

CITY COUNCIL RESOLUTION NO. 17-39

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, RE-DESIGNATING ITS PREFERRED SITE FOR THE CREATION OF THE SOUTHERN CALIFORNIA VETERANS CEMETERY, EXPRESSING ITS INTENT TO PURSUE A LAND EXCHANGE WITH HERITAGE FIELDS EL TORO LLC THROUGH WHICH THE CITY WILL ACQUIRE THE PREFERRED SITE FOR THE SOUTHERN CALIFORNIA VETERANS CEMETERY, AND EXPRESSING THE INTENT TO CONVEY THE PREFERRED SITE TO THE STATE FOR PURPOSES OF CREATING THE SOUTHERN CALIFORNIA VETERANS CEMETERY

WHEREAS, on March 11, 2014, the Irvine City Council adopted Resolution No.14-27, which (1) expressed the Council's support for Assembly Bill 1453 (AB 1453), State Assembly Member Sharon Quirk-Silva's bill establishing a Southern California Veterans Cemetery in Orange County, and (2) expressed the City Council's strong interest in identifying and designating a site at the Orange County Great Park for conveyance to the State for purposes of creating and operating a Southern California Veterans Cemetery; and

WHEREAS, on July 22, 2014, the Irvine City Council adopted Resolution 14-92, expressing its intent to make available up to 125 acres of city-owned property referred to as the "ARDA Transfer Site" for a Southern California Veterans Cemetery; the designated property was labeled the "ARDA Transfer Site" because it was transferred to the City pursuant to an Amended and Restated Development Agreement (ARDA) between the City of Irvine and Heritage Fields El Toro, LLC (Heritage Fields); and

WHEREAS, under the ARDA (1) the ARDA Transfer Site is described as a portion of the "Great Park Property" (ARDA Recital G), and (2) Heritage Fields and the City may mutually agree in writing to modify or adjust the precise location and/or area or the land that comprises the ARDA Transfer Site so long as the replacement land is approximately the same acreage as the original ARDA Transfer Site (ARDA Section 9.2.1.2); and

WHEREAS, on September 27, 2014, Governor Jerry Brown signed AB 1453, with the legislation taking effect on January 1, 2015; and

WHEREAS, among other things, AB 1453 (1) directed that the State Department of Veterans Affairs (CalVet), in voluntary cooperation with local government entities in Orange County, design, develop, construct, and equip a state-owned and state-operated Southern California Veterans Cemetery, at the site of the former Marine Corps Air Station El Toro, on 125 acres known as the Amended and Restated Development Agreement Site in the Great Park in the City of Irvine, and (2) appropriated five hundred thousand dollars (\$500,000) from the State's General Fund to CalVet for completion of the preliminary or conceptual design work; and

WHEREAS, CalVet, together with the Department of General Services (DGS), hired design and environmental consultants to evaluate the ARDA Transfer Site for a pre-application requesting Federal cemetery grant funds from the United States Department of Veterans Affairs (USDVA) to develop a state owned and operated Southern California Veterans Cemetery; and

WHEREAS, in June 2016, CalVet submitted its pre-application to the USDVA including a report detailing an estimated \$77.4 million total cost to construct Phase I of the Southern California Veterans Cemetery including, but not limited to, demolition of the entire 125-acre ARDA site, burial sites; landscaping, administration and maintenance buildings; and

WHEREAS, CalVet's June 2016 submittal noted that (1) the ARDA Transfer Site contains more than 70 structures, a former MCAS El Toro control tower and offices, concrete runways, and asphalt roadways, and (2) the estimated costs for the demolition and site preparation segments of Phase I for the entire 125-acre ARDA Transfer Site would be approximately thirty million dollars (\$30,000,000); and

WHEREAS, in April of 2016, and in April of 2017, Heritage Fields expressed its willingness to enter into a land exchange with the City, pending agreed upon terms, whereby the City would take ownership of a site owned by Heritage Fields in Development District 2 of Planning Area 51, adjacent to Interstate 5 between Bake Parkway and Alton Parkway (the "District 2 Site"), and Heritage Fields would take ownership of the ARDA Transfer Site; and

WHEREAS, the District 2 Site is used for agriculture, and it is anticipated it will be less costly to develop for State Veterans Cemetery purposes than the ARDA Transfer Site; and


NOW, THEREFORE, the City Council of the City of Irvine does hereby resolve as follows:

SECTION 1. That the City Council of the City of Irvine hereby rescinds its July 22, 2014 designation of the ARDA Transfer Site as the best possible site for a State Veterans Cemetery, and re-designates the District 2 Site as the best possible site for a State Veterans Cemetery.

SECTION 2. That the City of Irvine expresses its intent to pursue a mutually satisfactory land exchange with Heritage Fields of the ARDA Transfer Site for the District 2 Site.

SECTION 3. That the City of Irvine expresses its intent to, upon completion of a land exchange with Heritage Fields, convey up to 125 acres of the District 2 Site to the State for purposes of creating the Southern California Veterans Cemetery — subject to all necessary and appropriate studies, procedures, and agreements with the State and Federal governments.

PASSED AND ADOPTED by the City Council of the City of Irvine at a special meeting held on the 6th day of June 2017.


MAYOR OF THE CITY OF IRVINE

ATTEST:


CLERK OF THE CITY OF IRVINE

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF IRVINE)

I, MOLLY MCLAUGHLIN, City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing resolution was duly adopted at a special meeting of the City Council of the City of Irvine held on the 6th day of June 2017.

AYES: 3 COUNCILMEMBERS: Fox, Shea and Wagner
NOES: 2 COUNCILMEMBERS: Lalloway and Schott
ABSENT: 0 COUNCILMEMBERS: None
ABSTAIN: 0 COUNCILMEMBERS: None


CITY CLERK OF THE CITY OF IRVINE