

NOVATO UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 15-2014/2015

TRANSFER OF FEDERAL LAND AT FORMER  
HAMILTON ARMY AIRFIELD FOR EDUCATIONAL USES

**WHEREAS**, certain real property owned by the United States of America, located in the County of Marin, State of California, has been declared surplus to the needs of the Federal government and is subject to assignment for disposal for educational purposes by the Secretary of Education, under the provisions of Section 203(k)(1)(a) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377) (Act), as amended, and rules and regulations promulgated pursuant thereto, more particularly described as follows:

That portion of the Department of Defense Housing Facility known as Planning Area 5 of the Hamilton Reuse Plan, *Public Benefit Conveyance Parcel 1B*;

**WHEREAS**, Public Benefit Conveyance Parcel 1B was transferred to the District in 2009, and the Board of Trustees of the District ("Board") has determined that the District should amend its approved educational uses of the property ("Property") to better suit current District needs, in accordance with the requirements of said Act and the rules and regulations promulgated thereunder, of which this Board is fully informed, including commitments regarding use and time within such use shall commence; and

**WHEREAS**, the Board desires to approve an Amended and Recertified Application for Public Benefit Conveyance Allowance for Educational Purposes ("Application").

**NOW, THEREFORE, BE IT RESOLVED**, as follows:

**Section 1.** That the Board hereby approves the making of an amended and recertified application to the Secretary of Education to amend the plan of use for the Property, subject to such exceptions, reservations, terms, covenants, agreements, conditions and restrictions as the Secretary of Education, or his authorized representative may require in connection with the disposal of said property under said Act and rules and regulations issued thereto.

**Section 2.** That the District has legal authority and is willing and is in a position financially and otherwise to continue the care and maintenance of the Property, and that the Superintendent of the District is hereby authorized, for and on behalf of the District to do and perform any and all acts and things which may be necessary to carry out the foregoing resolution including the preparing, making and filing of plans, applications, reports and other documents; the execution, acceptance, delivery and recordation of agreements, deeds and other instruments pertaining to the transfer of said property; and the payment of any and all sums necessary on account of the purchase price thereof including fees or costs incurred in connection with the transfer of said property for surveys, title searches, real estate appraisals, recordation of instruments or costs associated with escrow arrangements; together with any payments necessary by virtue of nonuse or deferral of use of the property. The District understands and agrees that if it is unable to place the Property into use (or determines that a deferral of use should occur), the District will pay to the United States Department of Education for each month of nonuse beginning thirty-six (36) months where construction or major renovation is contemplated, the sum of 1/360th of the then current fair market value of the property for each month of nonuse.

**Section 3.** A copy of this resolution, the Application, and a copy of the standard deed conditions will be filed with the permanent minutes of the Board.

**PASSED AND ADOPTED** at a regular meeting of the governing body of the Novato Unified School District on this 3<sup>rd</sup> day of February 2015 by the following vote:

AYES: 5  
NOES: 1  
ABSTAIN: 1 (*Reuse*)  
ABSENT: 0

State of California,  
County of Marin

I, DEREK KNEEL <sup>*Acting*</sup>, President of the Novato Unified School District Board of Trustees, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the Board of Trustees at a regularly called and conducted meeting held on said date.



*Acting* President, NUSD Board of Trustees

ATTEST: Shelly Scott  
*Acting* Clerk, NUSD Board of Trustees