



Legislation Text

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File #: 16-0428, Version: 1

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Recommendation to authorize City Manager, or designee, to execute a new License Agreement with Southern California Edison for the City's use of Southern California Edison-owned right-of-way, for the continued use of the premises as the North Long Beach Community Garden, for a period of five years. (District 9)

Since October 1, 1996, the City of Long Beach (City) and Southern California Edison (SCE) have maintained a License Agreement that allows the City to use approximately 0.71 acres of SCE-owned right-of-way between Atlantic and Myrtle Avenues, north of 68<sup>th</sup> Street (Premises), for horticultural purposes, as illustrated on the aerial map (Attachment). The City, in turn, permits the North Long Beach Community Garden Association (Garden Association) to use the Premises for its operation of the North Long Beach Community Garden.

License Agreement No. 32380 will expire on September 30, 2016, and SCE has forwarded a newly prepared License Agreement, which will allow for the City's continued use of the Premises as the North Long Beach Community Garden.

The proposed License Agreement contains the following major terms and conditions:

- **Term:** Five years, commencing on October 1, 2016, and continuing through September 30, 2021.
- **Fees:** As consideration for the use of the Premises, the City shall pay SCE an annual License Fee, which will be due in advance of each agreement year. The License Fee represents a 3 percent increase over the prior License Agreement's most recent License Fee, and includes a 3 percent annual escalator. License Fees will be paid to SCE according to the following schedule:

<u>Year</u>	<u>License Fee</u>
1	\$2,481.24
2	\$2,555.68
3	\$2,632.35
4	\$2,711.32
5	\$2,792.66
- **Maintenance:** Under the License Agreement, the City is ultimately required to maintain the Premises to levels satisfactory to SCE. The City, in turn, assigns the responsibility for maintenance to the Garden Association via a proposed renewed permit, which will be submitted to the Parks and Recreation Commission for renewal, pursuant to Section 902(c) of the City Charter.

· Utilities: The City will be responsible for water and trash service up to \$5,000 per year. Any amount over \$5,000 will be the responsibility of the Garden Association.

This matter was reviewed by Principal Deputy City Attorney Gary J. Anderson on April 20, 2016 and by Budget Management Officer Victoria Bell on April 21, 2016.

## SUSTAINABILITY

The proposed action will result in the continued operation of the North Long Beach Community Garden. According to the American Community Garden Association, some of the benefits community gardens can provide include acting as a catalyst for sustainable neighborhood and community development, encouragement of self-reliance with respect to subsistence, promotion of the conservation of resources, preservation of open and green space, and potential reductions in the amount of heat released from paved parking lots and streets.

City Council action is requested on May 17, 2016, to enable the execution of a new License Agreement with Southern California Edison.

The annual License Fee in FY 17 is \$2,481.24, and is budgeted in the General Fund (GF) in the Parks, Recreation and Marine Department (PR). The annual License Fee increases each year, and an increase to the appropriation will be requested through the annual budget process. There is no local job impact associated with this recommendation.

Approve recommendation.

MARIE KNIGHT  
DIRECTOR OF PARKS, RECREATION AND MARINE

APPROVED:

PATRICK H. WEST  
CITY MANAGER