

RESOLUTION NUMBER R- 305894  
DATE OF FINAL PASSAGE JUN 21 2010

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AND DELIVER A 50-YEAR GROUND LEASE AGREEMENT FOR SAN DIEGO UNIFIED SCHOOL DISTRICT-OWNED LAND UNDER CITY-OWNED RECREATION FACILITIES AT 2902 MARCY AVENUE.

WHEREAS, the City has constructed three recreational facilities located at 2902 Marcy Avenue, San Diego, CA 92113 (i.e., Dolores Magdaleno Memorial Recreation Center, an outdoor basketball court, and Dolores Magdaleno Memorial Pool [Recreation Facilities]) partially on land owned by the San Diego Unified School District [District Property]; and

WHEREAS, the City and the District agree that written approvals for the development and operation of the Recreational Facilities were given by the District at some time in the past, no documentation can be found to establish the City's right to occupy the District Property; and

WHEREAS, the City and the District have negotiated a 50-year ground lease [Ground Lease] to document the City's right to use the District Property; and

WHEREAS, The proposed Ground Lease ratifies the City's past use of the District Property and allows the City to keep in place the existing Recreational Facilities; and

WHEREAS, no financial consideration is involved in the proposed Ground Lease; the District will receive the benefit of using the Recreational Facilities in exchange for the City's right to occupy the District Property; and

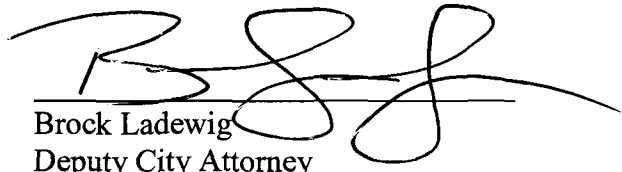
WHEREAS, the District approved the proposed Ground Lease on May 11, 2010; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the Mayor or his designee is authorized to execute and deliver, for and on behalf of The City of San Diego, a 50-year ground lease agreement with the San Diego Unified School District, a public school district of the State of California, for approximately 13,300 square feet of land, under the terms and conditions set forth in that "Ground Lease between The City Of San Diego and San Diego Unified School District for City of San Diego Recreational Facilities" on file in the Office of the City Clerk as Document No. RR- 305894 [Ground Lease]; and

BE IT FURTHER RESOLVED, the Mayor or his designee is authorized to execute and deliver such other incidental agreements and documents as may be necessary to complete the transactions contemplated by the Ground Lease, on terms and conditions deemed by the Mayor or his designee to be in the best interests of the City.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

  
Brock Ladewig  
Deputy City Attorney

BL:mm  
05/21/2010  
Or.Dept:READ  
R-2010-780  
MMS#12062

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of ~~JUN 15 2010~~

ELIZABETH S. MALAND  
City Clerk

By *Ava Richards*  
Deputy City Clerk

Approved: 6-21-10  
(date)

*JSL*  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor