



CITY OF COMMERCE AGENDA REPORT

TO: Honorable City Council

Item No. _____

FROM: City Manager

SUBJECT: Competitive Tree Planting Grant Program – First Amendment to Deed Restriction

MEETING DATE: September 12, 2023

RECOMMENDATION:

Adopt a Resolution approving the First Amendment to the Original Deed Restriction related to the City of Commerce Tree Planting Project awarded by the office of Supervisor Hilda L. Solis in the requested grant amount of \$200,000.00, through the LA Conservation Corps.

ANALYSIS/BACKGROUND:

On July 27, 2016, the City of Commerce provided a letter to the LA Conservation Corps in support of their efforts to help beautify, and green parks in the City of Commerce. The LA Conservation Corps submitted the required application for the 2016-17 Competitive Tree Planting Program. The City granted permission for the LA Conservation Corps to plant trees in our City and in our parks as a part of this grant. On December 15, 2016, the LA Conservation Corps was awarded the funding for the grant requested amount of \$200,000.

On April 4, 2017, the City Council approved the following two documents to allow the City to work in conjunction with the LA Conservation Corps in the planting and preservation of new trees in our community:

- Assignment and Assumption of Grant Agreement (between the Los Angeles County Regional Park and Open Space District; the Los Angeles Conservation Corps; and the City of Commerce)
- Deed Restriction

In February 2022, the City Council approved a Development Agreement regarding the development of the City Land and the Developer Land. Pursuant to the Development Agreement, the Parties intend to enter into and record the Final Map, which Final Map will subdivide the Land into three (3) parcels, the “Development Parcel,” the “City Parcel,” and the “Parking Parcel”. The end result of the land swap – all or a portion of the City Land will

ultimately be owned by Developer, and all or a portion of the Developer Land will ultimately be owned by the City.

As a result of the land swap, the Original Deed Restriction (specific to the Existing Park Property), delineating the planting and maintaining of trees on this certain real property needs to be modified.

This First Amendment will reflect that the Owner (the City) will cease to own the Existing Park Property and will become the owner of that certain adjacent property (current developer land). In addition, the amendment will:

- Release of Existing Park Property. The Existing Park Property is hereby unconditionally and irrevocably released from the Original Deed Restriction, so that no portion of the Original Deed Restriction shall encumber any portion of the Existing Park Property. Accordingly, all references to the Existing Park Property in the Original Deed Restriction shall be deleted and of no further force or effect. No subsequent owners of the Existing Park Property shall have any liability or obligation in connection with the Original Deed Restriction.
- Addition of New Park Property. The New Park Property is hereby subject in all respects to the terms and conditions of the Original Deed Restriction. The Original Deed Restriction shall encumber the New Park Property and for all purposes be considered a covenant, condition, and restriction on the use and enjoyment of the New Park Property.

ALTERNATIVES:

1. Approve staff recommendation
2. Disapprove staff recommendation
3. Provide further direction to staff

FISCAL IMPACT:

N/A

RELATIONSHIP TO STRATEGIC GOALS AND GUIDING PRINCIPLES:

This agenda pertains to **Community Quality of Life, Guiding Principle 1:** Continue to support and create partnerships with educational institutions and organizations that work to improve the lives of our residents, including the local school district. Provide multi-generational development programs to ensure quality education and recreational opportunities.

Respectfully submitted: Edgar P. Cisneros, City Manager

Prepared/Recommended by: Vilko Domic, Assistant City Manager/Acting Finance Director

Approved as to Form: Noel Tapia, City Attorney