



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** January 8, 2013

**TO:** Mayor and Councilmembers

**FROM:** Engineering Division, Public Works Department

**SUBJECT:** Approval Of Lease Agreement With School District For Eastside Library Property

### **RECOMMENDATION:**

That Council authorize the City Administrator to negotiate and execute a Lease Agreement with the Santa Barbara Unified School District, for a lease term ending April 30, 2016, regarding a portion of the Eastside Library and Franklin Center real property, located at 1102 and 1136 East Montecito Street, in a form of lease acceptable to the City Attorney.

### **DISCUSSION:**

The Santa Barbara Unified School District (District) has held a license which allows it to plant and maintain landscaping on a small portion of the real property of the Eastside Library and Franklin Center, located at 1102 and 1136 East Montecito Street (the "Eastside Library Property"), adjacent to Franklin Elementary School campus since 1982. At some point many years ago, portable classrooms for Franklin Elementary School (Attachment) were moved onto this property by the District, inadvertently exceeding the scope of the 1982 license granted by the City.

This encroachment was discovered by a City study performed recently as part of an ongoing "Santa Barbara Schools Excess City Lands Project," which led to staff discussions between the City and the District staff on a possible comprehensive cooperative property exchange agreement between the City and the District. The proposed approach would have transferred the District-owned land underlying City Fire Station 5 at La Cumbre Middle School to the City in exchange for the City transferring title to this Eastside Library property to the District and clearing up other City/School District title anomalies found at various school/City properties. This more comprehensive exchange approach has since been discontinued for now at the request of the District.

The proposed lease agreement will now simply formalize the existing use by the District of the Eastside Library property for the placement of the portable Franklin Elementary School classrooms. The agreement provides for de minimis rent of \$1 per year, but it will place standard City property lease terms into place related to the use of the affected portion of the City's property, maintenance, removal, indemnification, insurance, and assignment/sublease.

The proposed lease will expire on April 30, 2016, a date concurrent with the expiration of the City's 50-year lease of the School District real property underlying Fire Station 5 near the La Cumbre Middle School campus. Staff expects that the possible permanent resolution of ownership questions for both properties may be discussed again at that time.

**ATTACHMENT:** Eastside Library Adjacent to Franklin Elementary School Photo

**PREPARED BY:** Kristine Schmidt, Employee Relations Manager  
Pat Kelly, Assistant Public Works Director/City Engineer/sk

**SUBMITTED BY:** Christine Andersen, Public Works Director

**APPROVED BY:** City Administrator's Office

**School Buildings  
Eastside Library Property  
Approximately 16,704 sq. ft.**

**Eastside  
Library**

**Franklin  
Community  
Center**



**Eastside Library  
Adjacent to Franklin Elementary School**