

Agenda Report

TO: CITY COUNCIL **DATE:** February 6, 2006

FROM: CITY MANAGER

SUBJECT: ADOPT A RESOLUTION APPROVING A LICENSE AGREEMENT BETWEEN THE CITY OF PASADENA AND BELLEVUE VENTURES, LLC, FOR THE INSTALLATION OF TIE-BACKS UNDER THE PUBLIC RIGHT-OF-WAY FOR SUBTERRANEAN PARKING ALONG BELLEVUE DRIVE AND ARROYO PARKWAY

RECOMMENDATION

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

1. Adopt the attached resolution approving a License Agreement with Bellevue Ventures, LLC, for property located at 455 South Arroyo Parkway, 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

Bellevue Ventures, LLC ("Licensee"), is the owner of the property located at 455 South Arroyo Parkway. The Licensee is developing a two-story commercial property with three levels of subterranean parking.


The Licensee requests permission to use and occupy a portion of Bellevue Drive and Arroyo Parkway to install tie-backs at a minimum depth of ten 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 by the Licensee 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 demolition permit, and this portion of the project is approximately 40 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. 5616 (Exhibit "B"). All exhibits are attached.

FISCAL IMPACT

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

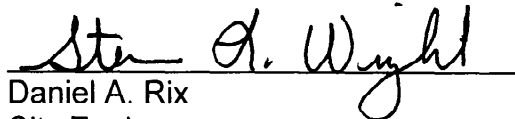
Respectfully submitted,


CYNTHIA J. KURTZ
City Manager


Prepared by:


Bonnie L. Hopkins
Principal Engineer

Reviewed by:

for 
Daniel A. Rix
City Engineer

Approved by:


Martin Pastucha, Director
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 BELLEVUE VENTURES, LLC, FOR THE INSTALLATION OF TIE-BACKS UNDER THE PUBLIC RIGHT-OF-WAY FOR AN UNDERGROUND PARKING STRUCTURE AT 455 SOUTH ARROYO PARKWAY

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 Bellevue Ventures, LLC, to construct a commercial building and subterranean parking structure in a timely manner, it is necessary for Bellevue Ventures, LLC, to use and occupy a portion of Bellevue Drive and Arroyo Parkway install tie-backs under the public right-of-way; and

WHEREAS, Bellevue Ventures, LLC wishes to enter into a License Agreement with the City which protects the public and the public's interests in this matter and the City is willing to enter into such an agreement based upon the protections therein; and

WHEREAS, the License Agreement between Bellevue Ventures, 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 Bellevue Ventures, LLC, permission to install and maintain tie-backs along a portion of Bellevue Drive and Arroyo Parkway in the City of Pasadena, as described on the Legal Description (Exhibit "A") and as shown on the Department of Public Works Drawing No. 5617 (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 _____, 2006, by the following vote:

AYES:


NOES:

ABSENT:

ABSTAIN:

JANE L. RODRIGUEZ, City Clerk

Approved as to form:

 1/20/06

Nicholas G. Rodriguez
Assistant City Attorney



CIVIL ENGINEERING
SURVEYING+MAPPING
LAND DEVELOPMENT

MOLLENHAUER GROUP
CIVIL ENGINEERING, SURVEYING+MAPPING, LAND DEVELOPMENT
601 S. FIGUEROA STREET, Fourth Floor, Los Angeles, California 90017
Phone 213.624.2661 - Fax 213.614.1863

January 20, 2006

**EXHIBIT A
LEGAL DESCRIPTION
FOR THE BACK LICENSE AREA
IN ARROYO PARKWAY**

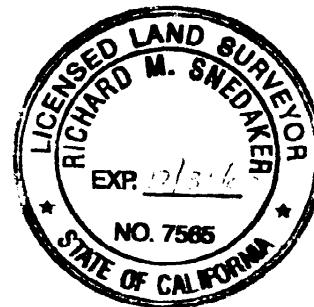
A STRIP OF LAND, 50.00 FOOT WIDE, LYING WITHIN ARROYO PARKWAY, IN THE CITY OF PASADENA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON A MAP FILED IN BOOK 191, PAGE 21 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, THE WESTERLY LINE OF WHICH IS DESCRIBED AS FOLLOWS:

COMMENCING AT INTERSECTION OF THE SOUTHERLY LINE OF BELLEVUE DRIVE (40.00 FEET WIDE FROM THE SOUTHERLY LINE TO THE CENTERLINE OF SAID BELLEVUE DRIVE) AND THE WESTERLY LINE OF ARROYO PARKWAY (50.00 WIDE FROM THE WESTERLY LINE TO THE CENTERLINE OF SAID ARROYO PARKWAY), BOTH AS SHOWN ON SAID MAP; THENCE, ALONG SAID WESTERLY LINE, SOUTH 00°00'31" WEST 6.00 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE, CONTINUING ALONG SAID LINE, SOUTH 00°00' 31" WEST 298.00 FEET.

CONTAINS AN AREA OF 14,900 SQUARE FEET OR 0.34 ACRES.

SEE EXHIBIT B ATTACHED HERETO AND MADE A PART HEREOF.

RICHARD M. SNEDAKER, P.L.S. NO. 7565





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January 20, 2006

EXHIBIT A LEGAL DESCRIPTION FOR TIE BACK LICENSE AREA IN BELLVUE DRIVE

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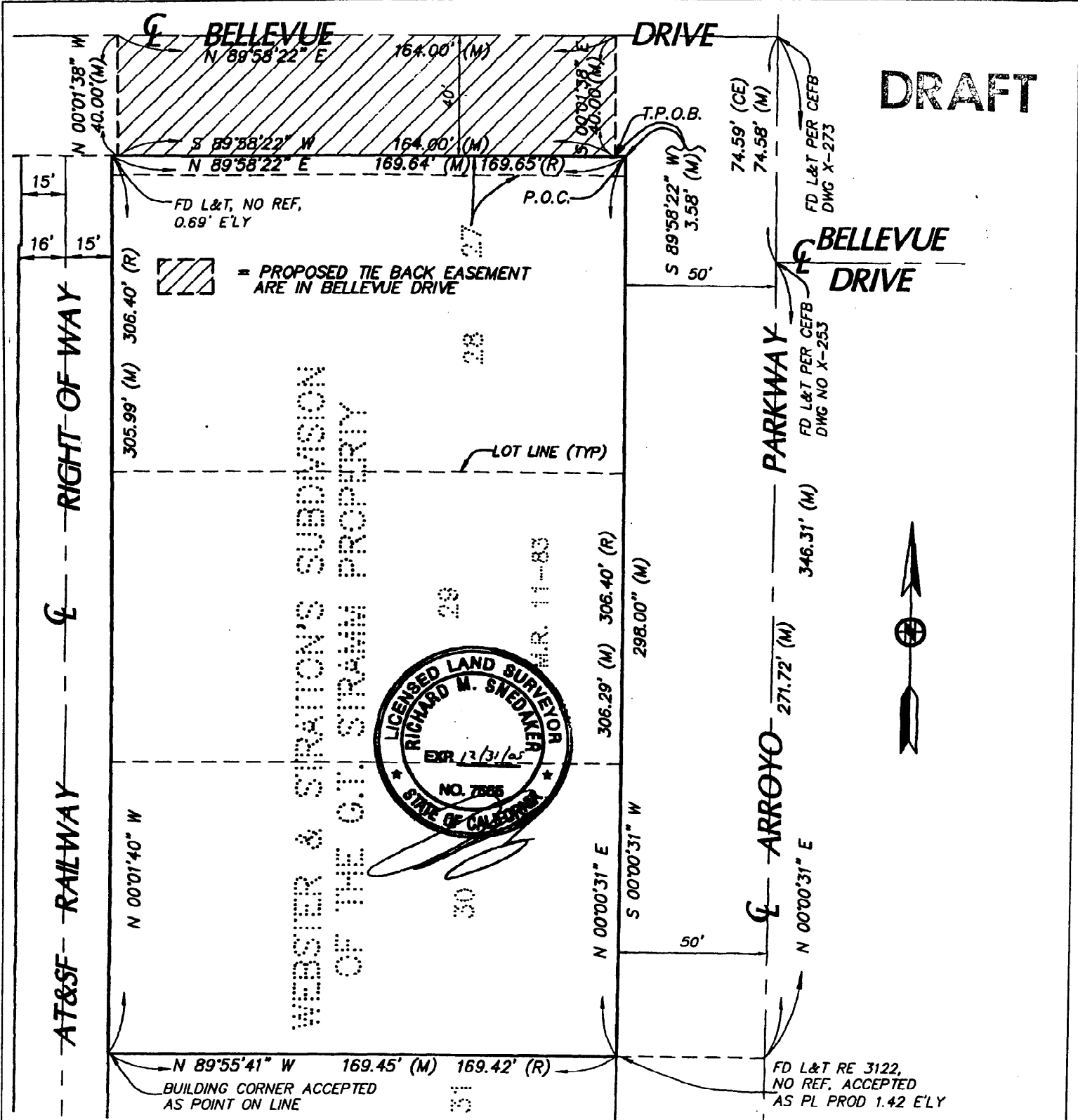
CONTAINS AN AREA OF 6560 SQUARE FEET OR 0.15 ACRES.

SEE EXHIBIT B ATTACHED HERETO AND MADE A PART HEREOF.

RICHARD M. SNEDAKER, P.L.S. NO. 7565



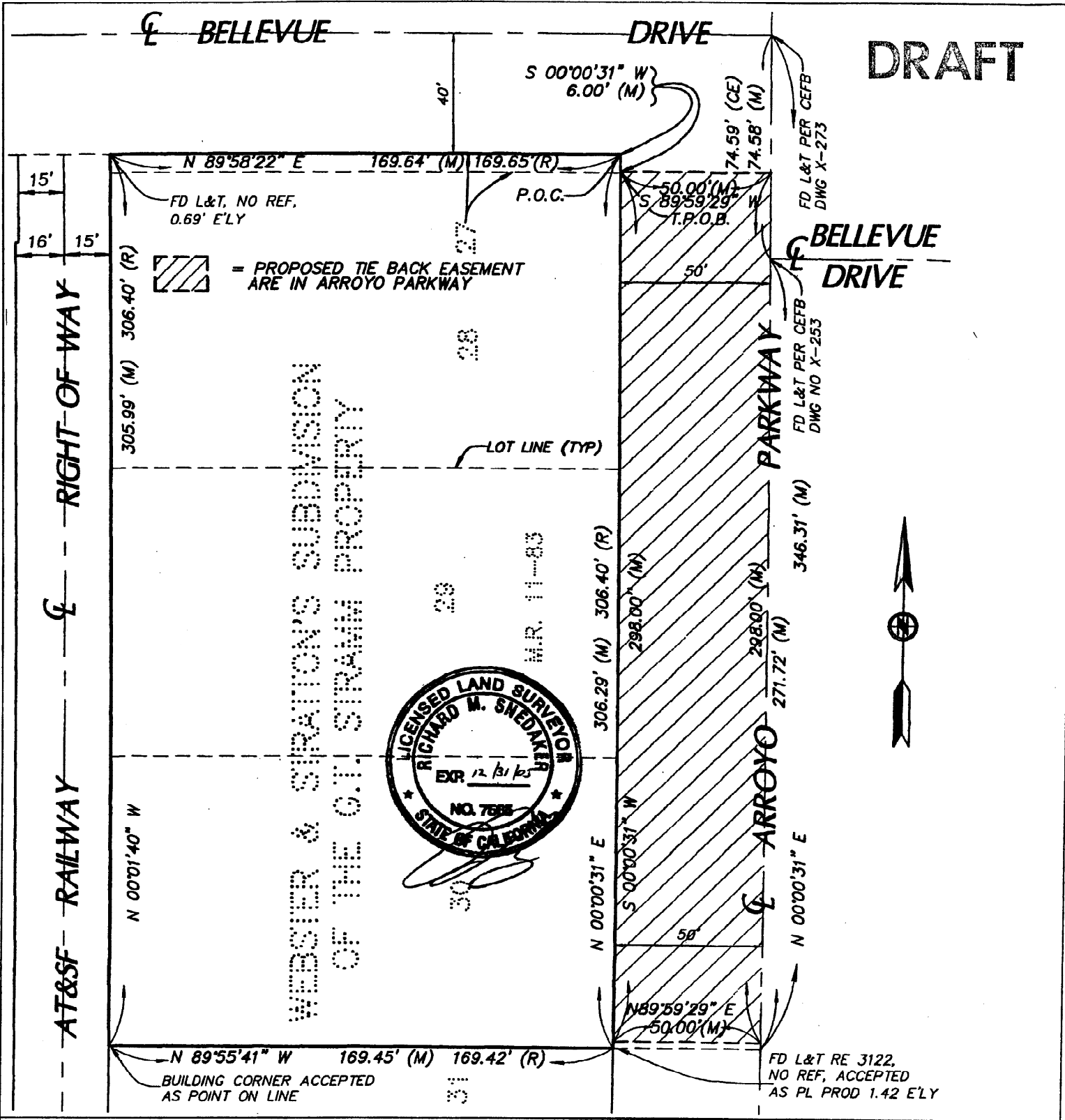
DRAFT



CITY OF PASADENA – DEPARTMENT OF PUBLIC WORKS

DRAWN BY: PRIVATE CHECKED BY: PRIVATE SUBMITTED BY: BLH FIELD BOOK NO. NONE	LICENSE AGREEMENT FOR ENCROACHMENT OF TIE-BACKS AT 455 S. ARROYO PKWY APPROVED BY: _____ CITY ENGINEER	SCALE: NTS DATED: 1/27/2006 5616 SHEET 1 OF 4
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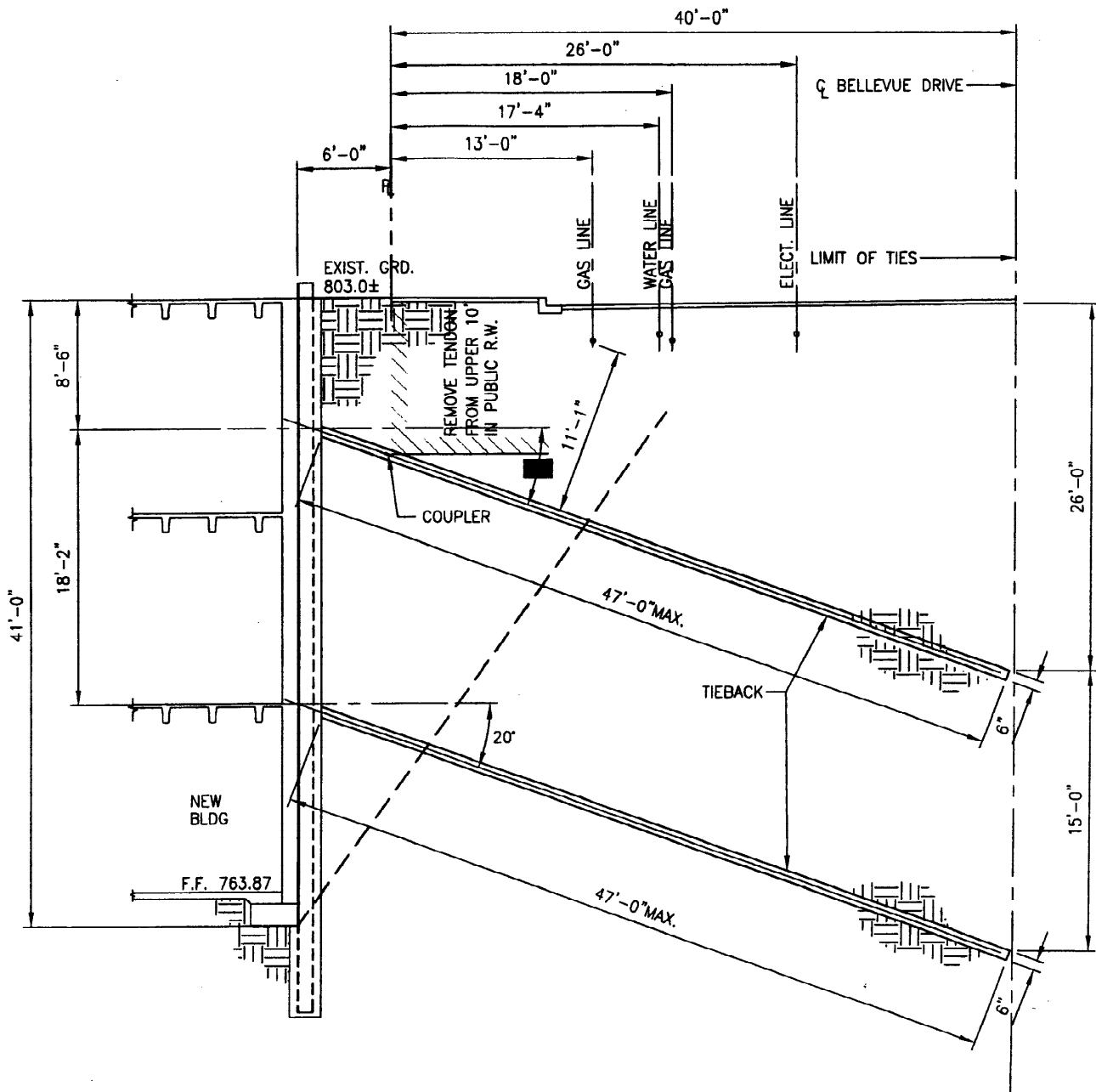
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CITY OF PASADENA - DEPARTMENT OF PUBLIC WORKS

DRAWN BY: PRIVATE	<p align="center">LICENSE AGREEMENT FOR ENCROACHMENT OF TIE-BACKS AT 455 S. ARROYO PKWY</p>	SCALE: NTS
CHECKED BY: PRIVATE		DATED: 1/27/2006
SUBMITTED BY: BLH	APPROVED BY:	<p align="center">5616 SHEET 2 OF 4</p>
FIELD BOOK NO. NONE	<p align="center">CITY ENGINEER</p> <p align="right">DATE</p>	

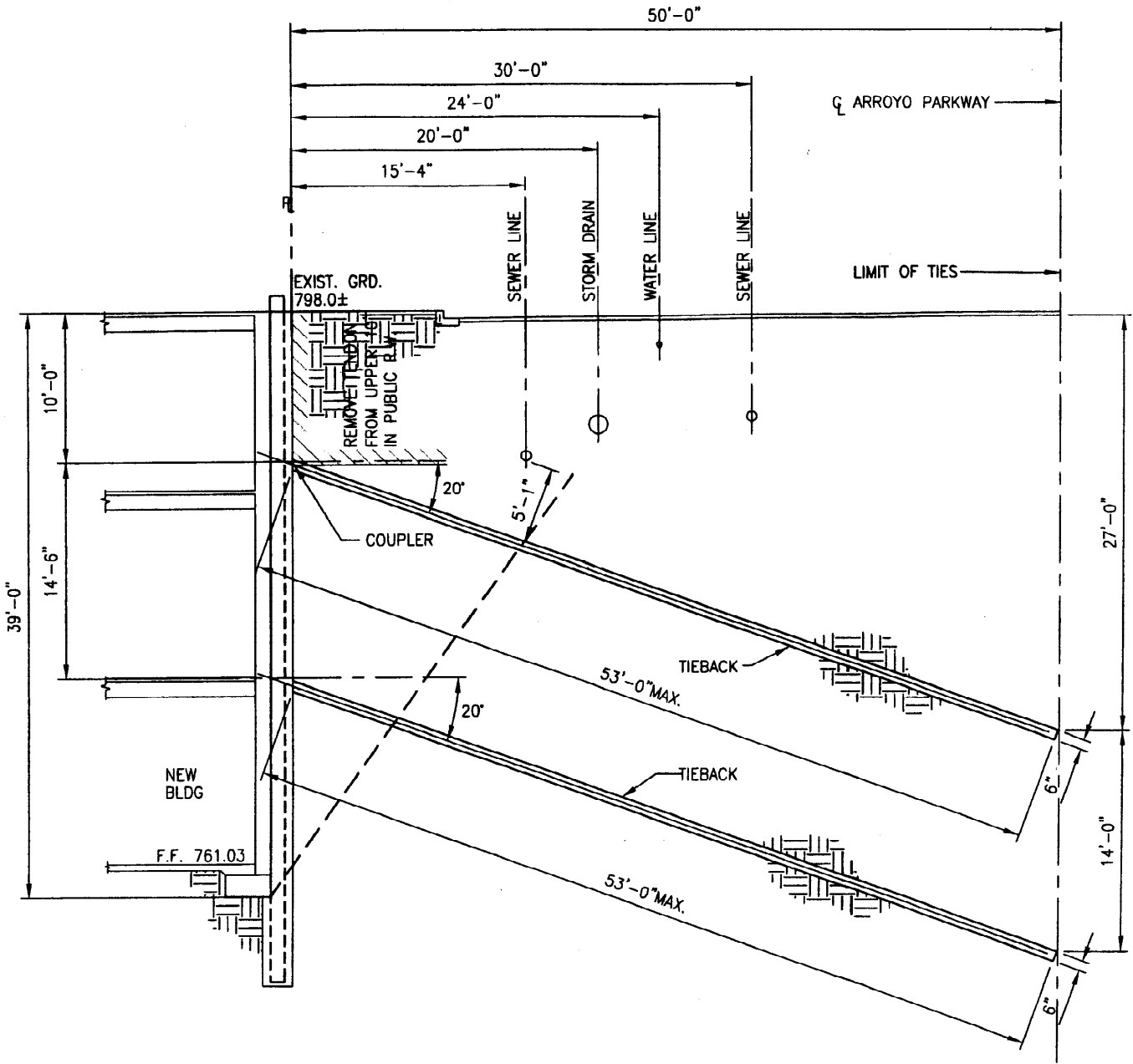
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	DATE	

DRAFT



CITY OF PASADENA – DEPARTMENT OF PUBLIC WORKS

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	DATE _____	