



City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Staff Report
August 29, 2023

TOPIC: Agreement with the Legacy Fund for Use of 10th Street

AGENDA TITLE

Approve a License Agreement with The Legacy Fund for Use of 10th Street Right of Way (Non-General Fund)

RECOMMENDED ACTION

Authorize the City Manager to execute a license agreement with The Legacy Fund, a nonprofit public benefit organization, for use of public right-of-way on 10th Street between Main Street and Sycamore Street for improvements for the use and benefit of Orange County School of Arts students, staff, and faculty, for a 10-year term with two optional five-year extensions, with a \$3,000 annual license fee paid to the City, subject to non-substantive changes approved by the City Manager and the City Attorney.

DISCUSSION

On September 5, 2000, the City Council adopted Resolution No. 2000-059 closing the portion of 10th Street between Main Street and Sycamore Street to vehicular traffic. Since then, this portion of 10th Street has been closed to traffic and primarily used as a loading zone and pedestrian area by Orange County School of the Arts (OCSA) students, faculty, and staff (Exhibit 1). On December 11, 2020, OCSA transferred ownership of land that the school sits on to The Legacy Fund (TLF), a nonprofit public benefit corporation. TLF operates for the benefit of OCSA.

On October 24, 2022, TLF submitted plans for various improvements at the OCSA campus known as the Campus Green project. As part of this proposed project, OCSA is requesting to make improvements on the closed portion of 10th Street including installing new street trees, moveable outdoor furniture, and painting graphics on the street surface for the use and benefit of their students, staff, and faculty (Exhibit 2). The cost of the proposed improvements will be paid for and maintained by TLF. The City and TLF must enter into a License Agreement (Exhibit 3) to document TLF's right to improve, use, and maintain the area, to resolve liability issues, identify insurance requirements, and to prescribe terms of indemnification of the City by the TLF.

The Public Works Agency recommends approving the proposed license agreement as the proposed use is consistent with existing uses. The agreement resolves liability concerns and the proposed improvements will improve the quality of life for the community, and will not prohibit existing drainage, pedestrian access, or other beneficial public uses of the space. The City retains the right and ability to re-open this portion of 10th Street to vehicular access at any time with appropriate notice as defined in the proposed License Agreement.

FISCAL IMPACT

For their use of the public right-of-way, TLF shall pay the City \$3,000 annually. Funds will be deposited into the Residential Street Improvement Revenue Fund, Rental of Property Account (No. 05817002-57960) and be budgeted for use in future residential street improvement projects.

EXHIBIT(S)

1. Location Map
2. Proposed Improvements
3. License Agreement

Submitted By: Nabil Saba, Executive Director of Public Works

Approved By: Kristine Ridge, City Manager