

Agreement between
Fort Guijarros Museum Foundation
and
House of Spain, Casa de Espana in San Diego

Whereas, Fort Guijarros Museum Foundation was incorporated in January 1982 as a 501(c)(3) nonprofit corporation for the "discovery, excavation, preservation and display of historical artifacts and information from the Point Loma area of San Diego, California; to undertake the construction of a museum facility for the public display of items recovered from the Fort Guijarros area; and to generally undertake those activities that will bring to public attention the important cultural and historical information contained in the Fort Guijarros area"; and

Whereas, the US Navy has restricted Fort Guijarros Museum Foundation from further discovery and excavation of artifacts from the Naval Station Point Loma and the site of the Fort Guijarros; and

Whereas, the US Navy has taken possession of all of the historical artifacts recovered from the Fort Guijarros area by Fort Guijarros Museum Foundation and has taken responsibility for the preservation and display of those artifacts; and

Whereas, the artifacts are now being stored and maintained by the San Diego Archaeology Center for the US Navy; and

Whereas, San Diego State University has taken possession of all of the documents and records generated by Fort Guijarros Museum Foundation and has agreed to curate the documents and records to make them readily available to the public for the cultural and historical information contained in the Fort Guijarros area; and

Whereas, the Board of the Fort Guijarros Museum Foundation has recommended and a unanimous vote of the Membership has approved the dissolution of the Fort Guijarros Museum Foundation Corporation; and

Whereas, the Articles of Incorporation of the Fort Guijarros Museum Foundation provide that "On the dissolution or winding up of the Corporation, its assets remaining after payment of, or provision for payment of, all debts and liabilities of this Corporation shall be distributed to a nonprofit fund, corporation, or Corporation which is organized and operated exclusively for charitable or public benefit purposes and which has established its tax exempt status under Internal Revenue Code Section 501(c)(3)"; and

Whereas, the By-Laws of the Fort Guijarros Museum Foundation provide that the Foundation shall dispose of its assets "by donating them to an institution, organization, association, fund, or foundation whose objectives and purposes relate to the study of archaeology, anthropology, local history, cannoneering, hispanic culture or the commemoration of Fort Guijarros, and which is exempt from taxation under §501(c)(3)"; and

Whereas, the House of Spain, Casa de Espana in San Diego is a 501(c) (3) nonprofit corporation that is organized to build and to operate a center that will become the focal point for Spanish related educational and charitable activities in the city of San Diego and to serve as a meeting place where locals and visitors can find information and assistance in a wide variety of cultural and educational topics; and

Whereas, the House of Spain, Casa de Espana in San Diego clearly meets the requirement of an organization exclusively for charitable or public benefit purposes and whose objectives and purposes include the local history, Hispanic culture and the commemoration of Fort Guijarros;

Therefore, it is hereby agreed that:

The Fort Guijarros Museum Foundation will transfer its assets to the House of Spain, Casa de Espana in San Diego to be used to bring to public attention the important cultural and historical information contained in the Fort Guijarros area. These assets include the funds remaining after payment of all debts and liabilities of the Fort Guijarros Museum Foundation along with any remaining personal property; and

House of Spain, Casa de Espana in San Diego will use these assets to support activities that will bring public attention to the important cultural and historical information contained in the Fort Guijarros area.

Signed:



Paul C. Ward
Chair, Fort Guijarros Museum Foundation

Signed:



Jesus B. Benayas
President, House of Spain, Casa de Espana in San Diego