

**MEMORANDUM OF UNDERSTANDING REGARDING OPERATION AND
MANAGEMENT OF THE FRANKLIN/IVAR PARK**

THIS MEMORANDUM OF UNDERSTANDING is entered into by and between the Santa Monica Mountains Conservancy and the Mountains Recreation and Conservation Authority pursuant to the authority of Conservancy Resolution ____ adopted ____ and Authority Resolution ____ adopted July 19, 2012.

RECITALS

WHEREAS, The Santa Monica Mountains Conservancy (hereafter "Conservancy") is a state agency established pursuant to Division 23 of the Public Resources Code (Section 33000 *et seq.*); and

WHEREAS, The Mountains Recreation and Conservation Authority (hereafter "Authority") is a joint exercise of powers agency established by the Mountains Recreation and Conservation Authority Joint Exercise of Powers Agreement (hereafter "JPA Agreement") between the Conservancy and the Conejo Recreation and Park District and the Rancho Simi Recreation and Park District pursuant to the Joint Exercise of Powers Act (Government Code Section 6500 *et seq.*); and

WHEREAS, The Conservancy owns the subject fee parcel (parcel #TJ 1074-01-01) located at the intersection of Franklin and Ivar Avenues, Hollywood, California; and

WHEREAS, The Authority has been granted \$2,000,000 from the Statewide Park Development and Community Revitalization 2006 Parks Bond Act Grant to convert the subject parcel into a publicly-accessible park and as a condition of that grant agreement execution of an agreement between Authority and Conservancy for the project is required;

WHEREAS, The grant agreement requires a land tenure commitment of at least thirty (30) years beginning July 1, 2011; now

THEREFORE, By this memorandum the Conservancy and the Authority understand as follows:

SECTION 1: TERMS OF UNDERSTANDING

- 1.0 The recitals of this Memorandum are incorporated into the body of this Memorandum.
- 1.1 The Conservancy and the Authority are the Parties to this agreement.

SECTION 2: SCOPE

- 2.0 The Conservancy authorizes the Authority to construct, manage, and operate the real property in accordance with the grant provisions.

- 2.1 The Authority shall provide daily management, operation, maintenance, and ranger patrol for enforcement of applicable laws.
- 2.2 The Authority may delegate construction and/or operation to other entities.
- 2.3 Upon execution of this Agreement, the Authority is authorized to proceed with the project in accordance with the grant provisions.

SECTION 3: TERM

- 3.0 This Agreement shall commence on _____ and shall remain in force until July 1, 2041.
- 3.1 After July 1, 2041, the Agreement shall remain in force until written notice from either the Conservancy or Authority delivered to the other party not less than one (1) year prior to the proposed termination date. The Agreement may be renewed.

SECTION 4: GENERAL PROVISIONS

- 4.0 No provision of this Agreement is intended to give rise to any right by any third party or entity not a party to this Agreement or any provision of this Agreement.
- 4.1 Nothing contained in this Memorandum shall be deemed or construed by the parties or by any third party to create a relationship of principal and agent between the Conservancy and the Authority.
- 4.2 This Agreement shall be governed by laws of the State of California.
- 4.3 This Agreement may be modified to comply with provisions of the contract between the Authority and Conservancy.

IN WITNESS WHEREOF, the Parties hereto have caused this Memorandum to be executed by their duly authorized representatives.

**SANTA MONICA MOUNTAINS
CONSERVANCY**

**MOUNTAINS RECREATION AND
CONSERVATION AUTHORITY**

By _____

By _____

Title _____

Title _____