



Meeting Date: 03/04/08

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input checked="" type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Cyndi Hookstra, Management Analyst III (initials) Agenda Item No. 5-4

Reviewed By: City Manager (signature) City Attorney Holmberg Finance SW Other (Specify) _____

DATE: February 26, 2008

TO: City Council

FROM: Michael Henderson, General Services Manager (signature)
City Manager's Department

SUBJECT: Memorandum of Unrecorded Grant Agreement relating to Land and Water Conservation Grant restrictions at Oxnard Beach Park

RECOMMENDATION

That the City Council approve and authorize the Mayor execute a Memorandum of Unrecorded Grant Agreement for the Oxnard Beach Park property located on Harbor Boulevard south of Wooley Road to record notice of the land restrictions required by the Land and Water Conservation Grant funding.

DISCUSSION

On April 20, 2004, the City Council approved the Land and Water Conservation Fund (LWCF) grant application for the construction of a covered group picnic facility at the Oxnard Beach Park. In July 2004, the City was notified of the grant award and that acceptance of the grant award would include restrictions for future construction on the property. Under the LWCF grant, the grant project area defined in the attached 6 (f)(3) project map must be retained in perpetuity for public outdoor recreation use. Any future construction within this boundary must have the prior approval of the California Department of Parks and Recreation (DPR).

The California Department of Parks and Recreation (DPR) has requested that the City execute a Memorandum of Unrecorded Grant Agreement giving record notice of land use restrictions at Oxnard Beach Park. In the event of future title changes on the property, this will ensure the LWCF restrictions will be followed.

The City has completed the project and is in the process of closing out the grant. The amendment to the grant deed is a requirement to close out the grant and for the City to receive the final payment of grant funds. The Memorandum must be recorded with the County of Ventura and received by the Department of Parks and Recreation prior to March 31, 2008.

Subject/Beach Park

February 26, 2008

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FINANCIAL IMPACT

If the Memorandum is not approved, the City will forfeit grant funds in the amount of \$101,490 in the Oxnard Beach Project (#065705).

(MH/ch)

Attachment #1 Oxnard Beach Park 6(f)(3) Boundary Map

Attachment #2 Grant Award Contract

Attachment #3 DPR Memorandum of Unrecorded Grant Agreement and Original Grant Deed

Section 6(f)(3) Boundary Map



PROPOSED
AREA TO BE
DEVELOPED

BOUNDARY OF
PREVIOUSLY
APPROVED
GENERAL PLAN

Dxnard Beach Park
Picnic Area Improvements

Signature of Individual
Authorized in Resolution

Date

June 8, 2004
Date of map preparation

63369
Section 6(f)(3) Boundary Acreage



LAND AND WATER CONSERVATION FUND

GRANT AWARD ANNOUNCEMENT



Release Date: 9/8/2004

To Honorable Congressional Representative: Lois Capps
Fax: (202) 225-5632

The National Park Service is pleased to provide you with the following information on a Land and Water Conservation Fund (LWCF) grant awards available for public release. The California Department of Parks and Recreation submitted the following 28 requests on behalf of the identified project sponsors for funding from the state's Fiscal Year 2004 LWCF apportionment of \$7.83 Million. The LWCF grant program has provided funding for the acquisition, development, or renovation of parks, open space, and outdoor recreation facilities since 1965 with over \$3.2 Billion in federal funds invested in over 38,000 project sites nationwide protecting 2.3 Million acres nationwide. Outer Continental Shelf oil and gas drilling lease receipts provide the primary funding source for the LWCF grant program. The LWCF program provides matching grants to the states for state and local government park and recreation projects.

The Land and Water Conservation Fund recently celebrated the 40th anniversary of enactment. Attached is a statement from National Park Service Director Fran Mainella commemorating the event. Five days following the date of this notice, the National Park Service shall release the grant award to the California Department of Parks and Recreation, who will provide notice to the identified project sponsor.

Project Name: Oxnard Beach Park Development		
LWCF_share:	\$101,490.00	LWCF Project Number: 06-01553
Total Project Cost:	\$202,980.00	

Project Sponsor and Address:

Michael Henderson
 City of Oxnard
 1060 Pacific Ave. Building #3
 Oxnard, CA 93030

Scope of the Grant:

Development of group picnic area with related support facilities.

For Further Information, Please Contact
NPS Staff Contact: David Siegenthaler
Phone: (510) 817-1324

The Land and Water Conservation Fund grants-in-aid program provides matching grants to States and through States to local units of government for the acquisition and development of public outdoor recreation areas and facilities.

ATTACHMENT NO. 2
2

**State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION**

AMENDMENT TO CONTRACT

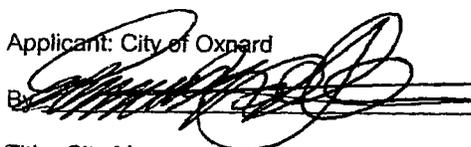
Contract No. C8940019 Amendment No. 1

THIS AMENDMENT is hereby made and agreed upon by the State of California, acting through the Director of the Department of Parks and Recreation and by the City of Oxnard

The State and, City of Oxnard in mutual consideration of the promises made herein and in the contract in which this is an amendment, do promise as follows:

The PROJECT-PERFORMANCE PERIOD is amended to read September 09, 2004 thru June 30, 2008.

In all other respects, the contract of which this is an amendment, and the terms and conditions if relevant thereto, shall remain in full force and effect. In witness whereof the parties hereto have executed this amendment as of the date entered below.

Applicant: City of Oxnard
 By 
 Title City Manager
 Applicant's Authorized Representative as shown in Resolution
 Date March 20, 2007

STATE DEPARTMENT OF PARKS AND RECREATION
 By _____
 Date _____

**CERTIFICATION OF FUNDING
(FOR STATE USE ONLY)**

CONTRACT NO C8940019	AMENDMENT NO 1	CALSTRS VENDOR NO 000000437600	PROJECT NO 06-01553		
AMOUNT ENCUMBERED BY THIS DOCUMENT 0		FUND Federal Trust Fund ✓			
PRIOR AMOUNT ENCUMBERED BY THIS CONTRACT \$101,490	ITEM 3790-101-0890(1) ✓	CHAPTER 157 ✓	STATUTE 03 ✓	FISCAL YEAR 2003/04 ✓	
TOTAL AMOUNT ENCUMBERED TO DATE \$101,490	INDEX 1091	OBJ. EXPEND 702 ✓	PCA 68941	PROJECT/WORK PHASE 091012-00	
T.B.A. NO	I hereby certify upon my own personal knowledge that budgeted funds are available for this encumbrance.				
B.R. NO	SIGNATURE OF ACCOUNTING OFFICER			DATE	

Recording requested by, and)
when recorded, return to:)

State of California)
Department of Parks and Recreation)
Grants and Local Services Division)
1416 9th Street Rm 918)
Sacramento, CA 95814)

Space above this line for Recorder's use

County: Ventura
APN: 191014035

Memorandum Of Unrecorded Grant Agreement

This Memorandum of Unrecorded Grant Agreement (Memorandum), dated as of February 13, 2008, is recorded to provide notice of an agreement between the State of California, acting by and through the Department of Parks and Recreation ("DPR"), and the City of Oxnard ("Grantee").

RECITALS

- A. On or about February 13, 2008, DPR and Grantee entered into a certain Grant Agreement No. C8940019 Project # 06-01553, pursuant to which DPR granted to Grantee certain funds for the acquisition or improvement of certain real property, more particularly described in attached Exhibit A and incorporated by reference (the "Real Property").
- B. Under the terms of the Grant Agreement, DPR reserved certain rights with respect to the Real Property acquired or improved with the grant funds.
- C. Grantee desires to execute this Memorandum to provide constructive notice to all third parties of certain rights reserved by DPR under the Grant Agreement.

NOTICE

- 1. The Real Property (including any portion of it or any interest in it) may not be sold or transferred without the written approval of the State of California, acting by and through the Department of Parks and Recreation (DPR), or its successor, provided that such approval shall not be unreasonably withheld as long as the purposes for which the Grant was awarded are maintained.
- 2. The Real Property (including any portion of it or any interest in it) may not be used as security for any debt or for mitigation without the written approval of the State of California, acting through the DPR, or its successor, provided that such approval shall not be unreasonably withheld as long as the purposes for which the Grant was awarded are maintained.
- 3. For additional terms and conditions of the Grant, reference should be made to the Grant Agreement which is on file with the DPR located at: 1416 9th Street, Room 918, Sacramento, California, 95814.

GRANTEE:

By: _____
Signature Date

Mayor Dr. Thomas E. Holden

ATTACHMENT NO. 3
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D-2177

When Recorded Mail To:

City of Oxnard
City Clerk's Office
305 West Third Street
Oxnard, CA 93030

98-057388		Rec Fee	.00
		A-R.	.00
Recorded			
Official Records			
County of			
Ventura			
Richard D. Dean			
Recorder			
8:02am 15-Apr-98		OXNA	CD 8

A12600 OFFICIAL STATE BUSINESS - EXEMPT FROM RECORDING FEES PURSUANT TO GOVT CODE SECTION 6103
Oxnard State Beach

STATE OF CALIFORNIA

GRANT DEED

Pursuant to the provisions of Section 5003.14 of the Public Resources Code, the STATE OF CALIFORNIA, through its duly appointed, qualified and acting Director of the Department of Parks and Recreation, hereby grants to the City of Oxnard, a municipal corporation, in trust for the people of the State of California, the following described real property in the County of Ventura, State of California:

As shown on the attached Exhibit "A", consisting of four (4) pages, and by this reference made a part hereof.

EXCEPTING AND RESERVING to the State of California all mineral deposits, not previously reserved in other documents of record, as defined in Section 6407 of the Public Resources Code below a depth of 500 feet, without surface rights of entry.

THIS DEED IS MADE SUBJECT TO THE FOLLOWING EXPRESS CONDITIONS
SUBSEQUENT:

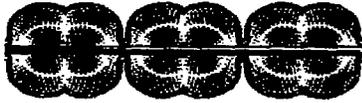
- (1) The real property and improvements herein conveyed shall be used, operated and maintained by the City for public beach purposes. Such use, operation and maintenance pursuant to this Grant shall not adversely affect the use or preservation of the beach lands, including the preservation of the primary dune system within the boundaries of the beach lands.
- (2) Any improvements constructed or placed on the granted real property shall conform to the Oxnard State Beach General Plan, that was adopted pursuant to Public Resources Code Section 5002.2.

ATTACHMENT NO. 3

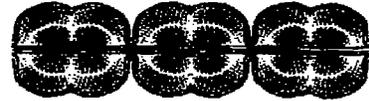
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CALIFORNIA



ALL-PURPOSE



ACKNOWLEDGEMENT

STATE OF CALIFORNIA)

COUNTY OF SACRAMENTO)

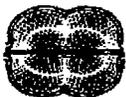
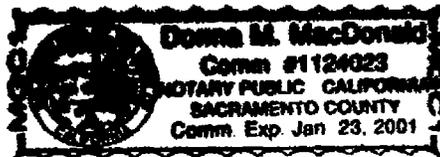
On December 5, 1997 before me, Donna M. MacDonald, a Notary Public,
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared, Patricia J. Megason

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Donna M. MacDonald (SEAL)
NOTARY PUBLIC SIGNATURE



OPTIONAL INFORMATION



TITLE OR TYPE OF DOCUMENT Grant Deed - Oxnard State Beach

DATE OF DOCUMENT not dated NUMBER OF PAGES 2

SIGNER(S) OTHER THAN NAMED ABOVE none

- (3) Upon a breach of any condition, the State shall terminate the City's interest in the real property conveyed hereunder pursuant to Civil Code Section 885.010 et sequitur.

Each of the foregoing express conditions subsequent shall also be covenants by the Grantee for use and development of the granted real property, and equitable servitudes upon the interests granted herein, which may be enforced through injunction for specific performance or preventive relief.

THIS DEED IS ALSO MADE SUBJECT TO all valid existing contracts, leases, encumbrances and claims of title which may affect said parcels.

IN WITNESS WHEREOF, the State has caused this Grant Deed to be executed this
5th day of December, 1997.

STATE OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION

Donald W. Murphy, Director

By Patricia J. Megawson
DEC 5 1997

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ATTACHMENT NO. 3
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EXHIBIT-A

PARCEL 1

That portion of Patterson Ranch, as per map recorded in Book 8, page 1, of Miscellaneous Records of Ventura County, in the City of Oxnard, County of Ventura, State of California, described as follows:

BEGINNING at the Northwest Corner of Parcel 2, as shown on that Parcel Map recorded in Book 2, page 73, of Parcel Maps of Records of said County; thence along the westerly prolongation of the northerly line of said Parcel 2, South $89^{\circ} 59' 35''$ West 33.04 feet to the TRUE POINT OF BEGINNING:

THENCE:

1. South $89^{\circ} 59' 35''$ West 542.94 feet to the Mean High Tide Line of the Pacific Ocean; thence
2. Northerly along said Mean High Tide Line of the Pacific Ocean to a point on the southwesterly prolongation of the southwesterly line of Tract No. 2038, as per map recorded in Book 52, pages 97 and 98 of Miscellaneous Records of said County; Thence along said southwesterly prolongation;
3. North $65^{\circ} 12' 32''$ East 526.82 feet to the northwest corner of the land described in Deed recorded in Book 5627, page 300 of the Official Records of said County; thence along the southwesterly line of said land;
4. South $24^{\circ} 48' 08''$ East 533.86 feet; thence
5. South $42^{\circ} 06' 00''$ East 456.83 feet to the southeasterly line of said land; thence along said southeasterly line;
6. North $65^{\circ} 12' 32''$ East 13.49 feet to a point on a non-tangent curve concave easterly having a radius of 90.00 feet, a radial line through said point bears south $77^{\circ} 07' 16''$ East; thence, leaving said southeasterly line,
7. Southerly along said curve through a central angle of $54^{\circ} 15' 32''$, an arc distance of 85.23 feet to the beginning of a tangent reverse curve concave southwesterly, having a radius of 30.00 feet; thence along said curve,
8. Southeasterly through a central angle of $16^{\circ} 35' 52''$, an arc distance of 8.69 feet; thence tangent to said curve,

EXHIBIT-A

9. South $24^{\circ} 46' 56''$ East 75.88 feet to the beginning of a tangent curve concave northeasterly, having a radius of 450.00 feet; thence
10. Southeasterly along said curve through a central angle of $24^{\circ} 58' 17''$, an arc distance of 196.13 feet; thence leaving said general southwesterly line
11. South $31^{\circ} 56' 31''$ West 133.65 feet; thence
12. South $19^{\circ} 00' 00''$ West 213.00 feet; thence
13. South $25^{\circ} 00' 00''$ East 141.00 feet; thence
14. South $20^{\circ} 00' 00''$ West 52.00 feet; thence
15. South $25^{\circ} 00' 00''$ East 90.18 feet; thence
16. South $70^{\circ} 00' 00''$ East 52.00 feet; thence
17. South $25^{\circ} 00' 00''$ East 286.00 feet; thence
18. North $63^{\circ} 43' 00''$ East 247.00 feet; thence
19. South $76^{\circ} 37' 00''$ East 105.00 feet to a point on a non-tangent curve concave easterly, having a radius of 510.00 feet, a radial line to said point bears North $73^{\circ} 50' 45''$ West; thence
20. Southerly along said curve through a central angle of $40^{\circ} 56' 11''$, an arc distance of 364.38 feet; thence tangent to said curve
21. South $24^{\circ} 45' 56''$ East 95.00 feet to the beginning of a tangent curve concave westerly, having a radius of 25.00 feet; thence
22. Southwesterly along said curve through a central angle of $90^{\circ} 00' 00''$, an arc distance of 39.27 feet; thence tangent to said curve
23. South $65^{\circ} 13' 04''$ West 0.51 feet to the beginning of a tangent curve concave easterly, having a radius of 120.00 feet; thence
24. Southwesterly along said curve through a central angle of $89^{\circ} 59' 40''$, an arc distance of 188.48 feet; thence tangent to said curve
25. South $24^{\circ} 46' 36''$ East 70.97 Feet to the TRUE POINT OF BEGINNING.

EXHIBIT-A

PARCEL 2

That Portion of of Patterson Ranch, as per map recorded in Book 8, page 1, of Miscellaneous Records of Ventura County, in the City of Oxnard, County of Ventura, State of California, described as follows:

BEGINNING at the Northwest Corner of Parcel 2, as shown on that Parcel Map recorded in Book 2, page 73, of Records of said County; thence along the northerly line of said Parcel 2, North $89^{\circ} 59' 35''$ East 33.04 feet to the TRUE POINT OF BEGINNING; thence along said northerly line:

1. North $89^{\circ} 59' 35''$ East 175.58 feet; thence leaving said northerly line
2. North $00^{\circ} 00' 07''$ West 31.56 feet to a point on a non-tangent curve concave northeasterly, having a radius of 150.00 feet, a radial through said point bears South $00^{\circ} 00' 07''$ East; thence along said curve,
3. Northwesterly through a central angle of $65^{\circ} 13' 11''$, an arc distance of 170.74 feet; thence tangent to said curve,
4. North $24^{\circ} 46' 56''$ West 42.38 feet to the beginning of a tangent curve concave southerly, having a radius of 25.00 feet; thence along said curve,
5. Northwesterly and westerly through a central angle of 90° , an arc distance of 39.27 feet; thence tangent to said curve,
6. South $65^{\circ} 13' 04''$ West .51 feet to the beginning of a tangent curve concave southeasterly, having a radius of 60.00 feet; thence along said curve,
7. Southwesterly through a central angle of $89^{\circ} 59' 40''$, an arc distance of 94.24 feet; thence tangent to said curve,
8. South $24^{\circ} 46' 36''$ East 98.65 feet to the TRUE POINT OF BEGINNING.

EXHIBIT-A

PARCEL 3

Those portions of Lots 49, 68, and 69, Patterson Ranch, in the City of Oxnard, as per map recorded in Book 8, Page 1 of Maps, in the Office of the County Recorder of said county, described as follows:

Beginning at a point on the Westerly right-of-way line of Harbor Boulevard, 80.00 feet in width, said point being the most Easterly corner of Tract 2038 as shown on a map recorded in Book 52, Page 97 of Miscellaneous Records in the office of the County Recorder for said county; thence,

1st: South $65^{\circ} 13' 14''$, West 1,180.41 feet along the Southeasterly line of said tract to a point on the Westerly right-of-way line of Mandalay Beach Road 60.0 feet in width, said road is shown on said tract; thence,

2nd: South $24^{\circ} 47' 35''$ East 533.86 feet; thence,

3rd: South $42^{\circ} 05' 27''$ East 456.81 feet to a point in a line parallel with and 970.00 feet Southeasterly, measured at right angles from the Southeasterly line of said Tract 2038; thence,

4th: North $65^{\circ} 13' 04''$ East 1,084.24 feet along said parallel line to a point on the centerline of said Harbor Boulevard; thence,

5th: North $24^{\circ} 46' 56''$ West 970.00 feet along said centerline, to the Northeasterly prolongation of the Southeasterly line of said Tract 2038; thence,

6th: South $65^{\circ} 13' 04''$ West along said prolongation to the Point of Beginning.

EXCEPT all oil, gas, hydrocarbon substances, and other material and fissionable substances, but without the right of entry upon the surface of said land or to a depth of 500 feet from the surface thereof for the purpose of exploring for, drilling, boring, marketing, or removing such substances, but with the right to produce and take said substances by means of wells located on other lands directionally drilled from said other lands into or through said land below a depth of 500 feet from the surface of said land.

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the Grant Deed dated December 5, 1997 from State of California, Department of Parks and Recreation.

to CITY OF OXNARD, a political corporation and governmental agency, is hereby accepted and pursuant to City Council Resolution 1939, recorded in book 1591, Official Records of Ventura County at page 273, the City Council consents to recordation thereof by its duly authorized officer.

DATED _____.

By *[Signature]*
Mayor