

DUE TO THE SENSITIVE NATURE OF THE INFORMATION IN THIS MEMO, IT IS SUGGESTED THAT THE MEMO REMAIN CONFIDENTIAL

TO: R. E. Broom, City Manager

FROM: Bruce S. Waldo, Director
Parks, Recreation and Public Properties

SUBJECT: Mission Viejo

DATE: September 18, 1980

Councilman Cordova has posed several questions relative to the landscape agreement with Mission Viejo. The City of Aurora signed an annexation agreement with Mission Viejo Co. dated May 24, 1971. In that annexation agreement, Mission Viejo was obligated to donate to the city approximately 30 acres for park purposes. The agreement further stated that Mission Viejo would be responsible for the development of the 30 acres. The City of Aurora is obligated to reimburse Mission Viejo for the cost of the improvements or the raw land cost of the 30 acres, whichever is less. The annexation agreement further provides that Mission Viejo shall complete certain improvements. However, there is no clear definition as to what "certain improvements" means. From a staff standpoint we have always operated from the position that certain improvements meant automatic sprinkler system, seed or sod, bicycle path where appropriate and fencing where appropriate.

Paragraph 3 of the original annexation agreement stipulates that Mission Viejo will dedicate not less than 30 acres for park purposes; Mission Viejo will cause to be expended at least the equivalent of the acquisition cost per acre for park improvements and that the city will reimburse Mission for the actual cost of the improvements or the raw land, whichever is less. We estimate that Mission Viejo has expended in excess of \$350,000 for development of park facilities. The raw land cost was \$4250 per acre x 30 acres = \$127,500. Consequently, Mission has expended three times its legal obligation. As early as mid-year 1976, City Manager Robert Semple and myself were advised by City Council not to allow additional high maintenance areas to be developed by Mission and dedicated to the city. With this in mind, Bob Semple notified Pat Farrell, who was the Director of Operations for Mission Viejo Co., to eliminate high maintenance areas wherever possible. I was further instructed by City Manager Semple to see to it that these guidelines were followed.

Consequently, on May 22, 1978 I signed an agreement, per the Manager's instructions, to allow Mission Viejo to install a native grass mix, trees, bicycle path on that area in Planning Areas 4 and 7, Mission Viejo Subdivision, Filing #9. As part of that agreement, Mission Viejo was to maintain said area for a period of 24 months. The purpose of the 24 month maintenance agreement was to insure that the trees were watered for a period of time that would allow the trees to continue to live.