

Agenda Report

TO: CITY COUNCIL

DATE: December 5, 2005

FROM: CITY MANAGER

SUBJECT: ADOPT A RESOLUTION APPROVING A LICENSE AGREEMENT BETWEEN THE CITY OF PASADENA AND WALNUT ACQUISITION PARTNERS, LLC, FOR THE INSTALLATION OF TIE-BACKS UNDER THE PUBLIC RIGHT-OF-WAY FOR SUBTERRANEAN PARKING ALONG LOCUST STREET, MENTOR AVENUE, WALNUT STREET AND LAKE AVENUE

RECOMMENDATION

It is recommended that the City Council take the following actions:

1. Adopt the attached resolution approving a License Agreement with Walnut Acquisition Partners, LLC, for property located at 220 North Lake Avenue, with terms and conditions as set forth in the background section of this report;
2. Authorize the City Manager to execute and the City Clerk to attest said License Agreement on behalf of the City of Pasadena.

BACKGROUND

Walnut Acquisition Partners, LLC ("Licensee") is the owner of the property located at 220 North Lake Avenue. The Licensee is developing a six-story, mixed-use building that will include 106 residential condominium units, five live-work units, commercial space on the ground floor, and two levels of subterranean parking.

The Licensee requests permission to use and occupy a portion of Locust Street, Mentor Avenue, Walnut Street and Lake Avenue to install tie-backs at a minimum depth of nine feet below the surface of the public right-of-way. These subsurface improvements will be used to temporarily support the subterranean walls of the parking garage during construction. The License Agreement sets forth terms of automatic termination once the subsurface improvements are no longer necessary, as well as terms for assumption of risk and indemnification of the City for any activity

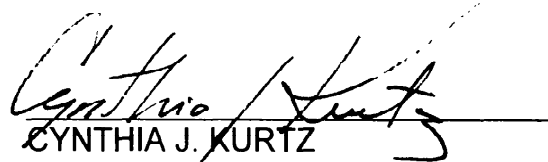
in the public right-of-way associated with the installation, removal, and abandonment of the tie-backs. Currently, the developer has obtained a foundation-only permit, and this portion of the project is approximately 90 percent complete.

The proposed License Agreement area is described in the Legal Description (Exhibit "A") and is shown on the City of Pasadena Department of Public Works Drawing No. 5586 (Exhibit "B"). All exhibits are attached.

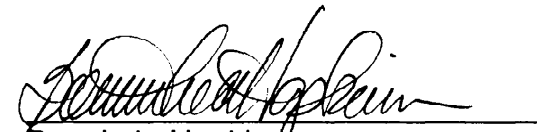
FISCAL IMPACT

All costs for processing the License Agreement have been paid for by the developer.

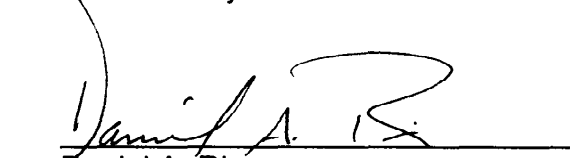
Respectfully submitted,


CYNTHIA J. KURTZ
City Manager

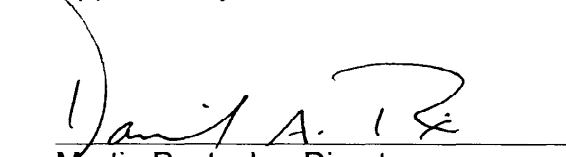
Prepared by:


Bonnie L. Hopkins
Principal Engineer

Reviewed by:


Daniel A. Rix
City Engineer

Approved by:


Martin Pastucha, Director
for Department of Public Works

BLH
Attachments

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA APPROVING THE TERMS AND CONDITIONS AND AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT WITH WALNUT ACQUISITION PARTNERS, LLC, FOR THE INSTALLATION OF TIE-BACKS UNDER THE PUBLIC RIGHT-OF-WAY FOR AN UNDERGROUND PARKING STRUCTURE AT 220 NORTH LAKE AVENUE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA

WHEREAS, the City of Pasadena is a municipal corporation which is empowered to carry out the provisions of its Charter and to perform all duties and obligation of the City as imposed by the laws of the State of California; and

WHEREAS, in order for Walnut Acquisition Partners, LLC, to construct the Mixed-Use Building and Parking Structure in a timely manner, it is necessary for Walnut Acquisition Partners, LLC, to use and occupy a portion of Locust Street, Mentor Avenue, Walnut Street, and Lake Avenue to install tie-backs under the public right-of-way; and

WHEREAS, Walnut Acquisition Partners, LLC is willing to enter into a License Agreement with the City which protects the public and the public's interests in this matter; and

WEHREAS, the License Agreement between Walnut Acquisition Partners, LLC, and the City sets for the terms of automatic termination once the subsurface improvements area no longer needed.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Pasadena:

1. The License Agreement granting Walnut Acquisition Partners, LLC, permission to install and maintain tie-backs along a portion of Locust Street, Mentor Avenue, Walnut Street, and Lake Avenue in the City of Pasadena, as described on the Legal Description (Exhibit "A") and as shown on the Department of Public Works Drawing No. 5586 (Exhibit "B") is hereby approved; and
2. The City Manager is authorized and directed to execute and acknowledge the same for and on behalf of the City, and the City Clerk is directed to attest the City Manager's signature and affix the corporate seal of the City thereto, and once fully executed in recordable form, to cause the License Agreement to be recorded in the Official Records of Los Angeles County.

Adopted at the _____ meeting of the City Council on the _____ day of _____, 2005, by the following vote:

AYES:

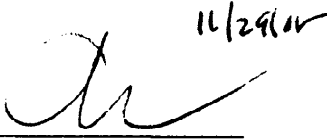
NOES:

ABSENT:

ABSTAIN:

JANE L. RODRIGUEZ, City Clerk

Approved as to form:

 11/29/11

Nicholas G. Rodriguez
Assistant City Attorney

EXHIBIT 'A'
LEGAL DESCRIPTION

**FOR THE INSTALLATION OF TEMPORARY TIEBACKS AND SOLDIER BEAMS
IN THE CITY OF PASADENA**

PARCEL 1:

THAT PORTION OF LAKE AVENUE, IN THE CITY OF PASADENA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON BROWN AND NEWTON SUBDIVISION OF LOTS 34, 35, 36, 37 AND 38 OF THE MUTUAL ORCHARD COMPANY PER MAP RECORDED IN BOOK 12, PAGE 90, OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AND PER DOCUMENT RECORDED NOVEMBER 28, 1928 IN BOOK 7397 AT PAGE 54, OF OFFICIAL RECORDS AS INSTRUMENT NUMBER 1669, TOGETHER WITH THAT PORTION OF WALNUT STREET AS DESCRIBED IN THE DOCUMENT RECORDED IN BOOK 2787 AT PAGE 337 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE INTERSECTION OF LAKE AVENUE AND WALNUT STREET, AS SHOWN ON CALTRANS MONUMENTATION MAP NUMBER LA210-M26.5; THENCE ALONG SAID CENTERLINE OF LAKE AVENUE, NORTH 00°32'49" WEST 103.05 FEET; THENCE NORTH 89°27'11" EAST 26.00 FEET TO THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL, BEING A POINT ON A LINE WHICH IS PARALLEL WITH AND 26.00 FEET EASTERLY OF THE CENTERLINE OF LAKE AVENUE; THENCE NORTH 89°27'11" EAST 24.00 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF LAKE AVENUE PER SAID DOCUMENT RECORDED IN BOOK 7397 AT PAGE 54 OF OFFICIAL RECORDS, SAID EASTERLY RIGHT OF WAY BEING PARALLEL WITH AND 50.00 FEET EASTERLY OF THE CENTERLINE OF LAKE AVENUE; THENCE ALONG SAID EASTERLY RIGHT OF WAY, SOUTH 00°32'49" EAST 53.01 FEET TO A POINT DISTANT ALONG SAID PARALLEL LINE 15.00 FEET NORTHERLY FROM THE NORTHERLY LINE OF WALNUT STREET AS DESCRIBED IN THE DOCUMENT RECORDED IN BOOK 2787 AT PAGE 337 OF OFFICIAL RECORDS, SAID POINT BEING THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 15.00 FEET; THENCE ALONG SAID CURVE SOUTHEASTERLY 23.57 FEET THROUGH A CENTRAL ANGLE OF 90°01'43" TO A POINT OF INTERSECTION WITH A LINE WHICH IS PARALLEL WITH AND 65.00 FEET EASTERLY OF SAID CENTERLINE OF LAKE AVENUE AND THE NORTHERLY LINE OF SAID WALNUT STREET; THENCE ALONG SAID PARALLEL LINE SOUTH 00°32'49" EAST 35.00 FEET TO A POINT ON THE CENTERLINE OF SAID WALNUT STREET; THENCE ALONG SAID CENTERLINE, SOUTH 89°25'28" WEST 39.01

FEET TO THE POINT OF INTERSECTION OF SAID WALNUT STREET CENTERLINE AND A LINE WHICH IS PARALLEL WITH AND 26.00 FEET EASTERLY OF THE CENTERLINE OF LAKE AVENUE; THENCE ALONG SAID PARALLEL LINE NORTH 00°32'49" WEST 103.03 FEET TO SAID POINT OF BEGINNING.

CONTAINING 3,046 SQUARE FEET OR 0.070 ACRE, MORE OR LESS.

PARCEL 2:

THAT PORTION OF WALNUT STREET, IN THE CITY OF PASADENA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS DESCRIBED IN THE DOCUMENTS RECORDED IN BOOK 2787 AT PAGE 337 OF OFFICIAL RECORDS AND IN BOOK 3456 AT PAGE 362 OF OFFICIAL RECORDS, BEING PORTIONS OF LOTS 6, 7, 12, AND 13 AS SHOWN ON BROWN AND NEWTON SUBDIVISION OF LOTS 34, 35, 36, 37 AND 38 OF THE MUTUAL ORCHARD COMPANY PER MAP RECORDED IN BOOK 12, PAGE 90, OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE INTERSECTION OF LAKE AVENUE AND WALNUT STREET, AS SHOWN ON CALTRANS MONUMENTATION MAP NUMBER LA210-M26.5; THENCE ALONG SAID CENTERLINE OF WALNUT STREET NORTH 89°25'28" EAST 65.01 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF LAKE AVENUE AS DESCRIBED IN THE DOCUMENT RECORDED NOVEMBER 28, 1928 IN BOOK 7397 AT PAGE 54, OF OFFICIAL RECORDS AS INSTRUMENT NUMBER 1669, BEING A LINE PARALLEL WITH AND 65.00 FEET EASTERLY OF THE CENTERLINE OF LAKE AVENUE, SAID POINT BEING THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUING ALONG THE CENTERLINE OF WALNUT STREET NORTH 89°25'28" EAST 349.68 FEET; THENCE DEPARTING SAID CENTERLINE NORTH 44°26'38" EAST 14.67 FEET TO A POINT ON THE WEST RIGHT OF WAY OF MENTOR AVENUE AS SHOWN ON SAID BROWN AND NEWTON SUBDIVISION OF LOTS 34, 35, 36, 37 AND 38 OF THE MUTUAL ORCHARD COMPANY SAID RIGHT OF WAY BEING PARALLEL WITH AND 30.00 FEET WESTERLY OF THE CENTERLINE OF MENTOR AVENUE; THENCE ALONG SAID RIGHT OF WAY NORTH 00°32'11" WEST 39.62 FEET TO A POINT OF CUSP WITH A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 15.00 FEET, BEING A POINT ON THE NORTHERLY RIGHT OF WAY OF WALNUT STREET PER DOCUMENT RECORDED IN BOOK 3456 AT PAGE 362 OF OFFICIAL RECORDS; THENCE ALONG SAID CURVE AND WALNUT STREET RIGHT OF WAY SOUTHWESTERLY 23.55 FEET THROUGH A CENTRAL ANGLE OF 89°57'39" TO A POINT ON A LINE PARALLEL WITH AND 35.00 FEET NORTHERLY OF SAID CENTERLINE OF WALNUT STREET; THENCE SOUTH

89°25'28" WEST ALONG SAID RIGHT OF WAY AND THE NORTHERLY RIGHT OF WAY OF SAID WALNUT PER DOCUMENT RECORDED IN BOOK 2787 AT PAGE 337 OF OFFICIAL RECORDS 345.07 FEET TO THE ABOVE DESCRIBED EASTERLY LINE OF LAKE AVENUE, BEING A LINE PARALLEL WITH AND 65.00 FEET EASTERLY OF THE CENTERLINE OF LAKE AVENUE; THENCE ALONG SAID EASTERLY RIGHT OF WAY SOUTH 00°32'49" EAST 35.00 FEET TO SAID TRUE POINT OF BEGINNING.

CONTAINING 12,596 SQUARE FEET OR 0.289 ACRE, MORE OR LESS.

PARCEL 3:

THAT PORTION OF MENTOR AVENUE, IN THE CITY OF PASADENA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON BROWN AND NEWTON SUBDIVISION OF LOTS 34, 35, 36, 37 AND 38 OF THE MUTUAL ORCHARD COMPANY PER MAP RECORDED IN BOOK 12, PAGE 90, OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTERLINE INTERSECTION OF MENTOR AVENUE AND LOCUST STREET, AS SHOWN ON SAID BROWN AND NEWTON SUBDIVISION; THENCE ALONG SAID CENTERLINE OF LOCUST STREET SOUTH 89°30'05" WEST 30.00 FEET TO A POINT ON A LINE WHICH IS PARALLEL WITH AND 30.00 FEET WESTERLY OF THE CENTERLINE OF MENTOR AVENUE, BEING THE NORTHERLY PROJECTION OF THE WESTERLY RIGHT OF WAY LINE OF MENTOR AVENUE; THENCE ALONG SAID PARALLEL LINE AND WESTERLY RIGHT OF WAY AND ITS SOUTHERLY PROJECTION SOUTH 00°32'11" EAST 322.25 FEET; THENCE NORTH 44°26'38" EAST 42.44 FEET TO THE CENTERLINE OF SAID MENTOR AVENUE; THENCE ALONG SAID MENTOR AVENUE CENTERLINE NORTH 00°32'11" WEST 292.21 FEET TO SAID POINT OF BEGINNING.

CONTAINING 9,217 SQUARE FEET OR 0.212 ACRE, MORE OR LESS.

PARCEL 4:

THAT PORTION OF LOCUST STREET, IN THE CITY OF PASADENA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON BROWN AND NEWTON SUBDIVISION OF LOTS 34, 35, 36, 37 AND 38 OF THE MUTUAL ORCHARD COMPANY PER MAP RECORDED IN BOOK 12, PAGE 90, OF MISCELLANEOUS

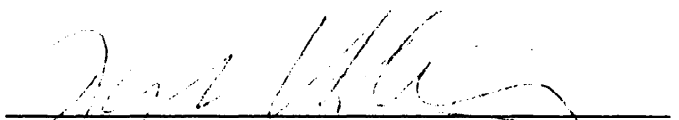
RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY,
DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE INTERSECTION OF MENTOR AVENUE AND LOCUST STREET, AS SHOWN ON SAID BROWN AND NEWTON SUBDIVISION; THENCE ALONG SAID CENTERLINE OF LOCUST STREET, SOUTH 89°30'05" WEST 30.00 FEET TO A POINT ON A LINE WHICH IS PARALLEL WITH AND 30.00 FEET WESTERLY OF THE CENTERLINE OF MENTOR AVENUE, BEING THE NORTHERLY PROJECTION OF THE WESTERLY RIGHT OF WAY LINE OF MENTOR AVENUE, SAID POINT BEING THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUING ALONG SAID CENTERLINE SOUTH 89°30'05" WEST 100.01 FEET; THENCE SOUTH 00°29'55" EAST 30.00 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF LOCUST STREET, BEING A LINE WHICH IS PARALLEL WITH AND 30.00 FEET SOUTHERLY OF THE CENTERLINE OF LOCUST STREET; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY NORTH 89°30'05" EAST 100.03 FEET TO A POINT ON THE LINE HEREINBEFORE DESCRIBED AS BEING PARALLEL WITH AND 30.00 FEET WESTERLY OF THE CENTERLINE OF MENTOR AVENUE; THENCE ALONG SAID PARALLEL LINE NORTH 00°32'11" WEST 30.00 FEET TO SAID TRUE POINT OF BEGINNING.

CONTAINING 3,000 SQUARE FEET OR 0.069 ACRE, MORE OR LESS.

ALL AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND MADE A PART
HEREOF.

DATED THIS 16th DAY OF August, 2005



JERRY L. USELTON, L.S. 5347, EXP. 12/31/05

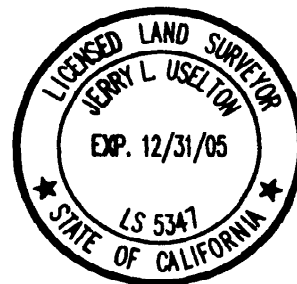
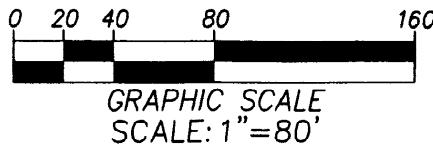
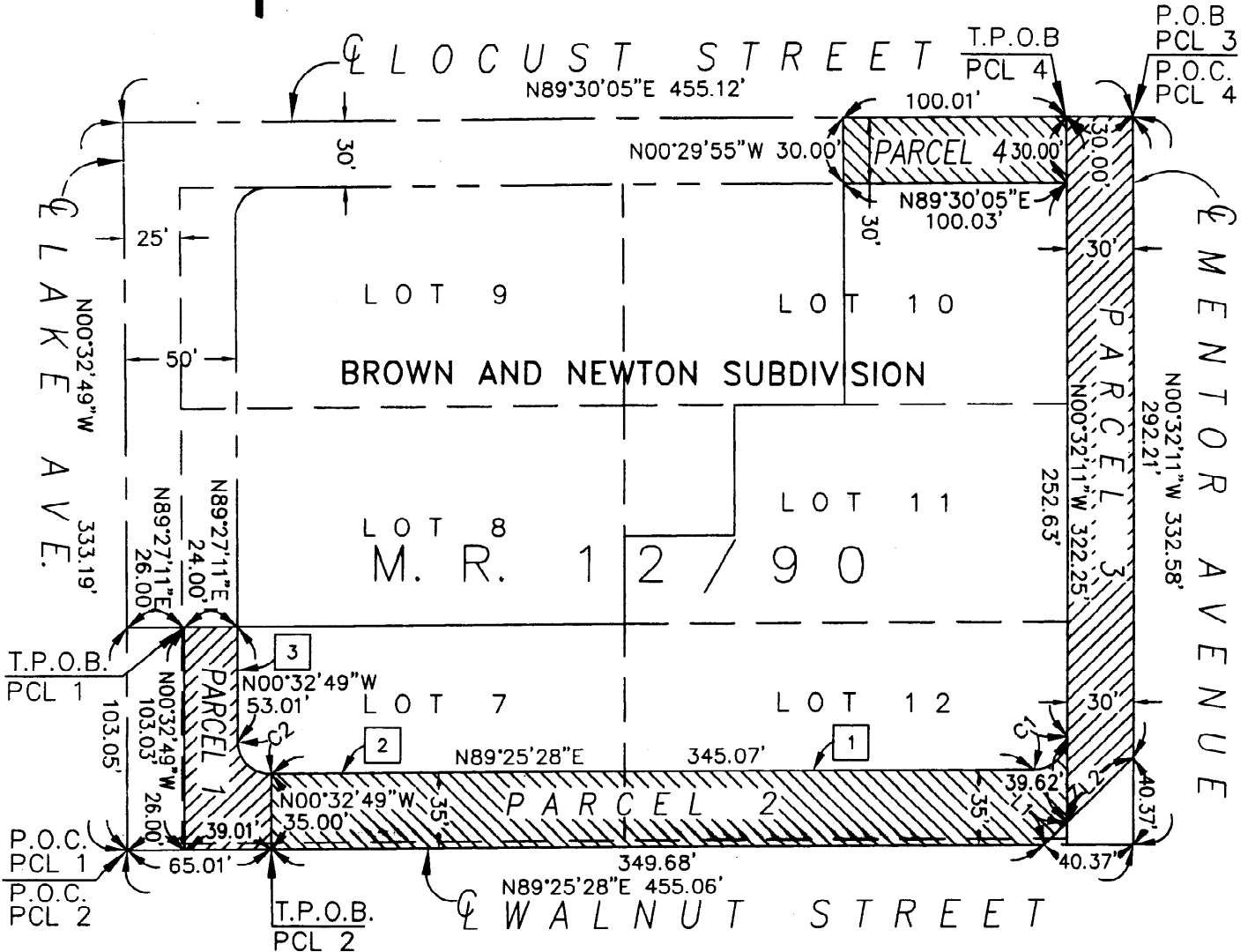


EXHIBIT "B"

DRAFT



CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	89°57'39"	15.00	23.55
C2	90°01'43"	15.00	23.57



- 1 N'LY LINE PCL 3 (WALNUT STREET) PER BOOK 3456/362 O.R.
- 2 N'LY LINE WALNUT STREET PER BOOK 2787/337, O.R.
- 3 E'LY LINE LAKE AVENUE PER BOOK 7397/54, O.R.

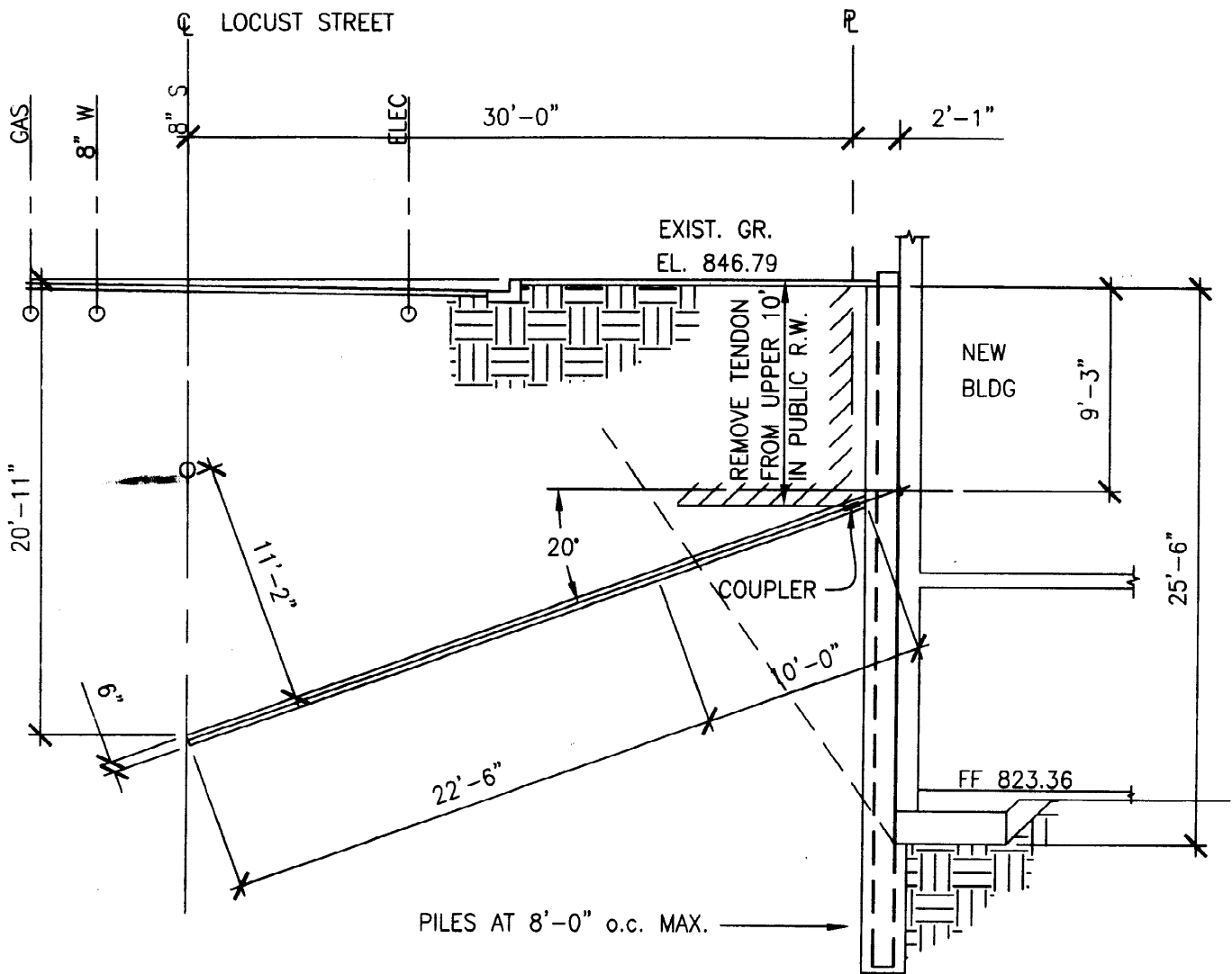
LINE TABLE		
LINE	BEARING	LENGTH
L1	N44°26'38"E	14.67
L2	N44°26'38"E	42.44

CITY OF PASADENA - DEPARTMENT OF PUBLIC WORKS

DRAWN BY: PRIVATE	LICENSE AGREEMENT FOR ENCROACHMENT OF TIE-BACKS AT 220 NORTH LAKE AVENUE	SCALE: 1" = 80'
CHECKED BY: B.L.H.		DATED: 11/4/05
SUBMITTED BY: B.L.H.	APPROVED BY:	5586
FIELD BOOK NO. NONE	CITY ENGINEER	

SHEET 1 OF 7

DRAFT

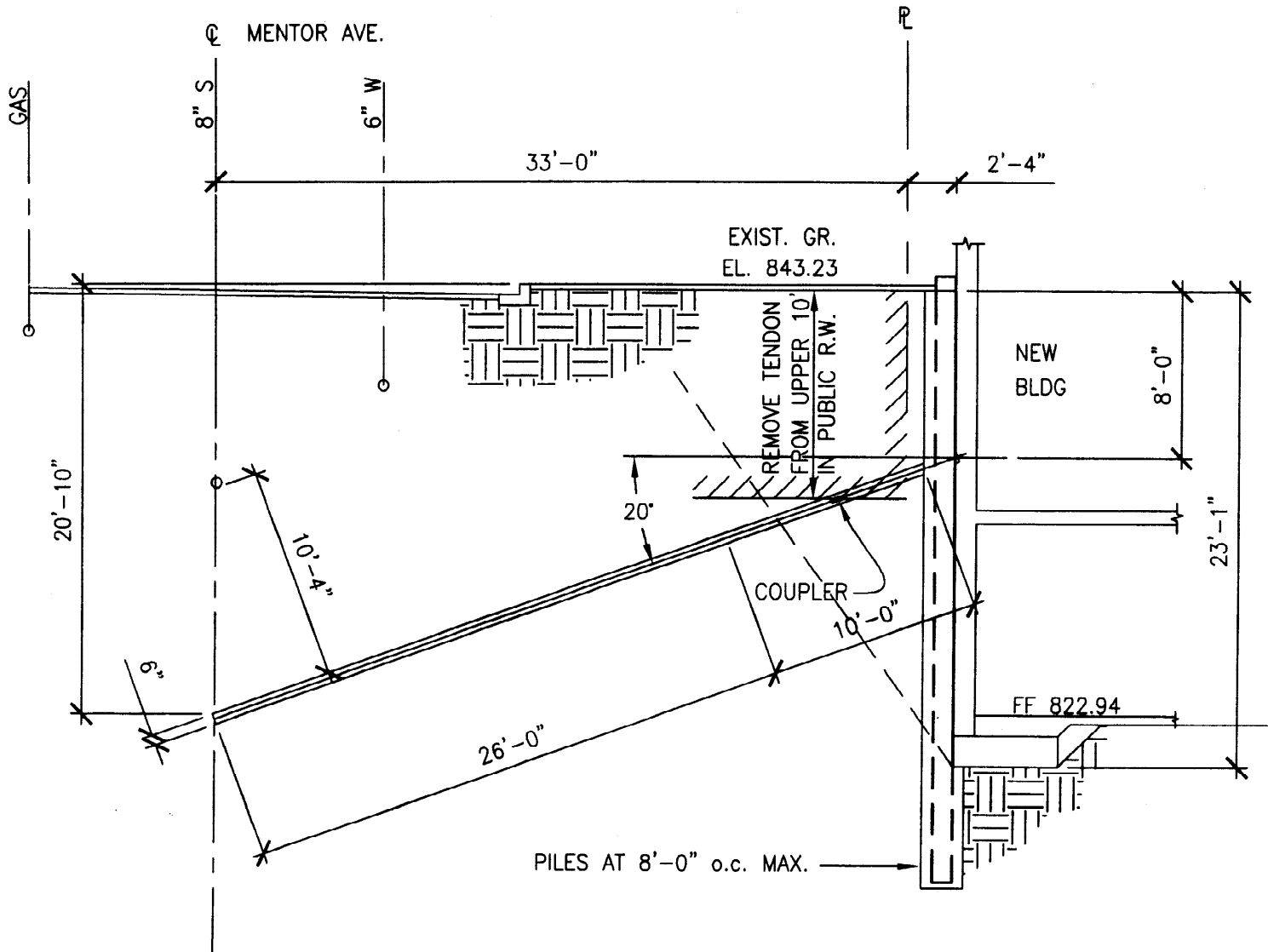


CITY OF PASADENA - DEPARTMENT OF PUBLIC WORKS

DRAWN BY:	PRIVATE
CHECKED BY:	B.L.H.
SUBMITTED BY:	B.L.H.
FIELD BOOK NO.	NONE

LICENSE AGREEMENT FOR ENCROACHMENT OF TIE-BACKS AT 220 NORTH LAKE AVENUE		SCALE:	1/8" = 1'
		DATED:	11/4/05
APPROVED BY:		5586 SHEET 2 OF 7	
CITY ENGINEER			
DATE			

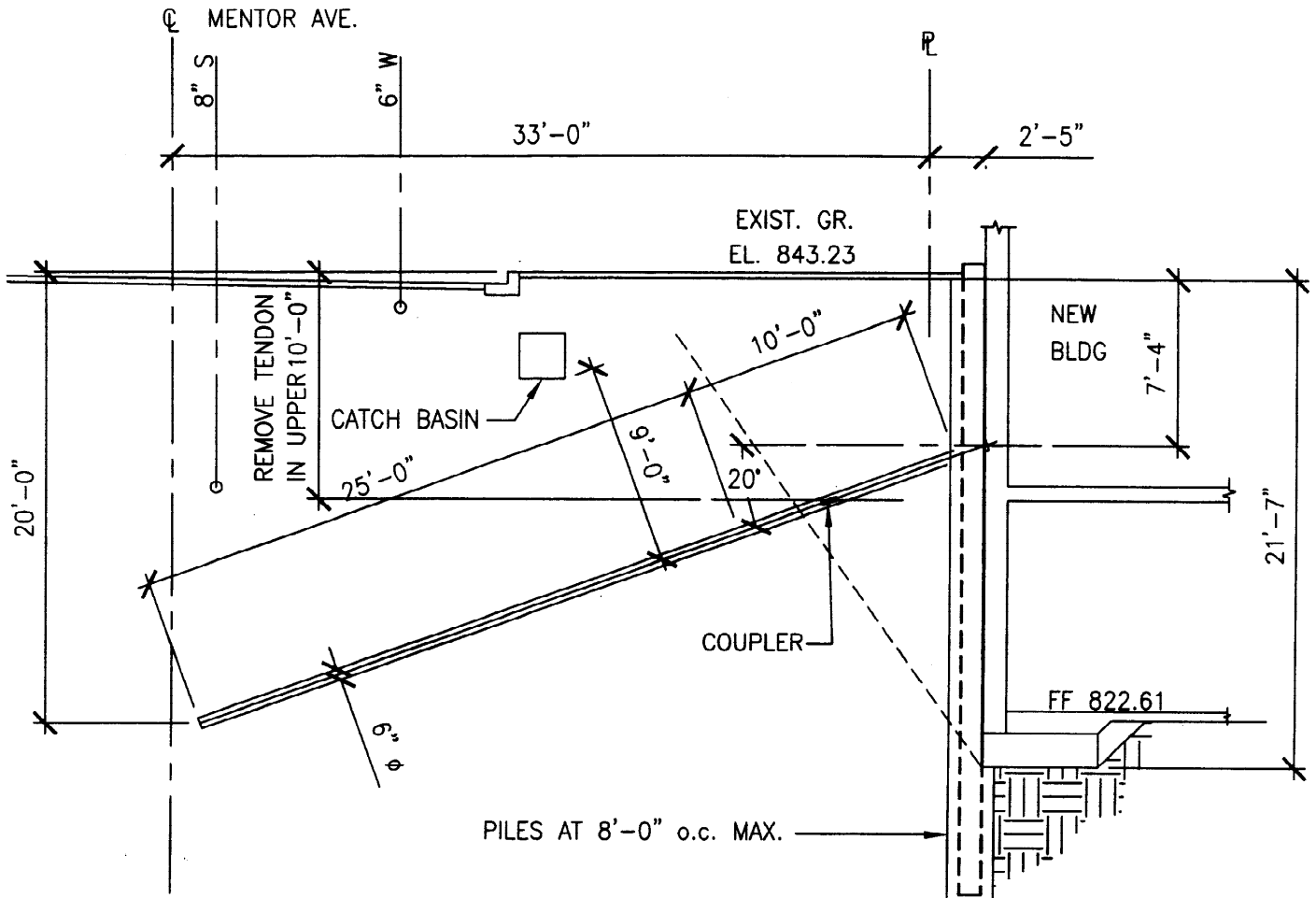
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CITY OF PASADENA - DEPARTMENT OF PUBLIC WORKS

DRAWN BY: PRIVATE CHECKED BY: B.L.H. SUBMITTED BY: B.L.H. FIELD BOOK NO. NONE	LICENSE AGREEMENT FOR ENCROACHMENT OF TIE-BACKS AT 220 NORTH LAKE AVENUE APPROVED BY: _____ CITY ENGINEER	SCALE: 1/8" = 1' DATED: 11/4/05 5586 SHEET 3 OF 7
	DATE _____	

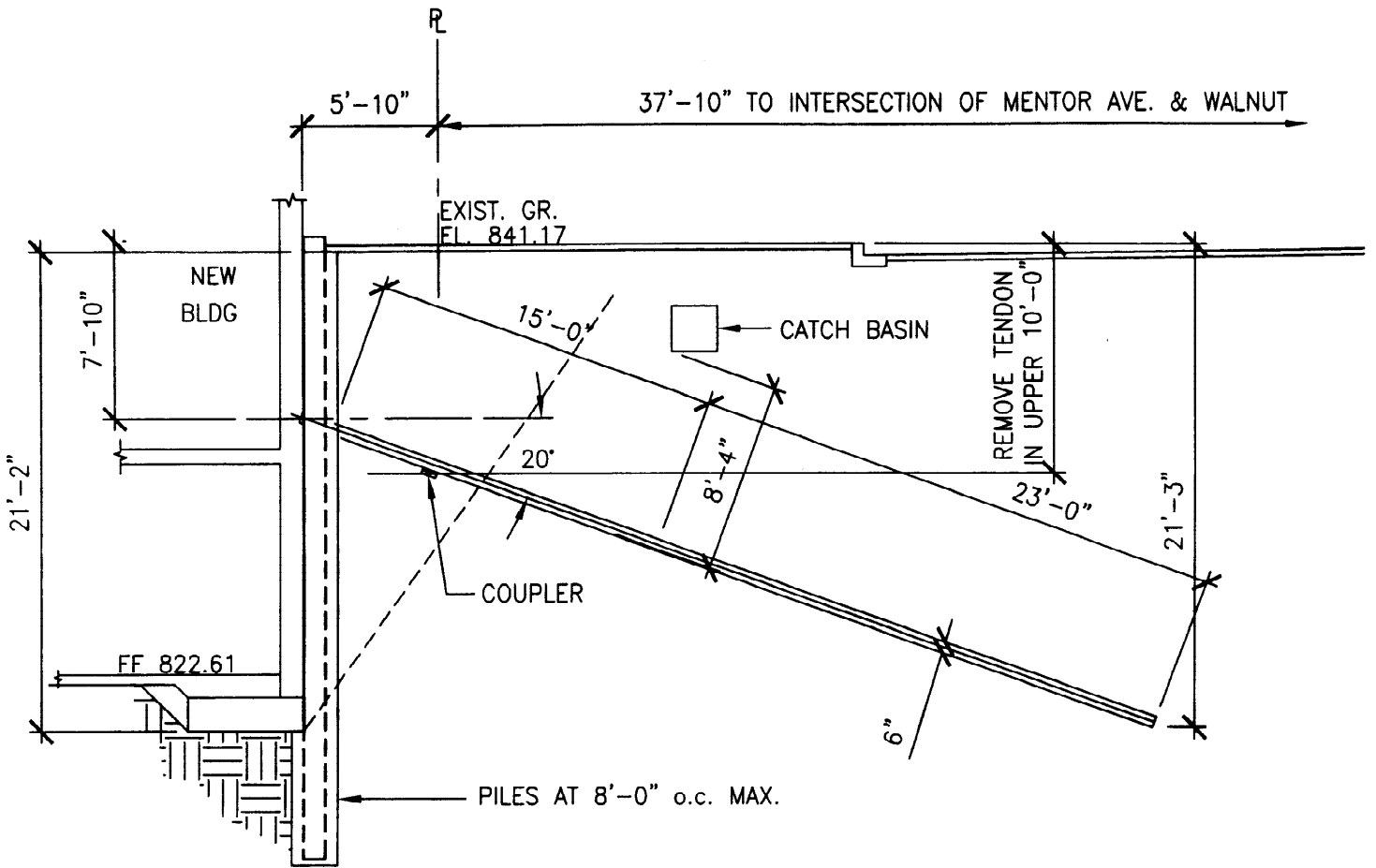
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CITY OF PASADENA - DEPARTMENT OF PUBLIC WORKS

DRAWN BY: PRIVATE	LICENSE AGREEMENT FOR ENCROACHMENT OF TIE-BACKS AT 220 NORTH LAKE AVENUE	SCALE: 1/8" = 1'
CHECKED BY: B.L.H.		DATED: 11/4/05
SUBMITTED BY: B.L.H.		5586 SHEET 4 OF 7
FIELD BOOK NO. NONE		

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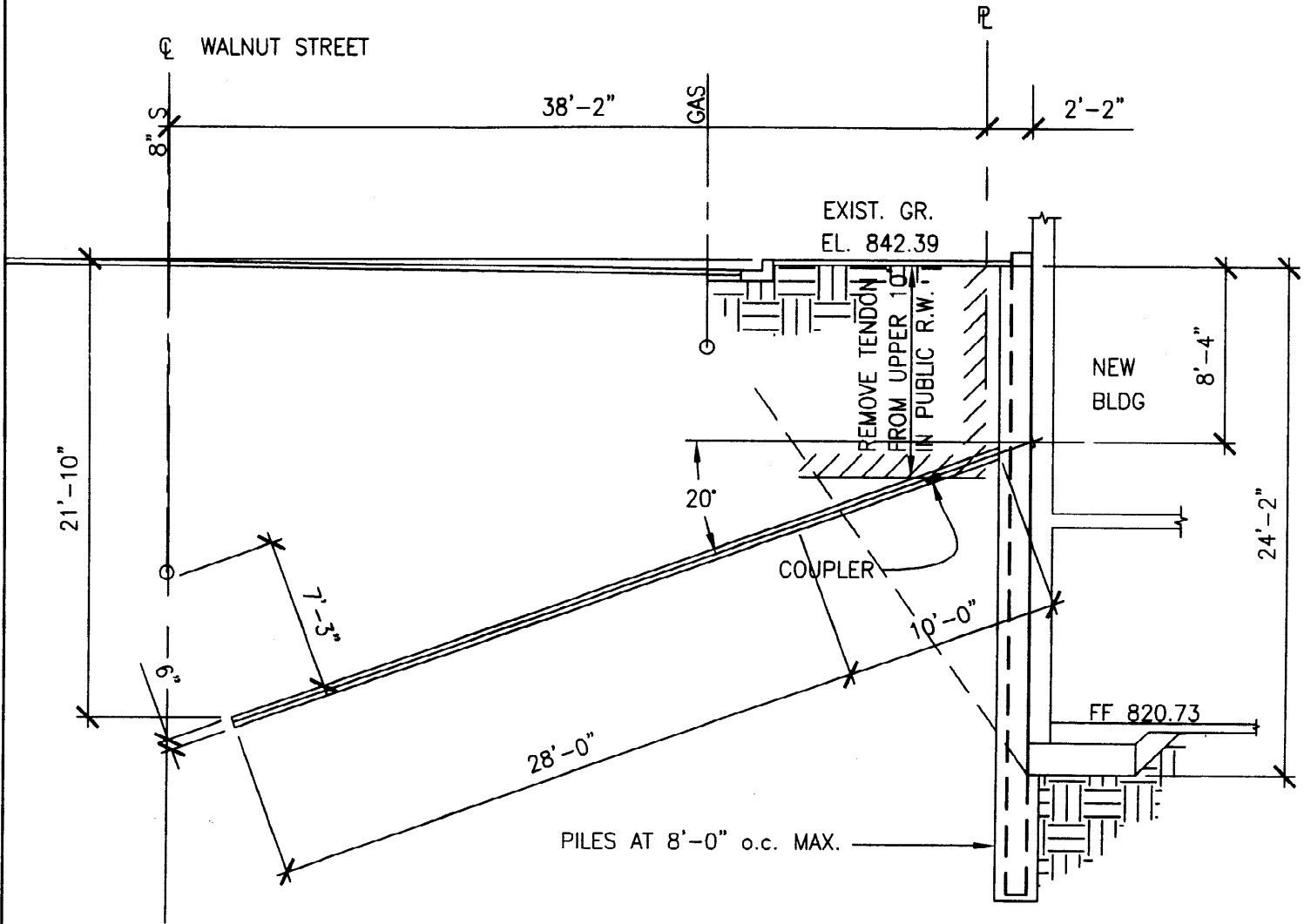


CITY OF PASADENA - DEPARTMENT OF PUBLIC WORKS

DRAWN BY:	PRIVATE
CHECKED BY:	B.L.H.
SUBMITTED BY:	B.L.H.
FIELD BOOK NO.	NONE

LICENSE AGREEMENT FOR ENCROACHMENT OF TIE-BACKS AT 220 NORTH LAKE AVENUE		SCALE:	1/8" = 1'
		DATED:	11/4/05
APPROVED BY:		5586 SHEET 5 OF 7	
CITY ENGINEER			

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CITY OF PASADENA - DEPARTMENT OF PUBLIC WORKS

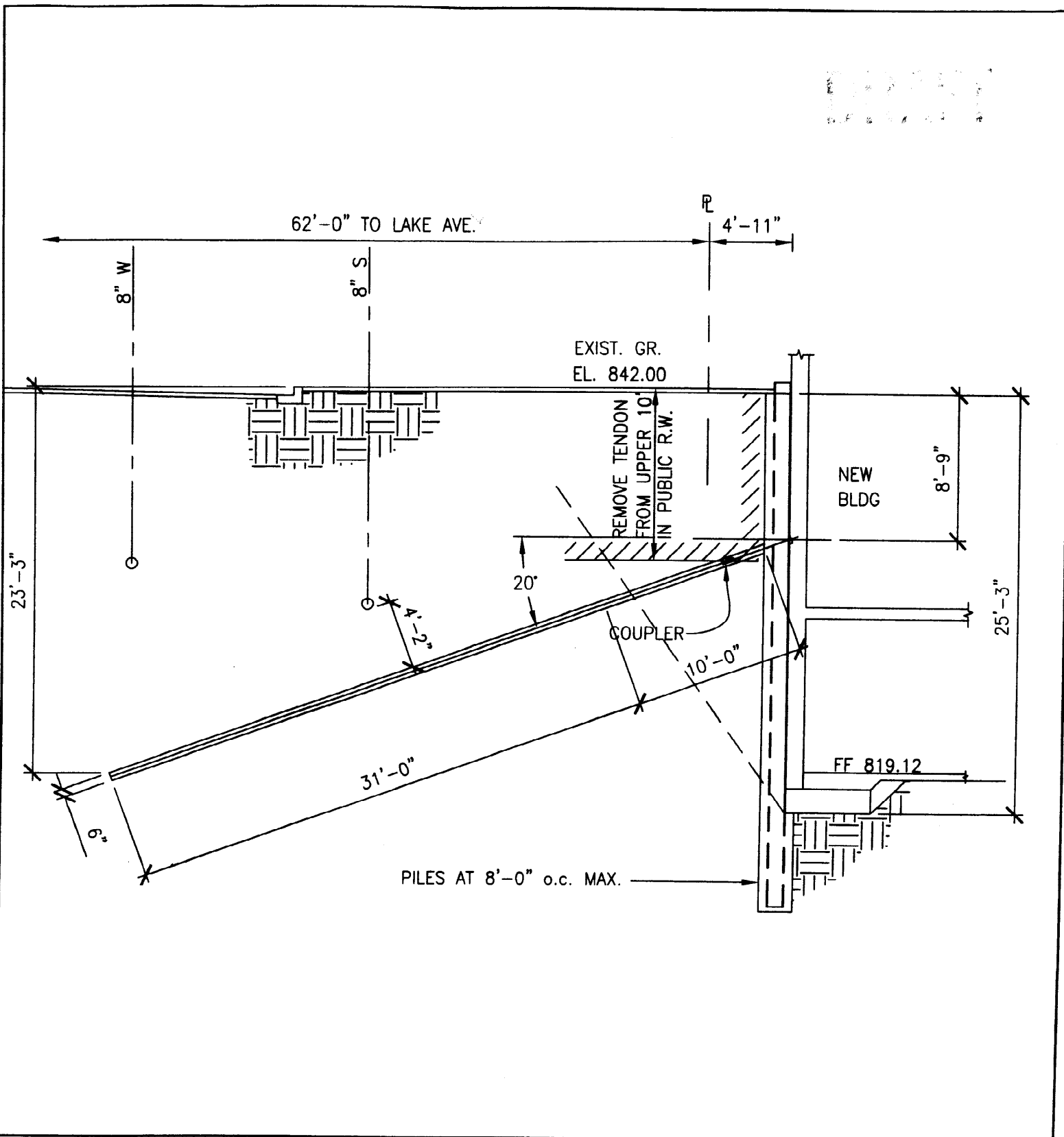
DRAWN BY: PRIVATE
 CHECKED BY: B.L.H.
 SUBMITTED BY: B.L.H.
 FIELD BOOK NO. NONE

**LICENSE AGREEMENT FOR ENCROACHMENT OF TIE-BACKS
 AT 220 NORTH LAKE AVENUE**

APPROVED BY: _____
 CITY ENGINEER

SCALE: 1/8" = 1'
 DATED: 11/4/05
5586
 SHEET 6 OF 7

DATE



CITY OF PASADENA - DEPARTMENT OF PUBLIC WORKS

DRAWN BY: PRIVATE	<p align="center">LICENSE AGREEMENT FOR ENCROACHMENT OF TIE-BACKS AT 220 NORTH LAKE AVENUE</p>	SCALE: 1/8" = 1'
CHECKED BY: B.L.H.		DATED: 11/4/05
SUBMITTED BY: B.L.H.	APPROVED BY:	<p align="center">5586 SHEET 7 OF 7</p>
FIELD BOOK NO. NONE	CITY ENGINEER _____ DATE _____	