



CITY OF LONG BEACH

C-9

DEPARTMENT OF PUBLIC WORKS

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August 14, 2012

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Authorize the City Manager to execute all documents necessary for a Right-of-Entry Permit with Molina Medical Centers, a California corporation, for access to private property for its use as a part of the Mary Molina Community Garden located at 1640 West 20th Street; and,

Authorize the City Manager to execute the First Amendment to Lease No. 32232 with Long Beach Organic, Inc., a California nonprofit corporation, to incorporate private property for its use as a part of the Mary Molina Community Garden located at 1640 West 20th Street. (District 1)

DISCUSSION

On May 3, 2011, the City Council authorized the execution of Lease No. 32232 with Long Beach Organic, Inc., for the development and management of the Mary Molina Community Garden (Molina Garden) located on an approximate 6,600 square foot parcel of City-owned property at 1640 West 20th Street. The parcel was donated to the City in 2005 by the Molina family for park/community purposes.

Adjacent to the Molina Garden is a larger parcel owned by the Molina family and leased by Molina Medical Centers (MMC). Immediately adjacent to the Molina Garden is the MMC parking lot, which includes an undevelopable strip of land (Site) approximately eight feet wide and 130 feet long, running the length of the Molina Garden (see attachment). The Molina family and MMC were contacted and are amenable to the City's use of the Site as part of the Molina Garden. The Site will remain as a walking path/access area within the Molina Garden.

In order to memorialize the use of the Site, City staff, working with Molina Medical Centers, has proposed a Right-of-Entry Permit containing the following major terms and provisions:

HONORABLE MAYOR AND CITY COUNCIL

August 14, 2012

Page 2

- Permitter: Molina Medical Centers, a California corporation.
- Permittee: City of Long Beach, a municipal corporation.
- Access: The Permitter grants to the City, its contractors, agents, lessees and employees a nonexclusive right to enter a portion of the Permitter's property, the Site, for the purpose of expanding the Mary Molina Community Garden located at 1640 West 20th Street.
- Duration of Permit: The Permit shall commence on July 1, 2012 and shall terminate on April 30, 2014.
- Consideration: The Permit is granted at no cost to the City.

In order to incorporate the Site under the terms of the management of the Molina Garden, City staff has proposed the First Amendment to Lease No. 32232 with Long Beach Organics, Inc., containing the following provision:

- Property: The Property is defined as the leased premises commonly known as Mary Molina Community Garden, also known as Assessor Parcel Number 7431-019-900. The Property shall also include that area allowed for use under the Right-of-Entry Permit between the City of Long Beach and Molina Medical Centers, also known as approximately the easterly 8.5 feet of Assessor Parcel Numbers 7431-019-022 and 023.

This matter was reviewed by Deputy City Attorney Gary J. Anderson on July 2, 2012 and Budget Management Officer Victoria Bell on July 30, 2012.

TIMING CONSIDERATIONS

City Council action is requested on August 14, 2012, in order to execute the Right-of-Entry Permit and formalize the City's use of the Site.

FISCAL IMPACT

There is no fiscal impact or local job impact associated with the recommended action.

HONORABLE MAYOR AND CITY COUNCIL

August 14, 2012

Page 3

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



MICHAEL P. CONWAY
DIRECTOR OF PUBLIC WORKS



GEORGE CHAPJIAN
DIRECTOR OF PARKS, RECREATION AND MARINE

MPC:GC:JMLR
Molina.Right.of.Entry.Permit v1.doc

Attachment – Site Map

APPROVED:



PATRICK H. WEST
CITY MANAGER

**MARY MOLINA
COMMUNITY GARDEN**

SITE →

**MOLINA MEDICAL
CENTERS**

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SANTA FE AVE.

