

N6871192RP02A31

RIGHT OF ENTRY PERMITU.S. NAVY - INSPIRATION POINT - BALBOA PARK

The City of San Diego ("City") hereby grants permission to the United States Navy ("Permittee") to enter upon the above-reference City-owned property ("premises"), as shown in red on the attached Exhibit "A" - INSPIRATION POINT - upon the following terms and conditions:

1. Permittee's use of the premises shall be limited to the undeveloped portion of INSPIRATION POINT, south of Park Boulevard, west of the United States Naval Hospital and south of the Balboa Park Administration Building, as outlined on Exhibit "A" - INSPIRATION POINT.

A. Permit shall be issued for the purpose of outdoor open space uses with access as shown on Exhibit "A".

B. Permittee shall restrict the area shown on Exhibit "A" for use by hospital staff and patients only.

C. Permittee shall secure, patrol and maintain the area shown on exhibit "A" in a manner satisfactory to the City Manager.

2. This permit shall be in effect April 1, 1992 through March 31, 1993, with an option to renew for ten (10) additional year terms under the same terms and conditions contained herein.

3. If the death of or injury to any person, or loss of or damage to any property, is caused by the GOVERNMENT in the course of its use of the facilities described herein; the liability, if any, of the GOVERNMENT therefor shall be determined in accordance with the applicable provisions of the Federal Tort Claims Act (62 Stat. 869-982; 28 U.S.C., 2671-2680).

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4. Permittee shall not use the premises in any manner which, in the opinion of the City Manager, creates a nuisance or disturbs the peace of persons in the surrounding area.

5. Either Permittee or The City of San Diego may terminate this permit by giving a written notice of thirty (30) days to the other party.

6. Permittee shall at its sole cost and expense comply with all the requirements of all municipal, state, and federal authorities now in effect or which may hereafter be in effect, which pertain to the premises.

7. Permittee shall not assign any rights granted by this permit nor any interest therein. Any assignment by operation of law shall automatically terminate this permit.

8. No signs shall be displayed on the premises without the prior written consent of the City Manager.

9. Maintenance of the premises shall be the sole responsibility of Permittee during the entire term of this permit. Maintenance shall consist of keeping premises clean, and free of debris on a daily basis.

10. Security of the premises shall be the sole responsibility of Permittee during the entire term of this permit.

11. Additional Terms

A. No construction, additions or improvements shall be made to the premises without prior written consent of the City Manager, and shall be accomplished to the City Manager's satisfaction at Permittee's sole cost.

B. Permittee shall be responsible for all utility connections/hook-ups. The utility connections/hook-ups shall be accomplished to the City Manager's satisfaction at Permittee's sole cost.

C. Permittee agrees to and shall not discriminate in any manner against any person or persons on account of age, race, marital status, sex, religious creed, color, ancestry, national origin, physical handicap or medical condition in Permittee's use

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of the premises, including, but not limited to, the providing of goods, services, facilities, privileges, advantages and accommodations, and the obtaining and holding of employment.

12. Permittee's vehicle and pedestrian access to premises shall be limited to the area designated on Exhibit "A". Permittee shall be responsible for appropriate signs directing vehicles to the access point.

13. This activity is a Class IV project categorically exempt from CEQA pursuant to State CEQA Guidelines, Section 15304.

DEPARTMENT OF THE NAVY

By

Title JAMES H. STROTMAN
Real Estate Contracting Officer

Date

16 Apr '92

CONCURRENCE:

R. B. Holden

Naval Hospital, San Diego, California

Date

4/1/92

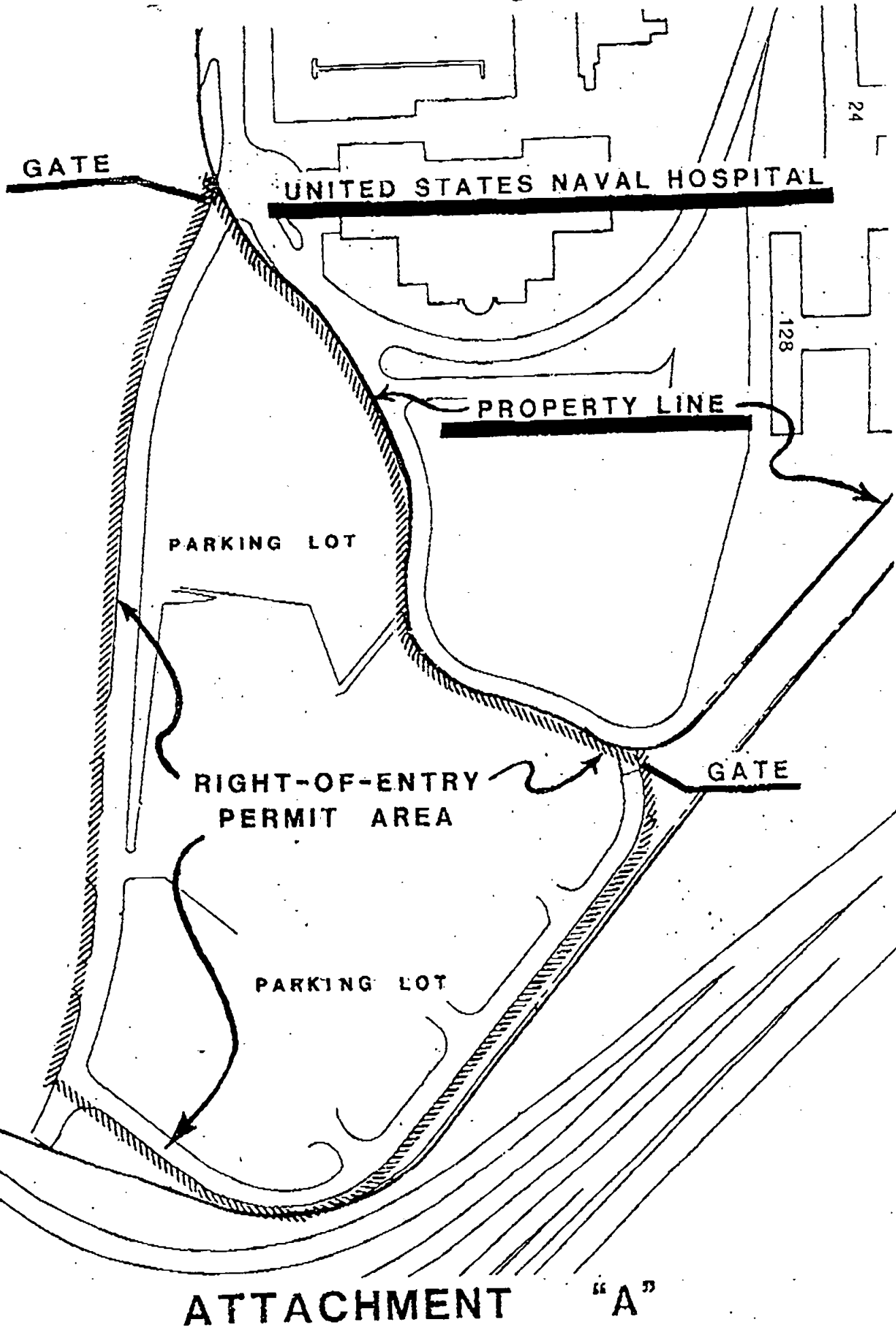
CITY OF SAN DIEGO

By

Title

Date

Joe Krawchuk
Deputy Director
3 Apr 92



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