

**SECOND AMENDMENT TO AGREEMENT BETWEEN THE
TEMECULA COMMUNITY SERVICES DISTRICT AND TEMECULA VALLEY UNIFIED
SCHOOL DISTRICT FOR JOINT USE OF A PORTION OF TEMECULA MIDDLE SCHOOL
MULTI-PURPOSE ATHLETIC FIELDS AND TRACK**

This **SECOND AMENDMENT** to the Agreement Between the Temecula Community Services District and Temecula Valley Unified School District for Joint Use of a Portion of Temecula Middle School Multi-Purpose Athletic Fields and Track ("Second Amendment") is made and entered into as of **August 10, 2021** by and between the Temecula Community Services District, a community services district (hereinafter referred to as "City"), and **the Temecula Valley Unified School District** (hereinafter referred to as "District"). In consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

1. **RECITALS TO SECOND AMENDMENT.** This SECOND Amendment is made with respect to the following facts and for the following purposes, each of which is acknowledged as true and correct by the parties:

a. On December 20, 1994, the City and the District entered into that certain agreement entitled "Agreement between the Temecula Community Services District and Temecula Valley Unified School District for the Joint Use of a Portion of Temecula Middle School Multi-Purpose Athletic Fields and Track ("1994 Agreement").

b. Pursuant to Section 8 of the 1994 Agreement, the term of the 1994 Agreement is for a period of twenty (20) years. Section 8 of the Agreement erroneously did not specify the beginning date and termination date, but based on the effective date of December 20, 1994 identified in the first paragraph of the 1994 Agreement, the Agreement commenced on December 20, 1994 and terminated on December 20, 2014. The parties, however, have continued their joint use of the Temecula Middle School Multi-Purpose Athletic Fields and Track pursuant to the terms of the 1994 Agreement. Pursuant to Section 8 of the 1994 Agreement, the "Agreement may be amended at any time by mutual consent of the parties, on ninety (90) days notice hereafter upon either party given written notice of its intention to amend."

c. On December 18, 2019, the City and the District entered into that certain First Amendment to the 1994 Agreement ("Fifth Amendment") to extend the term to December 31, 2020.

d. The City and the District wish to enter into this Second Amendment to extend the term of the Agreement to June 30, 2023.

2. Section 8 of the 1994 Agreement entitled "**TERM**" is hereby amended to read as follows:

"Term of Agreement. The term of this Agreement is from December 20, 1994 through June 30, 2023. This Agreement may be amended by a writing executed by both parties."

3. Except for the changes specifically set forth herein, all other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

TEMECULA COMMUNITY SERVICES DISTRICT

TEMECULA VALLEY UNIFIED SCHOOL DISTRICT

(Two Signatures of corporate officers required unless corporate documents authorize only one person to sign the agreement on behalf of the corporation.)

By: _____

Zak Schwank, TCSD President

By: _____

Jodi McClay, Superintendent

ATTEST:

By: _____

Randi Johl, Secretary

APPROVED AS TO FORM:

By: _____

Peter M. Thorson, General Counsel

District

Temecula Valley Unified School District

Attn: Jodi McClay

31350 Rancho Vista Road

Temecula, CA 92592

951-506-7904

soconnell@tvusd.us

**City Purchasing Mgr.
Initials and Date:**