



Meeting Date: 4/22/08

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: Ken Ortega

Agenda Item No. I-6

Reviewed By: City Manager

*Alan Holmberg*  
City Attorney

Finance

Other

*Ken Ortega*  
Public Works

DATE: April 13, 2008

TO: City Council

FROM: Ken Ortega, Public Works Director  
Public Works Department

**SUBJECT: License and Joint Use Agreement No. A-7036 for Construction and Maintenance of a Water Well on a 6,000 Square Foot site described as Attachment No. 1 of the Future Sports Park Site at Gonzales Road and Oxnard Boulevard**

### RECOMMENDATION

That City Council:

1. Approve and authorize the Mayor to execute License and Joint Use Agreement No. A-7036 providing for use by the City's Water Enterprise Fund ("Water Fund") of approximately 6,000 square feet for a injection/extraction water well facility and approximately 20,371 square feet of required construction, operation, and maintenance access via an adjacent parking/roadway area in City-owned property located at the southeast corner of Gonzales Road and Oxnard Boulevard.
2. Approve the special budget appropriation of funds in the amount of \$280,000 from the Water Fund Balance.

### DISCUSSION

In March, 2007 the City purchased land for the future Sports Park site totaling approximately 21 acres at the southeast corner of Gonzales Road and Oxnard Boulevard. In addition to the 4 acres already owned by the City, the entire area now totals approximately 25 acres. The undeveloped parcel is now under the City's care and staff has been assisting the volunteer efforts already underway to clear, excavate and grade the site, and install an irrigation system adequate to seed and sustain grass over the entire area. However, before the City's blended water supply system can serve the park, the parcel must be annexed into the corporate boundaries of both the Metropolitan Water District and Calleguas Municipal Water District.

The Water Resources Division (Water Fund) had already identified the future park site as an excellent location for a injection and extraction water well facility, and subsequently identified a way to reduce the fiscal impact of the estimated \$280,000 annexation and connection fees associated with this parcel on the City's General Fund, while simultaneously fulfilling its Water System Master Plan goals and objectives. The Water Fund agrees to lease the right-of-way needed to plan, design, construct, operate, and maintain an injection and extraction water well and associated improvements in exchange for the funds needed for annexation and connection fees.

The footprint of the proposed well is located on the southwest corner of the site and requires access for ongoing maintenance. Public Works and General Services staff has determined that a mutual use of the access route to the well site can incorporate the design of a parking lot for the park users and the restroom facilities that the park would require. The Water Fund is paying to construct the access road, parking lot, and restroom facilities in return for placing the well on the site as described in the License and Use Agreement (Exhibit A). The proposed area for the well site, restroom facilities, and parking lot area is referenced in Exhibit B, attached. The Water Fund plans the construction of a retaining wall at a later date.

This agreement memorializes an arrangement for compensation to be made from the Water Fund on behalf of the General Fund. The agreement further grants to the Water Fund an exclusive License in perpetuity to establish and maintain a water well on the approximate 6,000 square foot well site and a nonexclusive license to construct an approximate 20,371 square foot parking area for use by the Water Fund when and as necessary for maintenance of the water well as described on Exhibit A.

The City's responsibility for this license and joint use agreement includes the maintenance of the proposed public restrooms, parking area, and all roads providing access to the well site. The limits of the Public Works Department's maintenance are referenced in Exhibit C.

## **FINANCIAL IMPACT**

Funding for this project in the amount of \$280,000 will be paid from the Water Fund Balance (601-6010-842-8209, Water Procurement/Contractual/Professional Services). The Special Budget Appropriation will appropriate funds from the Water Fund Balance to Account No. 601-6010-842-8209 for the construction and maintenance of the water well as described above.

AH:KO:LB:mr

Attachment #1 - License and Joint Use Agreement  
Attachment #2 Special Budget Appropriation

Note: The License and Joint Use Agreement No. A-7036 has been provided to the City Council. Copies are available for review at the Circulation Desk in the Library after 6:00 p.m. on the Thursday prior to the Council meeting and at the City Clerk's Office after 8:00 a.m. on the Monday prior to the Council meeting.

LICENSE AND JOINT USE AGREEMENT

This License and Joint Use Agreement ("Agreement") is entered into this 22nd day of April, 2008, by and between the City of Oxnard ("City") and City of Oxnard Water Enterprise Fund ("Water Fund"). The Agreement memorializes an arrangement pursuant to which compensation will be made to the General Fund from the Water Fund in recognition of the property and use rights described herein.

WHEREAS, the City owns approximately 25 acres of public property, located at the southeast corner of Gonzales Road and Oxnard Boulevard ("Property"); and

WHEREAS, the City wishes to grant to the Water Fund a long term license to construct and maintain upon the Property a well for extractions and infusion of water on a site consisting of approximately 6000 square feet in the southern area of the Property, marked as "well site" on the attached Exhibit 1.

NOW, THEREFORE, the City and Water Fund agree:

1. License Granted.

- A. Subject to the conditions contained in this License, the City grants to the Water Fund an exclusive License to establish and maintain a water well on the approximate 6,000 square foot well site described on Exhibit A and a nonexclusive license to construct an approximate 20,371 square foot parking area ("parking area") as described on Exhibit B for use by the Water Fund when and as necessary for maintenance of the water well. At all other times, the City may use the parking area for public parking.
- B. The License shall be perpetual.
- C. The consideration for this License is as follows:
  - 1. Water Fund shall pay the fee for annexation and connection fees of approximately 21 acres of the Property into the Calleguas Water District in the sum of approximately \$280,000.
  - 2. Water Fund shall pave the parking/access area to the well site in accordance with City standards.
  - 3. Water Fund and City staff will cooperate to plan and construct public restroom facilities adjacent to the well structure which take advantage of design and construction efficiencies created by

developing such a facility in connection of the well site at Water Fund's expense.

2. Maintenance.

A. Water Fund shall at all times:

- (1) Maintain the well site and the area described in Exhibit C free of litter, trash and other debris, except to the extent the same are present at the commencement of the License period.

3. City shall at all times:

- (1) Maintain the public restrooms created pursuant to the Agreement.
- (2) Maintain the parking area.
- (3) Maintain all park roads providing access to the well site.

4. Term of License.

The term of this License shall begin on April 22, 2008, and shall extend in perpetuity or for the longest time permitted by law.

5. Termination/Extension.

This License may not be terminated.

6. Permits, Licenses and Certificates.

Water Fund, at Water Fund's expense, shall obtain and maintain during the term of this License, all permits, licenses and certificates required in connection with the operation of the well.

7. Governing Law.

The construction and interpretation of this License and the rights and duties of the City and Water Fund hereunder shall be governed by the laws of the State of California.

8. Compliance with laws.

Water Fund shall comply with all State, federal, and local laws, rules and regulations, now or hereafter in force, pertaining to Water Fund's use of the Property.

9. Notices.

- A. Any notices to the City may be delivered by mail addressed to: 305 West Third Street, Attention: Water Resources Manager
- B. Any notice to Water Fund may be delivered by mail addressed to: 305 West Third Street, Attention: Water Resources Manager.

10. Assignment.

Water Fund may not delegate its rights or duties under this License without the written consent of the Manager, which consent may not be unreasonably withheld for any reason.

11. Successors and Assigns.

This License shall be binding upon and inure to the benefit of the heirs, executors, administrators, successors and assigns of the City and Water Fund, for the benefit of the Property.

12. Amendment.

Any amendments to this License shall become effective only when agreed to in writing by both the Manager and Water Fund.

13. Entire agreement.

This License constitutes the entire agreement of the City and Water Fund regarding the subject matter hereof and supercedes all prior communications, agreements and promises, either oral or written.

CITY OF OXNARD

(General Fund)

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Dr. Thomas E. Holden, Mayor

APPROVED AS TO FORM:

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Gary L. Gillig, City Attorney

CITY OF OXNARD

(Water Fund)

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Dr. Thomas E. Holden, Mayor





SITE PLAN - SPORTS PARK  
1/8" = 1' - 0"

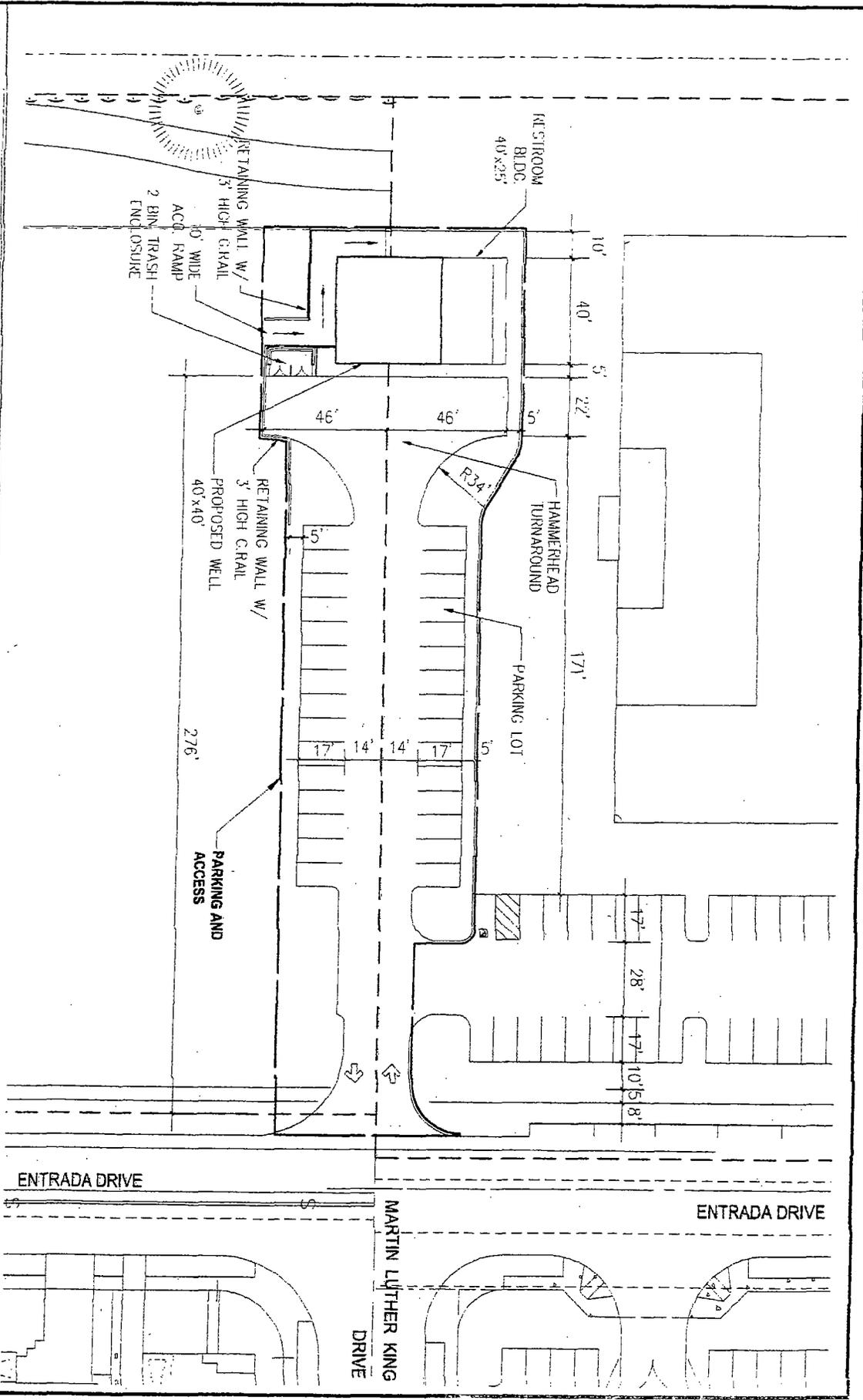


EXHIBIT B  
CITY OF OXNARD SPORTS PARK  
WATER WELL SITE / RESTROOM FACILITIES / PARKING LOT ACCESS



SITE PLAN - SPORTS PARK  
1/8" = 1' = 0"

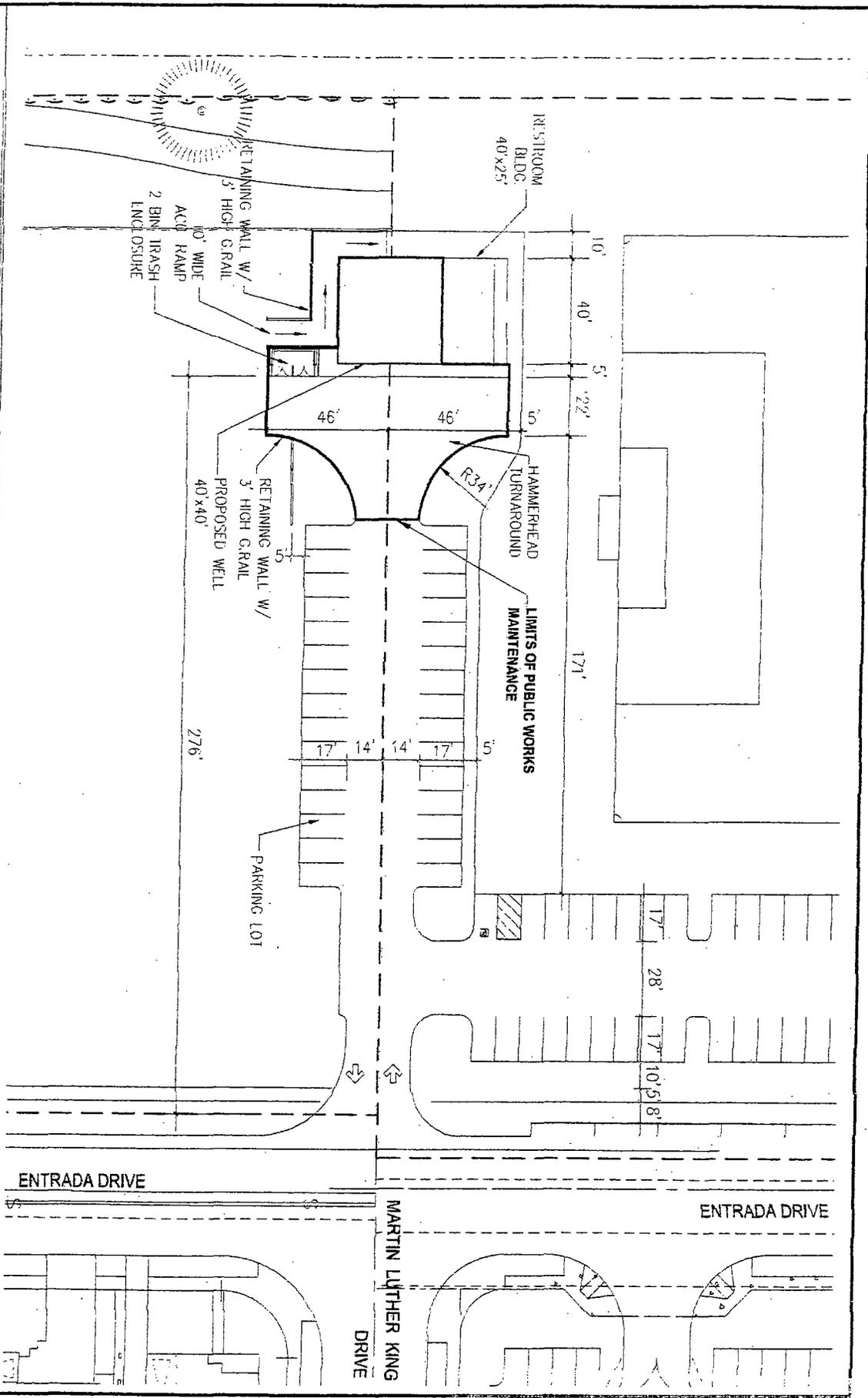


EXHIBIT C  
CITY OF OXNARD SPORTS PARK  
LIMITS OF PUBLIC WORKS MAINTENANCE

# CITY OF OXNARD

## REQUEST FOR SPECIAL BUDGET APPROPRIATION

To the City Manager:

April 22, 2008

Request is hereby made for an appropriation of total . . . . .

\$ 280,000

Reason for appropriation: To provide for construction and maintenance service fees of water well at future sports park on southeast corner of Gonzales Road and Oxnard Boulevard.

<u>FUND</u>	<u>DESCRIPTION/ACCOUNT</u>	<u>AMOUNT</u>
Water (601)	601-6010-842-8209 Water/Procurement/Contractual/Professional Services	280,000

Net Effect on Water Fund Balance

(280,000)



\_\_\_\_\_  
Program Leader

REQUIRES CITY COUNCIL APPROVAL

DIRECTOR OF FINANCE



Disposition

Approved \_\_\_\_\_

Rejected \_\_\_\_\_

Transfer by Journal Voucher \_\_\_\_\_

\_\_\_\_\_  
City Manager

ATTACHMENT NO. 2

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