



CITY OF POMONA COUNCIL REPORT

February 4, 2019

To: Honorable Mayor and Members of the City Council

From: Linda Lowry, City Manager

Submitted by: Rene Guerrero, Interim Public Works Director

Subject: **Adoption of a Resolution Approving Deed Restrictions at Esperanza Y Alegria Park and Kennedy Park Pursuant to Los Angeles County Regional and Open Space District Grant No. 58H3-15-2523**

OVERVIEW

Recommendation – That the City Council adopt a Resolution (Attachment 1) approving Deed Restrictions as a condition to Grant No. 58H3-15-2523 (Grant) for general park improvements constructed with Grant funding at Esperanza y Alegria Park (formerly Angela/Chanslor Park), and Kennedy Park.

Previous Related Action – On January 26, 2015, the City Council approved an application for grant funds to the Los Angeles County Regional Park and Open Space District in the amount of \$500,000 and a Youth Employment Plan for the Pomona City Parks General Improvements Project.

On December 15, 2015, City Council adopted Resolution No. 2015-52 to:

- 1) Create ten new CIP Projects for various park improvements;
- 2) Accept \$500,000 of grant funds from the Los Angeles County Regional Park and Open Space District;
- 3) Appropriate \$500,000 in grant funds for various park improvements;
- 4) Appropriate \$109,000 in Park Dwelling Tax to three CIP projects;
- 5) Authorize the City Manager to re-appropriate funds amongst the ten new CIP Projects as necessary.

On December 17, 2018, City Council adopted a Resolution amending the Capital Improvement Program (CIP) budget by unappropriating and reappropriating funds between eight existing park projects included in the District Grant to minimize the number of parks affected by the District Grant requirement to place deed restrictions on each park. Genesha Park and the Civic

Center have been pledged as collateral in

EXECUTIVE SUMMARY

Adoption of the Resolution will approve deed restrictions to be placed at Esperanza y Alegria Park (formerly Angela/Chanslor Park) and Kennedy Park, as a condition of Grant No. 58H3-15-2523 (Attachment 2) from the Los Angeles County Regional Park and Open Space District (District). It is a further requirement of the Grant that this be done prior to the City receiving full reimbursement of Grant funds.

DISCUSSION

Using the District's \$500,000 Grant No. 58H3-15-2523, the City has constructed improvements at Esperanza Y Alegria Park and Kennedy Park. Originally, the Grant was to fund improvements at the following parks: Kennedy Park, Martin Luther King Park; Esperanza y Alegria Park (formerly Angela/Chanslor Park); Phillips Paw Park (formerly Phillips Ranch Park); Ganesha Park; Civic Center Park; Garfield Park, Jaycee Park, Montvue Park, and Lincoln Park.

However, as a requirement of the Grant agreement, the City is required to provide a deed restriction at each park where the money is utilized. The deed will restrict the use of that land to park space in perpetuity. To minimize the number of parks affected by this requirement, a change in description (amendment) to the Grant was requested and approved by the District. The amendment allowed for only two projects to be fully funded with the \$500,000 grant, Esperanza y Alegria Park and Kennedy Park (eliminating eight parks from the agreement). The remaining eight park projects remain fully funded by the Resolution adopted by City Council back on December 17, 2018.

As a condition of the Grant, and after recording the deed restriction, the City shall at all times comply with the requirements of the Grant. The conditions of the Grant, as set forth in paragraphs 1 through 5 of the Grant and the attached deed restriction, are as follows:

1. Duration. This Deed Restriction shall bind the City in perpetuity;
2. Taxes and Assessments. This Deed Restriction is irrevocable and constitutes an enforceable restriction within the California Constitution and California Revenue and Taxation Code;
3. Right of Entry. District agents and employees may enter onto the park properties;
4. Remedies. Any act, conveyance, contract, or authorization by the City that would permit use of the park property contrary to the terms of the deed would be a violation and a breach; and
5. Severity. If any provision of these restrictions is held to be invalid, or unenforceable, no other provision shall be affected or impaired.

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In simpler terms, the deed restriction requires that the parks remain parks in perpetuity. Without the deed restriction, the Grant would not be consistent with the public purposes of the District grant program, and the grant funds would not have been granted to the City. It further requires right of entry onto the park properties by District agents and employees in perpetuity.

Attachments:

1. Resolution Approving Deed Restrictions (Exhibit “A”, A-1 & A-2)
2. Grant No. 58H3-15-2523

Prepared by: Matt Pilarz, Sr. Civil Engineer