

**ALAMEDA UNIFIED SCHOOL DISTRICT**  
**Alameda, California**  
**Resolution**

June 23, 2020

Resolution No. 2019-2020.66

**Declaring Former Maintenance Yard Property as "Exempt Surplus Land" and Authorizing Staff  
to Submit a Waiver Application to the State Board of Education Regarding Surplus Property  
Disposal Procedures**

*WHEREAS*, , the Alameda Unified School District ("District") currently owns the property located at 2615 Eagle Avenue, Alameda, CA 94501 (the "Property"); and

*WHEREAS*, the District has been exploring the possibility of disposing of the Property; and

*WHEREAS*; the District's Board has received the report of a 7-11 committee pursuant to Education Code section 17388 *et seq.* indicating that the Property is not needed for District purposes. Government Code section 54221(b) requires that land be declared either "surplus land" or "exempt surplus land."

Government Code section 54220 *et seq.* requires certain local agencies to provide a notice of availability prior to disposing of certain surplus property, whereas local agencies are not required to provide a notice of availability for "exempt surplus land."

*WHEREAS*, the Property constitutes "exempt surplus land" as defined by Government Code section 54221(f) because it is subject to Education Code section 17388. Thus, the Board is authorized and wishes to make a finding that the Property constitutes "exempt surplus land." Moreover, the written notice of availability is not required to be sent by Government Code section 54221(f)(2) because the land (a) is not within a coastal zone, (b) is not adjacent to a historical unit of the State Parks system, (c) is not listed on or determined by the State Office of Historic Preservation to be eligible for the National Register of Historic Places, and (d) is not with in the Lake Tahoe region as defined in Section 66905.5.; and

*WHEREAS*, Cal. Code Regs., tit. 23, § 193(h), and Cal. Code Regs., tit. 14, § 15312 the sale or lease of surplus government property is exempt from the California Environmental Quality Act (CEQA), except for parcels located in an area of statewide, regional of area wide concern identified in § 15206(b)(4).; and

*WHEREAS*, Education Code sections 33050 through 33053 allow the California Department of Education allows for a waiver of statutory procedures, including the surplus property disposal procedures within the Education Code if it is in the best interests of the District to do so.

*NOW, THEREFORE, BE IT RESOLVED* that:

1. That the above recitals are true and correct, and are incorporated herein by reference.
2. That the Board finds and determines that the Property constitutes "exempt surplus land" as defined by Government Code section 54221(f).
3. That the Board authorizes and directs staff to file a CEQA exemption.
4. The Board authorizes the submission of an application to the California Department of Education for a waiver of the surplus property procedures otherwise applicable to the Project; and
5. The Board authorizes and directs the superintendent or designee to take all necessary actions for the submission of said Application.

*PASSED AND ADOPTED* by the following vote this 23<sup>rd</sup> day of June, 2020:

AYES: \_\_\_\_\_ MEMBERS: \_\_\_\_\_

NOES: \_\_\_\_\_ MEMBERS: \_\_\_\_\_

ABSENT: \_\_\_\_\_ MEMBERS: \_\_\_\_\_

\_\_\_\_\_  
Mialisa Bonta, President  
Board of Education  
Alameda Unified School District

ATTEST:

By: \_\_\_\_\_  
Pasquale Scuderi, Secretary  
Board of Education  
Alameda Unified School District