

**TOPIC:** RESOLUTION NO. 16-13-14 AUTHORIZING THE SALE OF DISTRICT REAL PROPERTY, FINDING THE SALE OF DISTRICT PROPERTY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING THE FILING AND RECORDATION OF A NOTICE OF EXEMPTION – RIVERDALE ELEMENTARY SCHOOL SITE

**DESCRIPTION:** Evaluation and disposal of surplus property is identified as a strategy under the "Efficient Use of Resources" area of the strategic plan. In keeping with the strategic plan, a District Advisory Committee was convened for the purpose of studying potential surplus properties and providing recommendations to the Board of Education. The Board received a report from the Committee on September 13, 2012 that stated in part, "The Riverdale property will not be needed in the future for school facilities and should be considered surplus."

At the October 24, 2013 meeting, the Board of Education adopted Resolution 07-13-14 declaring Riverdale site surplus.

This evening's action will authorize staff to offer the property for sale at no less than the minimum bid of fifteen million nine hundred thousand dollars (\$15,900,000). However, the Board may also consider counteroffers if no conforming bid proposals are received.

**FISCAL IMPACT:** Special Reserve Fund for Capital Outlay Projects Income of \$15,900,000 or best counteroffer if no conforming bid proposals are received.

**RECOMMENDATION:** It is recommended that the Board of Education approve Resolution No. 16-13-14, authorizing the sale of District real property, finding the sale of District property exempt from the California Environmental Quality Act, and approving the filing and recordation of a notice of exemption.

**RESOLUTION NO. 16-13-14 OF THE BOARD OF EDUCATION  
OF THE ORANGE UNIFIED SCHOOL DISTRICT**

**AUTHORIZING THE SALE OF DISTRICT REAL PROPERTY, FINDING THE SALE  
OF DISTRICT PROPERTY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL  
QUALITY ACT, AND APPROVING THE FILING AND RECORDATION OF A  
NOTICE OF EXEMPTION**

**(RIVERDALE ELEMENTARY SCHOOL SITE)**

**WHEREAS**, the Orange Unified School District (“District”) is the owner of approximately 11.54 acres of certain excess real property, formerly the site of the District’s Riverdale Elementary School, located within the District at 4540 East Riverdale Avenue, Anaheim California (“Property”), and as more particularly described in the map depiction attached hereto as Exhibit “A”;

**WHEREAS**, the District Advisory Committee, formed pursuant to Education Code section 17388 et seq., submitted a report to the Board on September 13, 2012 (“Committee Report”) concluding that the Property was not needed to house District students and was not necessary for school purposes;

**WHEREAS**, the District Advisory Committee recommended that the best use of the Property included the sale pursuant to California law at the Property’s highest and best use value;

**WHEREAS**, the Board previously adopted and approved a resolution (Resolution Number 07-13-14, attached hereto as Exhibit “B”, declaring the Property surplus and declaring the Board’s intention to retain the Property, until such time that the District determines to dispose of the Property, through separate board action, at a future date;

**WHEREAS**, the District now desires to sell the Property, in a public sale, pursuant to Education Code Section 17466, et seq.;

**WHEREAS**, the Property may consist of land which is used or has been used, for school playground, playing field, or other outdoor recreational purposes and the Property may be open-space land particularly suited for recreational purposes, therefore the Property may be subject to the requirements of Education Code section 17485 et seq. known as the Naylor Act;

**WHEREAS**, prior to any sale to the public, the Property must be offered to specified public entities pursuant to Education Code section 17464 and Government Code section 54222;

**WHEREAS**, after complying with Education Code section 17464, Education Code section 17485 et seq., and Government Code section 54222, the District desires to sell the Property in a public bid auction, pursuant to Education Code section 17466 et seq.;

**WHEREAS**, prior to the sale of the Property, the District must comply with the California Environmental Quality Act (“CEQA”);

**WHEREAS**, categorical exemptions to CEQA are set forth in Article 19 of Title 14 of the California Code of Regulations (“CEQA Guidelines”);

**WHEREAS**, CEQA Guidelines Section 15312 sets forth an exemption from CEQA for sales of surplus government property;

**WHEREAS**, the District will sell the Property pursuant to CEQA Guidelines Section 15312; and

**WHEREAS**, the District Property is not located in an area of statewide, regional, or area wide concerns as identified in CEQA Guidelines Section 15206(b)(4);

**WHEREAS**, the District has considered whether the sale of the Property may have significant impacts on the environment; and

**WHEREAS**, the District has concluded, through its own independent review and analysis, that the sale of the Property will not have a significant impact on the environment.

**NOW, THEREFORE**, the Board of the Orange Unified School District hereby finds, determines, declares, orders and resolves as follows:

**Section 1.** That all of the recitals set forth above are true and correct.

**Section 2.** That the Board hereby declares the Board’s intention to sell said Property.

**Section 3.** That, the sale of the Property is not hereby limited to any particular manner, and the District will use its best efforts to ensure the Property is sold at no less than the minimum bid of Fifteen Million Nine Hundred Thousand Dollars (\$15,900,000); provided, however, should such a sale not come to fruition, the Board may take further action at a later date with respect to the Property.

**Section 4.** That the District’s Superintendent or his designee is authorized and directed to send written offers for the sale of the Property to public agencies pursuant to Education Code section 17464, Education Code section 17489 and Government Code section 54222 and written notice to the District’s local planning agency of the proposed disposal of the Property pursuant to Government Code section 65402(c).

**Section 5.** That in the event that no public agencies listed in Education Code section 17464 and 17489 and Government Code section 54222 express an interest in the Property, this Board, pursuant to Education Code section 17466, does hereby announce its intention to receive and consider proposals for the sale of the Property and may also consider counteroffers if no conforming bid proposals are received.

**Section 6.** That the District’s Superintendent or his designee is authorized and directed to give notice of the District’s intent to sell the Property by posting copies of this Resolution in at least three locations within the District not less than 15 days before the bid auction and by publishing notice in any newspaper of general circulation located within the District, once a week for three weeks.

**Section 7.** That each bidder shall submit with its bid proposal a certified or cashier's check made payable to the Orange Unified School District in the amount of Ten Thousand Dollars (\$10,000.00) as bid security for entering into the purchase agreement which shall be negotiated in good faith with the District. The deposit of the successful bidder will be retained by the District and applied towards the purchase of the Property. After execution of the purchase agreement by a successful bidder, or thirty (30) days, whichever comes first, all other deposits will be returned. If the successful bidder fails to execute the purchase agreement and provide all necessary documents within five (5) days of receiving the final purchase agreement from the District, the District may retain the bid security.

**Section 8.** That the sale of the Property, at auction, shall be upon the following terms and conditions:

- a. The minimum bid for the sale of the Property shall be no less than the minimum bid of Fifteen Million Nine Hundred Thousand Dollars (\$15,900,000).
- b. The Property is sold in an "As-Is" condition.
- c. The purchaser shall bear all costs associated with recording fees, documentary and other transfer taxes, title insurance premiums, and other escrow costs; and
- d. Any other terms that the District may later approve prior to said bid auction.

**Section 9.** The District will not pay a real estate commission for the purchase or sale of the Property.

**Section 10.** That Bid Proposal forms for the purchase of the Property may be obtained from the Business Services Department of the District at 1401 North Handy Street, Orange, California 92867. Although a bidder may propose changes to the purchase agreement, unless otherwise agreed to by the District, the bidder shall agree that the existing terms and conditions of the purchase agreement will be binding upon the successful bidder. Any proposed changes to the purchase agreement must be submitted with the bid proposal. Any proposed material changes to the existing terms and conditions of the purchase agreement shall render such bid a counteroffer, which counteroffer may not be accepted by the District should any written or oral offer be made at or greater than the terms and conditions set forth in the purchase agreement and the minimum terms set forth herein. If there are no written or oral offers that conform to the terms and conditions set forth in the Purchase Agreement, the District may accept counteroffers.

**Section 11.** That the bid proposals shall be sealed and filed with the District at a specified future date and time, which date and time shall be noticed pursuant to the surplus property procedures and the law of the State of California. The Board delegates authority to the District's Superintendent or his designee to establish the date for submission of bid proposals and of the bid auction.

**Section 12.** That, at the bid auction to be held on August 13, 2014 at the District Office, or as determined by the Board, the sealed bid proposals shall be opened, examined and declared. The District's Superintendent or his authorized designee shall then call for oral bids.

If, upon the call for oral bidding, any responsible person's offer to enter into said purchase agreement, upon the terms and conditions specified and for a price exceeding by at least five percent (5%) the highest written proposal for the Property, then the oral bid, which is highest for the Property shall be finally accepted. Final acceptance shall not be made, however, until the oral bid is reduced to writing and signed by the offeror and bid security, as described herein, in the form of a certified or cashier's check payable to the District has been submitted.

**Section 13.** That final acceptance of the highest bid, either written or oral, will be made at the Board meeting, or at any adjourned session of the same meeting held within ten (10) days. The Board may select the highest bid of any of the bids, or if it deems such action to be for the best public interest, it may reject any and all bids. The District reserves the right to make non-substantive changes to the purchase agreement. The highest successful bidder shall be required to execute the purchase agreement as a requirement for final acceptance by the Board.

**Section 14.** That the District's Superintendent or his designee is hereby authorized and directed to give notice of the Board's intent to sell the Property by posting executed copies of the Resolution in three (3) public places in the District not less than fifteen (15) days before the date of the meeting, and by publication of a Notice of Intent to Sell not less than once a week for three (3) consecutive weeks before the date of the meeting in a newspaper of general circulation published in the District or in the County in which the District or any part thereof is situated and having a general circulation in the County.

**Section 15.** That the District has considered whether the sale of the Property may have significant impacts on the environment.

**Section 16.** That the District has concluded, after reviewing the sale of the Property through its own independent review and analysis, that the sale of the Property will not have a significant impact on the environment.

**Section 17.** That the sale of the Property will not result in damage to scenic resources pursuant to Public Resources Codes Section 21084.

**Section 18.** That the Property is not located in an area of statewide, regional, or areawide concerns as identified in CEQA Guidelines Section 15206(b)(4).

**Section 19.** That the sale of the Property is subject to CEQA Guidelines Section 15312, and is therefore exempt from CEQA.

**Section 20.** That the District's Superintendent, or the Superintendent's designee, is instructed to file and/or record a Notice of Exemption from the California Environmental Quality Act, consistent with this Resolution, attached hereto as Exhibit "C," with any and all appropriate public agencies or entities, subject only to minor, non-substantive revisions, if necessary.

**Section 21.** This Resolution shall take effect immediately upon adoption.

ADOPTED, SIGNED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2014.

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John Ortega  
President of the Board of Education of the  
Orange Unified School District

I, \_\_\_\_\_, Clerk of the Board of Education of the Orange Unified School District, do hereby certify that the foregoing Resolution was adopted by the Board of said District at a meeting of said Board held on the \_\_\_\_ day of \_\_\_\_\_, 2014, and that it was so adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Mark D. Wayland  
Clerk of the Board of Education of the  
Orange Unified School District

## EXHIBIT "A"

**All that certain real property situated in the County of Orange, State of California, described as follows:**

**Parcel 1:**

**That portion of the Jonathan Watson Tract, as shown on a Map filed in Book 2, Page 26 of Record of Survey in the office of the County Recorder of Orange County, California, and that portion of the land allotted to Josefa Montalva De Serrano as Administratrix of Leandro Serrano, deceased, as described in the final decree of partition of the Rancho Santiago de Santa Ana, which was entered August 12, 1868 in Book "B", Page 410 of Judgments of the District Court of the 17th Judicial District in and for Los Angeles County, California, described as follows:**

**Beginning at a point in the center line of Santa Ana Canyon Road, said point being distant South 66° 16' 15" West 267.00 feet from the intersection of said center line with the Southeasterly extension of the Easterly line of the lands of Jonathan Watson;  
Thence South 66° 16' 15" West 369.83 feet to a point;  
Thence South 47° 34' 45" West 5.86 feet to a point in the Westerly line of that certain parcel of land described in the deed recorded December 6, 1937 in Book 920, Page 211 of Official Records of Orange County, California;  
Thence North 23° 26' 30" West, along said Westerly line 1134.68 feet to a point;  
Thence North 80° 17' 20" East 386.41 feet to a point in the Westerly line of that certain parcel of land described in the deed recorded April 25, 1944 in Book 1404, Page 465 of Official Records;  
Thence South 23° 26' 30" East, along said Westerly line, 1039.21 feet to the point of beginning.**

**Excepting therefrom that portion lying Westerly of the following described line:**

**Beginning at a point in the South line of the land hereinbefore described distant thereon South 66° 16' 15" West 187.85 feet from the Southeast corner thereof and running thence North 23° 26' 30" West, parallel with the East line of said parcel, to the North line thereof.**

**Also excepting therefrom all that portion thereof included within the lines of Santa Ana Canyon Road, and also all that portion thereof included within the lines of the right of way of the Santa Ana Valley Irrigation Company.**

**Also excepting therefrom any portion that may be included within the strips of land conveyed to Santa Ana Valley Irrigation Company by deed recorded July 18, 1934 in Book 685, Page 255 of Official Records.**

**Excepting therefrom all oil, gas, minerals and other hydrocarbon substances below a depth of 500 feet from the surface of said land, but without the right of entry upon any portion of the surface above a depth of 500 feet for any purpose whatsoever, as reserved by Grant Deed recorded May 17, 1965 in Book 7521, Page 699 of Official Records of said County.**

**Also excepting therefrom that portion conveyed to the State of California by Grant Deed recorded September 17, 1968 in Book 8723, Page 16 of Official Records.**

**Parcel 2:**

**That portion of the Jonathan Watson Tract, as shown on a Map filed in Book 2, Page 26 of Record of Survey in the office of the County Recorder of Orange County, California, and that portion of the land allotted to Josefa Montalva De Serrano as Administratrix of Leandro Serrano, deceased, as described in the final decree of partition of the Rancho Santiago de Santa Ana, which was entered August 12, 1868 in Book "B", Page 410 of Judgments of the District Court of the 17th Judicial District in and for Los Angeles County, California, described as follows:**

**Beginning at the intersection of the Southeasterly prolongation of the Southwesterly line of Tract No. 5332, as shown on a Map recorded in Book 192, Pages 36, 37 and 38 of Miscellaneous Maps, Records of Orange County, California, with the centerline of Santa Ana Canyon Road, as shown on said Map;**

**Thence North 23° 22' 46" West 1070.24 feet to the most Westerly corner of said Tract 5332;**

**Thence North 35° 54' 52" East 332.62 feet to an angle point in the Northerly line of said Tract No. 5332, said point being the Southerly terminus of that certain line described as North 9° 26' 50" West 880.13 feet in an agreement between Ben Lemke and others, and C. V. Chambers and others, recorded December 26, 1951 in Book 2267, Page 513 of Official Records;**



**Thence North 9° 37' 24" West along said agreement line, 40.27 feet;  
Thence South 73° 42' 10" West 245.92 feet to the beginning of a tangent curve concave Northerly having a radius of 1000.00 feet;  
Thence Westerly along said curve, through a central angle of 4° 46' 27" an arc distance of 118.23 feet;  
Thence tangent to said curve South 00° 28' 37" West, 127.94 feet to the Westerly line of the land described in a deed to C. V. Chambers and others, recorded April 25, 1946 in Book 1404, Page 465 of Official Records;  
Thence South 9° 31' 23" East 325.66 feet to an angle point in said Westerly line of the land of Chambers;  
Thence South 23° 22' 23" East along said Westerly line and its Southeasterly prolongation, 1846.71 feet to said centerline of Santa Ana Canyon Road;  
Thence North 66° 20' 39" East 267.00 feet to the point of beginning.**

**Excepting therefrom all that portion thereof included within the lines of the Santa Ana Canyon Road and also all that portion thereof included within the lines of the right of way of the Santa Ana Valley Irrigation Company.**

**Also excepting therefrom any portion that may be included within the strips of land conveyed to the Santa Ana Valley Irrigation Company by deed recorded July 18, 1934 in Book 685, Page 255 of Official Records.**

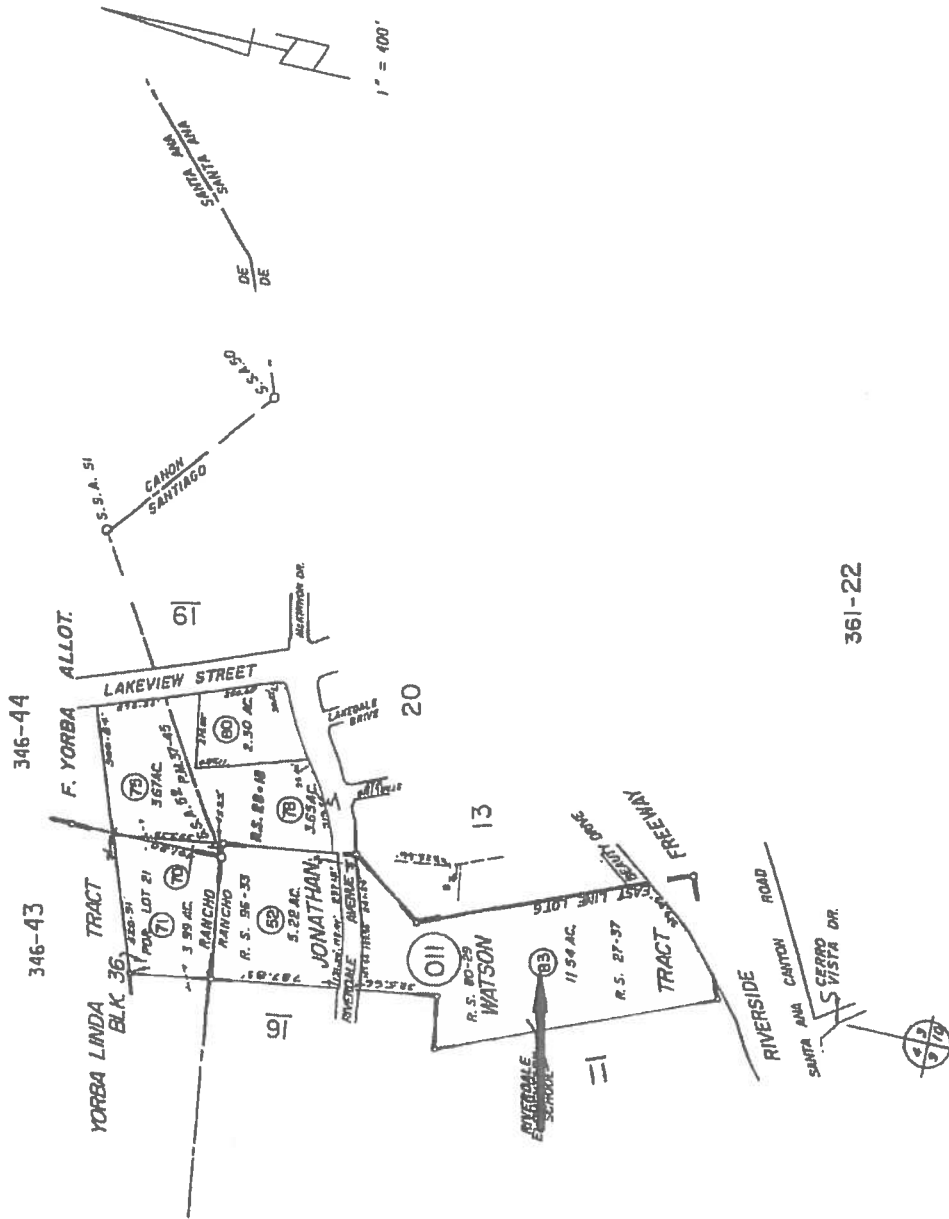
**Excepting therefrom all oil, gas, minerals and other hydrocarbon substances below a depth of 500 feet from the surface of said land, but without the right of entry upon any portion of the surface above a depth of 500 feet for any purpose whatsoever, as reserved by Grant Deed recorded October 7, 1965 In Book 7694, Page 771 of Official Records of said County.**

**Also excepting therefrom that portion conveyed to the State of California by Grant Deed recorded September 17, 1968 in Book 8723, Page 16 of Official Records.**

Assessor's Parcel Number:       **359-011-83**

359-01

POR. SEC. 3, T4S, R9W  
POR. SEC. 4, T4S, R9W



361-22

MARCH 1965

YORBA LINDA TRACT  
M.M. 5-17, 18  
JONATHAN WATSON TRACT  
R.S. 2-264  
YORBA ALLOT. 3rd CLASS LANDS

NOTE - ASSESSOR'S BLOCK &  
PARCEL NUMBERS  
SHOWN IN CIRCLES

ASSESSOR'S MAP  
BOOK 359 PAGE 01  
COUNTY OF ORANGE



## EXHIBIT "B"

### RESOLUTION NO. 07-13-14

#### RESOLUTION OF THE BOARD OF EDUCATION OF THE ORANGE UNIFIED SCHOOL DISTRICT ACCEPTING ADVISORY COMMITTEE RECOMMENDATION AND DECLARING SURPLUS PROPERTY (RIVERDALE ELEMENTARY SCHOOL SITE)

**WHEREAS**, the Orange Unified School District ("District") is the owner of approximately 11.54 acres of certain excess real property, formerly the site of the District's Riverdale Elementary School, located within the District at 4540 East Riverdale Avenue, Anaheim California ("Property"), and as more particularly described in the map depiction attached hereto as Exhibit "A";

**WHEREAS**, the District appointed a surplus property advisory committee ("Advisory Committee") pursuant to Education Code section 17388, et seq. to advise the District's governing board ("Board") in the development of district-wide policies and procedures governing the use or disposition of school buildings or space in school buildings which is not needed for school purposes, including the Property;

**WHEREAS**, the Advisory Committee met on June 20, 2012; July 11, 2012; July 30, 2012; August 8, 2012; and August 27, 2012;

**WHEREAS**, the Advisory Committee submitted the report titled "Final Report and Recommendation to the Board of Education" ("Report") to the Board on September 13, 2012 at which meeting the Board accepted the Report;

**WHEREAS**, the Advisory Committee recommends that the Board declare the Property surplus and recommends selling the Property pursuant to California law at the Property's highest and best use value, or, in the alternative, leasing the Property pursuant to California law at the Property's highest and best use value, or, in the alternative, exchange the Property pursuant to California law at the Property's highest and best value in either the Property's current or possible future entitled states; and

**WHEREAS**, the Board desires to declare the Property surplus in accordance with the Advisory Committee's recommendation, but retain the Property until such time that the District determines to dispose of the Property, through separate board action, at a future date.

**NOW, THEREFORE**, the Board of the Orange Unified School District hereby finds, determines, declares, orders and resolves as follows:

**Section 1.** That all of the recitals set forth above are true and correct.

**Section 2.** That the Board hereby reconfirms its acceptance of the Advisory Committee's Report and recommendations for the Property.

**Section 3.** That the Board hereby declares the Property surplus.

**Section 4.** That the Board hereby declares the Board's intention to retain the Property, until such time that the District determines to dispose of the Property, through separate board action, at a future date.

**ADOPTED, SIGNED AND APPROVED** this 24<sup>th</sup> day of October, 2013.

**BOARD OF EDUCATION  
ORANGE UNIFIED SCHOOL DISTRICT**

By:



**Timothy Surridge, Board President**

By:



**Mark Wayland, Clerk of the Board**

I, Mark Wayland, Clerk of the Board of Education of the Orange Unified School District, do hereby certify that the foregoing Resolution was adopted by the Board of said District at a meeting of said Board held on the 24<sup>th</sup> day of October, 2013, and that it was so adopted by the following vote:

AYES:	<u>5</u>	(Deligianni, Ledesma, Ortega, Surridge, Wayland)
NOES:	<u>2</u>	(Moffat, Singer)
ABSTAIN:	<u>0</u>	
ABSENT:	<u>0</u>	



**Mark Wayland, Clerk of the Board**

# NOTICE OF EXEMPTION

# EXHIBIT "C"

**TO:** : Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

**FROM:**

ORANGE UNIFIED SCHOOL DISTRICT  
1401 North Handy Street  
Orange, CA 92867

: Orange County Clerk-Recorder  
12 Civic Center Plaza, Room 101  
Santa Ana, CA 92701

**Project Title:** Sale of Riverdale Elementary School Site Property

**Project Location - Specific:** 4540 East Riverdale Avenue, Anaheim, California 92807

**Project Location - City:** Anaheim

**Project Location - County:** Orange

**Description of Project:**

Orange Unified School District ("District") proposes to sell its property located at 4540 East Riverdale Avenue, Anaheim, California 92807, known as the District's Riverdale Elementary School Site Property ("District Property").

**Name of Public Agency Approving Project:** ORANGE UNIFIED SCHOOL DISTRICT

**Name of Person or Agency Carrying Out Project:** ORANGE UNIFIED SCHOOL DISTRICT

**Exempt Status:** (check one)

- Ministerial (Sec. 21080(a)(1); 15268(b));
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State Type and section number:  
Surplus Government Property Sales [15312]
- Statutory Exemptions. State Code number: \_\_\_\_\_

**Reasons why project is exempt:**

The Project involves the sale of the District Property. The Project will not cause a substantial adverse change in the significance of a historical resource. The Project will not involve the use of significant amounts of hazardous substances. The District Property is not located in an area of statewide, regional, or area-wide concern identified in CEQA Guidelines Section 15206(b)(4). The Project is not subject to any of the exceptions to exemption set forth in CEQA Guidelines section 15300.2.

**Lead Agency Contact Person:** Joe Sorraera, Assistant Superintendent of Business Services

**Area Code/Telephone/Ext.:** (714) 628-4479

**If filed by applicant:**

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes  No

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_ **Title:** \_\_\_\_\_

Signed by Lead Agency      Date received for filing at OPR:       Signed by Applicant