

RESOLUTION OF THE BOARD OF EDUCATION
OF
DOUGLAS COUNTY SCHOOL DISTRICT RE-1
(Regarding Approval of Site Lease)

WHEREAS, pursuant to C.R.S. § 22-32-110(1)(f), the Board of Education (“Board”) of Douglas County School District RE-1 (“School District”) is authorized to rent or lease unimproved real property not needed for its purposes to a charter school using debt financing for a term not exceeding the term of the debt financing; and

WHEREAS, on January 9, 2023, the School District petitioned Douglas County to request conveyance of certain unimproved real property located in Douglas County and more particularly described as Tract A, Cielo Subdivision Filing 1, which was dedicated to Douglas County as a school site to be held for the benefit of the School District (the “Dedicated School Site”); and

WHEREAS, Leman Classical School, also known as the Leman Academy of Excellence, through its building corporation, The Leman Academy of Excellence-Douglas County, Colorado, Inc. (collectively, the “Charter School”) desires to lease from the School District a portion of the Dedicated School Site which has yet to be legally described, but which totals approximately eleven acres (the “Site”); and

WHEREAS, Leman intends to use debt financing to finance, construct, and equip a PreK-8 charter school on the Site, which will include a center-based program for the School District’s exclusive operation and use, and there has been presented to the Board at this meeting a form of Site Lease for such purpose; and

WHEREAS, the Board finds that, with the construction of the center-based program and the School District’s right to the exclusive operation and use thereof, the Site is not needed within the foreseeable future for its purpose and may be leased to Leman; and

WHEREAS, subject to the School District’s acquisition of the Dedicated School Site and the preparation of an acceptable legal description for the Site, the Board desires to authorize the lease of the Site to Leman pursuant to the Site Lease, in substantially the form presented at this meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF DOUGLAS COUNTY SCHOOL DISTRICT RE-1:

Section 1. Ratification of Actions. Subject to the School District’s acquisition of the Dedicated School Site and the preparation of an acceptable legal description for the Site, the lease of the Site to Leman is hereby approved. All actions heretofore taken by the Board, its officers, and agents, that were not inconsistent with the provisions of this resolution (the “Resolution”) and were directed toward the Site Lease, are hereby ratified, approved and confirmed.

Section 2. Approval and Execution of Documents; Authorized Officers. The Site Lease in substantially the form presented to the Board prior to the adoption of this Resolution and with such legal description for the Site as the Superintendent or her designee may approve, is in all respects approved, authorized and confirmed. The Superintendent is hereby authorized to execute and deliver for and on behalf of the Board any and all additional certificates, documents and other papers and to perform all other acts that she may deem necessary or appropriate in order to implement and carry out the transaction and other matters authorized by this Resolution.

Section 3. Severability. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 4. Repealer of Measures. All acts, orders, resolutions or parts thereof, in conflict with this Resolution or with any of the documents hereby approved, are hereby repealed only to the extent of such conflict. This repealer shall not be construed as reviving any resolution, or part thereof heretofore repealed.

Section 5. Effectiveness. This Resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED this 24th day of January, 2023, by a vote of _____.

AYES:

NAYS:

DOUGLAS COUNTY SCHOOL DISTRICT RE-1

[SEAL]

By: _____
Mike Peterson, President

Attest:

By: _____
Becky Myers, Secretary