

Item 58

11/13/2015

(O-2015-60)

ORDINANCE NUMBER O- 20457 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 30 2015

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO TO AUTHORIZE THE LEASE TERMINATION
AGREEMENT REGARDING THE TURFED FIELD AND
RECREATION FACILITIES AT WASHINGTON
ELEMENTARY SCHOOL.

WHEREAS, the Redevelopment Agency of the City of San Diego (RDA) and the San Diego Unified School District of San Diego County, California (District), entered into the Cooperation Agreement, on file with the Office of the Secretary of Agency as Document No. 1912, and the First Amendment to Cooperation Agreement, on file with the Office of the Secretary of Agency as Document No. 02127 (collectively "Cooperation Agreement"), regarding expanding school facilities and programs at Washington Elementary School by conveyance of certain real property (RDA Property) first from the RDA to the City and at a later date from the City to the District upon certain conditions; and

WHEREAS, on October 25, 1993, the City and the District entered into the Agreement for the Construction, Operation, Maintenance, and Lease of Turfed Field and Recreation Facilities at Washington Elementary School Site (Lease Agreement), on file in the Office of the City Clerk as Document No. OO-18001, a 25 year agreement for the construction, operation, maintenance and lease of turfed field and recreation facilities at Washington Elementary School known as Amici Park (Leased Property); and

WHEREAS, the Lease Agreement is scheduled to expire in June 2018; and

WHEREAS, on March 30, 1994, the City and District entered into the Agreement for the Joint Use and Maintenance of Property Acquired for Expansion of Washington Elementary

School Site (Joint Use Agreement), on file in the Office of the City Clerk as Document No. OO-18059, to expand the facilities at Washington Elementary school by adding more turfed acreage southeast of the school site; and

WHEREAS, the Joint Use Agreement set forth that upon conveyance of the RDA Property to the District, the Joint Use Agreement would expire and the Lease Agreement would be amended to include the RDA Property as additional joint use area and extend the term of the Lease Agreement; and

WHEREAS, in June 2011, after a public presentation of a proposal by the Little Italy Association (LIA) to the District Board, the District Board approved District staff to end joint use activities with the City at the RDA Property and Leased Property and move forward with implementation of the LIA proposal develop the Leased Property to include a dog park, a restroom and other park and recreation amenities; and

WHEREAS, in March 2014, the RDA Property was conveyed from the City to the District pursuant to the Cooperation Agreement, and thereby the Joint Use Agreement expired by its terms; and

WHEREAS, on July 30, 2014 and on August 19, 2014, the City received from the District a notice of intent to lease the Leased Property; and

WHEREAS, on September 16, 2014, the City received a letter from the District formally requesting termination of the Lease Agreement; and

WHEREAS, District staff has stated that the District intends to move forward with the LIA proposal and work with the LIA to develop the Leased Property into a dog park, continue

the use as a public space, and continue with the many public activities that have traditionally taken place over the last several years; and

WHEREAS, the District is not seeking removal of the existing park improvements on the Leased Property, but instead has committed to continue to offer public access to the Leased Property and work with the LIA to build additional park and recreation amenities; and

WHEREAS, early termination of the Lease Agreement will release the City from its maintenance and operations obligations for the Leased Property, with an annual savings to the City's general fund of approximately \$78,519; NOW, THEREFORE,

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

Section 1. That the Council finds that the proposal by the District to keep the Leased Property open to the general public, the LIA proposal to install further park and recreation amenities on the Leased Property, and an annual savings to the City's general fund of approximately \$78,519 with the early termination of the Lease Agreement, will serve public purposes of the City and are in the best interest of the City.

Section 2. That the Mayor or his designee is authorized and directed to execute, for and on behalf of City, the Lease Termination Agreement, on file in the Office of the City Clerk as Document No. OO- 20457.

Section 3. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Hilda R. Mendoza
Hilda R. Mendoza
Deputy City Attorney

HRM:meb
November 19, 2014
Or.Dept:PARK & REC
Doc. No.: 892820

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JAN 13 2015.

ELIZABETH S. MALAND
City Clerk

By [Signature]
Deputy City Clerk

Approved: 1/28/2015
(date)

[Signature]
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

The date of Final Passage is January 30, 2015 which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.

Passed by the Council of The City of San Diego on JAN 13 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JAN 30 2015

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Mary Fernandez*, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

DEC 16 2014, and on JAN 30 2015

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Mary Fernandez*, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20457