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RESOLUTION NO. RES-05-0008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE LOS ANGELES COUNTY REGIONAL PARK AND OPEN SPACE DISTRICT FOR EXCESS FUNDING FOR THE ACQUISITION OF ONE PARCEL AS PART OF THE DRAKE-CHAVEZ GREENBELT PARK

WHEREAS, on November 3, 1992, and on November 5, 1996, the people of Los Angeles County enacted Los Angeles County Proposition A, Safe Neighborhood Parks, Gang Prevention, Tree-Planting, Senior and Youth Recreation, Beaches and Wildlife Protection (the "Proposition"), which provides funds to public agencies in the County for the purpose of developing facilities for public recreation; and

WHEREAS, the Proposition also created the Los Angeles County Regional Park and Open Space District (the "District") to administer said funds; and

WHEREAS, the City desires to submit an applications for the acquisition of the Drake-Chavez Greenbelt Park project (the "Project"); and

NOW, THEREFORE, the City Council of the City of Long Beach resolves as follows:

Section 1. That the City Manager of the City is hereby authorized and directed to submit an application to the District for funds under the Proposition for the Project in the amount of approximately \$200,000.00.

Sec. 2. The City understands the assurances and certifications in the application and that the City must operate and maintain the Project in perpetuity, a copy of which are attached.

Sec. 3. The City will sign and return to the District, within thirty (30) days after

1 receipt of the Project Agreement, both copies of the Project Agreement.

2 Sec. 4. The City Manager is hereby authorized to conduct all negotiations,
3 accept all funds, execute and submit all documents including but not limited to applications,
4 agreements, amendments, payment requests, and all other documents which may be
5 necessary for the completion of the Project, and implement and administer the funds and
6 all things related to the Project.

7 Sec. 5. This resolution shall take effect immediately on its adoption by the
8 City Council, and the City Clerk shall certify the vote adopting this resolution.

9 I hereby certify that the foregoing resolution was adopted by the City Council
10 of the City of Long Beach at its meeting on March 8, 2005 by the following vote:

11 Ayes: Councilmembers: Lowenthal, Baker, Colonna,
12 O'Donnell, Kell, Richardson,
13 Reyes Uranga, Gabelich, Lerch.

14
15 Noes: Councilmembers None.

16
17 Absent: Councilmembers: None.

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22 City Clerk

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City Attorney of Long Beach
333 West Ocean Boulevard
Long Beach, California 90802-4664
Telephone (562) 570-2200

INSTRUCTIONS FOR COMPLETING APPLICATION FORM

IMPORTANT

All District requirements must be met and an agreement signed before any funds will be disbursed.

An audit may be performed before, or after the District releases final payment.

An Application for grant funds consists of one copy of each of the following:

1. Application Form (two sided).
Evidence of adequate land tenure (deed, lease, joint powers agreement, certification by agency, etc.).
2. Authorizing Resolution from governing body (for agencies other than the County).
3. Project location map with enough detail to allow a person unfamiliar with the area to locate the Project.
4. Site plan (development projects).
5. Permits or comments from the following, if applicable:
 - State Lands Commission
 - Army Corps of Engineers
 - Coastal Commission
6. All leases, agreements, etc. affecting Project lands or the operation and maintenance thereof, including operating agreements with non-governmental agencies.
7. Cost Estimate (development projects).
Include indication of amount, type and source of funds above grant amount provided to Applicant.
8. Acquisition map showing exterior boundaries and parcel numbers (acquisition projects).
9. Acquisition Schedule (acquisition projects).
10. Project timetable.

ASSURANCES

Applicant possesses legal authority to apply for the grant, and to finance, acquire, and construct the proposed Project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the Applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the Applicant to act in connection with the application and to provide such additional information as may be required.

Applicant will maintain and operate the property acquired, developed, rehabilitated, or restored with the funds in perpetuity. With the approval of the District, Applicant, or its successors in interest in the property, may transfer the responsibility to maintain and operate the property in accordance with the Proposition.

Applicant will use the property only for the purposes of the Proposition and will make no other use, sale or other disposition of the property except as authorized by specific act of the Board of Supervisors as governing body of the District.

Applicant will give the District's authorized representatives access to, and the right to examine, all records, books, papers, or documents related to the grant.

Applicant will cause work on the Project to be commenced within a reasonable time after receipt of notification from the District that funds have been approved and will prosecute the Project to completion with reasonable diligence.

Funds allocated to Applicant that are used for landscaping, planting trees or any other planting projects shall use drip irrigation systems and shall use drought-resistant or xerophytic trees, plants, lawn or sod, except when applicant can show, to the District's satisfaction, that such use is infeasible. When projects involve the rehabilitation of existing irrigation systems or the creation of new irrigation systems, reclaimed water should be used whenever possible and priority shall be given to development of reclaimed water irrigation systems.

In Order to maintain the exclusion from gross income for federal income tax purposes of the interest on any bonds, notes or other evidences of indebtedness issued for purposes of this grant program, Applicant covenants to comply with each applicable requirements of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended.

All grant funds allocated for projects involving the rehabilitation or restoration of beach, park, recreation, open space of natural lands shall be used, to the maximum extent feasible, to employ youth from the community in which the particular rehabilitation or restoration Project is being carried out.

To the maximum extent feasible, Applicant is encouraged to enter into, and has authority to use funds received through this grant for, agreements with community conservation corps, the California Conservation Corps and other community organizations, particularly when youth can be employed to work on restoration or rehabilitation projects being carried out in their own communities. Such agreements shall be entered into solely for the accomplishment of the purposes set forth in this application.

Applicant will provide reasonable public access to lands acquired in fee with funds made available through this grant, except where that access may interfere with resource protection. Reasonable public access includes parking and public restrooms.

No wetlands or riparian habitat acquired pursuant to the Proposition shall be used as a dredge spoil area or shall be subject to reclamation that damages the quality of the habitat for which the property was acquired.

Applicant will comply, where applicable, with provisions of the California Environmental Quality Act and the California Relocation Assistance Act, and all other federal, state and local laws, rules and regulations.