

**DEL MAR UNION SCHOOL DISTRICT
BOARD OF TRUSTEES
Del Mar Union School District
Conference Room
225 9th Street
Del Mar, CA 92014**

**NOTICE OF SPECIAL BOARD MEETING
BY THE BOARD OF TRUSTEES**

**Monday, May 19, 2008
1:00 p.m.**

Written notice is hereby given in accordance with Education Code Section 35144, Government Code 54956, and other applicable law that the following Special Board Meeting of the Board of Trustees, Del Mar Union School District, will be held on Monday, May 19, 2008 beginning at 1:00 p.m. at the Del Mar Union School District, Conference Room, 225 9th Street, Del Mar, CA 92014.

PLEASE NOTE: Any member of the public who wishes to address the board on an item on the agenda which lies within the governing board's jurisdiction may do so, but must present a written request on the form provided, before the meeting is called to order. A member of the public who wishes to address the Board on such item is limited to three minutes unless such time limit is waived by a majority vote of the Board. The total amount of time to be allowed on any item is fifteen minutes, unless the time limit is waived by a majority vote of the Board. No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that Board members may briefly respond to statements made or questions posed by persons exercising their public testimony rights.

In compliance with the Americans with Disabilities Act, if you need special assistance, disability-related modifications or accommodations, including auxiliary aids or services, in order to participate in the public meetings of the District's governing board, please contact the office of the District Superintendent at (858) 523-6198.

Notification 72 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accommodation and accessibility to this meeting. Upon request, the District shall also make available this agenda and all other public records associated with this meeting in appropriate alternative formats for persons with a disability.

CALL TO ORDER - OPEN SESSION, 1:00 P.M.

BUSINESS TO BE TRANSACTED WILL BE LIMITED TO THE FOLLOWING:

1. APPROVAL OF AGENDA

Motion _____ *Second* _____ *Ayes* _____ *Nays* _____

2. PUBLIC COMMENT

3. ADJOURN TO CLOSED SESSION

Time: _____

CALL TO ORDER – CLOSED SESSION

CLOSED SESSION AGENDA:

- 4. CONFERENCE WITH REAL PROPERTY NEGOTIATOR** (G.C. 54956.8)- Property: 225 9th Street, Del Mar, California 92014—Agency Negotiators: Janet Bernard, Interim Superintendent/Rodger Smith, Director of Facilities/Personnel Negotiating Parties: DMUSD and the City of Del Mar—Under Negotiation: Sale/Lease Terms Between the City of Del Mar and the DMUSD.

ADJOURN TO OPEN SESSION

Time: _____

RECONVENE TO OPEN SESSION

5. REPORT OF ACTION TAKEN IN CLOSED SESSION

- 6. BOARD APPROVAL, RESOLUTION NO. 2008-11 AUTHORIZING THE SALE OF REAL PROPERTY TO THE CITY OF DEL MAR, APPROVING A LEASE AGREEMENT WITH THE CITY OF DEL MAR, APPROVING AN ASSIGNMENT OF LEASE WITH THE CITY OF DEL MAR AND APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE WINSTON SCHOOL.**

M_____S_____ Aye_____ Nay_____

7. ADJOURNMENT OF SPECIAL BOARD MEETING OF MAY 19, 2008

Time: _____p.m.

Motion____Second____Ayes____Nays

May 19, 2008

To: Board Members

From: Janet Bernard, Interim Superintendent

Subject: Board Approval, Resolution No. 2008-11 Authorizing the Sale of Real Property to the City of Del Mar, Approving a Lease Agreement with the City of Del Mar, Approving an Assignment of Lease with the City of Del Mar and Approving a Memorandum of Understanding with The Winston School

The Board's approval of Resolution No. 2008-11 authorizes the Board to take all the actions necessary for approving the sale of the Del Mar Shores property.

FISCAL IMPACT: None.

RECOMMENDED: Interim Superintendent recommends the Board approve Resolution No. 2008-11 Authorizing the Sale of Real Property to the City of Del Mar, Approving a Lease Agreement with the City of Del Mar, Approving an Assignment of Lease with the City of Del Mar and Approving a Memorandum of Understanding with The Winston School.

6.0

RESOLUTION NO. 2008-11

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE DEL
MAR UNION SCHOOL DISTRICT AUTHORIZING THE**

**SALE OF REAL PROPERTY TO THE CITY OF DEL MAR,
APPROVING A LEASE AGREEMENT WITH THE CITY OF
DEL MAR, APPROVING AN ASSIGNMENT OF LEASE
WITH THE CITY OF DEL MAR AND APPROVING A
MEMORANDUM OF UNDERSTANDING WITH THE
WINSTON SCHOOL**

WHEREAS, the Del Mar Union School District (“District”) is the owner of approximately 5.3 acres of real property, identified as Assessor Parcel Numbers 300-200-01, 300-200-22 and 300-200-23 located at 215 and 225 Ninth Street, Del Mar, California 92014 (“Property”); and

WHEREAS, the Property is currently zoned for “Public Facility” uses by the City; and

WHEREAS, the Board of Trustees (“Board”) on September 25, 2005, approved Resolution No. 2005-19 declaring the Property as surplus real property and authorized the Superintendent or the Superintendent’s designee to solicit offers on the Property from those entities set forth under Education Code Sections 17464(a) and (b); and

WHEREAS, the City of Del Mar (“City”) notified the District of the City’s interest in acquiring the Property and the City and District negotiated a Purchase and Sale Agreement and Escrow Instructions which was approved by the Board, effective July 31, 2007 (“Purchase Agreement”); and

WHEREAS, the City requested changes to the Purchase Agreement which would extend the close of escrow date and provide for the financing of a portion of the purchase price of the Property; and

WHEREAS, the District desires to sell and the City desires to purchase the Property on the terms set forth in the Purchase Agreement as amended by the Amendment to Purchase and Sale Agreement and Escrow Instructions Between the City of Del Mar and the Del Mar Union School District (“Amendment”); and

WHEREAS, if the District approves the Amendment, the City has agreed to lease a portion of the Property to the District for its administrative offices and other District uses; and

WHEREAS, if the City purchases the Property from the District, the District will need to assign to the City the Lease Agreement Between the Del Mar Union School District and the Winston School as amended on July 26, 2006 (“Winston Lease”); and

WHEREAS, if the City purchases the Property from the District, the District will need to enter into a Memorandum of Understanding (“MOU”) with Winston School to provide for the payment of utility expenses and the shared use of parking at the Property; and

WHEREAS, the Board has determined that a sale of the Property to the City as set forth in the Purchase Agreement and Amendment and the concurrent lease of a portion of the Property from the City would be in the best interest of the District.

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 hereby reaffirms that the Property is no longer required, nor will it be required in the foreseeable future, for classroom purposes.

Section 3. The Board hereby declares its intention to sell and approves the sale of the Property to the City upon the terms and conditions contained in the Purchase Agreement and Amendment, copies of which are available for review at the District office.

Section 4. The Board hereby approves the Lease Agreement Between City of Del Mar and Del Mar Union School District, May 15, 2008 through May 14, 2011, a copy of which is available for review at the District office.

Section 5. The Board hereby approves the Assignment of Lease between the District and the City, assigning the Winston Lease to the City, a copy of which is available for review at the District office.

Section 6. The Board hereby approves the MOU between the District and Winston School, a copy of which is available for review at the District office.

Section 7. The Interim Superintendent, or the Interim Superintendent's designee, is authorized to take such action and execute such documents as may be necessary to fulfill the requirements of this Resolution and to close the escrow with the City as provided in the Purchase Agreement and Amendment.

Section 8. The Interim Superintendent, or the Interim Superintendent's designee, is authorized to provide notice to any prior owners of the Property. The Board recognizes, however, at this time that such notice cannot reasonably be given, as the District has not yet been able to identify a person or persons who would be considered the prior owner. As such, the Board hereby determines that, absent future information, notice cannot reasonably be given to the prior owner, or its successors or assigns.

Section 9. The Interim Superintendent, or the Interim Superintendent's designee, is authorized to take such action and execute such documents as may be necessary to complete the MOU with Winston School.

APPROVED, ADOPTED, AND SIGNED this ___th day of May, 2008.

By: _____
Annette Easton, President of the Board of Trustees of the Del Mar Union School District

ATTEST:

By: _____
Clerk of the Board of Trustees of the Del Mar Union School
District

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

I, _____, Clerk of the Board of Trustees of the Del Mar Union School District, do hereby certify that the foregoing Resolution was duly adopted by the Board of Trustees of said District at a meeting of the Board of Trustees held on the ____th day of May, 2008, and that it was so adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

By: _____
Clerk of the Board of Trustees of the Del Mar Union
School District

