



**GOVERNING BOARD AGENDA ITEM
AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10**

DATE OF MEETING: **September 10, 2019**

TITLE: **Approval of Perpetual Easement to the Town of Oro Valley for Grading/Slope, Drainage and Trail Maintenance on District-Owned Real Property**

BACKGROUND: The Town of Oro Valley seeks a perpetual easement on District-owned real property located in Rancho Vistoso Neighborhood No. 5 to align the District's property with the master plan for the Town. The easement is created to address the Town's planned improvements for grading/slope and drainage, and the construction of a public use trail along the N. Moore Road Loop. The changes are being sought by the Town as part of zoning changes made recently to permit Pulte Homes to construct homes in the area.

If approved by the Board, this form of perpetual easement will grant to the Town of Oro Valley the ability to provide maintenance on, over, under and across the District's Rancho Vistoso Neighborhood 5 real property upon the completion of the Pulte Company's constructed improvements.

It is important that the Board understand that the proposed easement will restrict the District's immediate or future use of the property. However, the restriction does not appear to impede the District's future use of the property as a school site significantly. Instead, it satisfies zoning conditions previously approved by the Town of Oro Valley and enables the District's property to remain consistent with the Town's master community plan.

The proposed easement together with its supporting documents are attached to this item for review. The Governing Board has authority to grant this easement to Pulte by virtue of the powers granted to it by the State of Arizona to manage land owned by Amphitheater Public Schools in accordance with ARS §§ 15-341 and 15-342.

RECOMMENDATION:

The Administration recommends the easement described in the attachments to this item be approved and that General Counsel be authorized to execute those documents and any others reasonably required to give effect to the easement required.

INITIATED BY:

Michelle H. Tong, J.D.,
Associate to the Superintendent and General Counsel

Date: August 30, 2019

Todd A. Jaeger, J.D., Superintendent