

Agenda Report

TO: CITY COUNCIL

DATE: MAY16, 2005

FROM: CITY MANAGER

SUBJECT: APPROVAL OF CITY'S QUITCLAIM OF A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND PUBLIC UTILITY PURPOSES TOGETHER WITH THE RIGHT TO GRANT THE SAME TO OTHERS, AND THE APPROVAL AND ACCEPTANCE OF A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND PUBLIC UTILITY PURPOSES AT 1382 EDGEHILL PLACE TO REPLACE THE NON-EXCLUSIVE EASEMENT TO BE QUITCLAIMED

RECOMMENDATION

It is recommended that the City Council adopt the attached resolution to:

1. Approve the quitclaim of a non-exclusive easement for ingress, egress and public utility purposes together with the right to grant the same to others, at 1382 Edgehill Place;
2. Authorize the City Manager or her designee to execute the Quitclaim Deed for the above mentioned non-exclusive easement; and
3. Approve and accept a non-exclusive easement for ingress, egress and public utility purposes at 1382 Edgehill Place to replace the above mentioned non-exclusive easement to be quitclaimed.

BACKGROUND

John D. McConaghy and Marianna Wood McConaghy, current owners of the subject property, have requested a quitclaim of an existing City non-exclusive easement and replace it with another easement. The replacement easement will reduce the existing variable minimum width of 30 feet to 20 feet and the maximum width of approximately 32 feet to approximately 20 feet at its' west end. The east end of the replacement easement will remain approximately at the same location as the east end of the existing easement. However, the west end of the replacement easement will be approximately 12 feet north of the west end of the existing easement. The length of the replacement easement will remain at approximately 130 feet.

In 1989, the non-exclusive easement for ingress, egress and public utilities, located along the north side of 1382 Edgehill Place, was dedicated to the City to service the residents of 1372, 1374, and 1378 Edgehill Place, and 1336 Inverness Drive. The improvements within the existing easement include a driveway for these four properties which has an existing width of approximately 18.5 feet. It is the intent of the current owners of 1382 Edgehill Place to visually separate the driveway from their property by constructing a variable height curb, a planter area of approximately two feet wide, and a three to four foot high block wall along the south side of the driveway. The driveway will be reconstructed to measure 18 feet in width and its' entrance at the cul-de-sac will be widened from 17 to 18 feet. The north side of the driveway will remain at approximately the same location.

The current owners have also requested a quitclaim of the County easement and replace it with a similar easement. The County's quitclaim and replacement are in the process of being approved by the County's Board of Supervisors.

Based on review by staff, it has been determined that the quitclaim and replacement easement will not adversely impact the County and the residents in the area. Access to and out of the adjacent properties by way of the replacement easement will be maintained. Consequently, it is recommended that the City approve the requested quitclaim and the replacement easement.

The proposed quitclaim and easement documents have been prepared by the Department of Public Works, reviewed by the City Attorney's office and are now ready for approval and acceptance by the City Council. The properties included in the proposed quitclaim and easement are legally described in text and are graphically shown on the attached Department of Public Works Drawing No's. 5432 and 5433, respectively.

FISCAL IMPACT

No revenue will be generated by the approval of the quitclaim and easement dedication. The property owners have paid all costs for preparing and processing the quitclaim and easement dedication.

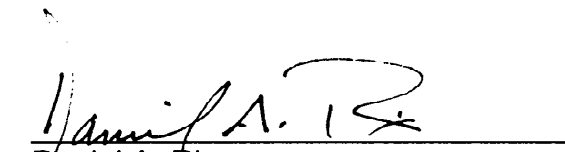
Respectfully submitted,


CYNTHIA J. KURTZ
City Manager

Prepared by:


Bonnie L. Hopkins
Principal Engineer

Reviewed by:


Daniel A. Rix
City Engineer

Approved by:


Martin Pastucha, Director
Department of Public Works

DAR:jo

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA APPROVING THE QUITCLAIM OF A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND PUBLIC UTILITY PURPOSES TOGETHER WITH THE RIGHT TO GRANT THE SAME TO OTHERS, AND APPROVING AND ACCEPTING A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND PUBLIC UTILITY PURPOSES AT 1382 EDGEHILL PLACE TO REPLACE THE NON-EXCLUSIVE EASEMENT TO BE QUITCLAIMED

WHEREAS, the quitclaim of the non-exclusive easement for ingress, egress and public utility purposes together with the right to grant the same to others and the offer of a non-exclusive easement for ingress, egress and public utility purposes to replace the non-exclusive easement to be quitclaimed, are requested by the property owners at 1382 Edgehill Place; and

WHEREAS, both the Department of Public Works and City Attorney's office have reviewed both the proposed quitclaim and easement dedication;

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

1. That the quitclaim, presented herewith, and graphically shown on the Department of Public Works Drawing No. 5432, Sheet 1 of 1, also presented herewith, is approved;
2. That the City Manager or her designee is authorized to sign the Quitclaim Deed on behalf of the City; and

3. That the offered non-exclusive easement to replace the above mentioned non-exclusive easement to be quitclaimed, presented herewith, and graphically shown on the Department of Public Works Drawing No. 5433, Sheet 1 of 1, also presented herewith, is approved and accepted.

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

AYES:

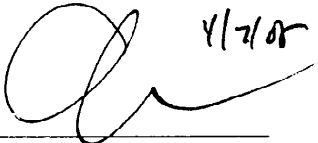
NOES:

ABSENT:

ABSTAIN:

JANE L. RODRIGUEZ, City Clerk

Approved as to form:



Nicholas G. Rodriguez
Assistant City Attorney

RECORDING REQUESTED BY
City of Pasadena

WHEN RECORDED MAIL TO

NAME	City Clerk
MAILING ADDRESS	6 th Floor 117 E. Colorado Boulevard
CITY, STATE ZIP CODE	Pasadena, California 91105

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE
RESOLUTION NO.

QUITCLAIM DEED NO.

FOR VALUABLE CONSIDERATION, THE CITY OF PASADENA, a Municipal Corporation, hereby REMISES, RELEASES, AND FOREVER QUITCLAIMS to JOHN D. McCONAGHY AND MARIANNA WOOD McCONAGHY, as co-trustees or their successors in trust, under the McCONAGHY Family Trust of 1995, dated November 20, 1995, and any amendments thereto, all its right, title and interest in and to that certain easement legally described as "A non-exclusive easement for ingress, egress and public utility purposes together with the right to grant the same to others," and recorded on May 22, 1989, as Instrument No. 89-825427, in the office of the Recorder of the County of Los Angeles, and also as described in the attached Exhibit "A".

EXHIBIT "A"

DATE: _____

CYNTHIA J. KURTZ, City Manager

This is a conveyance of an easement and the Consideration and value is less than \$100, R&T 11911.

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES }

On _____ before me, _____,
personally appeared _____

personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____ (Seal)

(Name, Typed or Printed)

EXHIBIT "A"
LEGAL DESCRIPTION

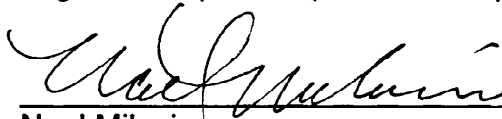
Quitclaim Area of a non-exclusive easement for ingress, egress and public utility purposes together with the right to grant the same to others.

Those portions of Lots 35 and 36 of Tract No. 9505 in the City of Pasadena, County of Los Angeles, State of California as per map recorded in Book 131, pages 11 to 13, inclusive, of Maps in the office of the County Recorder of said County, described as follows:

Beginning at a point in the westerly line of said Lot 36, said point being distant thereon South 30° 00' 00" East 30.65 feet from the northwesterly corner of said Lot 36; said point being a point in the southerly line of the land described in Deed to Flintridge Sacred Heart Academy, recorded in Book 11038, page 217 of Official Records in said office of the County Recorder; thence along said southerly line North 86° 42' 30" East 23.63 feet to the southeasterly corner of said land; thence North 77° 35' 42" East 110.09 feet to a point in the curved westerly line of Edgemoor Place, a public street, 30 feet in width, as shown on said map of Tract No. 9505; said curve concave easterly and having a radius of 35.00 feet; a radial line of said curve at said point bears North 86° 38' 40" West; thence southerly along said curve through a central angle of 51° 36' 02", an arc length of 31.52 feet to a point; a radial line of said curve at said point bears South 41° 45' 18" West; thence South 77° 35' 42" West 128.03 feet to the westerly line of said Lot 36; thence along said westerly line North 30° 00' 00" West 35.40 feet to the Point of Beginning.

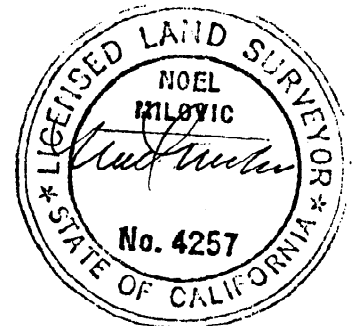
Said Quitclaim Area of "a non-exclusive easement for ingress, egress and public utility purposes together with the right to grant the same to others" is shown on the City of Pasadena Department of Public Works Drawing No. 5432, Sheet 1 of 1, on file in the office of said Department of said City.

Legal Description Checked and Approved:

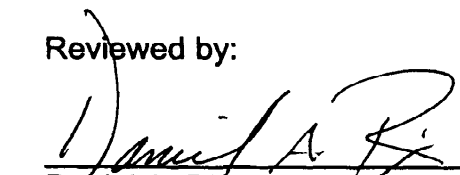

Noel Milovic
L.S. No. 4257

5-25-04
Date
Expires 6-30-2004

(Stamp)



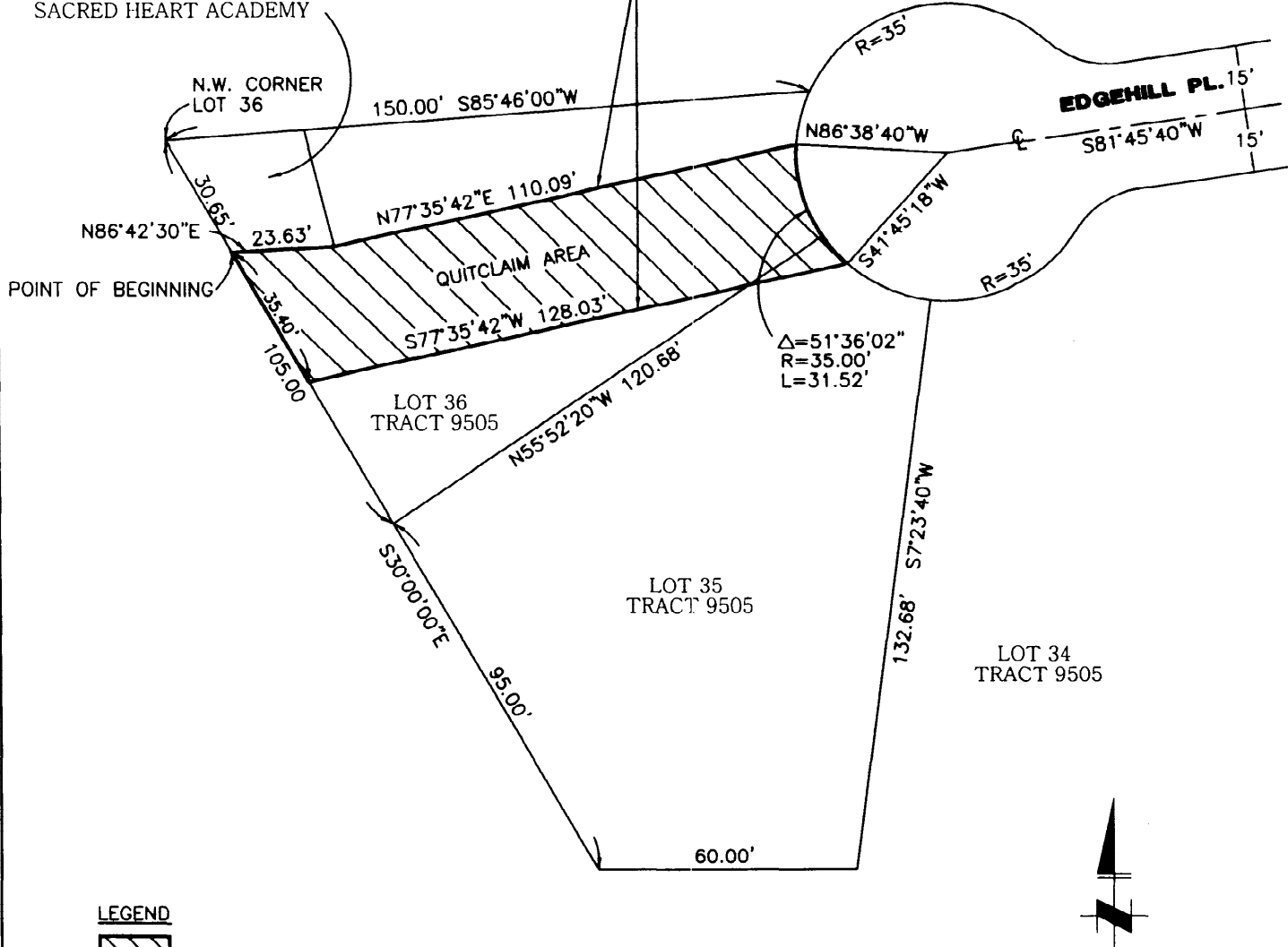
Reviewed by:


Daniel A. Rix
City Engineer

5/2/05
Date

EXISTING NON EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND PUBLIC UTILITY PURPOSES TOGETHER WITH THE RIGHT TO GRANT THE SAME TO OTHERS (AS DESCRIBED IN GRANT OF EASEMENT RECORDED ON MAY 22, 1989 AS INSTRUMENT No. 89-825427. IN THE OFFICE OF THE RECORDER OF THE COUNTY OF LOS ANGELES) TO BE QUITCLAIMED.

EXCEPTED PORTION TO FLINTRIDGE SACRED HEART ACADEMY



LEGEND
 QUITCLAIM AREA

CITY OF PASADENA - DEPARTMENT OF PUBLIC WORKS

DRAWN BY: I.F. CHECKED BY: I.F. SUBMITTED BY: J.O. FIELD BOOK NO. NONE	<p align="center">QUITCLAIM OF EASEMENT 1382 EDGEHILL PLACE</p> <p>APPROVED BY: <i>Janis A. B.</i> CITY ENGINEER</p>	SCALE: 1" = 40' DATED: 6/22/04 5432 SHEET 1 OF 1
	DATE: 5/2/2005	

RECORDING REQUESTED BY
City of Pasadena

WHEN RECORDED MAIL TO

NAME City Clerk
MAILING ADDRESS Room 236, City Hall
100 N. Garfield Avenue
CITY, STATE Pasadena, CA
ZIP CODE 91109-7215

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE
RESOLUTION NO.

GRANT OF EASEMENT

FOR VALUABLE CONSIDERATION, JOHN D. McCONAGHY and MARIANNA WOOD McCONAGHY, as co-trustees or their successors in trust, under the McCONAGHY Family Trust of 1995, dated November 20, 1995, and any amendments thereto, hereby grant to the CITY OF PASADENA, a municipal corporation, and to others acting on behalf of the CITY OF PASADENA, a non-exclusive easement for ingress, egress and public utility purposes, in, over, under, and upon the property as described in the attached Exhibit "B", and hereby grant to the CITY OF PASADENA the right to grant to others solely for the benefit of Parcels 1 to 4, inclusive, of Parcel Map No. 14814, recorded in Book 259, pages 36 to 39, inclusive, of Maps in the office of the County Recorder of the County of Los Angeles, a non-exclusive easement for ingress, egress and public utility purposes, in, over, under and upon the property as described in the attached Exhibit "B".

SEE ATTACHED EXHIBIT "B"

By: McConaghy Family Trust of 1995, dated
November 20, 1995 and any amendments thereto

Date: June 2, 2004

John D. McConaghy, Co-Trustee

Marianna Wood McConaghy, Co-Trustee

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES }

On June 2, 2004 before me, ASHLEY S. HA, Notary Public
personally appeared John D. McConaghy Co-Trustee and Marianna Wood McConaghy, Co-Trustee

~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature [Signature] (Seal)
ASHLEY S. HA
(Name, Typed or Printed)

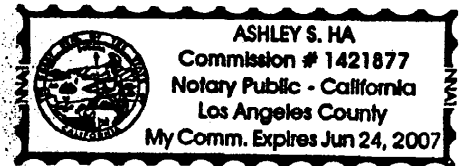


EXHIBIT "B"
LEGAL DESCRIPTION

GRANT OF NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS, AND PUBLIC UTILITY PURPOSES.


A 20.00 FOOT STRIP OVER THOSE PORTIONS OF LOTS 35 AND 36 OF TRACT NO. 9505, IN THE CITY OF PASADENA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 131, PAGES 11 TO 13, INCLUSIVE, OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

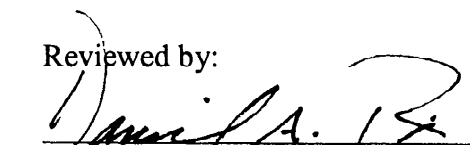
BEGINNING AT A POINT IN THE WESTERLY LINE OF SAID LOT 36, SAID POINT BEING DISTANT THEREON SOUTH 30° 00' 00" EAST 30.65 FEET FROM THE NORTHWESTERLY CORNER OF SAID LOT 36; SAID POINT BEING A POINT IN THE SOUTHERLY LINE OF THE LAND DESCRIBED IN DEED TO FLINTRIDGE SACRED HEART ACADEMY, RECORDED IN BOOK 11038, PAGE 217 OF OFFICIAL RECORDS IN SAID OFFICE OF THE COUNTY RECORDER; THENCE ALONG SAID SOUTHERLY LINE NORTH 86° 45' 30" EAST 23.63 FEET; THENCE NORTH 82° 50' 39" EAST 109.24 FEET TO A POINT IN THE CURVED WESTERLY LINE OF EDGEHILL PLACE, A PUBLIC STREET, 30.00 FEET IN WIDTH, AS SHOWN ON SAID MAP OF TRACT NO. 9505; SAID CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 35.00 FEET; A RADIAL LINE OF SAID CURVE AT SAID POINT BEARS NORTH 76° 45' 44" EAST; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 36° 27' 19" AN ARC LENGTH OF 22.27 FEET TO A POINT; A RADIAL LINE OF SAID CURVE AT SAID POINT BEARS SOUTH 40° 18' 25" WEST; THENCE SOUTH 82° 50' 39" WEST 119.61 FEET; THENCE SOUTH 86° 45' 30" WEST 13.55 FEET TO THE WESTERLY LINE OF SAID LOT 36; THENCE ALONG SAID WESTERLY LINE NORTH 30° 00' 00" WEST 22.40 FEET TO THE POINT OF BEGINNING.

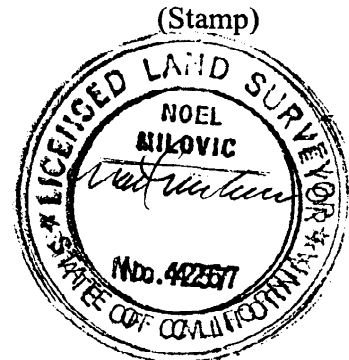
THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS APPROXIMATELY 2,400 SQUARE FEET.

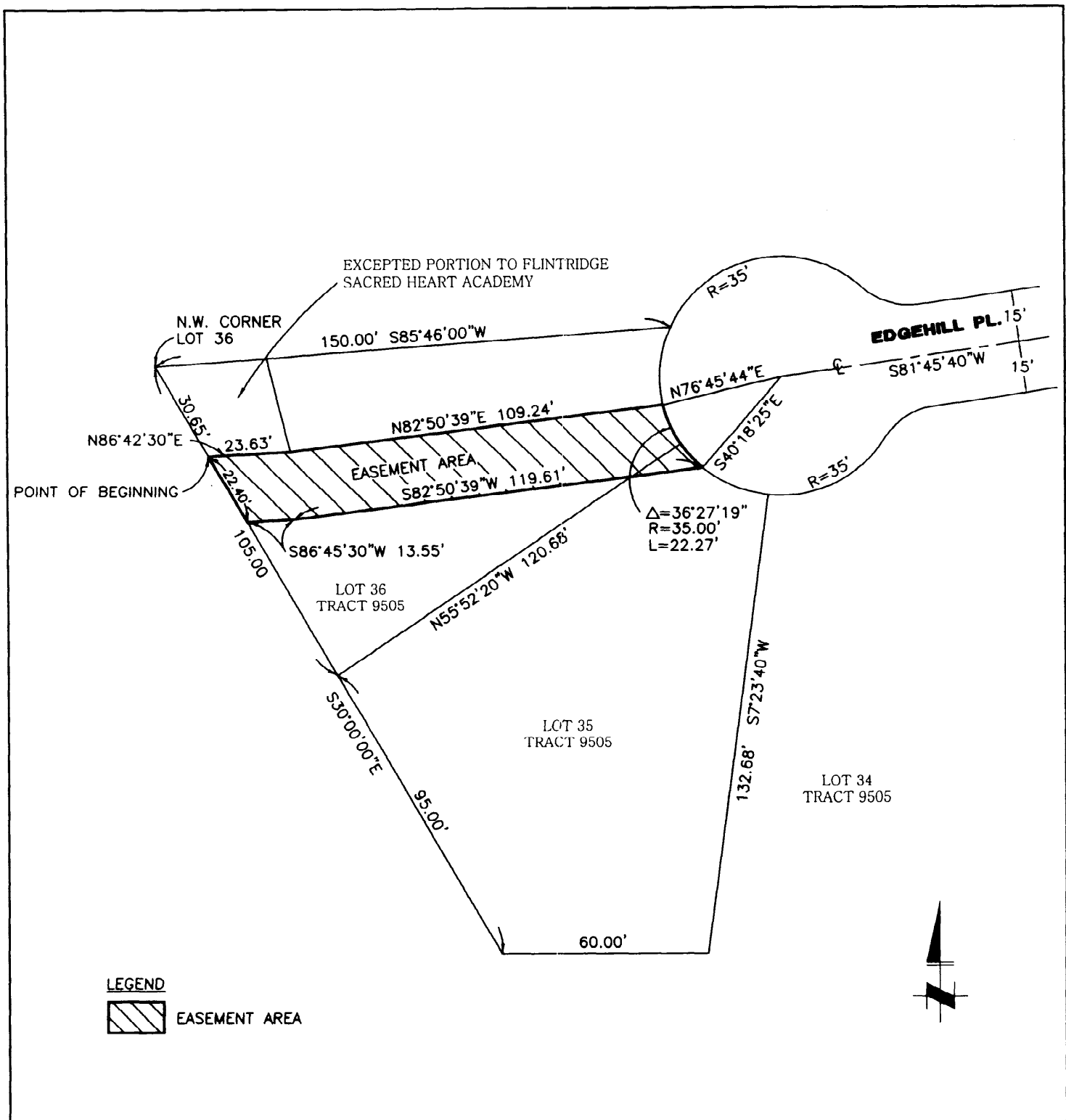
SAID GRANT OF NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS, AND PUBLIC UTILITY PURPOSES ON THE ABOVE DESCRIBED PARCEL OF LAND IS SHOWN ON THE CITY OF PASADENA DEPARTMENT OF PUBLIC WORKS DRAWING NO. 5433, SHEET 1 OF 1, ON FILE IN THE OFFICE OF SAID DEPARTMENT OF SAID CITY.

Legal Description Checked and Approved:


Noel Milovic
L.S. No. 4257
5-25-04
Date
Expires 6-30-2004

Reviewed by:

Daniel A. Rix
City Engineer
5/2/05
Date





CITY OF PASADENA - DEPARTMENT OF PUBLIC WORKS

DRAWN BY: I.F.	GRANT OF EASEMENT 1382 EDGEHILL PLACE	SCALE: 1" = 40'
CHECKED BY: I.F.		DATED: 6/22/04
SUBMITTED BY: J.O.	APPROVED BY: <i>[Signature]</i>	5433 SHEET 1 OF 1
FIELD BOOK NO. NONE	DATE: <i>5/2/2005</i> CITY ENGINEER	