

**RESOLUTION NO. 2018-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, CALIFORNIA, APPROVING AN AMENDMENT TO THE CITY'S PREVIOUSLY RECORDED OFFERS TO DEDICATE CONSERVATION EASEMENTS IN FAVOR OF THE STATE DEPARTMENT OF FISH AND GAME OVER PORTIONS OF SHORELINE PARK AND THE SWITCHBACKS IN ORDER TO EXTEND THE EXPIRATION DATE OF THE OFFER TO DECEMBER 16, 2023.**

WHEREAS, in connection with that certain Ocean Trails Residential and Golf Community Coastal Sage Scrub and Sensitive Species Habitat Conservation Plan for the Ocean Trails Project (which is now known as the Trump National Golf Course Project) (the "Project") submitted by the Palos Verdes Land Holdings Company and the Zuckerman Building Company, and approved by the California Department of Fish and Game, the U.S. Fish and Wildlife Service, the California Coastal Commission, and the City of Rancho Palos Verdes in July 1996, which was subsequently amended pursuant to that certain Habitat Conservation Plan Amendment, approved by the City Council of City on July 18, 2000 (as so amended, the "HCP"), the City previously agreed to make offers of dedication for conservation easements over certain City-owned property known as the Switchbacks and Shoreline Park area, in order to facilitate habitat preservation and restoration efforts by the developer of the Project; and,

WHEREAS, the City made such offers to dedicate conservation easements pursuant to each of (1) the Irrevocable Offer to Convey a Conservation Easement to the California Department of Fish and Game recorded as Instrument Number 97-1990231 on December 18, 1997, (2) the Irrevocable Offer to Convey a Conservation Easement to the California Department of Fish and Game recorded as Instrument Number 97-1990232 on December 18, 1997, and (3) the Irrevocable Offer to Convey a Conservation Easement to the California Department of Fish and Game recorded as Instrument Number 00-1456233 on September 18, 2000 (collectively, the "Offers"); and,

WHEREAS, such Offers have not yet been accepted by the California Department of Fish and Game (or its successor-in-interest, the California Department of Fish and Wildlife ("DFW")) and two of the three Offers are set to expire on December 16, 2018 and the other on July 18, 2021; and,

WHEREAS, it has been proposed that the City extend the term of the Offers until December 16, 2023 in order to allow for the acceptance of such offers by the DFW, or another public or private entity approved by the California Coastal Commission in compliance with the requirements under the HCP and in order to allow for the satisfaction of the habitat restoration and maintenance obligations under the HCP; and,

WHEREAS, after review and consideration, the City Council has determined that it is in the best interest of the City and for the common benefit of residents and visitors, for the Amendment to Conservation Easement Offers attached hereto as Exhibit A to be

approved.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES DOES HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:

**Section 1:** The above recitals are true and correct and are hereby incorporated into this Resolution as set forth herein.

**Section 2:** The City Council hereby approves the Amendment to Conservation Easement Offers attached hereto as Exhibit A, along with any minor, non-substantive changes and modifications to the Amendment to Conservation Easement Offers that may be approved by the City Attorney and Director of Community Development.

**Section 3:** The Mayor, City Manager, and City Clerk or their designees, are authorized and directed to take such actions and execute such documents as may be necessary to implement and affect execution, recordation and enforcement of this Resolution.

PASSED, APPROVED, and ADOPTED this 4<sup>th</sup> day of September 2018.

Mayor:

\_\_\_\_\_  
Susan Brooks

ATTEST:

\_\_\_\_\_  
City Clerk

STATE OF CALIFORNIA                    )  
COUNTY OF LOS ANGELES            ) ss  
CITY OF RANCHO PALOS VERDES        )

I, Emily Colborn, City Clerk of the City of Rancho Palos Verdes, do hereby certify that the above Resolution No. 2018-\_\_\_, was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on September 4, 2018.

\_\_\_\_\_  
CITY CLERK

**EXHIBIT "A"**

**Amendment to Conservation Easement Offers**

[Attached]

RECORDING REQUESTED BY:

WHEN RECORDED RETURN TO:

CALIFORNIA COASTAL COMMISSION  
725 Front Street, Suite 300  
Santa Cruz, CA 95060  
ATTN: LEGAL DIVISION

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**AMENDMENT TO CONSERVATION EASEMENT OFFERS**

This AMENDMENT TO CONSERVATION EASEMENT OFFERS (this “Amendment”) is made by the City of Rancho Palos Verdes, a municipal corporation, and shall amend each of (1) the Irrevocable Offer to Convey a Conservation Easement to the California Department of Fish and Game recorded in the Los Angeles County Records Office (“Official Records”) as Instrument Number 97-1990231 on December 18, 1997, (2) the Irrevocable Offer to Convey a Conservation Easement to the California Department of Fish and Game recorded in the Official Records as Instrument Number 97-1990232 on December 18, 1997, and (3) the Irrevocable Offer to Convey a Conservation Easement to the California Department of Fish and Game recorded in the Official Records as Instrument Number 00-1456233 on September 18, 2000 (collectively, the “Offers”), as follows:

1. The period during which each of the Offers may be accepted is hereby extended to December 16, 2023 and this Amendment shall continue to be binding on Grantor and its heirs, assigns or successors in interest to the Property (as such term is defined in the Offers) until December 16, 2023.
2. The term “Grantee” under the Offers is hereby defined as the California Department of Fish and Wildlife (as successor-in-interest to the California Department of Fish and Game) and/or any other public or private entity approved by the Executive Director of the California Coastal Commission to accept the Offers.

Except as expressly modified herein, the terms and provisions of the Offers shall remain in full force and effect.

[SIGNATURE PAGE FOLLOWS]

This Amendment is hereby executed on behalf of the City of Rancho Palos Verdes as of the date set forth below.

Dated: \_\_\_\_\_, 2018

**GRANTOR:**

CITY OF RANCHO PALOS VERDES,  
a California Municipal Corporation

By: \_\_\_\_\_

\_\_\_\_\_  
Print name of above

Its: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
Emily Colborn, City Clerk

**APPROVED AS TO FORM:**

ALESHIRE & WYNDER, LLP

\_\_\_\_\_  
William W. Wynder, City Attorney

[SEE FOLLOWING PAGE FOR NOTARY ACKNOWLEDGEMENTS]

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA  
COUNTY OF \_\_\_\_\_

On \_\_\_\_\_, before me, \_\_\_\_\_,  
Notary Public, personally appeared \_\_\_\_\_, who  
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.

I certify under PENALTY OF PERJURY under the laws of the State of California that  
the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)

This is to certify that the Amendment to Conservation Easement Offers set forth above is hereby acknowledged by the undersigned officer on behalf of the California Coastal Commission when it granted Coastal Development Permit Amendment No. A-5-RPV-93-005, and the California Coastal Commission consents to recordation thereof by its duly authorized officer.

Dated: \_\_\_\_\_

CALIFORNIA COASTAL COMMISSION

\_\_\_\_\_  
Karla Galvez, Staff Counsel

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

On \_\_\_\_\_, before me, JEFF G. STABEN-MIHALEK, Notary Public, personally appeared KARLA GALVEZ, who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)