IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

**RESOLUTION NO. 2012-005**

RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY AND SAN LEANDRO UNIFIED SCHOOL DISTRICT FOR THE USE OF LAND AT THE SAN LEANDRO SPORTS COMPLEX AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE USE AGREEMENT FOR THE REAL PROPERTY COMMONLY KNOWN AS THE SAN LEANDRO BALL PARK, PACIFIC RECREATION COMPLEX, AND BURRELL FIELD, ALL TOGETHER KNOWN AS THE SAN LEANDRO SPORTS COMPLEX, LOCATED AT 1193 ALADDIN AVENUE AND TEAGARDEN, APN'S 079A-0295-002-18 AND 079A-0295-002-12

WHEREAS, the renovation of the San Leandro Sports Complex, funded by Measure M (a health and safety facilities bond) is currently in the design stage; and

WHEREAS, Section 10900 et seq. of the Education Code (the Community Recreation Act) authorizes cities and school districts to organize, promote and conduct programs or community recreation for the promotion and attainment of general educational and recreational objectives, and to construct, maintain and operate recreation centers, including outdoor playing fields; and

WHEREAS, it is the policy of the City of San Leandro ("City") and the San Leandro Unified School District ("District") to jointly undertake the development, installation, construction, renovation and maintenance of recreational facilities to reduce capital and operational costs to both governmental jurisdictions; and

WHEREAS, a joint committee of District and City staff known as the Pacific Recreation Complex and Burrell Field Technical Advisory Committee recommended the preparation of an agreement that authorizes the District to expand and improve parking areas adjacent to the San Leandro Ball Park, as part of the San Leandro Sports Complex; and

WHEREAS, the District desires to use portions of City land to develop such parking areas at the San Leandro Sports Complex and the City desires to allow the District to develop such parking areas in the San Leandro Sports Complex by entering into a Sports Complex Land Use Agreement, attached hereto as Exhibit A and incorporated herein by this reference; and

WHEREAS, the Sports Complex Land Use Agreement is a land use agreement, and not a land transfer. It is not a project within the meaning of Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it will have no potential for resulting in a direct or reasonably foreseeable indirect physical change in the environment. Any future use of the Property will be fully evaluated at a project level in full compliance with CEQA, as applicable, when sufficient physical details regarding site and proposed design and construction of any future project are available to permit meaningful CEQA review (see California Code of Regulations, Title 14 (CEQA Guidelines), Section 15004(b)(1)).

NOW, THEREFORE, the City Council of the City of San Leandro does RESOLVE as follows:

SECTION 1. INCORPORATION OF RECITALS. The foregoing recitals are true and correct and made a part of this Resolution.

SECTION 2. APPROVAL OF AGREEMENT. The City Council of San Leandro hereby approves of the Sports Complex Land Use Agreement, and hereby authorizes the City Manager (or her designee) to approve the Sports Complex Land Use Agreement in substantially the form presented at this meeting, with such non-substantive insertions, omissions and changes as approved by the City Attorney.

Introduced by Councilmember Souza and passed and adopted this 17th day of January, 2012, by the following vote:

Members of the Council:

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| AYES: | Councilmembers Cutter, Gregory, Prola, Reed, Souza, Starosciak; Mayor Cassidy | (7) |
| NOES: | None | (0) |
| ABSENT: | None | (0) |

ATTEST: Marian Handa
Marian Handa, City Clerk