

RESOLUTION NUMBER R- 297454

ADOPTED ON DEC 09 2002

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN
DIEGO APPROVING THE AMENDMENT FOR THE
EXTENSION OF CERTAIN JOINT USE AGREEMENTS
BETWEEN THE CITY OF SAN DIEGO AND THE SAN DIEGO
UNIFIED SCHOOL DISTRICT.

WHEREAS, the City and the San Diego Unified School District [District] have entered into over 75 joint use agreements which facilitate recreational programs through the shared use of turf fields, parking lots, swimming pools, tennis courts, gymnasiums, and other recreational facilities; and

WHEREAS, within the next year, 27 of these joint use agreements will expire [Expiring Joint Use Agreements]; and

WHEREAS, each of the Expiring Joint Use Agreements provide that the agreement may be amended or renewed in writing by the mutual consent of the City and District; and

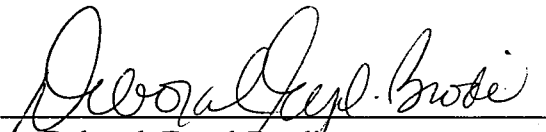
WHEREAS, City and District desire to renew each of the Expiring Joint Use Agreements by entering into and in accordance with the Amendment of Certain Joint Use Agreements Between the City of San Diego and the San Diego Unified School District, attached as Exhibit A;
NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That if approves the Amendment of Certain Joint Use Agreements Between the City of San Diego and the San Diego Unified School District.

2. That the City Manager, or designee, is authorized to execute, for and on behalf of the City, the Amendment of Certain Joint Use Agreements Between the City of San Diego and the San Diego Unified School District, a copy of which is on file in the Office of the City Clerk as Document No. RR- 297454.

APPROVED: CASEY GWINN, City Attorney

By 
Deborah Engel-Brodie
Deputy City Attorney

DEB:cdk
11/19/02
Or.Dept:Pk&Rec
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EXHIBIT A

**AMENDMENT FOR THE EXTENSION
OF CERTAIN JOINT USE AGREEMENTS BETWEEN
THE CITY OF SAN DIEGO AND
THE SAN DIEGO UNIFIED SCHOOL DISTRICT**

This agreement for an Amendment for the Extension of Certain Joint Use Agreements [the Amendment] is entered into between THE CITY OF SAN DIEGO, a municipal corporation [CITY], and the SAN DIEGO UNIFIED SCHOOL DISTRICT OF SAN DIEGO COUNTY, CALIFORNIA, a political subdivision, in the State of California [DISTRICT], based on the following facts:

RECITALS

A. CITY and DISTRICT have been cooperating in the development, maintenance, and use of numerous recreational facilities in accordance with the CITY-DISTRICT Recreation Agreement of September, 1948;

B. Pursuant to that agreement, CITY and DISTRICT entered into several agreements for the joint development, maintenance, and use of property located at schools and at city parks to serve the needs of the general public and the students of the District [the Joint Use Agreements];

C. CITY and DISTRICT have developed a policy standard for negotiating joint use agreements, and are engaged in an effort to reevaluate the needs, rights, and responsibilities of the parties including the allocation of construction, operations, maintenance and other costs under Joint Use Agreements;

D. To allow CITY and DISTRICT time to negotiate and enter into replacement Joint Use Agreements pursuant to the Memorandum of Understanding Between the City and the San Diego Unified School District Regarding the Development and Maintenance of Joint Use Facilities which was approved by the San Diego City Council and the San Diego Unified School District Board of Education on October 7 and 8, 2002, respectively, CITY and DISTRICT mutually agree to extend the term of each of the Expiring Joint Use Agreements in accordance with this Amendment.

E. This Amendment applies to the following Joint Use Agreements set to expire within the next year [the Expiring Joint Use Agreements]:

- | | |
|-----------------------------------|-------------------------------|
| 1) Adams Elementary School | 2) Cabrillo Elementary School |
| 3) Crown Point Elementary School | 4) Dailard Elementary School |
| 5) Decatur Elementary School | 6) Doyle Elementary School |
| 7) Ericson Elementary School | 8) Field Elementary School |
| 9) Forward Elementary School | 10) Hoover High School |
| 11) Jerabek Elementary School | 12) Kennedy Elementary School |
| 13) King Elementary School | 14) Lewis Middle School |
| 15) Mann Middle School | 16) Marston Middle School |
| 17) Mason Elementary School | 18) Memorial Community Park |
| 19) Mesa Viking Neighborhood Park | 20) Mira Mesa High School |

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- | | |
|-------------------------------------|-----------------------------------|
| 21) Ocean Beach Elementary School | 22) Pacific Beach Middle School |
| 23) Penn Elementary School | 24) Serra High School |
| 25) South Clairemont Community Park | 26) Tierrasanta Elementary School |
| 27) Walker Elementary School | |

F. Each of the Expiring Joint Use Agreements provides that the agreement may be amended or renewed in writing by mutual consent of DISTRICT and CITY as permitted by law.

NOW, THEREFORE, in consideration of the foregoing and the mutual promises and covenants contained herein, the Parties agree as follows:

AGREEMENT

This Amendment is effective upon the signing of it by both the CITY'S and the DISTRICT'S authorized representatives, after approval by the San Diego City Council and by the DISTRICT'S Board of Education [Effective Date]. The Amendment will continue until a new joint use agreement is adopted for each school listed in Recital E, but for no more than two years from the Effective Date.

CITY and DISTRICT agree that each Expiring Joint Use Agreement is renewed until either a new joint use agreement for a particular school is adopted, or until this Amendment is no longer effective, whichever is first.

The Agreement, as it applies to any particular school listed in Recital E, terminates if that school ceases to be operated by DISTRICT.

All other terms and conditions contained in the Expiring Joint Use Agreements shall remain in effect during the extended time period.

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IN WITNESS WHEREOF, this Amendment is executed by The City of San Diego acting by and through its City Manager pursuant to Resolution No. _____, authorizing such execution, and by the San Diego Unified School District of San Diego County, California, acting by and through its Superintendent pursuant to a Resolution of its Board of Education.

THE CITY OF SAN DIEGO,
a Municipal Corporation

SAN DIEGO UNIFIED SCHOOL
DISTRICT OF SAN DIEGO COUNTY,
CALIFORNIA, a political subdivision in
the State of California

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

**APPROVED AS TO FORM AND
LEGALITY:**

CASEY GWINN, CITY ATTORNEY

By: _____
Deputy City Attorney

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