

Los Cerritos Wetlands Authority

Date: November 3, 2016

To: Governing Board Members

From: Mark Stanley, Executive Officer

Subject: Item 8: Consideration of resolution to authorize: 1. Memorandum of Unrecorded Grant Project Agreement, 2. compliance with recording a Deed Restriction and 3. maintenance of the property in perpetuity consistent with the Zedler Marsh Urban Trails (Grant No. 58M1-14-2455).

RECOMMENDATION ACTION: Los Cerritos Wetlands Authority authorizes: 1. Memorandum of Unrecorded Grant Project Agreement, 2. compliance with recording a Deed Restriction and 3. maintenance of the property in perpetuity consistent with the Zedler Marsh Urban Trails (Grant No. 58M1-14-2455).

BACKGROUND: Los Angeles County Fourth Supervisorial District, Don Knabe announced the availability of \$2 million for competitive trails grant program in June 2013 and in September 2013 the LCWA applied and was successful in receiving the grant award for the Zedler Marsh Urban Trails in the amount of \$105,600 (Grant No. 58M1-14-2455). The LCWA accepted the grant funds on May 14, 2014 (Resolution 2014-04) and these funds were further leveraged as matching funds to apply for a San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (RMC) grant in the amount of \$98,000.

The performance period for the Zedler Marsh Urban Trails commenced on May 14, 2014 and was completed on June 30, 2016, Exhibit A provides the complete budget and tasklist. In addition, all the improvements were completed in conjunction with the Los Cerritos Wetlands Stewardship Program and complements the adopted Final Conceptual Restoration Plan.

Following are the improvements completed for the Zedler Marsh Urban Trails, consistent with the terms of the grant agreement:

1. Increase public accessibility to a natural open space through the creation of this new trail network on Zedler Marsh
2. Installed 4,000-linear feet of new nature trails
3. Installed seven interpretive signage installation and improved public educational facilities
4. Restored 2-acres of coastal wetlands habitat along the trails through the installation of as many as 3,000 native plants
5. Improved existing recreational resources by establishing a new trail connection between the San Gabriel River Bike Trail and Zedler Marsh by installing a new gate
6. Accomplished at least 25% of the work through 50 community-based volunteer events focused on involving local at-risk youth as program leaders
7. Removed trash, debris, non-native plants and improve existing fencing and gates
8. Installed temporary irrigation and improved the native plant nursery through a development of an outdoor laboratory and classroom

The LCWA in cooperation with Signal Hill Oil, Rosie the Riveter Charter School, Long Beach Conservation Corp and over one-hundred volunteers joined together to complete the Zedler Marsh Urban Trails which removed debris and trash from the trails, installed permeable decomposed granite on all the trails, propagated and planted native plants either through the Los Cerritos Wetlands Stewardship Program or through other public events. In addition, the improved trails protect sensitive flora and fauna that currently and could potentially inhabit Zedler Marsh. The improved trails provide for additional protection of these natural resources since the public have designated trails which avoid and minimize trampling of natural resources. Previously, Zedler Marsh did not have any designated trails and this lack of direction was hazardous to sensitive plant and animal species and since the Los Cerritos Wetlands is one of the last remaining unrestored coastal wetlands along the southern California coast and thus it is imperative these natural resources are protected. In addition, these grant funds provided for additional public events and thus gaining public support for the larger conservation effort at Los Cerritos Wetlands. The completion of the Zedler Marsh Urban Trail grant showcases the land's value to the public and through the creation of new public access and interpretation it further develops stewards of the land.

The Zedler Marsh Urban Trail grant was funded through Proposition A Grant Funds from the Los Angeles County Regional Park and Open Space District (RPOSD) and as required per the RPOSD Procedural Guide for the Specified Project, the Per Parcel Discretionary, & The Excess Funds Grant Programs, Section V. Grant Closing & Long-term Obligations (Procedural Guide), the LCWA is required when closing out the grant and requesting final payment to authorize: 1. Memorandum of Unrecorded Grant Project Agreement, 2. compliance with recording a Deed Restriction and 3. maintenance of the property in perpetuity consistent with the Zedler Marsh Urban Trails (Grant No. 58M1-14-2455). Staff has completed all the closing documents as required per the Procedural Guide, see Exhibit B, Grant Closing Documents and once the LCWA submits all closing documents to the RPOSD, then final payment to the LCWA will be received. Further, the LCWA has the sufficient funds and commits to the long-term maintenance of the improvements completed and consistent with the terms of Grant No. 58M1-14-2544 in perpetuity.

FISCAL: Grant No. 58M1-14-2455, titled Zedler Marsh Urban Trails in the amount of \$105,600 was received from the Los Angeles County Fourth District Proposition A Grant Funding program. The LCWA has completed the grant consistent with the terms of the grant agreement, expended all funds, and authorizes: 1. Memorandum of Unrecorded Grant Project Agreement, 2. compliance with recording a Deed Restriction and 3. long-term maintenance of the property in perpetuity. Funds for the long-term maintenance of these improvements will be allocated from the Los Cerritos Wetlands Stewardship Program. In addition, the LCWA agrees to budget on an annual basis the resources required to properly maintain these improvements.

LEGISLATIVE AUTHORITY AND LCWA ADOPTED POLICIES/AUTHORITIES: The grant funds were initially accepted and authorized by the LCWA Board on May 14, 2014, as specified in Resolution 2014-04. In addition, the LCWA approved Resolution 2014-06 on September 10, 2014 to authorizes the Executive Officer to adopt the Youth Employment Plan for the Los Angeles County Trails Grant – Zedler Marsh Urban Trails Grant.

**EXHIBIT A:
Zedler Marsh Urban Trails, Grant No. 58M1-14-2455
BUDGET AND TASKLIST**

Direct Costs					
Project Component	Task	Hourly Rates (\$)	Quantity / Hours	Expense Cost (\$)	Subtotal (\$)
1. Implementation Personnel	The LCWA will hire Tidal Influence as their Consultant to design, implement, and manage the grant. These costs will include only direct costs for the completion of the grant.				\$52,100.00
	a. Restoration Ecologist	\$100.00	100	\$10,000.00	
	b. Project Manager	\$75.00	200	\$15,000.00	
	c. Facilities Manager	\$50.00	200	\$10,000.00	
	d. Public Outreach Coord.	\$50.00	200	\$10,000.00	
	e. 'At-Promise' Youth Interns	\$10.00	200	\$2,000.00	
	f. University Mentor Interns	\$15.00	340	\$5,100.00	
2. Trail Construction	This phase will complete new trails and improvements to the existing trails and will include only direct costs for the completion of the grant.				\$16,000.00
	a. Tools	LS	--	\$2,500.00	
	b. Equipment Rental	LS	--	\$2,000.00	
	c. Trail Resurfacing Materials	\$50/cu yd	100	\$5,000.00	
	d. Debris Disposal	LS	-	\$1,500.00	
	e. Fencing/Gates	LS	--	\$5,000.00	
3. Landscaping	This phase will complete the installation of native plants and ensure long-term sustainability of the project. These costs will include only direct costs for the completion of the grant.				\$20,400.00
	a. Tools	LS	--	\$1,000.00	
	b. Soil Ammendments	\$100/cu yd	10	\$1,000.00	
	c. California Native Plants	\$5.00 ea	1000	\$5,000.00	
	d. Nursery Materials	LS	--	\$3,500.00	
	e. Irrigation Equipment	LS	--	\$1,000.00	
	f. Soil Assessment	LS		\$8,900.00	
4. Visitor Facilities Improvements	This phase will complete the installation of native plants and ensure long-term sustainability of the project. These costs will include only direct costs for the completion of the grant.				\$7,500.00
	a. Benches	\$500.00 ea	10	\$2,500.00	
	b. Interpretive Signage	\$250.00 ea	10	\$5,000.00	
				Sub Total	\$96,000.00
Indirect Costs					
5. Administration	Administrative costs will pay for the LCWA to implement and manage the grant, these costs are indirects costs. In addition, a contingency is included in case additional funds are necessary to complete any of the above tasks and these costs may be direct costs.				\$9,600.00
	Contingency	5%	--	\$4,800.00	
	Administrative Costs	5%	--	\$4,800.00	
				TOTAL FUNDING AWARDED	\$105,600.00

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EXHIBIT B:
GRANT CLOSING DOCUMENTS

Item 8: LA County Prop A Grant Funds

RECORDING REQUESTED BY:

COUNTY OF LOS ANGELES

MAIL TO:

Los Angeles County Regional Park and Open Space District
510 South Vermont Avenue, Room 230
Los Angeles, CA 90020
Attention: Administration Section

(Space above this line for Recorder's use.)

THIS DOCUMENT IS EXEMPT FROM RECORDING FEES PURSUANT TO GOVERNMENT CODE SECTION 27383.
DO NOT MAIL TAX STATEMENTS TO THE ADDRESS ABOVE

MEMORANDUM OF UNRECORDED GRANT PROJECT AGREEMENT

This Memorandum of Unrecorded Grant Project Agreement (this "Memorandum"), dated as of _____, 20____, is recorded to provide notice of the requirements of an agreement between the Los Angeles County Regional Park and Open Space District (the "District") and Los Cerritos Wetlands Authority (the "Grantee").

RECITALS

- On or about _____, _____, the District and the Grantee entered into a certain Grant Project Agreement No. 58M1-14-2455 (the "Agreement"), pursuant to which the District granted to the Grantee certain funds for the acquisition of or development of certain real property, described more particularly in Attachment A (the "Real Property").
The Agreement imposes on the Grantee certain obligations with respect to the Real Property.
This Memorandum is intended to provide notice that the Grantee is in default of the Agreement if the Real Property is sold or otherwise disposed of without adherence to section D.9, and other relevant sections, of the Agreement.

NOTICE

- Section J.2 of the Agreement requires that the Grantee maintain and operate the Real Property. In the event that the Grantee sells or otherwise disposes of the Real Property, section D.9 of the Agreement generally requires that the Grantee reimburse the District an amount equal to the greater of (a) the amount of grant monies provided under the Agreement, if applicable; (b) the fair market value of the Real Property; or (c) the proceeds from the Real Property.
For additional terms and conditions of the Agreement, reference should be made to the Agreement, which is on file with the Los Angeles County Regional Park and Open Space District, 510 South Vermont Avenue, Room 230, Los Angeles, CA 90020.
Other Grant Project Agreements between the District and the Grantee may impose similar requirements.

LOS ANGELES COUNTY
REGIONAL PARK AND OPEN SPACE DISTRICT

GRANTEE: _____
Los Cerritos Wetlands Authority

By: _____
Signature Date

By: _____
Signature Date

Print Name and Title

Mark Stanley, Executive Officer

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RECORDING REQUESTED BY:

Los Angeles County Regional Park and Open Space District

WHEN RECORDED MAIL TO:

Los Angeles County Regional Park and Open Space District

510 S Vermont Avenue, Room 230

Los Angeles, CA 90020

Attn: Administration Section

DEED RESTRICTION

- I. WHEREAS, Los Cerritos Wetlands Authority [hereinafter referred to as "Owner(s)"] is the recorded owner of the real property described in Exhibit A, attached and incorporated herein by reference (hereinafter referred to as the "Property"); and
- II. WHEREAS, Los Cerritos Wetlands Authority (hereinafter referred to as "Grantee"); and
- III. WHEREAS, the Los Angeles County Regional Park and Open Space District (hereinafter referred to as the "District") is a public agency created and existing under the authority of Section 5506.9 et seq of the California Public Resources Code (hereinafter referred to as the "PRC"); and
- IV. WHEREAS, Owner/Grantee applied to the District for grant funds available pursuant to Funding Identification Code: 4. n. 4. DW Grant Program for Zedler Marsh Urban Trails, Grant No. 58M1-14-2455; and
- V. WHEREAS, on June 2, 2014 the District conditionally approved Grant No. 58M1-14-2455 (hereinafter referred to as "Grant") for Zedler Marsh Urban Trails on the Property, subject to, among other conditions, recordation of this Deed Restriction on the Property; and
- VI. WHEREAS, but for the imposition of the Deed Restriction condition of the Grant, the Grant would not be consistent with the public purposes of the District's Grant Program, Safe Neighborhood Parks, Gang Prevention, Tree-Planting, Senior and Youth Recreation, Beaches and Wildlife Protection ("the 1992 Proposition"), which voters approved on November 3, 1992; and Los Angeles County Proposition A, Safe Neighborhood Parks Act ("the 1996 Proposition"), which voters approved on November 5, 1996, and the funds that are the subject of the Grant could therefore not have been granted; and
- VII. WHEREAS, Owner(s) has/ve elected to comply with the Deed Restriction of the Grant, so as to enable Owner(s) to receive the Grant funds and perform the work described in the grant.

NOW, THEREFORE, in consideration of the award of the Grant funds by the District, the undersigned Owner(s) for himself/herself/themselves and for his/her/their heirs, assigns and successors-in-interest, hereby irrevocably covenant(s) with the District that the condition of the Grant (set forth at paragraphs 1 through 5 and in Exhibit B hereto) shall at all times on and after the date on which this Deed Restriction is recorded constitute for all purposes covenants, conditions, and restrictions on the use and enjoyment of the Property that are here by attached to the deed of the Property as fully effective components thereof.

1. DURATION. This Deed Restriction shall remain in full force and effect and shall bind Owner(s) and all his/her/their assigns or successors-in-interest in perpetuity.
2. TAXES AND ASSESSMENTS. It is intended that this Deed Restriction is irrevocable and shall constitute an enforceable restriction within the meaning of a) Article XIII, Section 8 of the California Constitution and b) Section 402(i) of the California Revenue and Taxation Code or successor statute. Furthermore, this Deed Restriction shall be deemed to constitute a servitude upon and burden to the Property within the meaning of Section 3712(d) of the California Revenue and Taxation Code, or successor statute, which survives a sale of tax-deeded property.
3. RIGHT OF ENTRY. The District or its agent or employees may enter onto the Property at times reasonably acceptable to Owner(s) to ascertain whether the use restrictions set forth above are being observed.
4. REMEDIES. Any act, conveyance, contract, or authorization by Owner(s) whether written or oral which uses or would cause to be used or would permit use of the Property contrary to the terms of this Deed Restriction will be deemed a violation and a breach hereof. The District may pursue any and all available legal and/or equitable remedies to enforce the terms and conditions of this Deed Restriction. In the event of a breach, any forbearance on the part of the District to enforce the terms and provisions hereof shall not be deemed a waiver of enforcement rights regarding any subsequent breach.
5. SEVERABILITY. If any provision of these restrictions is held to be invalid, or for any reason becomes unenforceable, no other provision shall be affected or impaired.

Dated: November 3, 2016

Signed: _____
Mark Stanley, Executive Officer
(GRANTEE'S AUTHORIZED REPRESENTATIVE)

NOTARY ACKNOWLEDGEMENT ON NEXT PAGE

Deed Restriction Overview and Instructions

The enclosed Deed Restriction is required by the Los Angeles County Regional Park and Open Space District (RPOSD) to record a restriction on the title to the property. The restriction ensures that the property is used for a purpose consistent with the grant scope in perpetuity.

- If the Grantee owns the project site property, a deed restriction is required before any grant payments will be approved.
- **Acquisition-only projects**
The deed restriction is required after the acquisition is complete and the Grantee takes ownership of the property.
- **Acquisition/Development projects**
The deed restriction is required after the acquisition is complete and prior to paying for development costs.

Deed Restriction Instructions

1. Fill in all the blank spaces of the Deed Restriction form as indicated below. Do not alter the Deed Restriction form.

Deed Restriction Form – Page 1

I. WHEREAS, _____ (hereinafter referred to as “Owner(s)”

Insert ownership information as it appears on the deed.

Deed Restriction Form – Page 3

5. SEVERABILITY.

Dated: _____, 20 ____

Insert the date the Deed Restriction is signed by the Grantee’s Authorized Representative or designee in the presence of a notary.

Business Name (if property is owned by a business): _____

Signed: _____

Signed: _____

PRINT/TYPE NAME & TITLE OF ABOVE
(GRANTEE’S AUTHORIZED REPRESENTATIVE)

PRINT/TYPE NAME & TITLE OF ABOVE
(ADDITIONAL SIGNATURE, AS REQUIRED)

The Grantee's Authorized Representative or designee signs in the presence of a notary. Additional signature lines may be added if multiple signatures are required.

2. To the Deed Restriction form attach:
 - (1) A page entitled, "Exhibit A (Legal Description of Property)".
 - (2) Exhibit A: A formal legal description of every parcel of property to which grant funds will be allocated. This information can be obtained from the grant deed or title policy. (NOTE: The assessor's parcel number or a street address is NOT a valid legal description.)
 - (3) Exhibit B: A complete copy of the Project Agreement signed by the Grantee and RPOSD.
3. Notarize it: Take the unsigned Deed Restriction form, "Exhibit A", and "Exhibit B", to a notary. The Grantee's Authorized Representative or designee signs the Deed Restriction form signature page in the presence of a notary. The notary then completes the "Notary Acknowledgement" section.
4. Record it: Take the notarized Deed Restriction form, "Exhibit A", and "Exhibit B", to the County Recorder's Office of the county in which the property is located and ask the County Clerk to "record the Deed Restriction form, Exhibit A, and Exhibit B, on the title to the property."
5. Send a copy of the notarized and recorded Deed Restriction form, "Exhibit A", and "Exhibit B" to the RPOSD Program Manager.

PROJECT CERTIFICATION FORM

Project Name: Zedler Marsh Urban Trails System

Grant Number: 58M1-14-2455

Agency Name: Los Cerritos Wetlands Authority

Address: 100 Old San Gabriel Canyon Road, Azusa, CA 91702

Business Phone No.: (626-815-1019) Ext.: 110

Name of Agency Contact (for audit purposes): Luz Quinnell, 626-815-1019 ext 110

Project Description – List facilities developed and/or property acquired (AINs): APN 7237-020-901, Creation of a public trails system within Zedler Marsh at Los Cerritos Wetlands in the City of Long Beach

List ALL funding sources used on the Project, including Proposition A funds:

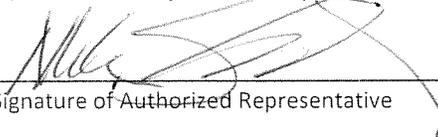
<u>Funding Source</u>	<u>Amount</u>	<u>Date Received</u>
<u>USFWS</u>	<u>\$ 41,400</u>	<u>8-31-11</u>
<u>Coastal Commission Whale Tail</u>	<u>\$ 18,000</u>	<u>6-15-10</u>
<u>SCWRP</u>	<u>\$ 25,000</u>	<u>6-30-11</u>
<u>LCWA In-kind</u>	<u>\$ 4,500</u>	<u>4-1-14</u>
<u>LA County Prop A</u>	<u>\$ 105,600</u>	<u>4-1-14</u>
Total Project Costs:	<u>\$ 196,500</u>	

Has a Notice of Completion been filed?

Yes – Attach a copy.

No – Explain: _____

CERTIFICATION: I hereby certify that all Grant funds were expended on the above-named Project, that the Project is complete, and that we have made final payment for all work done.


Signature of Authorized Representative

9-1-16
Date

Title

Grant No.: 58M1 - 14 - 2455

LANDSCAPING CERTIFICATION

Check the certification below that best represents the landscaping practices in the Project:

- Landscaping was done in accordance with the landscaping provision of the Project Agreement:

“Grantee shall use drip irrigation systems and shall use drought-resistant or xerophytic trees, plants, lawn, or sod, unless Grantee can show, to the District’s satisfaction, that it would be infeasible to do so.”

- Landscaping was not done in accordance with the landscaping provision of the Project Agreement, for the reason(s) described below:

All areas are landscaped with native, drought-resistant
species. Drip irrigation was first used, but quickly destroyed
by pests, so irrigation had to be placed on risers. All of
the irrigation systems are temporary, however, and will only
be used during the first year of establishment of the plants,
then removed.



 Signature of Authorized Representative

Aug 8, 2016

 Date

Mark Stanely

 Name of Authorized Representative

Executive Director

 Title of Authorized Representative

 (District Use Only)

 Signature of District Representative

 Date

November 3, 2016 - Agenda Item 8

RESOLUTION 2016-17

RESOLUTION OF THE LOS CERRITOS WETLANDS AUTHORIZING: 1. MEMORANDUM OF UNRECORDED GRANT PROJECT AGREEMENT, 2. COMPLIANCE WITH RECORDING A DEED RESTRICTION AND 3. MAINTENANCE OF THE PROPERTY IN PERPETUITY CONSISTENT WITH THE ZEDLER MARSH URBAN TRAILS (GRANT NO. 58M1-14-2455).

WHEREAS, the Los Cerritos Wetlands Authority (Authority) has been established between the Coastal Conservancy, the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, the City of Seal Beach and the City of Long Beach to facilitate the acquisition, protection, conservation, restoration, maintenance and operation an environmental enhancement of the Los Cerritos Wetlands; and

WHEREAS, the people of the County of Los Angeles on November 3, 1992, and on November 5, 1996 enacted Los Angeles County Proposition A, Safe Neighborhood Parks, Gang Prevention, Tree Planting, Senior and Youth Recreation, Beach and Wildlife Protection (the Propositions), which among other uses, provides funds to public agencies and nonprofit organizations in the County for the purpose of acquiring and/or development facilities and open space for public recreation; and

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

WHEREAS, the District has set forth the necessary procedures governing application for grant funds under the Propositions, and

WHEREAS, the District's procedures require the Los Cerritos Wetlands Authority to certify, by resolution, the approval of the application before submission of said application to the District; and

WHEREAS, said application contains assurances that the Los Cerritos Wetlands Authority must comply with; and

WHEREAS, the Los Cerritos Wetlands Authority has entered into and completed the Agreement with the District to provide funds for the Zedler Marsh Urban Trials System Project; and

WHEREAS, the LCWA authorizes: 1. Memorandum of Unrecorded Grant Project Agreement, 2. compliance with recording a Deed Restriction and 3. maintenance of the property in perpetuity consistent with the Zedler Marsh Urban Trails (Grant No. 58M1-14-2455); and

WHEREAS, the LCWA has further been established to focus on projects which will provide open space, habitat restoration, and watershed improvement projects within the Los Cerritos Wetlands; and

WHEREAS, this action is exempt from the environmental impact report requirements of the California Environmental Quality Act (CEQA); NOW

Therefore be it resolved that the LCWA hereby:

1. Adopts the completed Zedler Marsh Urban Trails, Grant No. 58M1-14-2455 in the amount of \$98,000.
2. Authorizes: 1. Memorandum of Unrecorded Grant Project Agreement, 2. compliance with recording a Deed Restriction and 3. maintenance of the property in perpetuity consistent with the Zedler Marsh Urban Trails (Grant No. 58M1-14-2455).
3. Certifies that the LCWA has sufficient funds to operate and maintain the improvements in perpetuity and amends the LCWA FY16/17Budget as necessary.
4. Appoints the Executive Officer, or designee, to conduct all negotiations, and to execute and submit all documents including, but not limited to, applications, agreements, amendments, payment requests and so forth, which may be necessary for the completion of the aforementioned project.
5. FINDS that the actions contemplated by this resolution are exempt from the environmental impact report requirements of the California Environmental Quality Act.
6. ADOPTS the staff report dated November 3, 2016.

~ End of Resolution ~

Passed and Adopted by the Board of the LOS CERRITOS WETLANDS AUTHORITY on November 3, 2016

Sam Schuchat, LCWA Chair

ATTEST:

David Edsall
Deputy Attorney General