



# Agenda Report

**TO:** CITY COUNCIL

**DATE:** February 5, 2007

**FROM:** CITY MANAGER

**SUBJECT:** ADOPT A RESOLUTION APPROVING A LICENSE AGREEMENT BETWEEN THE CITY OF PASADENA AND WREC SAN PASQUAL, LLC, FOR THE INSTALLATION OF TIE-BACKS UNDER THE PUBLIC RIGHT-OF-WAY FOR A SUBTERRANEAN PARKING STRUCTURE ALONG SAN PASQUAL STREET AT 950 SAN PASQUAL STREET

## **RECOMMENDATION**

It is recommended that the City Council:

1. Adopt the attached resolution approving a License Agreement with WREC San Pasqual, LLC, for property located at 950 San Pasqual Street, with terms and conditions as set forth in the background section of this report; and
2. Authorize the City Manager to execute and the City Clerk to attest said License Agreement on behalf of the City of Pasadena.

## **BACKGROUND**

WREC San Pasqual, LLC, ("Licensee") is the owner of the property located at 950 San Pasqual Street. The Licensee is developing a five-story residential building that will include 72 condominium units, three work/live units, and three levels of subterranean parking. Two levels of the subterranean parking will replace the surface parking spaces that currently exist at the site which are used for the Shops on Lake. The third level will be for residential parking.

The Licensee requests permission to use and occupy a portion of San Pasqual Street to install tie-backs 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 and the removal of

any portion of the tie-backs that are located within 10 feet of the surface of the public right-of-way. The License Agreement also sets forth 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 foundation permit. No work has been started at this time.

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. 5696 (Exhibit "B"). All exhibits are attached.

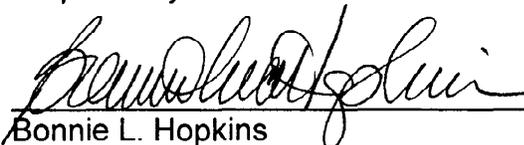
**FISCAL IMPACT**

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

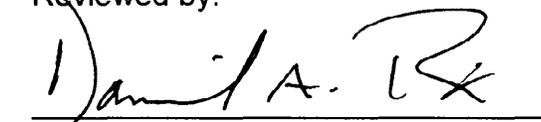
Respectfully submitted,

  
CYNTHIA J. KURTZ  
City Manager

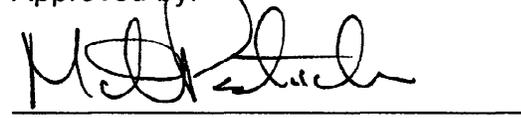
Prepared by:

  
Bonnie L. Hopkins  
Principal Engineer

Reviewed by:

  
Daniel A. Rix  
City Engineer

Approved by:

  
Martin Pastucha, Director  
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 WREC SAN PASQUAL, LLC, FOR THE INSTALLATION OF TIE-BACKS UNDER THE PUBLIC RIGHT-OF-WAY FOR AN UNDERGROUND PARKING STRUCTURE AT 950 SAN PASQUAL**

**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 WREC San Pasqual, LLC, to construct a residential building and subterranean parking structure in a timely manner, it is necessary for WREC San Pasqual, LLC, to use and occupy a portion of San Pasqual Street to install tie-backs under the public right-of-way; and

WHEREAS, WREC San Pasqual, 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 WREC San Pasqual, LLC, and the City sets for the terms of automatic termination once the subsurface improvements are no longer needed.

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

1. The License Agreement granting WREC San Pasqual, LLC, permission to install and maintain tie-backs along a portion of San Pasqual Street in the City of Pasadena, as described on the Legal Description (Exhibit "A") and as shown on the Department of Public Works Drawing No. 5696 (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 \_\_\_\_\_, 2007, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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JANE L. RODRIGUEZ, City Clerk

Approved as to form:



A handwritten signature in black ink, appearing to be 'N. Rodriguez', is written over a horizontal line. To the right of the signature, the date '1/21/07' is handwritten.

Nicholas G. Rodriguez  
Assistant City Attorney

10-1101-01 (A)  
05-03-05

## EXHIBIT "A"

### LICENSE AGREEMENT FOR THE INSTALLATION OF TEMPORARY TIEBACKS AND SOLDIER BEAMS IN THE CITY OF PASADENA

That portion of San Pasqual Street, in the City of Pasadena, County of Los Angeles, State of California, as shown on Tract No. 40414 as shown on the map filed in Book 983, Pages 63 and 64, inclusive, of Maps, in the office of the County Recorder of said County described as follows:

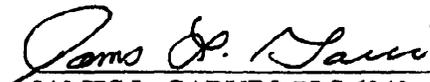
A strip of land, 35.00 feet wide, the Southerly line of which is described as follows:

Commencing at the Northeast Corner of the Granite Drive Tract as shown on the map filed in Book 7, Page 96 of Maps, in the office of said County Recorder, as said corner is shown on said Tract No. 40414; thence along the Easterly prolongation of the Northerly line of said Granite Drive Tract and the Southerly right-of-way line of San Pasqual Street North 89°59'27" East 5.00 feet to the TRUE POINT OF BEGINNING; thence continuing along said Easterly prolongation and said Southerly right-of-way line North 89°59'27" East 175.33 feet.

Containing an area of 0.141 acres, more or less.

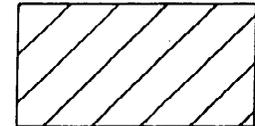
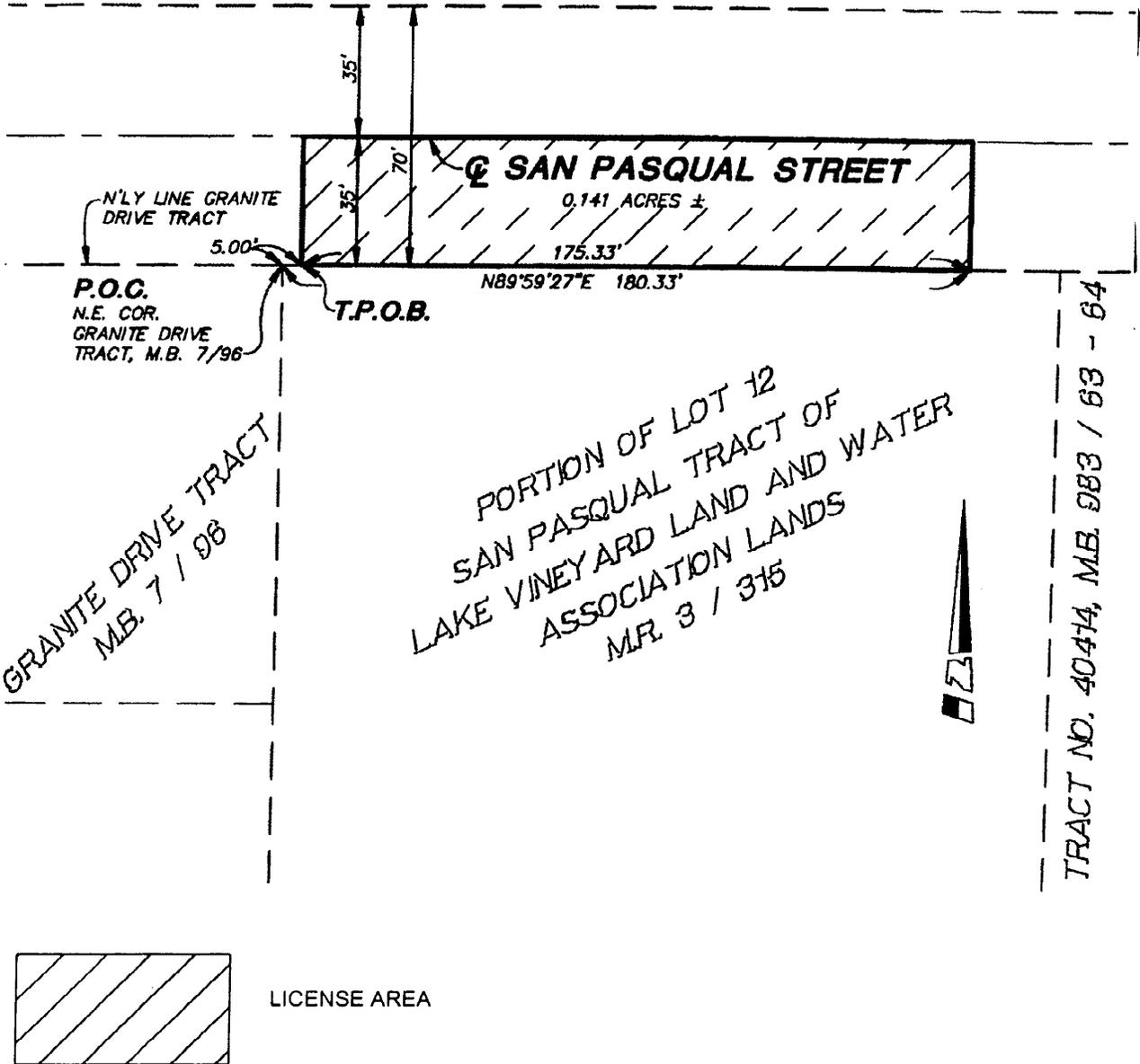
Subject to the covenants, conditions, reservations, restrictions, rights of way and easements, if any, of record.

All as shown on Exhibit "B" attached hereto and made a part hereof.

  
\_\_\_\_\_  
JAMES L. GARVIN, PLS 6343



# EXHIBIT 'B'

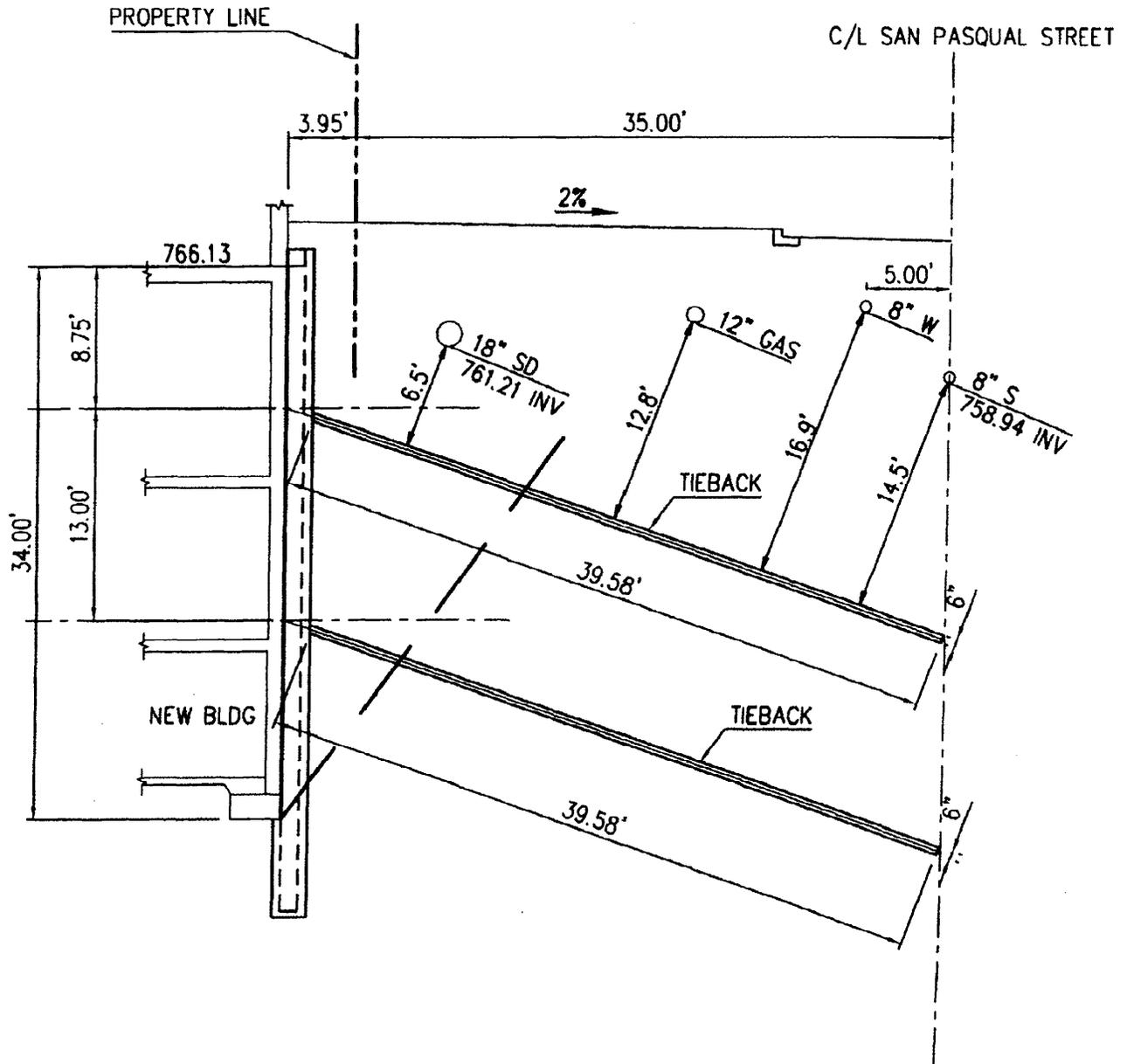


LICENSE AREA

## CITY OF PASADENA – DEPARTMENT OF PUBLIC WORKS

DRAWN BY: CM CHECKED BY: BH SUBMITTED BY: BH FIELD BOOK NO. NONE	LICENSE AGREEMENT FOR ENCROACHMENT OF TIE-BACKS AT 950 SAN PASQUAL STREET APPROVED BY:	SCALE: NTS DATED: 1/25/07 <b>5696</b> SHEET 1 OF 2
	CITY ENGINEER	DATE

# EXHIBIT 'B'



## CITY OF PASADENA — DEPARTMENT OF PUBLIC WORKS

DRAWN BY: CM	LICENSE AGREEMENT FOR ENCROACHMENT OF TIE-BACKS AT 950 SAN PASQUAL STREET	SCALE: NTS
CHECKED BY: BH		DATED: 1/25/07
SUBMITTED BY: BH	APPROVED BY:	5696 SHEET 2 OF 2
FIELD BOOK NO. NONE	CITY ENGINEER _____ DATE _____	