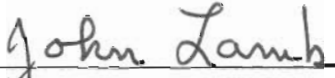
RECOMMENDATION:

Review the attached resolutions and documentation for disposal of surplus real property.

PREPARED BY:


Thomas Woodruff,
Chief Business Officer

APPROVED BY:


John Lamb,
Superintendent

RESOLUTION NO. 0607-5

**RESOLUTION OF THE BOARD OF EDUCATION OF
THE MONTEREY PENINSULA UNIFIED SCHOOL
DISTRICT DESIGNATING CERTAIN REAL
PROPERTY SURPLUS AND AUTHORIZING THE
SOLICITATION OF OFFERS FOR SAID REAL
PROPERTY FROM CERTAIN PUBLIC ENTITIES
AND NONPROFIT PUBLIC BENEFIT
CORPORATIONS.**

WHEREAS, the Monterey Peninsula Unified School District (“District”) is the owner of approximately 10 acres of real property, identified as Monterey County Assessor Parcel No. (“APN”) 416-193-012-000, located adjacent to Boots Road and south of Highway 68 in the unincorporated territory of the County of Monterey (“Subject Property”); and

WHEREAS, the District’s Board of Education (“Board”) appointed an Advisory Committee, pursuant to Education Code Section 17387, *et. al* (“Committee”), to (1) review the projected school enrollment and other data as provided by the District to determine the amount of surplus space and real property; (2) establish a priority list of use of surplus space and real property that would be acceptable to the community; (3) cause to have circulated throughout the attendance area a priority list of surplus space and real property and provide for hearings for community input to the Committee on acceptable uses of space and real property, including the sale or lease of surplus real property for child care development purposes pursuant to Education Code Section 17458; (4) make a final determination of limits of tolerance of use of space and real property; and (5) forward to the Board a report recommending the uses of surplus space and real property; and

WHEREAS, the Committee approved its report and recommendations (“Committee Report”) for the Board on September 5, 2006, in which it recommended that the Subject Property be designated surplus and sold by the District; and

WHEREAS, the Board has received and considered the Committee Report, including the Committee’s conclusions as to the surplus nature of the Subject Property and the recommended priority of uses set forth by the Committee; and

WHEREAS, the Subject Property is not, nor will be, needed by the District for school classroom purposes of the District; and

WHEREAS, the Subject Property is not, and has not, been used for playground, playing field, or other recreational or outdoor purposes for at least eight years immediately preceding adoption of this Resolution, nor is it particularly suited for such purposes and there is no evidence or indication that any local planning decisions were made on the assumption that the Subject Property would be available for playgrounds, play fields, or recreational uses; and

WHEREAS, before the Board authorizes the sale of the Subject Property, it is required to notify certain public and nonprofit entities specified in Education Code Section 17464; and

WHEREAS, Education Code Section 17464 establishes the order, priorities, and time frame within which the District must negotiate with responding public and nonprofit public benefit entities before the District may otherwise render a decision to sell the Subject Property; and

WHEREAS, neither a declaration of the surplus nature of the Subject Property, nor negotiations with interested public and nonprofit entities commit the District or the Board to sell, lease, or otherwise dispose of the Subject Property.

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

Section 1. The above recitals are true and correct.

Section 2. The Board, having received and considered the Committee Report, accepts the Committee Report.

Section 3. The Board hereby declares the Subject Property surplus to the District's needs; as such property is not needed, nor anticipated to be needed, for school classroom purposes. The Board further declares that it is in the best interests of the District to consider the disposal of the Subject Property, whether by sale, lease, exchange, or otherwise.

Section 4. The District desires to solicit offers from certain public agencies, as provided for in Education Code Section 17464, for the Subject Property.

Section 5. The Board hereby delegates authority to the Chief Business Officer to take such action as may be required to carry out the purpose of this Resolution, including the solicitation of offers for the Subject Property from those entities set forth in Education Code Section 17464 (a) and (b), in the manner set forth by that Section.

Section 6. The Board, by this Resolution, is not committing to the sale, lease, or disposition of the Subject Property. This Resolution shall be interpreted only as willingness on the part of the Board to hear and consider proposals from statutorily specified public and nonprofit entities before rendering any decisions as to the potential sale or lease of the Subject Property.

APPROVED, ADOPTED, AND SIGNED this 4th day of December, 2006.

By:

President of the Board of Education
Monterey Peninsula Unified School District

By:

Clerk of the Board of Education
Monterey Peninsula Unified School District

RESOLUTION NO. 0607-6

**RESOLUTION OF THE BOARD OF EDUCATION OF
THE MONTEREY PENINSULA UNIFIED SCHOOL
DISTRICT DESIGNATING CERTAIN REAL
PROPERTY SURPLUS AND AUTHORIZING THE
SOLICITATION OF OFFERS FOR SAID REAL
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CORPORATIONS.**

WHEREAS, the Monterey Peninsula Unified School District (“District”) is the owner of approximately 50 acres of real property, identified as Monterey County Assessor Parcel No. (“APN”) 259-011-016-000, located east of Olmstead Road and south of Highway 68 in the unincorporated territory of the County of Monterey (“Subject Property”); and

WHEREAS, the District’s Board of Education (“Board”) appointed an Advisory Committee, pursuant to Education Code Section 17387, *et. al* (“Committee”), to (1) review the projected school enrollment and other data as provided by the District to determine the amount of surplus space and real property; (2) establish a priority list of use of surplus space and real property that would be acceptable to the community; (3) cause to have circulated throughout the attendance area a priority list of surplus space and real property and provide for hearings for community input to the Committee on acceptable uses of space and real property, including the sale or lease of surplus real property for child care development purposes pursuant to Education Code Section 17458; (4) make a final determination of limits of tolerance of use of space and real property; and (5) forward to the Board a report recommending the uses of surplus space and real property; and

WHEREAS, the Committee approved its report and recommendations (“Committee Report”) for the Board on September 5, 2006, in which it recommended that the Subject Property be designated surplus and sold by the District; and

WHEREAS, the Board has received and considered the Committee Report, including the Committee’s conclusions as to the surplus nature of the Subject Property and the recommended priority of uses set forth by the Committee; and

WHEREAS, the Subject Property is not, nor will be, needed by the District for school classroom purposes of the District; and

WHEREAS, the Subject Property is not, and has not, been used for playground, playing field, or other recreational or outdoor purposes for at least eight years immediately preceding adoption of this Resolution, nor is it particularly suited for such purposes and there is no evidence or indication that any local planning decisions were made on the assumption that the Subject Property would be available for playgrounds, play fields, or recreational uses; and

WHEREAS, before the Board authorizes the sale of the Subject Property, it is required to notify certain public and nonprofit entities specified in Education Code Section 17464; and

WHEREAS, Education Code Section 17464 establishes the order, priorities, and time frame within which the District must negotiate with responding public and nonprofit public benefit entities before the District may otherwise render a decision to sell the Subject Property; and

WHEREAS, neither a declaration of the surplus nature of the Subject Property, nor negotiations with interested public and nonprofit entities commit the District or the Board to sell, lease, or otherwise dispose of the Subject Property.

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By:

President of the Board of Education
Monterey Peninsula Unified School District

By:

Clerk of the Board of Education
Monterey Peninsula Unified School District

RESOLUTION NO. 0607-7

**RESOLUTION OF THE BOARD OF EDUCATION OF
THE MONTEREY PENINSULA UNIFIED SCHOOL
DISTRICT DESIGNATING CERTAIN REAL
PROPERTY SURPLUS AND AUTHORIZING THE
SOLICITATION OF OFFERS FOR SAID REAL
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WHEREAS, the Monterey Peninsula Unified School District (“District”) is the owner of approximately 0.2 acres (approximately 8,000 square feet) of real property, identified as Monterey County Assessor Parcel No. (“APN”) 011-312-002-000, located at the northwest corner of Contra Costa Street and Sonoma Avenue in the City of Seaside (“Subject Property”); and

WHEREAS, the District’s Board of Education (“Board”) appointed an Advisory Committee, pursuant to Education Code Section 17387, *et. al* (“Committee”), to (1) review the projected school enrollment and other data as provided by the District to determine the amount of surplus space and real property; (2) establish a priority list of use of surplus space and real property that would be acceptable to the community; (3) cause to have circulated throughout the attendance area a priority list of surplus space and real property and provide for hearings for community input to the Committee on acceptable uses of space and real property, including the sale or lease of surplus real property for child care development purposes pursuant to Education Code Section 17458; (4) make a final determination of limits of tolerance of use of space and real property; and (5) forward to the Board a report recommending the uses of surplus space and real property; and

WHEREAS, the Committee approved its report and recommendations (“Committee Report”) for the Board on September 5, 2006, in which it recommended that the Subject Property be designated surplus and sold by the District; and

WHEREAS, the Board has received and considered the Committee Report, including the Committee’s conclusions as to the surplus nature of the Subject Property and the recommended priority of uses set forth by the Committee; and

WHEREAS, the Subject Property is not, nor will be, needed by the District for school classroom purposes of the District; and

WHEREAS, the Subject Property is not, and has not, been used for playground, playing field, or other recreational or outdoor purposes for at least eight years immediately preceding adoption of this Resolution, nor is it particularly suited for such purposes and there is no evidence or indication that any local planning decisions were made on the assumption that the Subject Property would be available for playgrounds, play fields, or recreational uses; and

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