

COPY

**FIRST AMENDMENT
TO
LEASE AGREEMENT
(City Document RR-280287)**

This First Amendment to Lease Agreement is executed by and between the City of San Diego, ("CITY") as Lessor, and United States Olympic Committee, ("LESSEE").

The above-referenced parties have entered into a Lease Agreement, dated July 6, 1992, and filed in the Office of the City Clerk of the City of San Diego as Document RR-280287. The City and United States Olympic Committee, wish to amend, add and clarify provisions of this agreement.

The original agreement identified the leased premises as those described in Exhibit "A". It is now desired by both parties to amend this arrangement so that the LESSEE will take over additional real property as described in Exhibit "D" attached hereto.

The current lease area includes the Boathouse site and a small sand pathway leading from the site to the waters edge. After construction of this project, LESSEE discovered that when Lower Otay reservoir's water level receded, the current pathway location created a steep slope which made the path inaccessible to rowers carrying long boats into the water. In order to rectify this situation, LESSEE has applied for and received federal and state permits to move the pathway to place it at an angle to the Boathouse. This new path will soften the slope and allow maneuverability for shells and kayaks. The current boathouse pathway will be revegetated with natural wetland plant materials, and will be monitored and maintained by LESSEE, and will remain as part of the leased premises for a minimum of three years. At the end of such monitoring period, and when the property has been given final approval and clearance from any and all required authorities, the current boathouse pathway will revert back to the City of San Diego.

WHEREAS, the Lease Agreement reads as follows:

1. Section 1.1 PREMISES. CITY hereby leases to LESSEE and LESSEE leases from CITY all of that certain real property situated in the City of San Diego, County of San Diego, State of California, described in Exhibit "A" attached hereto and by this reference made part of this agreement. Said real property is hereinafter called the "premises" or "leased premises."

2. Section 6.4 MAINTENANCE., reads as follows; LESSEE agrees to assume full responsibility and cost for the operation and maintenance of the premises throughout the term. LESSEE will make all repairs and replacements necessary to

DOCUMENT NO. RR-286591

FILED NOV 20 1995

OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

maintain and preserve the premises in a decent, safe, healthy, and sanitary condition satisfactory to CITY and in compliance with the Development Plan described in Section 6.13 DEVELOPMENT PLAN, hereof, and with all applicable laws.

CITY and LESSEE hereby agree to amend the above-referenced provision(s) in the Lease Agreement as follows:

Section 1.1 PREMISES. Is hereby amended to read; CITY hereby leases to LESSEE and LESSEE leases from CITY all of that certain real property situated in the City of San Diego, County of San Diego, State of California, described in Exhibit "A", attached hereto and by this reference made part of this agreement, and certain additional real property situated in the City of San Diego, County of San Diego, State of California, described in Exhibit "D", attached hereto and by this reference made part of this agreement. After revegetating, monitoring, and maintaining the current pathway for a minimum of three years, and receiving all approvals, as required by various agencies including the United States Fish and Wildlife Service, and the California Department of Fish and Game, the current boathouse pathway area described in Exhibit "E" will revert back to the City of San Diego. When this occurs, said real property under lease shall hereinafter be called the "premises" or "leased premises," as described in Exhibit "F".

Section 6.4 MAINTENANCE is hereby amended to read; LESSEE agrees to assume full responsibility and cost for the operation and maintenance of the premises throughout the term. LESSEE will make all repairs and replacements necessary to maintain and preserve the premises in a decent, safe, healthy, and sanitary condition satisfactory to CITY and in compliance with the Development Plan described in Section 6.14 DEVELOPMENT PLAN, hereof, and with all applicable laws.

Further, LESSEE will be responsible for revegetating, maintaining, and monitoring the current boathouse pathway area leading from the site to the waters edge as described in attached Exhibit "E" until this area reverts to CITY as described in section 1.1 above.

The following provision is added in sequence:

Section 7.22 Additional Maintenance LESSEE shall at LESSEE'S sole cost and to the satisfaction of the City Manager, maintain the area described as Exhibit "E" throughout the term of this lease as if it were part of the leased premises described in Exhibit "F." In consideration of the maintenance by LESSEE of the area described in Exhibit "E" which in time will not be included in the leased premises described in Exhibit "F," CITY hereby indemnifies and holds free and harmless LESSEE, its agents, officers and

employees from any claims or liabilities for damage to property of any persons whatsoever, and for personal injuries or death of any persons whatsoever, including any costs and expenses incurred by LESSEE on account of any such claims and liabilities arising out of, or alleged to arise out of, said maintenance by LESSEE or arising out of, or alleged to arise out of, the ownership of said Exhibit "E" area by CITY or caused by, or resulting from, any act or omission of CITY, its agents, employees or representative in or about said Exhibit "E" area.

Anything to the contrary hereinabove notwithstanding, LESSEE agrees that it shall be responsible and hold CITY harmless for and from any claims or liability and costs incurred in connection therewith arising on account of the negligent acts or omissions of LESSEE and its agents, officers or employees in connection with such maintenance.

This amendment is hereby executed by the CITY and LESSEE on this 6th
day of December, 1995.

THE CITY OF SAN DIEGO

Date 12/6/95

By Robert J. Collins
City Manager
acting director Real Estate
Assets Dept.
LESSEE: UNITED STATES
OLYMPIC COMMITTEE

Date 11/28/95

By Thomas C. Williamson
ASST EXECUTIVE DIRECTOR

APPROVED AS TO FORM AND LEGALITY THIS _____ DAY OF _____
1995.

JOHN W. WITT, City Attorney

Date 11/21/95

By [Signature]
Chief Deputy City Attorney

JVN:rc
10/30/95
I:\WPO\1995\VANORMA\FA.280

I CA TRANSITION/INCH 10/2

To

JIM VAN NORMAN

From

LES ARTEL JR

Company

Company

Location

Location

Dept. Charge

Fax #

6-6706

Telephone #

6-6792

Fax #

627-3297

Telephone #

627-3220

Comments

Original
Disposition:☐ Destroy☐ Return☐ Call for pickup

EXHIBIT "A"

LEGAL DESCRIPTION

A Lease for OLYMPIC TRAINING FACILITIES located in the LOWER OTAY LAKE area in the COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, described as follows:

Beginning at the Northeasterly terminus of the centerline of Wueste Road designated as North 46°33'30" East 200.32 feet, as shown on Parcel Map 16318 filed in the Office of the County Recorder of said county, said point being the beginning of a tangent 400.00 foot radius curve concave Southwesterly; Thence Northeasterly and Northerly along the centerline of said Wueste Road a distance of 314.55 feet, through a central angle of 45°03'24" to the TRUE POINT OF BEGINNING; Thence leaving the centerline of said road North 84°19'16" East 113.55 feet to a tangent 75.00 foot radius curve concave Southwesterly; Thence Southeasterly along the arc of said curve a distance of 153.01 feet, through a central angle of 116°53'16"; Thence South 21°12'32" West 462.90 feet; Thence South 68°50'31" East 341.35 feet; Thence North 53°01'11" East 207.80 feet; Thence North 29°27'13" East 97.62 feet; Thence North 49°18'16" West 131.89 feet; Thence North 35°11'51" West 137.06 feet; Thence North 69°22'16" West 131.39 feet; Thence North 21°12'32" East 182.34 feet to a tangent 105.00 foot radius curve concave Southwesterly; Thence Westerly along the arc of said curve a distance of 214.21 feet, through a central angle of 116°53'16"; Thence South 84°19'16" West 221.92 feet to a point on a 400.00 foot radius curve concave Westerly, a radial line to said point bears North 77°08'25" East, said curve also being the centerline of Wueste Road as shown on said Parcel Map; Thence Southerly along the arc of said centerline a distance of 100.26 feet, through a central angle of 14°21'41" to the TRUE POINT OF BEGINNING.

City DWG No. 18304-B attached and by this reference made a part hereof. Said property contains 3.69 acres more or less.

Frank Belock, Jr.
CITY ENGINEER

By: Lester E. Carter Jr.
By: Lester E. Carter Jr., PLS 6148
My registration Expires: 3/31/98

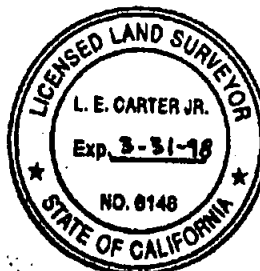


EXHIBIT "D"

LEGAL DESCRIPTION

A 30.00 foot wide parcel of land for OLYMPIC TRAINING FACILITIES, sand pathway, located in the LOWER OTAY RESERVOIR in Rancho Janal, according to Map 989, in the COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, the centerline of which is described as follows:

Beginning at the Northeasterly terminus of the centerline of Wueste Road designated as North $46^{\circ}33'30''$ East 200.32 feet as shown on Parcel Map 16318 filed in the Office of the County Recorder of said county dated December 16, 1990, said point being the beginning of a tangent 400.00 foot radius curve; thence along the centerline of said Wueste Road through a central angle of $45^{\circ}03'24''$ a distance of 314.55 feet; thence leaving the centerline of said road North $84^{\circ}19'16''$ East 113.55 feet to a tangent 75.00 foot radius curve concave Southwesterly; thence Southeasterly along the arc of said curve through a central angle of $116^{\circ}53'16''$ a distance of 153.01 feet; thence South $21^{\circ}12'32''$ West 462.90 feet; thence South $68^{\circ}50'31''$ East 341.35 feet; thence North $53^{\circ}01'11''$ East 207.80 feet; thence North $29^{\circ}27'13''$ East 97.62 feet; thence North $49^{\circ}18'16''$ West 131.89 feet; thence North $35^{\circ}11'51''$ West 137.06 feet to "Point A" as shown on City DWG No. 18380-B; thence South $35^{\circ}11'50''$ East 91.03 feet to the True Point of Beginning (TPOB), said point being the centerline of 30.00 foot wide parcel of land and is the beginning of a non-tangent curve concave Northwesterly having a radial bearing of South $30^{\circ}33'33''$ East; thence along said curve a distance of 35.03 feet with a radius of 85.00 feet and central angle of $23^{\circ}36'34''$ to the water edge as it changes from time to time.

City DWG No. 18380-1-B attached and by this reference made a part hereof.

Containing 1079.95 Sq.Ft more or less.

EXHIBIT "F"

LEGAL DESCRIPTION

A Lease for OLYMPIC TRAINING FACILITIES located in the LOWER OTAY RESERVOIR area in Rancho Janal according to Map 989, in the COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, described as follows:

Parcel "A":

Beginning at the Northeasterly terminus of the centerline of Wueste Road designated as North 46°33'30" East 200.32 feet as shown on Parcel Map 16318 filed in the Office of the County Recorder of said county dated December 06, 1990, said point being the beginning of a tangent 400.00 foot radius curve; thence along the centerline of said Wueste Road through a central angle of 45°03'24" a distance of 314.55 feet to the TRUE POINT OF BEGINNING; thence leaving the centerline of said road North 84°19'16" East 113.55 feet to a tangent 75.00 foot radius curve concave Southwesterly; thence Southeasterly along the arc of said curve through a central angle of 116°53'16" a distance of 153.01 feet; thence South 21°12'32" West 462.90 feet; thence South 68°50'31" East 341.35 feet; thence North 53°01'11" East 207.80 feet; thence North 29°27'13" East 97.62 feet; thence North 49°18'16" West 131.89 feet; thence North 35°11'51" West 137.06 feet to "Point A"; thence North 69°22'16" West 131.39 feet; thence North 21°12'32" East 182.34 feet to a tangent 105.00 foot radius curve concave Southwesterly; thence Westerly along the arc of said curve through a central angle of 116°53'16" a distance of 214.21 feet; thence South 84°19'16" West 221.92 feet to a non-tangent 400.00 foot radius curve concave Westerly to which a radial line bears North 77°08'32" East, said curve being on the centerline of Wueste Road as shown on said Parcel Map; thence Southerly along the said centerline through a central angle of 14°21'41" 100.26 feet to the TRUE POINT OF BEGINNING.

City DWG No. 18380-3-B attached and by this reference made a part hereof.

Parcel "A" contains 3.69 acres more or less.

Parcel "B":

A 30.00 foot wide parcel of land for OLYMPIC TRAINING FACILITIES, sand pathway, located in the LOWER OTAY RESERVOIR in Rancho Janal, according to Map 989, in the COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, the centerline of which is described as follows:

Beginning at "Point A" as shown on City DWG No. 18380-1-B; thence South 35°11'50" East 91.03 feet to the True Point of Beginning

(TPOB), said point being the centerline of 30.00 foot wide parcel of land and is the beginning of a non-tangent curve concave Northwesterly having a radial bearing of South $30^{\circ}33'33''$ East; thence along said curve a distance of 35.03 feet with a radius of 85.00 feet and central angle of $23^{\circ}36'34''$ to the water edge as it changes from time to time.

City DWG No. 18380-3-B attached and by this reference made a part hereof.

Containing 1079.95 Sq.Ft more or less.

(R-96-563)

RESOLUTION NUMBER R- 286591

ADOPTED ON NOV 20 1995

BE IT RESOLVED, by the Council of The City of San Diego, that the City Manager is hereby authorized to execute, for and on behalf of the City of San Diego, a First Amendment to Lease Agreement with UNITED STATES OLYMPIC COMMITTEE, which First Amendment adds an appropriate access way to and from the water line to the balance of the leasehold property, and allows for the return of a portion of the current leasehold back to the City, under the terms and conditions set forth in that First Amendment to Lease Agreement on file in the office of the City Clerk as Document No. RR- 286591.

APPROVED: JOHN W. WITT, City Attorney

By



Harold O. Valderhaug
Chief Deputy City Attorney

HOV:ps
11/07/95
Or.Dept:REA
Job:220780
R-96-563

Passed and adopted by the Council of The City of San Diego on NOV 20 1995 by the following vote:

YEAS: Mathis, Harvey, Kehoe, Stevens, Warden, Stallings, McCarty, Vargas,

Mayor Golding

NAYS: None

NOT PRESENT: None

AUTHENTICATED BY:

SUSAN GOLDING
Mayor of The City of San Diego, California

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California

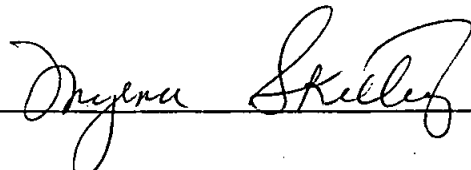
(SEAL)

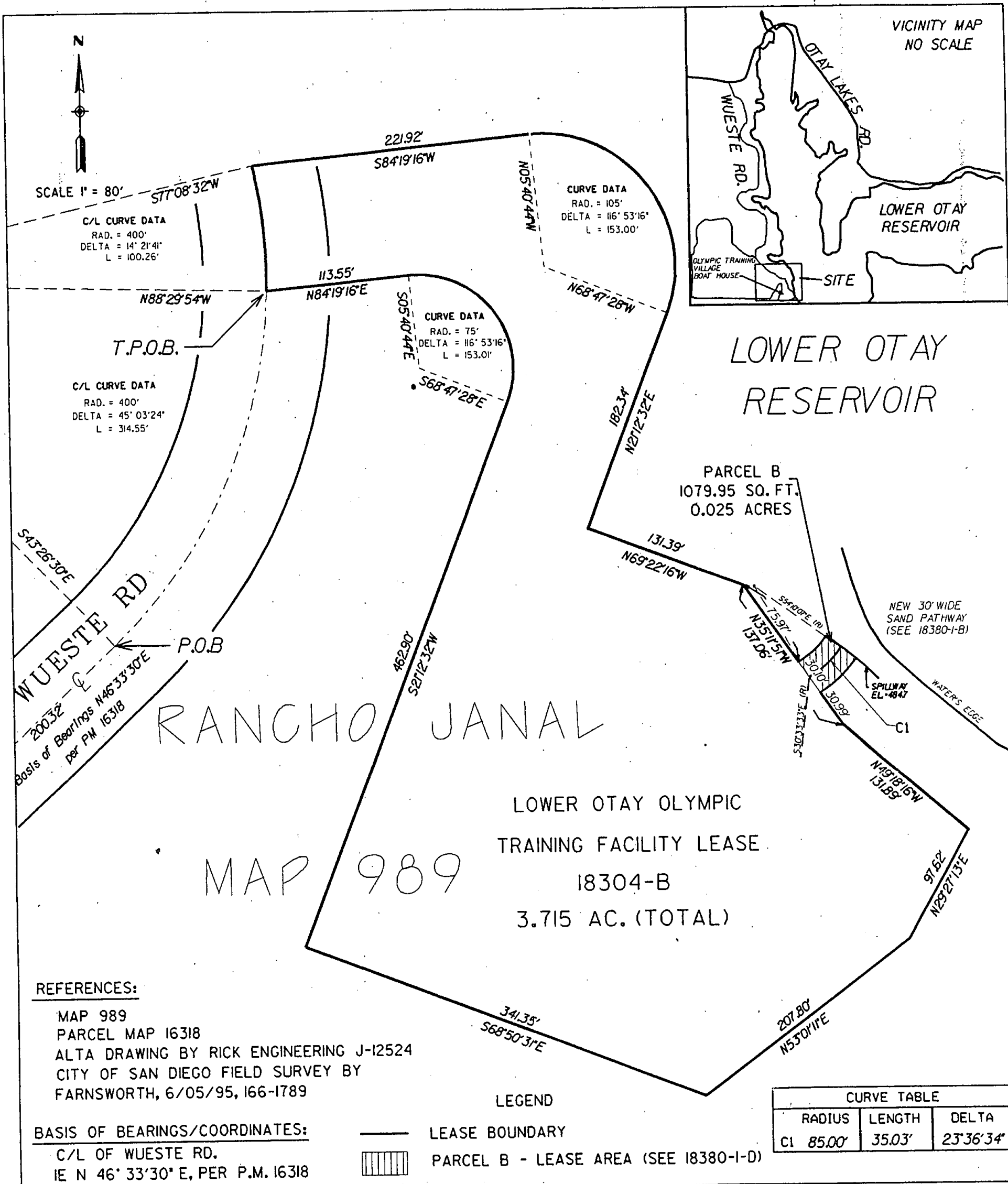
By: MYRNA SKELLEY, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of RESOLUTION
NO. R- 286591, passed and adopted by the Council of The City of San Diego, California
on NOV 20 1995.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California

(SEAL)

By: , Deputy



REFERENCES:

MAP 989
PARCEL MAP 16318
ALTA DRAWING BY RICK ENGINEERING J-12524
CITY OF SAN DIEGO FIELD SURVEY BY
FARNSWORTH, 6/05/95, 166-1789

BASIS OF BEARINGS/COORDINATES:

C/L OF WUESTE RD.
IE N 46° 33' 30" E, PER P.M. 16318

LEGEND

LEASE BOUNDARY



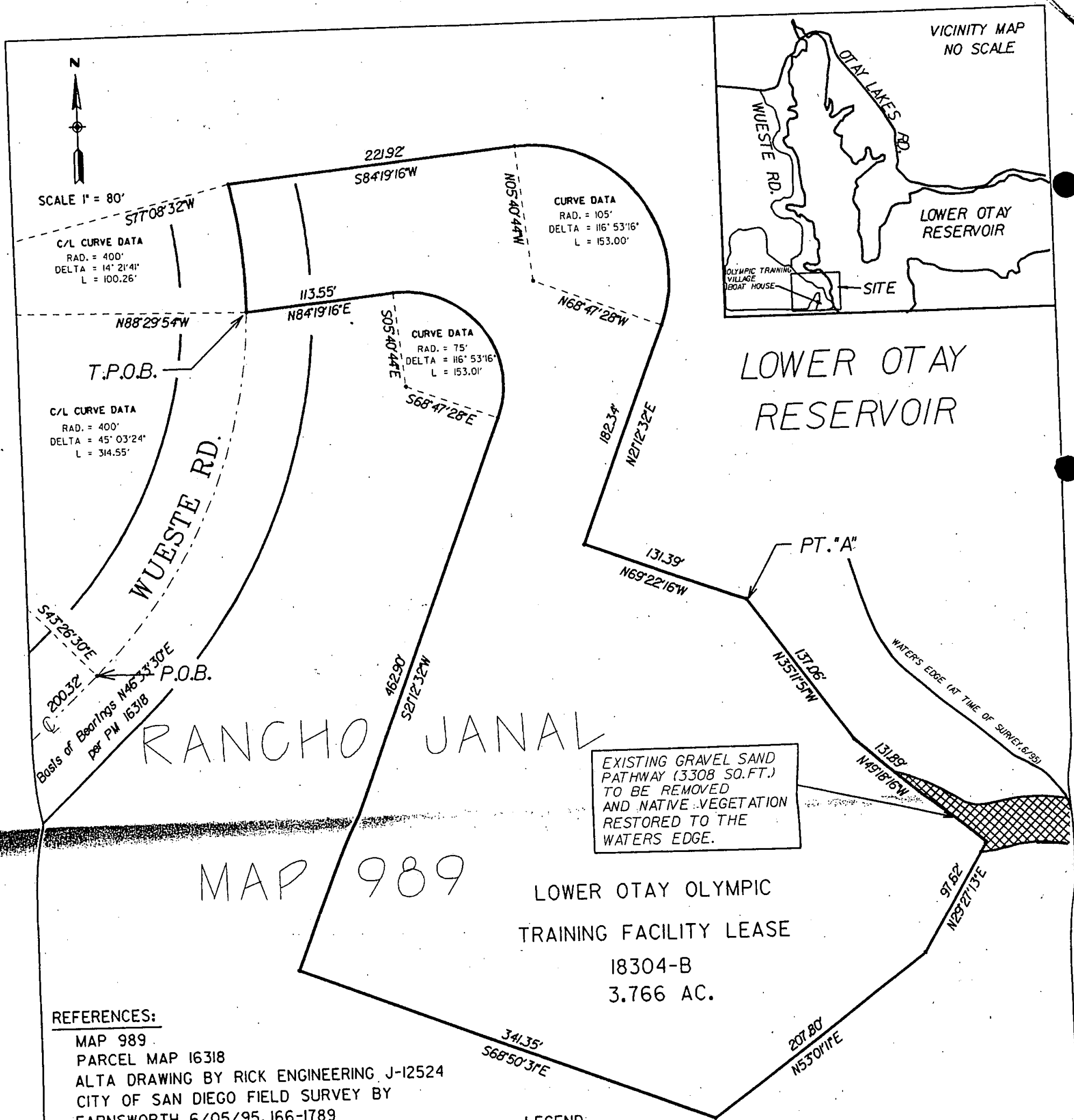
PARCEL B - LEASE AREA (SEE 18380-I-D)

CURVE TABLE		
RADIUS	LENGTH	DELTA
C1 85.00'	35.03'	23°36'34"

LESTER E. CARTER JR. DATE 10/23/95.
SENIOR LAND SURVEYOR, FIELD ENGINEERING
PLS 6148, MY LICENSE EXPIRES 3/31/98.
THIS DRAWING WAS PREPARED UNDER MY
DIRECTION AT THE REQUEST OF JIM VAN NORMAN
OF THE CITY OF SAN DIEGO REAL ESTATE ASSETS
DEPARTMENT OCTOBER 23, 1995.

LOWER OTAY RESERVOIR OLYMPIC TRAINING
FACILITY -EXCHANGE FOR NEW SAND PATHWAY
IN RANCHO JANAL - MAP 989

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	
ORIGINAL	HACKNEY	DODDS	10/23/95		SHEET 3 OF 3 SHEET	W.O. 20090
					OCT. 23, 1995	1806-6349
					FOR CITY ENGINEER	NAD 83 COORDINATES
					DATE	166-1789
						LAMBERT COORDINATES
					EXHIBIT "F"	18380-3 - B
STATUS						



REFERENCES:

MAP 989
PARCEL MAP 16318
ALTA DRAWING BY RICK ENGINEERING J-12524
CITY OF SAN DIEGO FIELD SURVEY BY
FARNSWORTH, 6/05/95, 166-1789

BASIS OF BEARINGS/COORDINATES:

C/L OF WUESTE RD.
IE N 46° 33' 30" E, PER P.M. 16318

LESTER E. CARTER JR. DATE 10/23/95.
SENIOR LAND SURVEYOR, FIELD ENGINEERING
PLS 6148, MY LICENSE EXPIRES 3/31/98.
THIS DRAWING WAS PREPARED UNDER MY
DIRECTION AT THE REQUEST OF JIM VAN NORMAN
OF THE CITY OF SAN DIEGO REAL ESTATE ASSETS
DEPARTMENT OCTOBER 23, 1995.

LOWER OTAY RESERVOIR OLYMPIC TRAINING FACILITY - "OLD SAND PATHWAY" LEASE ABANDONMENT IN RANCHO JANAL - MAP 989

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	W.O.
ORIGINAL	HACKNEY	DODDS	10/23/95		SHEET 2 OF 3 SHEET.	20090
					OCT. 23, 1995	1806-6349
					FOR CITY ENGINEER	NAD 83 COORDINATES
					DATE	166-1789
						LAMBERT COORDINATES
					EXHIBIT "F"	18380-2 - B

Van Norman
51-A
(R-94-424)

RESOLUTION NUMBER R- 282695

ADOPTED ON SEP 27 1993

BE IT RESOLVED, by the Council of The City of San Diego,
that the City Manager is hereby authorized to execute, for and on
behalf of The City of San Diego, a Consent to Inclusion of
Property, a copy of which is on file in the office of the City
Clerk as Document No. RR- 282695, effecting the inclusion of
the olympic boathouse site into the Otay Water District.

APPROVED: JOHN W. WITT, City Attorney

By


Harold O. Valderhaug
Chief Deputy City Attorney

HOV:ps
09/20/93
Or.Dept:Prop.
Job:220780
R-94-424
Form=r-t