On motion of Member __________, seconded by Member __________, the following Resolution is adopted:

The San Diego Unified School District of San Diego County, California is a unified school district organized and existing under the provisions of the Education Code of the State of California.

It is necessary for the District to acquire property for the Mary Fay Elementary School project.

Public convenience and necessity require the acquisition for and in connection with the aforesaid public improvements, the real property described in Exhibit “A” attached hereto.

Said public improvement is planned and located in a manner that will be most compatible with the greatest public good and the least private injury.

The San Diego Unified School District of San Diego County, California is authorized to acquire said property by eminent domain pursuant to Education Code Section 35270.5 and Code of Civil Procedure Sections 1240.010, 1240.110, 1240.120 and 1240.610.

The San Diego Unified School District of San Diego County, California has pursuant to Government Code Section 7267.2, offered to purchase the property described in Exhibit “A” attached hereto at a price not less than the fair market value of said property as determined by an independent appraiser in an appraisal approved by the Board.

The notice and opportunity to be heard required by Code of Civil Procedure Section 1245.235 has been given to the affected property owners.

NOW, THEREFORE, BE IT RESOLVED that the Board of Education of the San Diego Unified School District of San Diego County, California finds and determines and hereby declares as follows:

1. The public interest, convenience and necessity of the San Diego Unified School District of San Diego County, California and the inhabitants thereof require the proposed Mary Fay Elementary School project.
2. The public improvements to be constructed upon, over, under, along and across the property described in Exhibit “A” have been planned and located in the manner which will be most compatible with the great public good and the least private injury.

3. The property described in Exhibit “A” is necessary for the proposed project.

4. The offer required by Government Code Section 7267.2 has been made to the owners of record.

5. The use for which any publicly owned parcels are to be taken is a more necessary public use than that to which the properties are currently appropriated and the taking as to any publicly owned parcels is for a more necessary public use consistent with and authorized by Code of Civil Procedure section 1240.610.

6. The San Diego Unified School District of San Diego County, California and all appropriate officers, representatives and attorneys are authorized and directed to acquire said real property described in Exhibit “A” in the name of and on behalf of the San Diego Unified School District, and to that end it is authorized and directed to commence and to prosecute an action in eminent domain for the purpose of acquiring said real property.

7. The San Diego Unified School District of San Diego County, California has urgent need for the immediate possession of such property, and the appropriate officers, representatives and attorneys of the District are authorized and directed to secure an order of court authorizing the District to take possession of said property at the earliest possible date.

PASSED AND ADOPTED by the Board of Education of the San Diego Unified School District of San Diego County, California this 13th day of April, 2004, by the following vote; which constitutes a two-thirds majority vote of all its members as required by law:

AYES: Members
NAYS: Members
ABSTAIN: Members
ABSENT: Members

STATE OF CALIFORNIA )
COUNTY OF SAN DIEGO ) SS:

I, CHERYL L. WARD, Board Action Officer of the Board of Education of the San Diego Unified School District of San Diego County, California, do hereby certify that the foregoing is a full, true, and correct copy of the Resolution duly adopted by said Board at a meeting thereof at the time and place and by the votes above stated, which Resolution is on file and of record in the office of said Board.

________________________________________
Board Action Officer of the Board of Education of the San Diego Unified School District