

AGENDA
PROPERTY MANAGEMENT COMMITTEE MEETING
WITH BOARD OF DIRECTORS *
ORANGE COUNTY WATER DISTRICT
18700 Ward Street, Fountain Valley CA 92708
Friday, June 25, 2021, 12:00 p.m.

*The OCWD Property Management Committee meeting is noticed as a joint meeting with the Board of Directors for the purpose of strict compliance with the Brown Act and it provides an opportunity for all Directors to hear presentations and participate in discussions. Directors receive no additional compensation or stipend as a result of simultaneously convening this meeting. Items recommended for approval at this meeting will be placed on the **July 7, 2021** Board meeting Agenda for approval.

Due to the spread of COVID-19 and as authorized by the Governor's Executive Order, OCWD will hold its June 25 Property Management Committee meeting by Zoom Webinar and will be available by either computer or telephone audio as follows:

Computer Audio: You can join the Zoom meeting by clicking on the following link:

<https://ocwd.zoom.us/j/95153669010>

Meeting ID: 951 5366 9010

Telephone Audio: (669) 900 9128

ROLL CALL

ITEMS RECEIVED TOO LATE TO BE AGENDIZED

RECOMMENDATION: Adopt resolution determining need to take immediate action on item(s) and that the need for action came to the attention of the District subsequent to the posting of the Agenda (requires two-thirds vote of the Board members present, or, if less than two-thirds of the members are present, a unanimous vote of those members present.)

VISITOR PARTICIPATION

Time has been reserved at this point in the agenda for persons wishing to comment for up to three minutes to the Board of Directors on any item that is not listed on the agenda, but within the subject matter jurisdiction of the District. By law, the Board of Directors is prohibited from taking action on such public comments. As appropriate, matters raised in these public comments will be referred to District staff or placed on the agenda of an upcoming Board meeting.

At this time, members of the public may also offer public comment for up to three minutes on any item on the Consent Calendar. While members of the public may not remove an item from the Consent Calendar for separate discussion, a Director may do so at the request of a member of the public.

CONSENT CALENDAR (ITEMS NO. 1)

All matters on the Consent Calendar are to be approved by one motion, without separate discussion on these items, unless a Board member or District staff request that specific items be removed from the Consent Calendar for separate consideration.

- 1. MINUTES OF PROPERTY MANAGEMENT COMMITTEE MEETING HELD APRIL 23, 2021

RECOMMENDATION: Approve minutes as presented

MATTERS FOR CONSIDERATION

- 2. AMENDMENT TO DUCK HUNTING LEASE WITH ELAINE RAAHAUGE D.B.A. MIKE RAAHAUGE'S SHOOTING ENTERPRISES

RECOMMENDATION: Agendize for July 7 Board meeting: Approve and authorize execution of Amendment Nineteen to Lease with MRSE to extend the lease for a duck hunting concession on District property at Prado Basin for the 2021/22 duck hunting season with a new expiration date of June 30, 2022

- 3. AMENDMENT TO DUCK HUNTING LEASE WITH PRADO BASIN DUCK CLUB

RECOMMENDATION: Agendize for July 7 Board meeting: Approve and authorize execution of Amendment Sixteen to Lease with PBDC to extend lease for a duck hunting concession on District property at Prado Basin for the 2021/22 duck hunting season with a new expiration date of June 30, 2022

INFORMATIONAL ITEM

- 4. STATUS UPDATE REGARDING ANAHEIM ADVENTURE PARK, LLC (AQUAPARK) AT MIRALOMA BASIN

CHAIR DIRECTION AS TO ITEMS TO AGENDIZE AS MATTERS FOR CONSIDERATION AT THE JULY 7 BOARD MEETING

DIRECTORS' COMMENTS/REPORTS

GENERAL MANAGER'S COMMENTS/REPORTS

ADJOURNMENT

PROPERTY MANAGEMENT COMMITTEE

Committee Members

Denis Bilodeau - Chair
Jordan Brandman - Vice Chair
Cathy Green
Dina Nguyen
Tri Ta

Alternates

Roger Yoh - Alternate 1
Bruce Whitaker - Alternate 2
Nelida Mendoza - Alternate 3
Kelly Rowe - Alternate 4
Steve Sheldon - Alternate 5

In accordance with the requirements of California Government Code Section 54954.2, this agenda has been posted at the guard shack entrance and in the main lobby of the Orange County Water District, 18700 Ward Street, Fountain Valley, CA and on the OCWD website not less than 72 hours prior to the meeting date and time above. All written materials relating to each agenda item are available for public inspection in the office of the District Secretary. Backup material for the Agenda is available at the District offices for public review and can be viewed online at the District's website: www.ocwd.com

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability-related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification or accommodation from the District Secretary at (714) 378-3233, by email at jdurant@ocwd.com by fax at (714) 378-3373. Notification 24 hours prior to the meeting will enable District staff to make reasonable arrangements to assure accessibility to the meeting.

As a general rule, agenda reports or other written documentation has been prepared or organized with respect to each item of business listed on the agenda, and can be reviewed at www.ocwd.com. Copies of these materials and other disclosable public records distributed to all or a majority of the members of the Board of Directors in connection with an open session agenda item are also on file with and available for inspection at the Office of the District Secretary, 18700 Ward Street, Fountain Valley, California, during regular business hours, 8:00 am to 5:00 pm, Monday through Friday. If such writings are distributed to members of the Board of Directors on the day of a Board meeting, the writings will be available at the entrance to the Board of Directors meeting room at the Orange County Water District office.

MINUTES OF THE
PROPERTY MANAGEMENT COMMITTEE MEETING
WITH BOARD OF DIRECTORS
ORANGE COUNTY WATER DISTRICT
April 23, 2021 @ 12:00 p.m.

Due to the Governor's Executive Order N-25-20, Committee Chair Bilodeau called the Property Management Committee meeting to order via Zoom. Members of the public also participated via Zoom. The Secretary called the roll and reported a quorum as follows:

Committee

Denis Bilodeau
Jordan Brandman
Cathy Green
Dina Nguyen (absent)
Tri Ta

OCWD Staff

Mike Markus, General Manager
Jeremy Jungreis, General Counsel
Janice Durant, District Secretary
Bruce Dosier, Director IS/Property
John Kennedy, Executive Director
Daniel Park, Property Manager

Alternates

Roger Yoh
Bruce Whitaker
Nelida Mendoza
Kelly Rowe
Steve Sheldon

Others in attendance:

Dave Wabiszewski, Anaheim Adventure Park
Jerry Moffet, Anaheim Adventure Park

CONSENT CALENDAR

The Consent Calendar was approved upon motion by Director Green, seconded by Director Brandman, and carried [5-0].

Ayes: *Bilodeau, Brandman, Green, Ta, Yoh*

1. Minutes of the Meeting

The Minutes of the Property Management Committee meeting held February 26, 2021 were approved as presented.

2. Release of Easement Interest to Mesa Valley, LLC on Portion of Cajon Canal in Placentia

Recommended for approval at May 5 Board meeting: Approve and authorize the execution of an Agreement releasing the easement interest over portion of the Cajon Canal in the City of Placentia (APN 336-061-34) to Mesa Valley, LLC, pursuant to the authorization granted in Resolution No. 69-8-92.

INFORMATIONAL ITEMS

3. Status Update Regarding Anaheim Adventure Park, LLC (Aquapark) at Miraloma Basin

Anaheim Adventure Park representative Dave Wabiszewski updated the Board on the status of the Anaheim Adventure Park to be operated under a Lease agreement at Miraloma Basin. He stated that he is installing the inflatables and is preparing the aquapark for an anticipated "soft" opening in late May and the grand opening the first week of June. He advised that he has met with District staff regarding landscaping and irrigation and noted that his website is currently underway. Mr. Wabiszewski stated that ticket sales will be conducted online to ease the check-in process. He noted the Board would be invited to view the aquapark prior to its opening.

4. Quarterly Report on Leases and Permits/Licenses for the Period Ending March 31, 2021

Property Manager Daniel Park provided the quarterly report on Leases and Permit/Licenses for the period ending March 31, 2021. Mr. Dosier stated the Lease with Corona Recreation expires in September and advised that staff will be looking for direction with regard to potentially renewing this lease.

CHAIR DIRECTION AS TO ITEMS TO AGENDIZE AS MATTERS FOR CONSIDERATION AT THE MAY 5 BOARD MEETING

It was agreed to place all action items on the Consent Calendar at the May 5 Board meeting.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 12:15 p.m.

Denis Bilodeau, Chair

AGENDA ITEM SUBMITTAL

Meeting Date: June 25, 2021

To: Property Management Committee
Board of Directors

From: Mike Markus

Staff Contact: B. Dosier/D. Park

Budgeted: N/A

Budgeted Amount: N/A

Estimated Revenue: \$78,507

Funding Source: N/A

Program/ Line Item No. N/A

General Counsel Approval: Yes

Engineers/Feasibility Report: N/A

CEQA Compliance: N/A

**Subject: AMENDMENT TO DUCK HUNTING LEASE WITH ELAINE RAAHAUGE
D.B.A. MIKE RAAHAUGE'S SHOOTING ENTERPRISES**

SUMMARY

The District has a duck hunting lease with Elaine Raahauge d.b.a. Mike Raahauge's Shooting Enterprises (MRSE) on 450 acres of land in the constructed wetlands behind Prado Dam. The lease expires on June 30, 2021. MRSE has requested that the lease be extended for one year to a new expiration date of June 30, 2022.

Attachment(s):

- Amendment Nineteen to Lease with Elaine Raahauge d.b.a. Mike Raahauge's Shooting Enterprises

RECOMMENDATION

Agendize for July 7 Board meeting: Approve and authorize execution of Amendment Nineteen to Lease with MRSE to extend the lease for a duck hunting concession on District property at Prado Basin for the 2021/22 duck hunting season with a new expiration date of June 30, 2022.

BACKGROUND/ANALYSIS

On November 2, 2005, the District entered into a short-term Lease with MRSE, to conduct a duck hunting concession on 450 acres of constructed wetlands. This Lease agreement includes a provision adjusting the monthly rent to \$200 in the event that duck hunting cannot take place in any particular month. In subsequent years, the Board has authorized one-year lease extensions with annual 5% rent adjustments, and also approved the lease assignment to Elaine Raahauge after the passing of owner and husband, Mike Raahauge. MRSE is required to pay 50% of the annual rent prior to October 15th of each year, and the remaining 50% of the annual rent prior to December 15th of each year. The 2021/22 duck hunting season runs from October 23, 2021, to January 31, 2022.

In June of 2020, the Board approved and authorized execution of Amendment Eighteen to Lease with MRSE to extend the lease for the 2020/21 duck hunting season, with a new expiration date of June 30, 2021, and a 5% increase from \$74,768 to \$78,507. Shortly thereafter, MRSE requested a rent reduction for the 2020/21 duck hunting season, citing

the anticipation of loss of memberships and customers due to the Covid-19 pandemic. Subsequently, at its August 5 meeting, the Board approved a rent reduction of 20% from \$74,768 to \$59,814 for the 2020/21 duck hunting season. All other terms and conditions of the Lease remained in place and the annual rent for any and all succeeding duck hunting seasons were to commence, as stated in the Lease, without regard to the rent reduction.

With an expiration of June 30, 2021, MRSE has requested that the lease be extended for an additional year. Staff recommends that the lease be extended for one year to a new expiration date of June 30, 2022, and that the 5% rent adjustment commence, increasing the annual rent from the 2019/20 rent of \$74,768 to \$78,507.

PRIOR RELEVANT BOARD ACTION(S)

8/5/2020, R20-8-98, Approve and authorize execution of Amendment Nineteen to Lease with MRSE to reduce Annual Rent for the 2020/21 duck hunting season by 20% to \$59,814

6/3/2020, R20-6-67, Approve Amendment Eighteen to Lease with Mike Raahauge Shooting Enterprises to extend lease for a duck hunting concession on District Property at Prado Basin for the 2020/21 duck hunting season with a new expiration date of June 30, 2021

7/17/19, R19-7-98, Approve Amendment Seventeen to Lease with Mike Raahauge Shooting Enterprises to extend lease for a duck hunting concession on District Property at Prado Basin for the 2019/20 duck hunting season with a new expiration date of June 30, 2020

7/18/18, R18-7-75, Approve Amendment Sixteen to Lease with Mike Raahauge Shooting Enterprises to extend lease for a duck hunting concession on District Property at Prado Basin for the 2018/19 duck hunting season with a new expiration date of June 30, 2019

6/7/17, R17-6-84, Approve Amendment Fifteen to Lease with Mike Raahauge Shooting Enterprises to extend lease for a duck hunting concession on District Property at Prado Basin for the 2017/18 duck hunting season with a new expiration date of June 30, 2018

6/15/16, R16-6-71, Approve Amendment Fourteen to Lease with Mike Raahauge Shooting Enterprises to extend lease for a duck hunting concession on District Property at Prado Basin for the 2016/17 duck hunting season with a new expiration date of June 30, 2017

7/1/15, R15-7-91, Approve Amendment Thirteen to Lease with Mike Raahauge Shooting Enterprises to extend lease for a duck hunting concession on District Property at Prado Basin for the 2015/16 duck hunting season with a new expiration date of June 30, 2016

6/4/14, R14-6-78, Approve Amendment Twelve to Lease with Mike Raahauge Shooting Enterprises to extend lease for a duck hunting concession on District Property at Prado Basin for the 2014/15 duck hunting season with a new expiration date of June 30, 2015

10/2/13, R13-10-127, Consent to Assignment of Lease to Elaine Raahauge d.b.a. Mike Raahauge's Shooting Enterprises and Approve Revised Amendment Eleven to Lease with

Elaine Raahauge d.b.a. Mike Raahauge's Shooting Enterprises to extend lease for a duck hunting concession on District Property at Prado Basin for the 2013/14 duck hunting season with a new expiration date of June 30, 2014

7/10/13, R13-7-83, Approve Amendment Eleven to Lease with Mike Raahauge Shooting Enterprises to extend lease for a duck hunting concession on District Property at Prado Basin for the 2012/13 duck hunting season with a new expiration date of June 30, 2014

6/6/12, R12-6-61, Approve Amendment Ten to Lease with Mike Raahauge Shooting Enterprises to extend lease for a duck hunting concession on District Property at Prado Basin for the 2011/12 duck hunting season with a new expiration date of June 30, 2013

6/1/11, R11-6-82 , Approve Amendment Nine to Lease with Mike Raahauge Shooting Enterprises to extend lease for a duck hunting concession on District Property at Prado Basin for the 2011/12 duck hunting season with a new expiration date of June 30, 2012

6/2/10, R10-6-86, Approve Amendment Eight to Lease with Mike Raahauge Shooting Enterprises to extend lease for a duck hunting concession on District Property at Prado Basin for the 2010/11 duck hunting season with a new expiration date of June 30, 2011

6/3/09, R09-6-100, Approve Amendment Seven to Lease with Mike Raahauge Shooting Enterprises to extend lease for a duck hunting concession on District Property at Prado Basin for the 2009/10 duck hunting season with a new expiration date of June 30, 2010

9/3/08, R08-9-119, Approve and authorize execution of Amendment Six to Lease with Mike Raahauge Shooting Enterprises to add the use of dog training in Pond 1 as an approved use on a year-round basis

6/4/08, R08-6-83, Approve Amendment Five to Lease with Mike Raahauge Shooting Enterprises to extend lease for a duck hunting concession on District Property at Prado Basin for the 2008/09 duck hunting season with a new expiration date of June 30, 2009

12/5/07, R07-12-169, Authorizing Amendment Four to Lease to restore the Premises to its full extent for the 2007/08 duck hunting season as defined in the Lease

5/2/07, R07-05- 67, Approve and authorize Amendment Three to Lease to reduce the Annual Rent to 10% of Gross Receipts due to the unavailability of most of the duck ponds with the Annual Rent modification to terminate on June 30, 2008; the Expiration Date of the Lease was extended to June 30, 2008; and the Premises was modified accordingly for the 2007/08 duck hunting season

10/18/06, R06-10-130, Approve and authorize Amendment Two to Lease to reduce the Annual Rent to 10% of Gross Receipts with the Annual Rent modification to terminate on June 30, 2007; reserved the right for the District to verify accounting records of Gross Receipts; revised the description of the Premises for the 2006/07 duck hunting season

6/7/06, R06-06-70, Authorizing Amendment One to Lease to extend Lease for one year to a new Expiration Date of June 30, 2007

11/2/05, R05-11-126, Approve and authorize execution of Lease with Mike Raahauge d.b.a. Mike Raahauge Shooting Enterprises for duck hunting on an annual basis at a rent

of \$37,763 with an annual 5% rent adjustment with an expiration date of June 30 of each year and renewed by mutual consent

5/19/04, R04-5-60, Amendment Two to Lease, increases the annual rent adjustment from 2% to 3%, to a new expiration date of February 28, 2005 at a rent of \$36,663

5/21/03, R03-5-70, Reauthorizing Lease with Mike Raahauge Shooting Enterprises for Duck Hunting on District Property at Prado Basin, with a new expiration date of June 30, 2004 at a rent of \$35,595

3/20/02, R02-3-50, Reauthorizing Lease with Mike Raahauge Shooting Enterprises for Duck Hunting on District Property at Prado Basin with Term of August 19, 2002 to August 18, 2003 at a rent of \$34,095

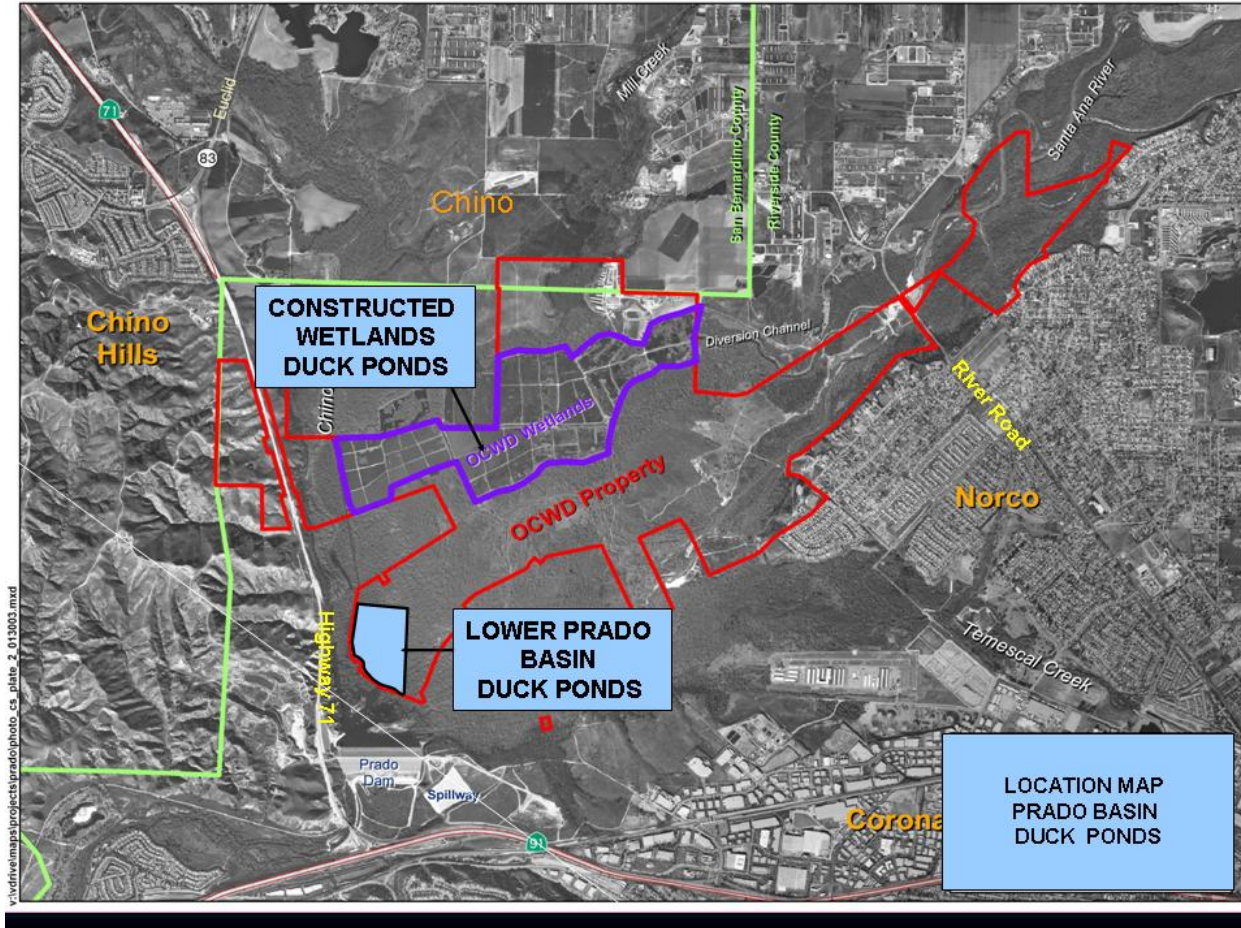
6/6/01, Motion 01-106, Reauthorizing Lease with Mike Raahauge Shooting Enterprises for Duck Hunting on District Property at Prado Basin for a Term of August 19, 2001 to August 18, 2002, at a rent of \$33,427

5/17/00, R2000-5-66, Reauthorizing Lease with Mike Raahauge Shooting Enterprises for Duck Hunting on District Property at Prado Basin

7/21/99, R99-7-85, Reauthorize Lease for One-Year Period Commencing August 19, 1999 with Mike Raahauge Shooting Enterprises for Duck Hunting Concession on District Property at Prado Basin

8/19/98, R98-8-125, Approving and Authorizing Execution of Five-Year Lease to Mike Raahauge Shooting Enterprises for Prado Basin Duck Hunting Concession

Location Map



AMENDMENT NINETEEN TO LEASE

(Duck Hunting)

THIS AMENDMENT is made and entered into this 7th day of July 2021 by and between the **ORANGE COUNTY WATER DISTRICT**, a political subdivision of the State of California organized under Chapter 924 of the Statutes of 1933, as amended (hereinafter, the “Lessor”) and **ELAINE RAAHAUGE, D.B.A. MIKE RAAHAUGE’S SHOOTING ENTERPRISES** (hereinafter, the “Lessee”):

RECITALS

WHEREAS, on November 2, 2005, Lessor and Lessee entered into a written Lease (“Lease”) to conduct a duck hunting concession on certain lands owned by Lessor at Prado Basin in Riverside County, California, on an annual basis at a rent of \$37,763 with an annual 5% rent adjustment with an expiration date of June 30, 2006, provided that it may be renewed annually by mutual written consent of Lessor and Lessee. The Lease provides that in the event that duck hunting cannot occur in a calendar month, the rent is adjusted to \$200 for each month in which duck hunting did not occur;

WHEREAS, on June 7, 2006 Lessor extended the term of the Lease to June 30, 2007 for the 2006/07 duck hunting season;

WHEREAS, on October 18, 2006, Lessor reduced the Annual Rent to 10% of Gross Receipts with the Annual Rent modification (“Annual Rent Reduction”) to terminate on June 30, 2007, reserved the right for the District to verify accounting records of Gross Receipts, and revised the description of the Premises (“Premises Revision”) for the 2006/07 duck hunting season;

WHEREAS, on May 2, 2007, Lessor extended the Annual Rent Reduction, and the Expiration Date of the Lease to June 30, 2008, and extended the Premises Revision for the 2007/08 duck hunting season;

WHEREAS, on December 5, 2007 Lessor restored the full Premises as defined in the Lease;

WHEREAS, on June 4, 2008, Lessor granted Lessee an extension of Lease for one year to a new Expiration Date of June 30, 2009;

WHEREAS, on September 3, 2008, Lessor granted Lessee an additional use of Premises of dog training in Pond 1 on a year-round basis;

WHEREAS, Lessor and Lessee have subsequently amended said Lease for one-year extensions annually;

WHEREAS, on October 2, 2013, the Board Consented to Assignment of Lease and Revised Amendment Eleven to Lease Agreement for Duck Hunting to change Lessee

name to Elaine Raahauge d.b.a. Mike Raahauge's Shooting Enterprises; to extend the lease for a duck hunting concession on District property at Prado Basin for the 2013/14 duck hunting season with a new expiration date of June 30, 2014; and revise Exhibit "A" to the Lease to remove Ponds E4 and E7 from the Premises;

WHEREAS, on June 4, 2014, Lessor granted Lessee an extension of Lease for one year to a new Expiration Date of June 30, 2015;

WHEREAS, on July 1, 2015, Lessor granted Lessee an extension of Lease for one year to a new Expiration Date of June 30, 2016; and

WHEREAS, on June 15, 2016, Lessor granted Lessee an extension of Lease for one year to a new Expiration Date of June 30, 2017, and amended Paragraph 4.2, (Conditions of Use) of the Lease, that allow Lessor's staff to review Lessee's placement and orientation of the duck hunting blinds within the Premises; and

WHEREAS, on June 7, 2017, Lessor granted Lessee an extension of Lease for one year to a new Expiration Date of June 30, 2018; and

WHEREAS, on July 18, 2018, Lessor granted Lessee an extension of Lease for one year to a new Expiration Date of June 30, 2019; and

WHEREAS, on July 17, 2019, Lessor granted Lessee an extension of Lease for one year to a new Expiration Date of June 30, 2020; and

WHEREAS, on June 3, 2020, Lessor granted Lessee an extension of Lease for one year to a new Expiration Date of June 30, 2021; and

WHEREAS, on August 5, 2020, Lessor reduced the Annual Rent for the 2020/21 duck hunting season by 20% to \$59,814; and

WHEREAS, both Lessee and Lessor wish to extend the Lease for one additional year to a new Lease Expiration Date of June 30, 2022.

NOW, THEREFORE, in consideration of the matters set forth in the foregoing recitals and the terms, covenants and conditions hereinafter contained, the parties do hereby agree as follows:

1. The Expiration Date in Lease Paragraph 1.2 (Original Lease Term) is hereby extended to June 30, 2022.
2. Each and every other term, covenant and condition of the Lease, as amended, not herein expressly modified is hereby ratified and confirmed and shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed the Amendment to Lease as of the day and year first hereinabove written.

“LESSOR”

**APPROVED AS TO FORM:
RUTAN & TUCKER, LLP**

ORANGE COUNTY WATER DISTRICT
a political subdivision of the State of California
organized under Chapter 924 of the Statutes of
1933, as amended

By: _____
General Counsel for
Orange County Water District

By: _____
Stephen R. Sheldon, President

By: _____
Michael R. Markus P.E., General Manager

“LESSEE”

ELAINE RAAHAUGE d.b.a.
MIKE RAAHAUGE’S SHOOTING
ENTERPRISES

By: _____
Elaine Raahauge, Owner

AGENDA ITEM SUBMITTAL

Meeting Date: June 25, 2021

To: Property Management Committee.
Board of Directors

From: Mike Markus

Staff Contact: B. Dosier/D. Park

Budgeted: N/A

Budgeted Amount: N/A

Revenue Estimate: \$17,873

Funding Source: N/A

Program/ Line Item No. N/A

General Counsel Approval: Yes

Engineers/Feasibility Report: N/A

CEQA Compliance: N/A

**Subject: AMENDMENT TO DUCK HUNTING LEASE WITH PRADO BASIN
DUCK CLUB**

SUMMARY

The District has a lease with Prado Basin Duck Club (PBDC), for approximately 66 acres in the lower Prado Basin duck ponds. The lease expires on June 30, 2021. Kelly Astor, President of PBDC, has requested the lease be extended for one year to June 30, 2022.

Attachment(s): Amendment Sixteen to Lease with Prado Basin Duck Club

RECOMMENDATION

Agendize for July 7 Board meeting: Approve and authorize execution of Amendment Sixteen to Lease with PBDC to extend lease for a duck hunting concession on District property at Prado Basin for the 2021/22 duck hunting season with a new expiration date of June 30, 2022.

BACKGROUND/ANALYSIS

On May 21, 2003, the District entered into a lease agreement with PBDC, to conduct a duck hunting concession on 66 acres of land in the lower Prado Basin duck ponds. The lease agreement includes a 3% annual increase, with a provision approved by the Board on June 7, 2006, adjusting the monthly rent to \$200 in the event that duck hunting cannot take place in that month.

In 2017, staff met with Mr. Astor to discuss the need for vector control services on the lower ponds and the associated high costs. To offset the high costs, Mr. Astor agreed to compensate OCWD for the vector control services. As a result, on July 5, 2017, the Board approved a provision requiring PBDC pay an amount up to \$8,000 per year for vector control costs attributable to the lower ponds that are incurred by OCWD.

With an expiration of June 30, 2021, Mr. Astor has requested the lease be extended for an additional year. Staff recommends that the lease be extended for one year to a new expiration date of June 30, 2022, with a 3% rent adjustment increasing the annual rent from \$17,352 to \$17,873. As in previous years, the annual rent would be paid in two installments, on October 15th and December 1st.

PRIOR RELEVANT BOARD ACTION(S)

6/3/20, R20-6-68, Approve Amendment Fifteen to Lease with Prado Basin Duck Club to extend lease for a duck hunting concession on District Property at Prado Basin for the 2020/21 duck hunting season with a new expiration date of June 30, 2021.

7/17/19, R19-7-99 , Approve Amendment Fourteen to Lease with Prado Basin Duck Club to extend lease for a duck hunting concession on District Property at Prado Basin for the 2019/20 duck hunting season with a new expiration date of June 30, 2020.

7/18/18, R18-7-76, Approve Amendment Thirteen to Lease with Prado Basin Duck Club to extend lease for a duck hunting concession on District Property at Prado Basin for the 2018/19 duck hunting season with a new expiration date of June 30, 2019.

7/5/17, R17-7-95, Approve Amendment Twelve to Lease with Prado Basin Duck Club to extend lease for a duck hunting concession on District Property at Prado Basin for the 2017/18 duck hunting seasons with a new expiration date of June 30, 2018, and to provide that the Lessee pay an amount up to \$8,000 per year for vector control costs.

3/15/17, M17-44, Approved an increase of \$90,000 to the Prado Wetlands General Fund budget for mosquito abatement at the Prado Wetlands

6/15/16, R16-6-72, Approve Amendment Eleven to Lease with Prado Basin Duck Club to extend lease for a duck hunting concession on District Property at Prado Basin for the 2016/17 duck hunting seasons with a new expiration date of June 30, 2017.

7/1/15, R15-7-92, Approve Amendment Ten to Lease with Prado Basin Duck Club to extend lease for a duck hunting concession on District Property at Prado Basin for the 2015/16 duck hunting seasons with a new expiration date of June 30, 2016.

6/4/14, R14-6-79, Approve Amendment Nine to Lease with Prado Basin Duck Club to extend lease for a duck hunting concession on District Property at Prado Basin for the 2014/15 duck hunting seasons with a new expiration date of June 30, 2015.

7/10/13, R13-7-82, Authorizing Amendment Eight to Lease with Prado Basin Duck Club to extend lease for a duck hunting concession on District Property at Prado Basin for the 2013/14 duck hunting seasons with a new expiration date of June 30, 2014.

6/6/12, R12-6-61, Approve Amendment Seven to Lease with Prado Basin Duck Club to extend lease for a duck hunting concession on District Property at Prado Basin for the 2012/13 duck hunting seasons with a new expiration date of June 30, 2013.

6/1/11, R11-6-83, Approve Amendment Five to Lease with Prado Basin Duck Club to extend lease for a duck hunting concession on District Property at Prado Basin for the 2011/12 duck hunting seasons with a new expiration date of June 30, 2012.

6/2/10, R10-6-87, Approve Amendment Five to Lease with Prado Basin Duck Club to extend lease for a duck hunting concession on District Property at Prado Basin for the 2010/11 duck hunting seasons with a new expiration date of June 30, 2011.

6/3/09, R09-6-101, Approve Amendment Four to Lease with Prado Basin Duck Club to extend lease for a duck hunting concession on District Property at Prado Basin for the 2009/10 duck hunting seasons with a new expiration date of June 30, 2010.

6/4/08, R08-6-84, Approve Amendment Three to Lease with Prado Basin Duck Club to extend lease for a duck hunting concession on District Property at Prado Basin for the 2008/09 duck hunting seasons with a new expiration date of June 30, 2009.

6/7/06, R06-6-71, Authorizing lease renewal with Prado Basin Duck Club with a new Expiration Date of June 30, 2008 and a rent adjustment provision to provide that in the event that duck hunting cannot occur in a calendar month, the rent is adjusted to \$200 for each month in which duck hunting did not occur.

5/19/04, R04-5-61, Two year renewal of Lease with Prado Basin Duck Club with a new Expiration Date of June 30, 2006.

5/21/03, R03-5-71, Lease granted to Prado Basin Duck Club for duck hunting in lower Prado Basin for the 2003/04 duck hunting season at a rent of \$10,500.

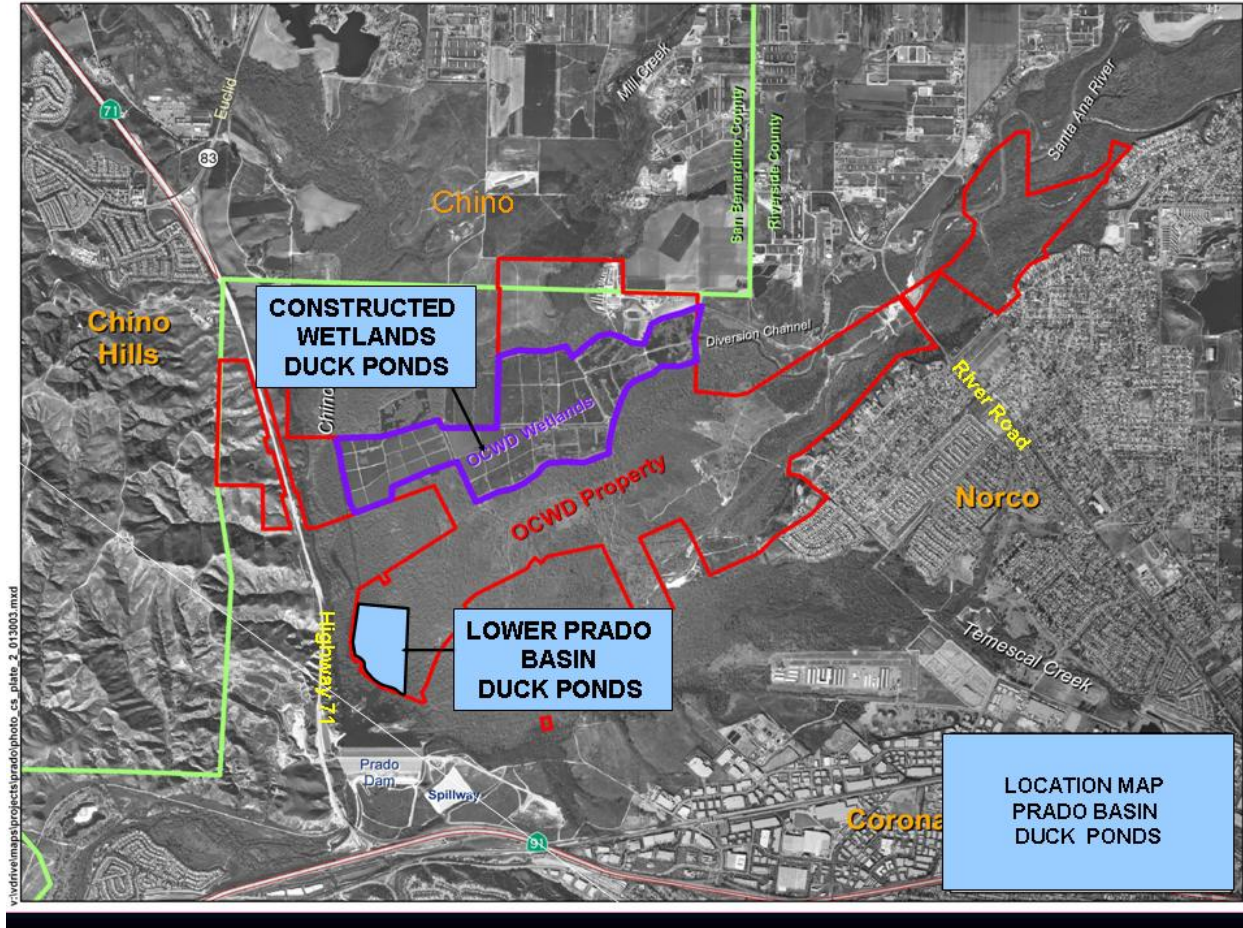
11/20/02, R02-11-169, Consent to Assignment of Interest of Duck Hunting Permit with John Kelly Astor d.b.a. Prado Basin Duck Club to Prado Basin Duck Club, a California Corporation.

10/16/02, R02-10-147, Authorize issuance of a permit to John Kelly Astor d.b.a. Prado Basin Duck Club to operate a Duck Hunting Concession in the Lower Prado Basin Duck Ponds for the one-year period of October 16, 2002 through October 15, 2003 for a fee of \$10,000 and report back to the Committee with at the end of the duck hunting season with the results of the duck hunting season.

12/19/01, R01-12-190, Authorize issuance of a Temporary Open Water Permit to John Kelly Astor for Duck Hunting in Lower Prado Basin for a fee of \$5,000 ending January 21, 2002.

11/19/01 M01-227 - Refer consideration of issuance of Duck Hunting Lease with John Kelly Astor and/or Implementation of Waterfowl Hunting Program with the State of California Department of Fish and Game in Lower Prado Basin in which unauthorized duck ponds have been constructed is hereby referred back to staff for further analysis.

Location Map



AMENDMENT SIXTEEN TO LEASE

THIS AMENDMENT is made and entered into this 7th day of July, 2021 by and between the **ORANGE COUNTY WATER DISTRICT**, a political subdivision of the State of California organized under Chapter 924 of the Statutes of 1933, as amended (hereinafter, the "Lessor") and **PRADO BASIN DUCK CLUB**, a California corporation (hereinafter, the "Lessee").

RECITALS

WHEREAS, on May 21, 2003, Lessor and Lessee entered into a written Lease of real property (hereinafter, the "Lease") for the purpose of operating a duck hunting concession on certain lands owned by Lessor in Prado Basin on an annual rent basis of \$10,500 with an annual 3% rent adjustment with an expiration date of June 30, 2004;

WHEREAS, on May 19, 2004, Lessor granted Lessee an extension of the Lease for two years to a new Expiration Date of June 30, 2006;

WHEREAS, on June 7, 2006, Lessor granted Lessee an extension of Lease for two years to a new Expiration Date of June 30, 2008 and a rent adjustment provision to provide that in the event that duck hunting cannot occur in a calendar month, the rent is adjusted to \$200 for each month in which duck hunting did not occur;

WHEREAS, Lessor and Lessee have subsequently amended said Lease for one-year extensions annually;

WHEREAS, on June 5, 2017, Lessor granted Lessee an extension of Lease for one year to a new expiration of June 30, 2018, and to provide that the Lessee pay an amount up to \$8,000 per year for vector control costs;

WHEREAS, on July 18, 2018, Lessor granted Lessee an extension of Lease for one additional year to a new expiration of June 30, 2019;

WHEREAS, on July 17, 2019, Lessor granted Lessee an extension of Lease for one additional year to a new expiration of June 30, 2020;

WHEREAS, on June 3, 2020, Lessor granted Lessee an extension of Lease for one additional year to a new expiration of June 30, 2021;

WHEREAS, both Lessee and Lessor wish to extend the Lease for one additional year to a new expiration of June 30, 2022.

NOW, THEREFORE, in consideration of the matters set forth in the foregoing recitals and the terms, covenants and conditions hereinafter contained, the parties do hereby agree as follows:

1. The Expiration Date in Lease Paragraph 1.2 (Original Lease Term) is hereby extended to June 30, 2022.
2. Each and every other term, covenant and condition of the Lease not herein expressly modified is hereby ratified and confirmed and shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment to Lease as of the day and year first hereinabove written.

“LESSOR”

APPROVED AS TO FORM:
RUTAN & TUCKER, LLP.

ORANGE COUNTY WATER DISTRICT,
a political subdivision of the State of California
organized under Chapter 924 of the Statutes of
1933, as amended

By: _____
General Counsel for
Orange County Water District

By: _____
Stephen R. Sheldon, President

By: _____
Michael R. Markus P.E., General Manager

“LESSEE”

PRADO BASIN DUCK CLUB,
a California corporation

By: _____
John Kelly Astor, President

AGENDA ITEM SUBMITTAL

Meeting Date: June 25, 2021

To: Property Management Committee
Board of Directors

From: Mike Markus

Staff Contact: B. Dosier/D. Park

Budgeted: N/A

Budgeted Amount: N/A

Revenue Estimate: N/A

Funding Source: N/A

Program/ Line Item No. N/A

General Counsel Approval: N/A

Engineers/Feasibility Report: N/A

CEQA Compliance: N/A

**SUBJECT: STATUS UPDATE REGARDING ANAHEIM ADVENTURE PARK, LLC
(AQUAPARK) AT MIRALOMA BASIN**

SUMMARY

Anaheim Adventure Park, LLC (Aquapark) has a lease with the District to develop and operate an Aquapark at the District's Miraloma Basin in Anaheim. Staff and Mr. David Wabiszewski, president of the Aquapark, will provide an update to the Committee.

Attachment(s): None

RECOMMENDATION

Informational.

DISCUSSION/ANALYSIS

At its December 18, 2019 meeting, the Board authorized execution of a Lease Agreement with Anaheim Adventure Park, LLC to develop and operate an Aquapark at the District's Miraloma Basin in Anaheim. On March 15, 2021, the City of Anaheim (City) approved a Conditional Use Permit (CUP) for the operation of the Aquapark. Mr. Wabiszewski has notified staff that the Aquapark opening date would be scheduled upon satisfying 4 conditions of approval of the CUP as required by the City's Water Engineering Division of the Public Utilities Department (WED). The 4 conditions of approval include:

1. A private water system with separate water service for fire protection and domestic water shall be provided and shown on plans.
2. All backflow equipment shall be located above ground outside the street setback area in a manner fully screened from all public streets and alleys. Any backflow assemblies currently installed in a vault will have to be brought up to current standards. Any other large water system equipment shall be installed to the satisfaction of the WED outside of the street setback area in a manner fully screened from all public streets and alleys. Said information shall be specifically shown on plans and approved by WED and Cross Connection Control Inspector.

3. All request for new water services, backflow equipment, or fire lines, as well as any modifications, relocations, or abandonments of existing water services, backflow equipment, and fire lines, shall be coordinated and permitted through WED.
4. The Owner/Developer shall submit to the WED an estimate of the maximum fire flow rate and maximum day and peak hour water demands for the project. The information will be used to determine the adequacy of the existing water system to provide the estimated water demands. Any off-site water system improvements required to serve the project shall be done in accordance with Rule No. 15A.1 of the Water Utility Rates, Rules, and Regulations.

Per Mr. Wabiszewski, conditions of approval 1-4 have been satisfied with WED, and the official opening of the Aquapark is expected sometime in June, barring any unforeseen delays. Staff and Mr. Wabiszewski will provide an update to the Committee as to the status of the Aquapark.

PRIOR RELEVANT BOARD ACTION(S)

12/18/2019 RCS19-12-1 – Authorizing execution of Lease Agreement with Anaheim Adventure Park, LLC

09/18/2019 R-19-8 Authorizing Amendment One to Exclusive Due Diligence Agreement extending the term for 180 days to a new end date of March 6, 2020.

03/6/2019 R19-3-30 – Authorizing execution of exclusive due diligence agreement for a cable-tow recreational wakeboarding facility at Miraloma Basin

LOCATION MAP

