

**MARIN COMMUNITY COLLEGE DISTRICT**  
Kentfield, CA 94904

**REVISED**

**BOARD AGENDA ITEM**

To: Board of Trustees	Date: December 9, 2008
From: Superintendent/President	Item & File No. D.11.d.
Subject: Notice of Intent to Lease Property	
Reason for Board Consideration: <b>APPROVAL</b>	Enclosure(s): Resolution

**BACKGROUND:**

Ross School District has embarked upon a multi-year construction project to upgrade their school and does not have space to accommodate the associated construction needs for the project. The District has received a request from Ross School District to lease college property, specifically the fenced and paved area located at 1144 Magnolia Avenue, Larkspur. Ross School District would use the space for contractor vehicle parking, pick-up and drop-off of workers, staging of materials and equipment, possible placement of project trailer(s) and for general construction storage.

Before administration can negotiate a lease, the Board must unanimously approve a Resolution of Intent to lease property and advertise that notice in a local publication for three weeks prior to acting on the lease at a public meeting. The attached Resolution defines the general terms of the lease.

During the advertising period, administration will work with legal counsel and Ross School District to negotiate the details and develop a lease agreement. The intent is to have a lease ready for board approval at the January 20, 2009 Board meeting.

**RECOMMENDATION:**

The Superintendent/President recommends that the Board of Trustees unanimously adopt the attached Resolution declaring the College's intent to lease real property to the Ross Valley School for construction related staging and storage as described in the Resolution.

Administrator Initiating Item

**Albert J. Harrison II, Vice President, College Operations**

**MARIN COMMUNITY COLLEGE DISTRICT  
RESOLUTION NO.**

**In the Matter of the Declaration     )**  
**of Intention to Lease Real         )**  
**Property and Publication of         )**  
**Notice Thereof                     )**

**WHEREAS**, pursuant to Education Code section 81430 et seq. a community college district may lease real property to a school district for a term not exceeding ninety-nine (99) years under such terms and conditions as the parties agree, provided that the property is not and will not at the time of delivery of possession be needed for classroom buildings by the district; and

**WHEREAS**, the Marin Community College District (“District”) is the owner of certain real property hereinafter described, which is situated at 1144 Magnolia Avenue, Larkspur, California, and which is not and will not be needed for classroom buildings or other district purposes; and

**WHEREAS**, the Ross School District has embarked upon a multi-year construction project to upgrade Ross School including lifting the campus above flood plain; and

**WHEREAS**, the Ross School District has limited space for construction parking and staging and is interested in leasing certain College property for construction parking and staging;

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

1. Pursuant to Education Code section 81430 et seq., the District intends to lease to Ross School District certain real property (hereinafter “Premises”) consisting of the fenced and paved area of approximately thirty six thousand eight hundred (36,800) square feet situated at 1144 Magnolia Avenue, Larkspur, California. The Premises will be used exclusively by Ross School District for contractor vehicle parking, pick-up and drop-off of workers, staging of materials and equipment, placement of temporary project trailer(s) and for general construction storage.
2. Pursuant to Education Code section 81430 et seq., the terms of this lease are as follows:
  - A. The lease term is for a total of sixteen (16) months from February 1, 2009 until May 31, 2010.
  - B. The rent shall be five thousand dollars (\$5,000) per month.
  - C. District will permit connection to District electricity services to allow Ross contractor power for on-site trailer or for security lighting. If security lighting is installed, a lighting plan must be submitted for District approval and shielded fixtures must be used.

- D. Ross shall pay for all utility connection costs and related equipment. To the extent reasonably possible, Ross shall cause to be installed separate meters for all utilities supplied to the Premises. Ross shall pay for all gas, electricity, propane, telephone and internet services provided to the Premises.
  - E. Ross Contractor will have one or two on-site trailers, approximately 12 by 40 feet. Because primary use is for contractor/sub-contractor parking and for staging materials, contractor may not choose to locate trailers.
  - F. Ross will pay for all costs related to preparation of the Premises and installation of a utility-ready modular building. Ross shall provide to District, for District's prior approval, an itemized list of any and all other proposed exterior improvements (e.g., walkways, access ramps, railings, lights, and signs) to be installed on the Premises.
  - G. Ross will maintain the property and upon completion of lease period will make repairs as necessary to return the lot, fences and pavement to the condition in which it was received.
  - H. Any such other terms as may be agreed upon by the parties.
3. This Board will meet and consider approval of the final lease on January 20, 2009, at its regular place of meeting.
  4. The Clerk of the Board is hereby authorized and directed to authorize staff to give notice of this Resolution by publishing a notice of this Resolution, unanimously approved by the Board, in the *Marin Independent Journal*, a newspaper having a general circulation in the District, once a week for three successive weeks prior to the meeting date specified in Paragraph 3.

The foregoing Resolution was adopted upon motion of Trustee \_\_\_\_\_ seconded by Trustee \_\_\_\_\_, at a regular meeting on this 9th day of December 2008, by the following vote:

_____	Carole Hayashino, President
_____	Philip Kranenburg, Vice President
_____	Dr. Eva Long, Clerk
_____	Barbara Dolan, Trustee
_____	Dr. James Namnath, Trustee
_____	Annan Patterson, Trustee
_____	Wanden Treanor, Trustee
_____	Todd McCleary, Student Trustee (Advisory)

I hereby certify the foregoing to be a full, true, and correct resolution duly adopted by the Board of Trustees of the Marin Community College District.

\_\_\_\_\_  
Superintendent/President

Marin Community College District.

Attest:

\_\_\_\_\_  
Secretary to the Board

\_\_\_\_\_  
Carole Hayashino, President

\_\_\_\_\_  
Philip J. Kranenburg, Vice President

\_\_\_\_\_  
Eva Long, Ph.D., Clerk

\_\_\_\_\_  
Barbara Dolan, Member

\_\_\_\_\_  
James Namnath, Ph.D., Member

\_\_\_\_\_  
Annan Patterson, Member

\_\_\_\_\_  
Wanden Treanor, Member

\_\_\_\_\_  
Todd McCleary, Student Member