

DRAFT

ATTACHMENT 1

MEMORANDUM OF AGREEMENT

THIS MEMORANDUM OF AGREEMENT ("MOA"), is made and entered into by and between HEADLANDS RESERVE, LLC, a Delaware limited liability company ("LANDOWNER"), and CITY OF COSTA MESA, a Municipal Corporation ("CITY").

RECITALS

A. CITY acquired for park, habitat conservation, natural open space and passive recreational purposes real property known as "Fairview Park," as identified in Exhibit "A" attached hereto on or about 1986. Fairview Park is located within the CITY, in the County of Orange, California.

B. The Costa Mesa City Council ("Council") approved the Fairview Park Master Plan in December 1997 ("Master Plan") and revised the Master Plan in February 2001 and November 2002.

C. Effective as of July 17, 2000 (and as revised by Council on January 21, 2003), Council adopted Policy Number 500-11, which established a process for review and approval of proposed Fairview Park projects implementing the Master Plan. Said policy establishes the Public Services Department as the lead department for processing projects associated with the Master Plan. Policy 500-11 recognizes that habitat restoration projects are among those activities which are consistent with the Master Plan.

D. The Master Plan seeks to enhance and protect the native flora and fauna and rare biological resources of this area of Orange County.

E. Fairview Park is immediately adjacent to Talbert Nature Preserve ("Talbert") and linked with the Santa Ana River system of trails and parks. Talbert is owned by the County of Orange and is part of the open space and natural habitat reserve system of the Orange County Central/Coastal Subregional Natural Communities Conservation Program for Coastal Sage Scrub ("O.C. Central/Coastal NCCP"). Fairview Park and Talbert are part of the County of Orange's Local Coastal Program for a linked set of parks progressing from the coast up the Santa Ana River to Fairview Park. Individuals of the federally-threatened coastal California gnatcatcher ("Gnatcatcher") are known to occupy habitat near Fairview Park and Talbert, and habitat restoration in these parks will provide an opportunity for the Gnatcatcher to expand its presence in this part of Orange County.

F. The Master Plan calls for an area within Fairview Park to be restored and enhanced to coastal sage scrub. This area is shown in Exhibit "B" attached hereto.

G. LANDOWNER is a participating landowner in the O.C. Central/Coastal NCCP and an owner of land in the City of Dana Point, California, commonly known as the Dana Point Headlands site ("Headlands Site").

H. As a condition of approval of certain land development activities on the Headlands Site, the California Coastal Commission required LANDOWNER to create,



CITY OF COSTA MESA

CALIFORNIA 92625-1200

P.O. BOX 1200

FROM THE OFFICE OF THE CITY CLERK

**IF YOU ARE INTERESTED IN VIEWING THE REMAINDER
OF THIS DOCUMENT
PLEASE CONTACT THE CITY CLERK'S OFFICE
AT (714) 754-5221**