

Agenda Report

DATE: APRIL 11, 2005
TO: CITY COUNCIL
FROM: CITY MANGER
SUBJECT: AUTHORIZATION FOR LICENSE AGREEMENT BETWEEN THE CITY OF PASADENA AND SOUTHERN CALIFORNIA EDISON (SCE) FOR SCE OWNED PROPERTY LOCATED BETWEEN ORANGE GROVE BOULEVARD AND FOOTHILL BOULEVARD

RECOMMENDATION

It is recommended that the City Council:

1. Approve a License ("Agreement") between the City of Pasadena ("City") and Southern California Edison for property located between Orange Grove Boulevard and Foothill Boulevard.
2. Authorize the City Manager to execute the Agreement on behalf of the City and to do any and all things necessary to complete the obligations of the City under said Agreement.

BACKGROUND

In June 2004 the City Council approved a revision to the Eaton Wash Park Master Plan. The revisions to the Master Plan entailed a redesign of the Eaton Wash Park that resulted in a better, more functional park and will enable the City to use the southern portion of the Master Plan area for the construction of a proposed ice rink facility. In order to redesign the park the City needed to secure an agreement with Southern California Edison (SCE), the property owner adjacent and to the east of the City-owned dedicated park land. Specifically, SCE agreed to enter into a license agreement to allow the City to redesign and expand the Eaton Wash Park east onto SCE property and to construct the park improvements (see attached map).

Revised Plan

The revised plan includes the following features:

- Improved public safety – the park width will be increased, the use of turf will be expanded, and the parking lot placement will allow vehicle access to the south end of the park. All of these modifications will greatly increase visibility into and out of the park and improve public safety.
- Improved aesthetics – Utility lines (transmission, distribution and telecommunications) that run through the center of the SCE portion of the park will be underground to make the park more aesthetically appealing.
- Increased size of turf areas – The revised plan will create large turf areas that can be used for casual play activities. No organized sports will be permitted to use the park for practice or league play. The use of the turf instead of shrubs and trees will provide good visibility into the park.
- Buffer zone – A fenced buffer area five feet wide will be created adjacent to the homes located along the east side of the park. In addition, the park walkways would be placed a minimum of 75 feet from the park's eastern property line and the intervening area would be planted with low shrubs rather than turf to deter park users from approaching adjacent homes.

Elements of the License Agreement

The license agreement is the legal instrument that SCE uses with any city or county jurisdiction to permit the construction of parks on land it owns. Currently, SCE has approximately 25 license agreements in place that have allowed the construction of park improvements in several cities. The terms and provisions of the license agreement for each city are generally the same. The agreement allows for agencies to use the land for park purposes but not for purchase.

The term of the license is usually three to five years with the ability of SCE to terminate the license within 30 days of notification. Although, the 30 day termination provision may appear problematic SCE has informed the City that it is not their policy to terminate license agreements with cities that have constructed park improvements. SCE has indicated that many of the license agreement for parks have been in place for 30 or 40 years. Attached as Exhibit "A" is a list of cities that have similar license agreements for parks.

The license agreement for the City of Pasadena consist of the following terms:


1. The subject parcel is to be used for park purposes only.
2. The term of the license agreement is for five years. The license may be extended for one five year option period provided the Licensor receives

2. The term of the license agreement is for five years. The license may be extended for one five year option period provided the Licensor receives written notice of Licensee's election to extend the License Term at least six month prior to the expiration of the initial period.
3. The licensee will pay the licensor \$14,000 annually for the use of the subject property.
4. Licensee must submit for Licensor's prior written approval complete improvements for the subject priority.

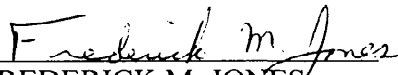
FISCAL IMPACT

Approval of this license agreement will result in license payments of \$70,000 over the initial five year term, and an additional \$70,000 when the City exercises its five year option to renew. It is anticipated these funds will ultimately be covered from revenues from the operation of the ice rink proposed to be developed adjacent to this site. In the meantime, this expense will be paid for out of the \$2 million Pasadena Center Operating Committee commitment to the project.

Respectfully submitted


for CYNTHIA J. KURTZ
City Manager


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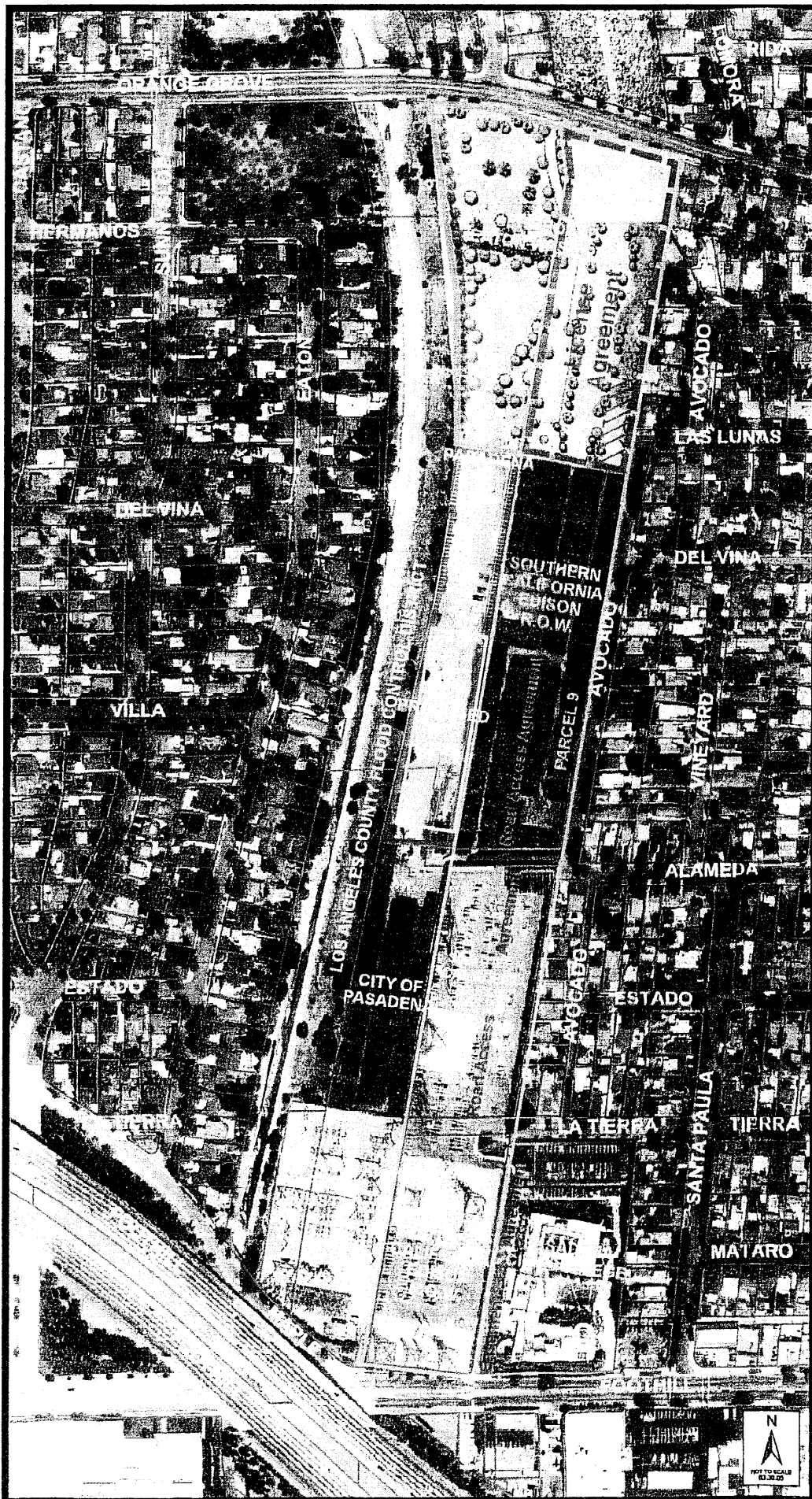


EXHIBIT "A"

BELLFLOWER (2)
CERRITOS (8)
CITY OF INDUSTRY
LAKEWOOD (5)
MONTEBELLO
MONTEREY PARK
ROSEMEAD (4)
SANTA FE SPRINGS