

## **FIRST AMENDMENT TO AMENDED AND RESTATED NORTH NET JOINT POWERS TRAINING AGREEMENT**

This First Amendment to Amended and Restated North Net Joint Powers Agreement (hereafter, "First Amendment") is dated for identification purposes July 30, 2021 and is by and between the City of Anaheim, a charter city, and the City of Orange, a municipal corporation (collectively, the "Parties").

### **RECITALS**

A. The Parties entered into the Amended and Restated North Net Joint Powers Agreement dated October 22, 2019 (hereafter, the "JPA ") to form the North Net Fire Training Authority (the "Authority").

B. Pursuant to the JPA, the Authority has developed a fire training center over certain property located at 2400 E. Orangewood Avenue, Anaheim ("Authority Property").

C. The Authority Property is legally described and depicted on a map attached to the JPA.

D. Pursuant to an agreement with the City of Anaheim, Anaheim purchased approximately 21,500 square feet of property owned by the Orange County Flood Control District (the "District Parcel") which is adjacent to the eastern boundary of the Authority Property.

E. As a condition subsequent to that purchase, the Authority agreed to process an amendment to the JPA to include the District Parcel as a part of the Authority Property and to provide for the relative fair shares the Parties would receive if the District Parcel was ever sold.

E. The District Parcel will allow the Authority to expand its fire training services and as such, the Parties desire to amend the JPA to add the District Parcel to the definition of "Property" as same is defined in Section 1.9 of the JPA.

Now, therefore, the Parties agree as follows:

Section 1.     **Defined Terms.** Except as otherwise defined herein, all capitalized terms used herein shall have the meanings set forth for such terms in the JPA.

Section 2.     **Property.** Section 1.9 of the JPA shall be amended to include the District Property in the definition of Property. The District Property is described in the legal description and depicted in the map attached hereto as Exhibit 1.

Section 3.    **Distribution of Property.** Section 9.2.C of the JPA is amended to provide a second paragraph as follows:

“Notwithstanding the above paragraph, upon the sale of the Property, the proceeds for that portion of the Property which constitute the District Parcel, as District Parcel is defined in the First Amendment to the Amended and Restated North Net Joint Powers Agreement dated July \_\_, 2021, shall be distributed 64.51% to Anaheim and 35.49% to Orange. Such percentages represent the relative shares each city contributed for the acquisition of the District Parcel and which acquisition occurred after Garden Grove withdrew from the Authority. The calculation for the District Parcel shares shall be as follows: (square footage of the District Parcel ÷ square footage of the Property) x sales price of the Property = Sales Price of District Parcel. Anaheim shall receive 64.51% of the Sales Price of the District Parcel and Orange shall receive 35.49% of the Sales Price of the District Parcel. The balance of the sales price of the Property shall be distributed between Anaheim, Garden Grove and Orange in accordance with the paragraph above.”

Section 4.    **Effective Date.** This First Amendment shall become effective upon the date that it has been executed by both parties.

Section 5.    **Integration.** This First Amendment amends, as set forth herein, the JPA and, except as specifically amended hereby, the JPA shall remain in full force and effect. To the extent that there is any conflict or inconsistency between the terms and provisions of this First Amendment and the terms and provisions of the JPA, the terms and provisions of this First Amendment shall control and govern the rights and obligations of the Parties.

**[Remainder of page intentionally left blank; signatures on next page]**

IN WITNESS WHEREOF, the Parties have caused this First Amendment to be executed by their duly authorized officers as of the date first stated above.

Dated: \_\_\_\_\_

CITY OF ANAHEIM

By: \_\_\_\_\_  
Harry Sidhu, Mayor

ATTEST:

APPROVED AS TO FORM:  
ROBERT FABELA, CITY ATTORNEY

By: \_\_\_\_\_  
Theresa Bass, City Clerk  
City of Anaheim

By: \_\_\_\_\_  
Bryn M. Morley, Deputy City Attorney

Dated: \_\_\_\_\_

CITY OF ORANGE

By: \_\_\_\_\_  
Mark A. Murphy, Mayor

ATTEST:

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Pamela Coleman, City Clerk  
City of Orange

By: \_\_\_\_\_  
Gary A. Sheatz, City Attorney

EXHIBIT 1

DISTRICT PARCEL LEGAL DESCRIPTION AND MAPS

## Exhibit A

### DESCRIPTION:

THE FOLLOWING DESCRIBED REAL PROPERTY IN THE CITY OF ANAHEIM, COUNTY OF ORANGE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

THAT PORTION OF THE LAND ALLOTTED TO ALFRED B. CHAPMAN, AS DESCRIBED IN THE FINAL DECREE OF PARTITION OF THE RANCHO SANTIAGO DE SANTA ANA, WHICH WAS ENTERED SEPTEMBER 12, 1868 IN BOOK "B", PAGE 410 JUDGEMENTS OF THE DISTRICT COURT OF THE 17<sup>TH</sup> JUDICIAL DISTRICT IN AND FOR LOS ANGELES COUNTY, CALIFORNIA, BOUNDED AS FOLLOWS:

SOUTHEASTERLY BY THE NORTHWESTERLY LINE OF THE LAND DESCRIBED IN THE DEED TO THE ORANGE COUNTY FLOOD CONTROL DISTRICT, RECORDED FEBRUARY 2, 1962 IN BOOK 5996, PAGE 539 OF OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA.

SOUTHWESTERLY AND WESTERLY BY THE NORTHEASTERLY AND EASTERLY LINE OF THE LAND DESCRIBED IN RESOLUTION NO. 72R-228 OF THE CITY COUNCIL OF THE CITY OF ANAHEIM, A CERTIFIED COPY OF WHICH WAS RECORDED JUNE 19, 1972 IN BOOK 10180, PAGE 325 OF SAID OFFICIAL RECORDS AND IN PARCEL 2 OF RESOLUTION NO. 78R-174 OF THE CITY COUNCIL OF THE CITY OF ANAHEIM, A CERTIFIED COPY OF WHICH WAS RECORDED APRIL 11, 1978 IN BOOK 12630, PAGE 1296 OF SAID OFFICIAL RECORDS; AND

NORTHERLY BY THE SOUTHERLY LINE OF THE LAND DESCRIBED IN DEED TO THE COUNTY OF ORANGE RECORDED NOVEMBER 26, 1965 IN BOOK 7752, PAGE 153 OF SAID OFFICIAL RECORDS AND THE SOUTHERLY LINE OF THE LAND DESCRIBED IN PARCEL 1 OF RESOLUTION NO. 78R-174 OF THE CITY COUNCIL OF THE CITY OF ANAHEIM, A CERTIFIED COPY OF WHICH WAS RECORDED APRIL 11, 1978 IN BOOK 12630, PAGE 1296 OF SAID OFFICIAL RECORDS.

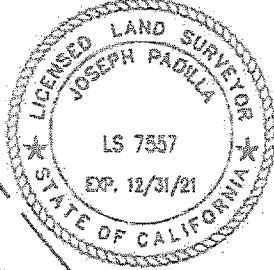
EXCEPTING THEREFROM ALL OIL, GAS, ASPHALTUM AND OTHER HYDROCARBON SUBSTANCES AND WATER, OTHER THAN SANTA ANA VALLEY IRRIGATION COMPANY'S WATER FROM ON OR UNDER A PORTION OF SAID LAND, AS RESERVED BY MARY M. PARKER, A WIDOW, IN A DEED RECORDED JUNE 26, 1943 IN BOOK 1194, PAGE 466 OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM THOSE PORTIONS OF PARCELS 1 AND 2, LYING EASTERLY OF THE WESTERLY LINE OF THE LAND DEEDED TO THE ORANGE COUNTY FLOOD CONTROL DISTRICT, BY DEED RECORDED FEBRUARY 2, 1962 IN BOOK 5996, PAGE 539 OF OFFICIAL RECORDS.

APN: 232-011-19, 232-011-13

THIS EXHIBIT WAS PREPARED BY ME OR  
UNDER MY DIRECT SUPERVISION.

JOSEPH PADILLA, PLS 7557



SANTA ANA RIVER ROW PER RECORD  
OF SURVEY 88-1014, RSB 165/1-13  
CITY BOUNDARY OF ANAHEIM AND ORANGE.

T.P.O.B.

TAKE AREA: 20,654 S.F.

NWLY LINE OF THE SANTA ANA RIVER CHANNEL  
PER BOOK 5748, PAGE 210 O.R. AS SHOWN ON  
PARCEL MAP NO 2006-262, PMB 357/25-34.

SANTA ANA RIVER

SHEET 2

CONSTRUCTION CL AS SHOWN ON  
R.S. 88-1014, RSB. 165/1-13.

RANCHO SANTIAGO DE SANTA ANA  
BOOK 3, PAGE 420 OF PATENTS  
RECORDS OF LOS ANGELES COUNTY

SCALE: 1" = 100'



JOHNSON-FRANK & ASSOC., INC.

LAND SURVEYING - MAPPING  
5150 E. HUNTER AVENUE  
ANAHEIM, CALIFORNIA 92807-2049  
(714) 777-8877 FAX (714) 777-1641

EXHIBIT 'B'

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

DATE 02/24/2021 SHEET 1 OF 4

PARCEL 2  
PARCEL MAP NO. 2006-262  
P.M.B. 357/25-34

P.O.C.

ORANGEWOOD AVENUE

T.P.O.B.

SCALE: 1"=40'

CITY OF ANAHEIM

SANTA ANA RIVER ROW PER RECORD  
OF SURVEY 88-1014, RSB 165/1-13

CITY OF ORANGE

NWLY LINE OF THE SANTA AN RIVER  
CHANNEL PER BOOK 5748, PAGE 210 O.R.

N18°48'24"E 814.19'

N49°30'47"W  
(RAD)

SEE SHEET 3

N89°11'06"W  
21.10'

S08°02'05"W  
38.81'

N77°59'49"W  
(RAD)

R=1360.50'  
L=112.15'  
Δ=4°43'23"

N73°16'26"W  
PRC(RAD)

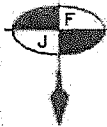
R=148.00'  
L=43.71'  
Δ=16°55'23"

N89°48'11"E  
PRC(RAD)

R=57.50'  
L=40.83'  
Δ=40°41'02"

RANCHO SANTIAGO DE SANTA ANA  
BOOK 3, PAGE 420 OF PATENTS  
RECORDS OF LOS ANGELES COUNTY

SANTA ANA RIVER



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SKETCH TO ACCOMPANY LEGAL DESCRIPTION

DATE 02/24/2021 SHEET 2 OF 4

SEE SHEET 2

SANTA ANA RIVER ROW PER RECORD  
OF SURVEY 88-1014, RSB 165/1-13

CITY OF ANAHEIM

CITY OF ORANGE

NWLY LINE OF THE SANTA AN RIVER CHANNEL PER BOOK 5748, PAGE  
210 O.R. AS SHOWN ON PARCEL MAP NO 2006-262, PMB 357/25-34.

N18°48'24"E 814.19'

R=6622.50'

L=183.46'

Δ=1°35'14"

41.51'

N21°08'56"E

R=276.00'

L=107.66'

Δ=22°21'00"

N69°11'00"W  
(RAD)

N70°23'57"W  
(RAD)

N48°02'57"W  
(RAD)

N70°46'14"W  
(RAD)

SCALE: 1"=40'

RANCHO SANTIAGO DE SANTA ANA  
BOOK 3, PAGE 420 OF PATENTS  
RECORDS OF LOS ANGELES COUNTY

SANTA ANA RIVER

SEE SHEET 4



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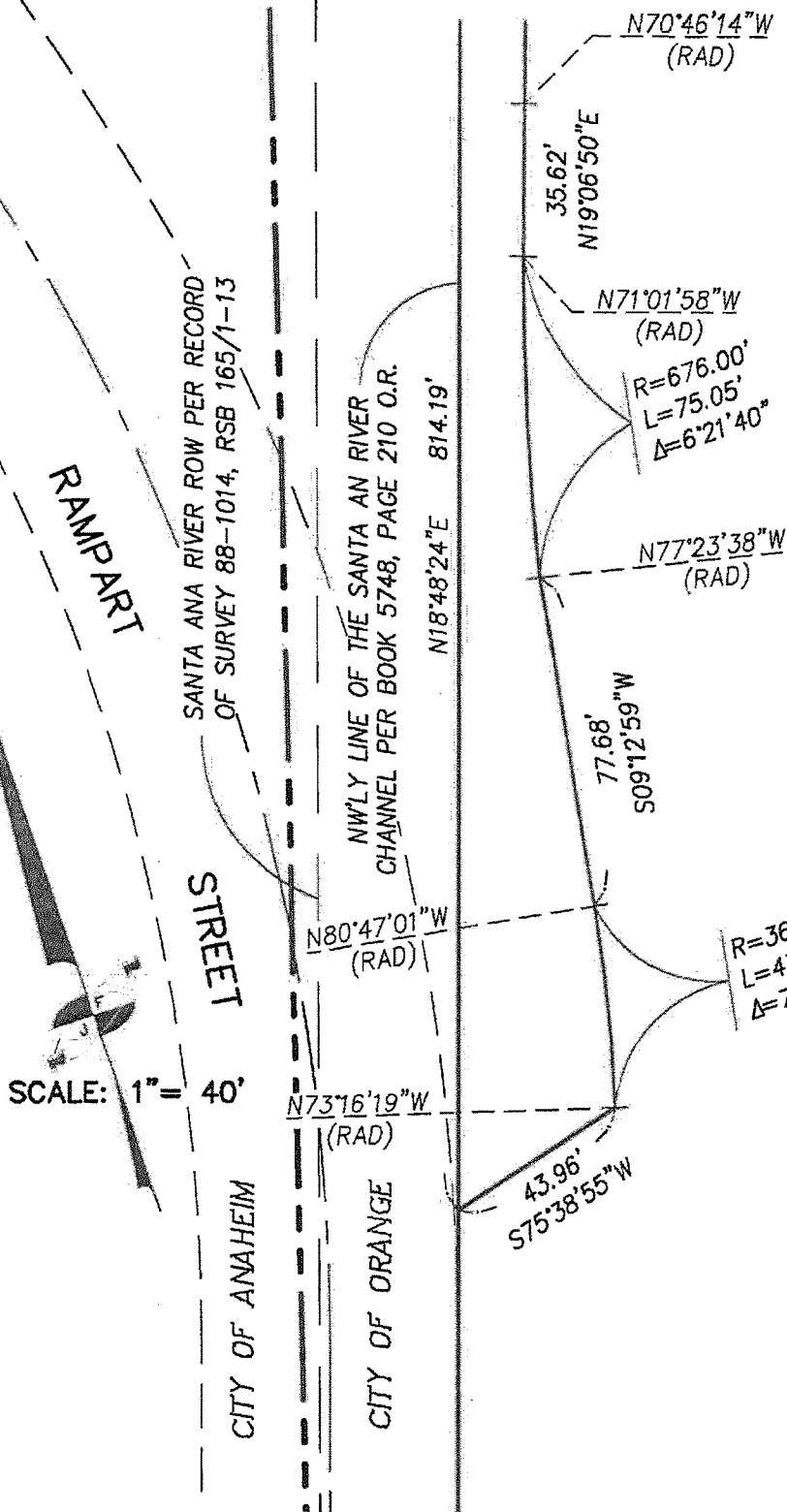
EXHIBIT 'B'

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

DATE 02/24/2021 SHEET 3 OF 4

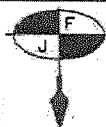


SEE SHEET 3



RANCHO SANTIAGO DE SANTA ANA  
BOOK 3, PAGE 420 OF PATENTS  
RECORDS OF LOS ANGELES COUNTY

SANTA ANA RIVER



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DATE 02/24/2021 SHEET 4 OF 4