



## Legislation Text

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**File #:** 15-0231, **Version:** 1

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Recommendation to authorize City Manager to execute all documents necessary for a Use Agreement with the Los Angeles County Flood Control District for the construction, maintenance, and operation of property located between approximately 26th Way and 34th Street, commonly referred to as Wrigley Greenbelt, for public purposes for a 20-year term. (District 7)

The Los Angeles County Flood Control District (District) owns the fee title to portions of the east side of the Los Angeles River right-of-way (Premises), between 26<sup>th</sup> Way and 34<sup>th</sup> Street (Attachment). In 1993, the City of Long Beach (City) and the District entered into a Use Agreement to allow the City to plant minor ground cover landscaping on the Premises, and to maintain the Premises for the public as an interim use until a plan for the right-of-way was developed.

Recently, the Department of Parks, Recreation and Marine (PRM) developed the Wrigley Greenbelt Plan (Plan), which includes a walking path and landscaping to allow public use of the Premises. The City and the District are mutually interested in providing quality public parkland for the benefit of the Long Beach community. As a condition of the Plan, a new Use Agreement between the City and the District will establish general terms and conditions applicable for the City's construction, maintenance, and operation of the Premises as parkland. The District is willing to continue to allow the City to maintain the Premises for parkland, as long as the primary function of the Premises is maintained for flood control purposes.

The proposed Use Agreement shall include the following provisions:

- **Term:** The term of the Use Agreement shall be 20 years, and is subject to the District's and the City's right to terminate. The term may be extended upon written request by the City.
- **Construction:** The City shall be responsible for all costs of construction of the area for parkland purposes.
- **Maintenance:** The City shall regularly inspect and maintain the Premises and keep the Premises in a safe, clean, and orderly condition. The City shall also be responsible for removing graffiti from the Premises.
- **Indemnification:** The City agrees to indemnify, defend, and hold harmless the District and the County of Los Angeles for any and all claims related to the City's use of the Premises.

· Termination: The proposed Use Agreement shall terminate the current Use Agreement, City Contract No. 33416. The District shall have the right to cancel and terminate the City's permitted use of the Premises with 90 days prior written notice, under the following conditions:

1. The District proposes to implement a project for flood control purposes; and
2. The City's use is incompatible with the proposed project; and
3. The District notifies the City of the incompatibility and the City cannot modify the Premises.

The City shall have the right to cancel and terminate its use of the Premises for any reason by providing the District with 60 days prior written notice.

This matter was reviewed by Deputy City Attorney Kendra L. Carney and Budget Management Officer Victoria Bell on February 19, 2015.

City Council action is requested on March 17, 2015, in order to execute the Use Agreement and allow construction to begin.

Following the projected completion date in FY16, PRM staff estimates an additional \$10,000 in annual General Fund maintenance costs for landscaping, utilities, and supplies. These costs are not currently funded and will be addressed through the FY16 Budget process. There is no impact to jobs associated with the recommended action.

Approve recommendation.

GEORGE CHAPJIAN  
DIRECTOR OF PARKS, RECREATION AND MARINE

APPROVED:

PATRICK H. WEST  
CITY MANAGER