

757082

RESOLUTION NO. 216942

ORDINANCE NO.

TERM: Thirty (30) year Joint Use

BEGINNING 10/06/76

LEGAL DESCRIPTION:

RANCHO MISSION PARTITION

PROPERTY FILE CODE: 0708WM/001

SIZE:

18 acres approx

DRAWING NO.

PURPOSE: Public Community Park (Padre Bay Arm)

REMARKS:

RENT: PER MO/QTR/YR AND/OR

CREDIT FUND

ACCOUNT

BILLED ON FOR PERIOD IN ADV/ARRS. PENALTY: 5% AFTER

10% AFTER DAYS

CITY - Dick Hamilton

CONTACT COUNTY - Skip Finn

Hamilton 236-7290

ADDRESS 8130 Allison Ave., La Mesa

ZIP 92041

PHONE

Finn 469-4128

(NAME OF LESSEE)

(BRIEF LEGAL)

(EXPIRATION DATE)

RHO MISSION (Partition)

10/05/2006

ORIGINAL

RECEIVED
CITY CLERK'S OFFICE
1976 OCT 18 AM 8:11
SAN DIEGO, CALIF.

JOINT EXERCISE OF POWERS AGREEMENT BETWEEN
THE CITY OF SAN DIEGO AND THE CITY OF LA MESA
PROVIDING FOR THE JOINT USE AND DEVELOPMENT
OF THE PROPERTY KNOWN AS THE "PADRE BAY ARM"
OF LAKE MURRAY AS A PUBLIC PARK

THIS AGREEMENT is made and entered into by and between the
City of San Diego, a Municipal Corporation, and the City of La Mesa,
a Municipal Corporation.

W I T N E S S E T H:

WHEREAS, the City of San Diego owns the property known as the
"Padre Bay Arm of Lake Murray" which is designated on Exhibit A hereto
within the City of San Diego and adjoining the City of La Mesa; and

WHEREAS, the City of La Mesa desires to develop and operate
said property as a public park and playground for the joint use of
San Diego and La Mesa residents; and

WHEREAS, the Master Development Plan for Lake Murray-Cowles
Mountain-Fortuna Mountain Regional Park Complex includes the area
subject to this Agreement and designates its use for "hike-in picnics"
"community park" and "major parking area", all of which are compatible
with the desired development and use by both parties; and

WHEREAS, the proposed development and use of the Padre Bay Arm
of Lake Murray would be an extension of the planned uses of Lake Murray
and compatible with the purposes and uses set forth in the City of San
San Diego's report entitled "The City Lakes Recreational Development
Plan - 1975" as it relates to Lake Murray and environs; and

Doc # 27596

WHEREAS, the parties hereto are desirous of accomplishing the aforesaid purpose by the joint exercise of their respective powers, which are common to both of them, pursuant to this Agreement as authorized by Chapter 5, Division 7, Title 1 (commencing at Section 6500) of the Government Code of the State of California;

NOW, THEREFORE, in consideration of their mutual covenants, the parties hereto agree as follows:

1. The City of San Diego, as its contribution to the project, will furnish the property within the City limits of San Diego easterly of the easterly boundary of Baltimore Drive commonly known as the "Padre Bay Arm of Lake Murray" as indicated on Exhibit A hereto.

2. The City of La Mesa shall cause the above described property to be filled and graded and otherwise improved to form a community park with associated play fields, picnic areas, nature trails, restrooms, public parking, and ingress and egress roadways in accordance with a Master Plan to be mutually agreed upon by both City Councils before construction starts.

3. The City of La Mesa will diligently construct said improvements on a phased basis, providing usable facilities as its financial capability will permit, and agrees, in any event, to have the project completed in accordance with the mutually approved Master Plan within ten years from the date of this Agreement.

4. The City of La Mesa will submit detailed plans for each segment of the project to the City of San Diego for approval prior to start of construction.

5. The City of La Mesa will preserve the storm water interceptor channel around the border of the property and any water or sewer lines existing on the property as may be required by the City of San Diego.

6. The City of La Mesa will abide by State laws and requirements of the City of San Diego in grading and filling the site.

7. The responsibilities of the City of La Mesa in regard to the project shall include, but not be limited to:

(a) Responsibility for making the finding or environmental impact report, as appropriate, required by Division 13 (Environmental Quality), Chapter 4, Section 21151 of the State of California Public Resources Code or subsequent State requirements relating to environmental quality control.

(b) Responsibility for improvement design, the preparation of plans and specifications, advertising for bids, and the awarding and administration of the improvement construction contract or contracts.

(c) Responsibility for the surveying, construction and providing all field inspection for the project.

(d) After completion of the improvements, or any segments thereof, the City of La Mesa shall be responsible for the maintenance and operation of said facilities and shall be responsible for programming and managing the use of the park to the mutual benefit of the residents of both cities.

8. The terms of this Agreement shall run for thirty years from the date hereof and may be extended by the mutual consent of both parties.

9. This Agreement may not be modified, amended or otherwise changed in any way unless amended in writing and executed by both parties.

10. The City of La Mesa agrees to indemnify and hold harmless the City of San Diego, its employees, agents and officers, against any and all claims, demands or causes of action allegedly arising out of any act or omission of any officer, agent or employee of the City of La Mesa.

11. The City of San Diego agrees to indemnify and hold harmless the City of La Mesa, its employees, agents and officers, against any and all claims, demands or causes of action allegedly arising out of any act or omission of any officer, agent or employee of the City of San Diego.

IN WITNESS WHEREOF, this Agreement is executed by the City of San Diego, acting by and through its City Manager pursuant to Resolution No. 216942, authorizing such execution, and by the City of La Mesa.

Dated this 6th day of October, 1976

ATTEST:

Edward J. Tucker
City Clerk, City of San Diego

Marie G. Mangin
City Clerk, City of La Mesa

THE CITY OF SAN DIEGO

By [Signature]
Assistant to the City Manager

CITY OF LA MESA

By Paul W. Jordan
Mayor

I HEREBY APPROVE the form
and legality of the foregoing
agreement this 21 day
of October, 1976

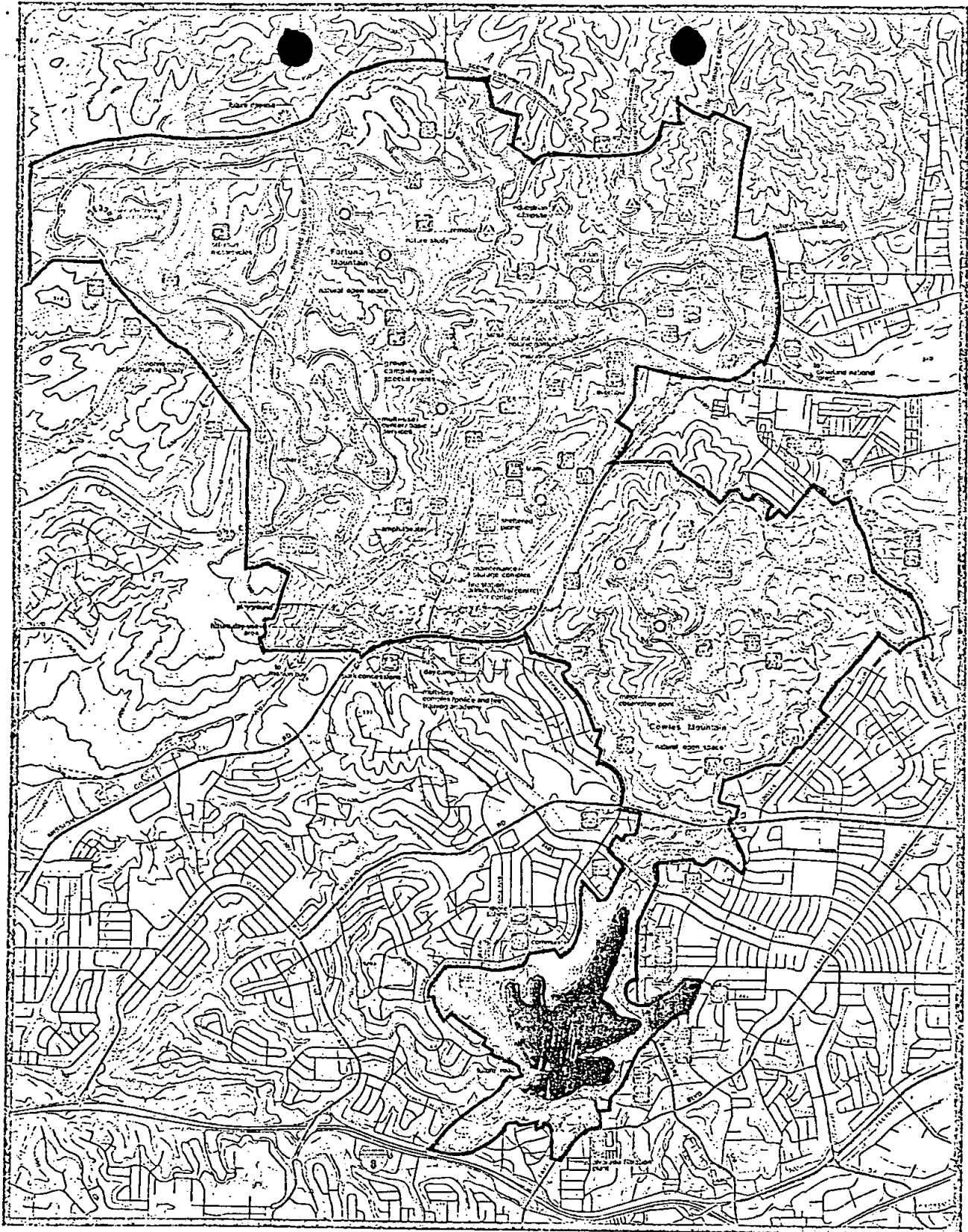
I HEREBY APPROVE the form
and legality of the foregoing
agreement this 17th day
of August, 1976

JOHN W. WITT, City Attorney

By H. Valderray
Deputy

LEROY W. KNUTSON, City Attorney

By LeRoy W. Knutson

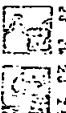


• Lake Murray
• Padre Arm

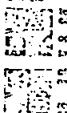
MASTER DEVELOPMENT PLAN

lake murray • cowles mountain • fortuna mountain
regional park complex san diego, california

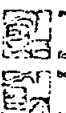
legend:



natural open space



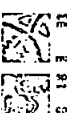
tent/group camping



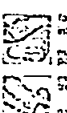
swimming



observation point



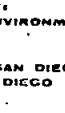
picnic area



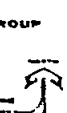
major entry



parking area



picnic area



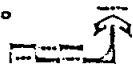
picnic area



picnic area

PREPARED BY:
REYNOLDS ENVIRONMENTAL GROUP

FOR:
COUNTY OF SAN DIEGO
CITY OF SAN DIEGO

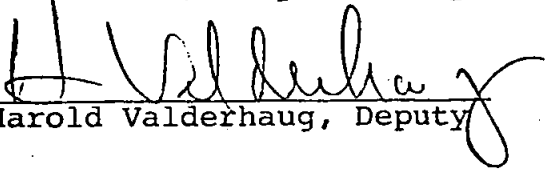


RESOLUTION No. 216942Adopted on OCT 6 1976

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

That the City Manager is hereby authorized and directed to execute a Joint Exercise of Powers Agreement between The City of San Diego and the City of La Mesa providing for the joint use and development of property known as the "Padre Bay Arm" of Lake Murray, as a public park, the form of which agreement is on file in the office of the City Clerk as Document No. 757028.

APPROVED: JOHN W. WITT, City Attorney

By 
Harold Valderhaug, Deputy

HOV:n
Or. Dept. Councilman Ellis
9-14-76

Passed and adopted by the Council of The City of San Diego
on October 6, 1976, by the following vote:

YEAS: Johnson, O'Connor, Hubbard, Morrow, Gade, Ellis, Haro,
Wilson.

NAYS: None.

ABSENT: Williams.

AUTHENTICATED BY:

PETE WILSON,
Mayor of The City of San Diego, California.

EDWARD NIELSEN,
City Clerk of The City of San Diego, California.

(SEAL)

By KATHLEEN MARTINEZ, Deputy.

I HEREBY CERTIFY that the above and foregoing is a full,
true and correct copy of RESOLUTION NO. 216942
passed and adopted by the Council of The City of San Diego,
California, on October 6, 1976.

EDWARD NIELSEN,
City Clerk of The City of San Diego, California.

(SEAL)

By Kathleen Martinez, Deputy.

DOCUMENT NO. 757082

FILED OCT 22 1976
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

(Contract-Parks)

Jt. Exercise of Powers Agreement with City of La Mesa for
joint use & development of "Padre Bay Arm" of Lake Murray.

R-216942

10/6/76

cc: ~~Aud~~ 7C

~~Council~~ (Ellis) 10B

(Dup orig + 2 copies)

10-22-76 *an*