

EVERETT SCHOOL DISTRICT NO. 2

RESOLUTION NO. 668

A resolution of the Board of Directors (the "Board") of the Everett School District No. 2 (the "District") to purchase real property for an addition to North Middle School campus.

WHEREAS, the District has identified a need for additional real property for school purposes; and

WHEREAS, Violette Osborn, an individual, by and through the guardian of her person and estate, Tender Care Guardianship Services (the "Seller"), owns property (the "Osborn Property") legally described on Exhibit A of the Earnest Money Receipt and Agreement attached hereto as Attachment 1 and incorporated herein by this reference (the "Agreement"), which Osborn Property appears suitable for the District's use for such purposes; and

WHEREAS, the District's Superintendent and the Seller have executed the Agreement, for the Board's approval, for the District to purchase the Osborn Property, subject to and in accordance with the terms of the Agreement; and

WHEREAS, the Board desires to acquire the Osborn Property, but only if it is free of hazardous and dangerous materials and wastes, the District will acquire adequate title, the property (after investigation) is otherwise suitable for the District's use, and the financial terms of the Agreement (upon review of a professionally designated real estate appraisal (as defined in RCW 74.46.020)) are consistent with applicable law;

NOW, THEREFORE, BE IT RESOLVED that the actions of the District's Superintendent, Monte Littell (and his authorized designees), in negotiating and executing the Agreement are hereby ratified, affirmed and approved;

AND FURTHER RESOLVED that the District should acquire the Osborn Property, subject to and in accordance with the terms of the Agreement, provided that the following conditions, at a minimum, are satisfied:

(a) the Osborn Property shall be professionally inspected for hazardous and dangerous materials and wastes within sixty days of the date of this Resolution, and the District shall not purchase the Osborn Property unless the Osborn Property is free of such materials and wastes; provided that the District, in the District's determination in its sole discretion, may, but shall not be obligated to, accept materials and wastes typically found in older structures such as those on the Osborn Property as long as such materials and wastes may be disposed of during building demolition completely, legally, safely, and for a cost which is not inconsistent with the District's experience with demolition projects generally;

(b) the District's title to the Osborn Property shall be free and clear of all liens and encumbrances except those which are not, in the District's determination in its sole discretion, inconsistent with the District's intended use of the Osborn Property, and shall be insurable to meet such standard;

(c) the District shall have obtained (at the District's expense) a market value appraisal of the Osborn Property by James McCallum, MAI, (a professionally-designated real estate appraiser as defined by RCW 74.46.020), and the District shall have determined, upon review of such appraisal, that the terms and conditions of the Agreement are consistent with applicable law; and

(d) the "Seller" as defined in the Agreement shall comply with the Agreement;

AND FURTHER RESOLVED that the District's Superintendent, Monte Littell (or his authorized designees), be, and he hereby is, authorized and directed to purchase the Osborn Property subject to and in accordance with the terms of this resolution on behalf of the District and take such other and further actions as may be necessary or appropriate to accomplish the purchase.

ADOPTED this 19th day of April, 1998.⁹⁹

EVERETT SCHOOL DISTRICT NO. 2
a municipal corporation in the State of
Washington

By Paula Kelly - Clarke,
President

By [Signature],
Vice-President

By [Signature],
Member

By [Signature],
Member

By [Signature],
Member

ATTEST:

By M. Littell
Secretary for the Board