

A JOINT EXERCISE OF POWERS
AGREEMENT BETWEEN THE CITY OF
SAN MARCOS AND THE COUNTY OF SAN DIEGO

This Agreement dated for convenience as of August 12 1986 by and between the City of San Marcos, hereinafter referred to as "City", and the County of San Diego, a political subdivision of the State of California, hereinafter referred to as "County".

WITNESSETH:

Whereas, from 1956 to 1968, County operated the San Marcos Landfill now commonly known as "Old San Marcos Landfill" adjacent to Rancho Santa Fe Road; and

Whereas, in August 1968 County closed said landfill; and

Whereas, on December 30, 1968, County quitclaimed to City said Old San Marcos Landfill site; and

Whereas, it has since been determined that responsibility for Closed Landfill maintenance in compliance with local, State and Federal regulation rests with the agency which operated the landfill; and

Whereas, City is now planning the development of a park on the site, in accordance with the terms of the quitclaim executed by County; and


Whereas in order for County to exercise its responsibility for the Closed Landfill it must install additional monitoring systems, and thereafter be permitted free access to the site for maintenance and monitoring of said systems;

Now, therefore

The parties hereto agree as follows:

1. County will continue to retain liability for landfill-related incidents and responsibility for testing and/or remedial activity required pursuant to existing law, and any other subsequent legislation. County will defend and indemnify City and its employees against landfill-related incidents.
2. County will retain right of entry to install, monitor and maintain monitoring and methane gas control systems as required for Closed Landfills.
3. The City will assume liability and maintenance responsibility for park-related incidents and improvement and will defend and indemnify County and its employees against such incidents/improvements.

ATTEST:


SHEILA A. KENNEDY, CITY CLERK

By: 

City of San Marcos

By: 

County of San Diego