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Future of former school site depends on two legal disputes

By Bruce Lieberman
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DEL MAR – Robert Ramp says he can see both sides when it comes to the controversy surrounding the former Del Mar Shores School.

The real estate agent understands that the Del Mar Union School District wants to get the most money possible for a property it doesn't need anymore – and that the buyer probably would be a developer who aims to fill the 5.3-acre site with high-priced condos.

But Ramp, who was walking his 4-year-old Doberman, Zoe, on the property's baseball field Thursday morning, wants more parks. Like other Del Mar residents who frequent the patch of green space near Ninth Street and Camino Del Mar, Ramp hopes the district doesn't get what it's after.

"It's a very valuable piece of property, (but) leave it as a park," he said. "Make it a bigger park."

That pretty much sums up the controversy simmering over one of the most valuable properties in this affluent beach community.

The fate of the Del Mar Shores campus, which hasn't been used as a district school since 1975, hinges largely on the outcome of two unsettled legal disputes.

One centers on a deed restriction imposed on the property, which a wealthy family sold to the school district in 1946 for \$10. At the time, the owners of the Wm. G. Kerckhoff Co. stipulated that the property could be used "for school purposes only."

The second is an ongoing dispute between the district and city officials, who disagree over how the property should be valued in a sale.

The city has claimed that a state law, the Naylor Act, should enable the city to buy the property at 75 percent below its assessed value, said Tom Bishop, the district's superintendent. However, a 1998 amendment to the act should exempt Del Mar Unified from having to offer the property at below-market value, Bishop said. The district and city are scheduled to argue the issue in court in July.

The district's attempt to remove the deed restriction has run into problems. On May 18, a Superior Court judge voided an earlier judgment to free the property from the restriction on the deed. Instead, Judge Jeffrey Barton ordered Del Mar Unified to start over with the legal process.

Del Mar Union must attempt to notify the direct heirs of the Kerckhoff company that the school district is trying to change the deed, after Barton found that the district failed to adequately search for them.

Del Mar resident Elise Kerckhoff, a grandniece of the owners of the Kerckhoff company, did protest the district's attempt to remove the deed restriction, but she didn't have legal standing, the judge ruled. She isn't a direct heir of



SOURCE: Del Mar Union School District

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the Kerckhoff company, he said.

The district also failed to properly post notices on the old Del Mar Shores campus and fulfill other legal obligations, Barton ruled.

The mistakes were honest oversights, and re-publicizing the district's intentions should take about 60 days, Bishop said. A court resolution may not come for many months afterward, however.

Today, the buildings that made up Del Mar Shores School are rented by the private Winston School. A small complex of portable buildings used as the district's administrative offices is also on the property, as are a basketball court and a baseball field.

“For (the campus) to be converted to something else and for that land to be bulldozed would be a tremendous . . . loss for the community,” said Laura DeMarco, chairwoman of Friends of Del Mar Parks, a community group trying to raise money to help the city buy the property.

Bishop has said it's not the job of his school district to ensure that Del Mar is provided with parks. The money the school district would earn from the sale would benefit children attending district schools, he said.

“Our responsibility is to teach kids to read and write, not to provide a dog park,” Bishop said.

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