

LICENSE AGREEMENT

THIS LICENSE AGREEMENT is made January 26, 2016 between the Alameda Unified School District of Alameda County, State of California, a public school district (“the District”) and the City of Alameda, a municipal corporation (“the City”).

Recitals

WHEREAS, District owns certain real property known as Otis Elementary School, located at 3010 Fillmore Street in Alameda, California, hereto and incorporated herein by this reference (“the District Property”); and

WHEREAS, City owns certain real property known as Krusi Park (“the Krusi Park Property”) located adjacent to the District Property at 900 Mound Street in Alameda, California; and

WHEREAS, City is undertaking certain improvements to the Krusi Park Property including identifying an access road for emergency purposes (“access road”); and

WHEREAS, the District utilizes the Krusi Park playgrounds and restrooms and providing an emergency access road is beneficial to students and the community at large; and

WHEREAS, because of other improvements on the Krusi Park Property, City cannot construct the access road entirely on the Krusi Park Property and has requested the District to license to it a small portion of the District Property in order for the City to identify on the District Property, a portion of the access road, as more particularly depicted on the attached Exhibit A (“the Exhibit A Property”) and for the City to construct access gates in the existing fence at the two access points into the Krusi Park Property, as depicted on the attached Exhibit A; and

WHEREAS, the access road will not add striping or any other changes to the District Property. The District will be able to continue to use the access road as part of its asphalt playground area; and

WHEREAS, the District does not and will not need the Exhibit A Property for school classroom buildings; and

WHEREAS, the City will assume full responsibility for any repairs required if the access road is damaged in any way by use of emergency vehicles;

NOW, THEREFORE, for the mutual promises expressed herein, the parties agree as follows:

1. District grants to the City a license on the Exhibit A Property to identify the access road, install two gates, and use these for emergency and ADA access purposes.

2. City shall pay the sum of \$1.00 to District at the time this License Agreement is fully executed.
3. City shall not assign, transfer, or sublease this License Agreement at any time without the prior written approval of District.
4. City shall grant the right to District to use the access road on the Krusi Park Property for all school-related purposes.
5. City shall secure all permits, comply with all laws, and pay all fees necessary for use of the Exhibit A Property.
6. City, its successors, and assigns shall protect and indemnify the District, its officers, agents, or employees and their heirs, successors, and assigns forever, and defend and save them harmless in every way from all suits or actions at law or equity for damage or injury to persons, life, or property that may arise or be occasioned in any way because of its constructing, improving, maintaining, repairing, operating, and using the Exhibit B Property and all appurtenances thereto.
7. Terms: Five (5) years with four (4) additional five (5) year automatic renewals unless noticed. Any notice that either party may give shall be given by prepaid mail at the addresses shown below.

To City: City Manager
 2263 Santa Clara Avenue
 Alameda, CA 94501

To District: Superintendent of Schools
 2060 Challenger Drive
 Alameda, CA 94501

This Agreement is executed as of the date first written above.

CITY OF ALAMEDA

Elizabeth D. Warmerdam
 Interim City Manager

ALAMEDA UNIFIED SCHOOL DISTRICT

Sean McPhetridge
 Superintendent

RECOMMENDED FOR APPROVAL

Amy Wooldridge
 Recreation and Park Director

Approved as to form:

City Attorney

Attest:

Secretary to the Board of Education

Approved as to form:

Board Counsel

ALAMEDA UNIFIED SCHOOL DISTRICT

Alameda, California

Resolution

January 26, 2016

Resolution No. 2015-2016.42

WHEREAS, the ALAMEDA UNIFIED SCHOOL DISTRICT OF ALAMEDA COUNTY, STATE OF CALIFORNIA, a public school district (“District”), owns certain real property known as Otis Elementary School, located at 3010 Fillmore Street, in Alameda, California, (“the District Property”); and

WHEREAS, the City of Alameda own certain real property known as Krusi Park (“the Krusi Park Property”) located adjacent to the District Property at 900 Mound Street in Alameda, California; and

WHEREAS, City is undertaking certain improvements to the Krusi Park Property including constructing an access road for emergency and Americans With Disability Act (“ADA”) purposes (“access road”); and

WHEREAS, because of other improvements on the Krusi Park Property, City cannot construct the access road entirely on the Krusi Park Property and requested the District to license to it a small portion of the District Property in order for the City to construct on the District Property a portion of the access road, as more particularly depicted on the attached Exhibit A (“the Exhibit A Property”); and

WHEREAS, the District utilizes the Krusi Park playgrounds and restrooms and providing an emergency access road is beneficial to students and the community at large; and

WHEREAS, the access road will not add striping or any other changes to the District Property. The District will be able to continue to use the access road as part of its asphalt playground area; and

WHEREAS, the District does not and will not need the Exhibit A Property for school classroom buildings; and

WHEREAS, the proposed use by City will not disrupt the educational environment for students at Otis Elementary School; and

WHEREAS, the term of the proposed License Agreement complies with the requirements of the Education Code;

NOW, THEREFORE, BE IT RESOLVED that the District approves a License Agreement between itself and the City in a form attached to this resolution.

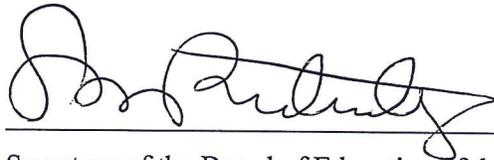
BE IT FURTHER RESOLVED that the President and Secretary of this Board be and they are hereby authorized and directed to execute the License Agreement for and on behalf of the Alameda Unified School District of Alameda.

PASSED AND ADOPTED this 26th day of January 2016, by the following called unanimous vote of all the members of the Board of Education of Alameda Unified School District of Alameda County, State of California.

AYES: 5 Members: Harris, Henneberry, Hu, Kahn, Lynn

NOES: 0 Members:

ABSENT: 0 Members:

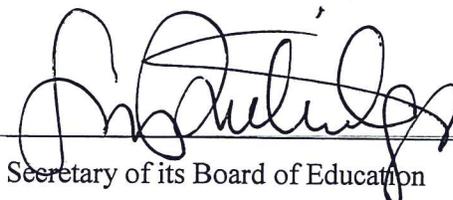


Secretary of the Board of Education of the City of Alameda and of Alameda Unified School District of Alameda County, State of California

CERTIFICATE

The undersigned, Secretary of the Board of Education of the City of Alameda and of Alameda Unified School District of Alameda County, State of California, hereby certifies that the foregoing is a true, full and correct copy of a Resolution duly adopted on the 26 day of January, 2016, at a meeting of said Board of Education.

DATED: January 26, 2016.



Secretary of its Board of Education

Otis Elementary School License Agreement for Fire Emergency Access

