

RESOLUTION NO. 09-112

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING A SETTLEMENT FOR A BREACH OF CONTRACT WITH THE LOS ANGELES COUNTY REGIONAL PARK AND OPEN SPACE DISTRICT

WHEREAS, the Los Angeles County Regional Park and Open Space District (the "District") and the City of Lancaster (the "City") entered into a grant agreement for District Grant No. 58E4-94-0014 (that agreement, the "Grant Agreement"; that grant, the "Grant") for the acquisition and development of real property in the Prime Desert Woodland Preserve; and

WHEREAS, the City purchased the property currently described by Assessor's identification no. 3110-013-039 (the "Original Parcel") using funds from the Grant; and

WHEREAS, the City exchanged the Original Parcel for the property currently described by Assessor's identification no. 3110-013-910 (the "Traded-for Parcel"), which constituted a breach of the Grant Agreement; and

WHEREAS, the appropriate remedy for the breach is for the City to refund to the District an amount equal to the fair market value of the Original Parcel (that amount, the "Refund Amount"); and

WHEREAS, section J.1 of the Grant Agreement requires the City to use the Original Parcel only for the purpose for which it requested District grant funds and to not permit any other use of the area, except as allowed by specific act of the Board of Supervisors as governing body of the District (the "Board of Supervisors") and under the terms and conditions of the Safe Neighborhood Parks Propositions of 1992 and 1996; and

WHEREAS, the District has proposed a remedy to the breach in which the fair market value of the Original Parcel be applied toward the Refund Amount and that the City pay to the District the balance of the Refund Amount. The District shall also require the City's timely performance of certain terms, including but not limited to signing and submission of any and all grant documents that the District deems necessary for the Traded-for Parcel, the City's refund of the Refund Amount balance, and the City's acceptance of Grant Agreement obligations with regard to the Traded-for Parcel.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF LANCASTER HEREBY:

Section 1. Approves the District's proposed remedy, including the City's performance of the terms to which that remedy is subject; and .

Section 2. Certifies that the City understands the requirements and conditions imposed by the District, pursuant to this resolution, in order for the District to accept the Traded-for Parcel in exchange for the Original Parcel; and

Section 3. Agrees to the imposition of all Grant Agreement restrictions and obligations onto the Traded-for Parcel, including but not limited to the requirement to operate and maintain the Traded-for Parcel in perpetuity; and

Section 4. Requests that the Board of Supervisors release the City from the City's obligations to the Original Parcel; and

Section 5. Certifies that the City will sign and return, within 60 days of the City's receipt of the District's proposal, all grant documents that the District deems necessary for the District's proposed remedy; and

Section 6. Certifies that the City will pay to the District, within 60 days of the City's receipt of the District's proposal, that portion of the Refund Amount in excess of the fair market value of the Traded-for Parcel, as determined by the District;

Section 7. Authorizes the City Manager, or designee, as agent of the City, to conduct all negotiations, and to execute and submit all grant documents that the District deems necessary for the District's proposed remedy.

PASSED, APPROVED, and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
GERI K. BRYAN, CMC  
City Clerk  
City of Lancaster

\_\_\_\_\_  
R. REX PARRIS  
Mayor  
City of Lancaster

STATE OF CALIFORNIA            }  
COUNTY OF LOS ANGELES       }  
CITY OF LANCASTER            }

CERTIFICATION OF RESOLUTION  
CITY COUNCIL

I, \_\_\_\_\_, \_\_\_\_\_ City of Lancaster,  
CA do hereby certify that this is a true and correct copy of the original Resolution No. 09-112,  
for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this \_\_\_\_\_  
day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_

(seal)