

SECOND AMENDMENT TO JOINT USE AGREEMENT NO. 27379

(Hubert H. Bancroft Middle School)

**27379**

THIS SECOND AMENDMENT TO JOINT USE AGREEMENT NO. 27379 ("Agreement No. 27379") is made and entered, in duplicate, as of September 8, 2005 for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting on September 6, 2005, and pursuant to of the Board of the Long Beach Unified School District at its meeting on August 23, 2005, by and between the CITY OF LONG BEACH, a municipal corporation ("City"), and the LONG BEACH UNIFIED SCHOOL DISTRICT, a public school system created and authorized by the California Constitution and Long Beach City Charter ("District").

WHEREAS, the parties entered Agreement No. 27379 dated as of December 15, 2000, wherein they agreed to share the use of certain recreational facilities at Hubert H. Bancroft Middle School; and

WHEREAS, the parties entered a First Amendment to Agreement No. 27379 dated as of April 16, 2002, wherein they agreed to change the hours of use and allow installation of lighting on the ballfield at Hubert H. Bancroft Middle School; and

WHEREAS, the parties desire to extend the term of said Agreement;

NOW, THEREFORE, in consideration of the mutual terms and conditions contained in Agreement No. 27379 and herein, the parties agree as follows:

1. Section 1 of Agreement No. 27379 is hereby amended in its entirety to read as follows:

"1. Term. The term of this Agreement shall commence at 12:01 a.m. on December 1, 2000, and shall terminate at midnight on November 30, 2023, unless sooner terminated as provided herein."

"Either party may terminate this Agreement by giving thirty (30) days prior notice to the other party."

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1                   2.     Section 3 of Agreement No. 27379 is hereby amended by the addition  
2 of sub-Section "C", as follows:

3                   "C. Bancroft shall only be used in a joint use capacity by youth. Adult  
4 activities or sports shall not be permitted without prior written approval of District."

5                   3.     Section 4 of Agreement No. 27379 is hereby amended in its entirety  
6 to read as follows:

7                   "4. Utilities. District shall provide and pay for all water and gas service to the  
8 Site. The Site is separately metered for electrical service and the City shall pay all  
9 electrical service for the lighting on the Site. There are no sewer or telephone costs that  
10 pertain to the Site."

11                  4.     Section 6 of Agreement No. 27379 is hereby amended in its entirety  
12 to read as follows:

13                  "6. Concessions. No food, beverage, promotional, or any other type of  
14 permanent concession shall be present at the Site or any portion thereof. Temporary  
15 concessions, including portable barbeques, cooking devices, and on-site sales will be  
16 permitted only with prior written approval of the District."

17                  5.     Agreement No. 27379 is hereby amended by the addition of  
18 Section 19, to read as follows:

19                  "19. Structures. No permanent or temporary structures, including but not  
20 limited to portable restrooms and storage sheds, shall be placed on the Site without the  
21 prior written permission of District. District reserves the right to approve the condition of  
22 the structures and to require removal of any structures that do not meet with District's  
23 approval due to age, condition or use."

24                  6.     Except as expressly amended herein, all terms and conditions in  
25 Agreement No. 27379 are ratified and confirmed and shall remain in full force and effect.

26                  IN WITNESS WHEREOF, the parties have caused this document to be duly

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1 executed with all formalities required by law as of the date first stated above.

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LONG BEACH UNIFIED SCHOOL DISTRICT, a public school system created and authorized by the California Constitution and Long Beach City Charter

8/24, 2005

By *Barrick L. Bartlett*  
**Barrick L. Bartlett**  
**Purchasing & Contracts Director**  
(Type or Print Name)

Title: \_\_\_\_\_

"District"

CITY OF LONG BEACH, a municipal corporation

9.23, 2005

By *Mark ...*  
City Manager

"City"

This Second Amendment to Agreement No. 27379 is approved as to form

on 9/8, 2005.

ROBERT E. SHANNON, City Attorney

By *R. E. Shannon*  
Senior Deputy

Robert E. Shannon  
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