

REVISED

OHLONE COMMUNITY DISTRICT  
MEMORANDUM

TO: Board of Trustees

FROM: Douglas Treadway

DATE: March 30, 2005

SUBJECT: Approval of Resolution No. 18/04-05 - Granting of an Easement to Michael and Cynthia Leahy - Neighboring Property Owner on Witherly Lane

At the Board of Trustees Meeting on September 12, 2001, the Board approved a resolution No. 1/01-02 – Notice of Intention To Dedicate Easements to the Neighboring Home Owners on Witherly Lane. In addition, the Board approved a proposed easement agreement. This easement agreement was never executed or recorded.

Mr. Leahy has since considered establishment of the Alston Montessori Middle/High School at the designated residence. The previous agreement is no longer appropriate since it did not permit any usage other than a residential use.

Staff has determined that the operation of such a school would be beneficial to the College in that its “Early College” program would add enrollment to Ohlone classes, and encourage future attendance at Ohlone. Further, the school would be prepared to partner with Ohlone in specific projects, such as astronomical observation and environmental science projects. Staff has also determined that, since enrollment at this Montessori School is planned to be no more than 35 students, there should not be any significant impact on traffic.

A statement of “Proposed Operation of Alston Montessori Middle/High School” presented by Mr. Leahy to the City of Fremont Planning Department will be shared with the Board at the meeting. Staff has had Mr. Jim Eller, the District’s real estate Counsel, review the easement documentation included in the Board packet. Mr. Eller has recommended changes to the Easement Agreement with more specificity in terms of references to explanatory exhibits. This new easement agreement with supporting exhibits is attached.

RECOMMENDATION:

The President/Superintendent recommends that the Board of Trustees approve Resolution No. 18/04-05 - Granting of an Easement Agreement to Michael and Cynthia Leahy.

Attachments