

**FIRST AMENDMENT TO AGREEMENT BETWEEN CITY
OF SUNNYVALE AND SUNNYVALE SCHOOL DISTRICT
PERTAINING TO THE USE, MAINTENANCE AND
IMPROVEMENT FOR PUBLIC RECREATIONAL
PURPOSES OF VARIOUS BUILDINGS AND OPEN SPACE
AREAS AT SCHOOL SITES OWNED BY SUNNYVALE
SCHOOL DISTRICT**

This First Amendment to the Agreement, dated _____, is by and between the CITY OF SUNNYVALE (herein called "CITY"), a chartered municipal corporation of the State of California, and SUNNYVALE SCHOOL DISTRICT OF SANTA CLARA COUNTY (herein called "DISTRICT") (individually a "Party" and collectively, the "Parties").

WHEREAS, on May 27, 2016, the CITY and DISTRICT entered into an agreement ("May 26, 2016 Agreement") whereby the CITY maintains the open space and recreational areas of the school sites to enhance their usability by students and by the general public, and DISTRICT makes such areas available to the general public at times when such areas were not being used for school purposes; and

WHEREAS, DISTRICT desires to eliminate from the open space areas covered by the May 26, 2016 Agreement a certain area at the Sunnyvale Middle School site, as shown on Exhibit 1, attached hereto and incorporated by reference, to enable DISTRICT to use and maintain said area for school purposes, specifically the construction and use of a new two-story classroom building and academic quad;

NOW, THEREFORE, THE CITY AND DISTRICT ENTER INTO THIS FIRST AMENDMENT TO THE AGREEMENT:

1. Exhibit K of the May 26, 2016 Agreement pertaining to the Sunnyvale Middle School open space site is hereby replaced with Exhibit K-1, which is attached hereto and incorporated by reference herein.
2. Section 1(a) of the May 26, 2016 Agreement is hereby amended, in part, to read as follows:

. . . For purposes of this Agreement, Exhibit references are as follows:

<u>Name of Site</u>	<u>Exhibit Reference</u>
Bishop	"A"
Cherry Chase	"B"
Columbia	"C"
Cumberland	"D"

De Anza	"E"
Ellis	"F"
Fairwood	"G"
Hollenbeck	"H"
Lakewood	"I"
San Miguel	"J"
Sunnyvale Middle	"K-1"
Vargas	"L"
Washington Park-Adair School Site	"M"

3. All other terms and conditions remain unchanged and are in effect.

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IN WITNESS WHEREOF, the parties have executed this First Amendment to the Agreement.

CITY OF SUNNYVALE ("CITY")

By _____
City Manager

SUNNYVALE SCHOOL DISTRICT
("CONSULTANT")

By _____
Superintendent

ATTEST:

By _____
City Clerk

APPROVED AS TO FORM:

By _____
City Attorney



