

Agenda Report

May 19, 2008

To: City Council

From: City Manager

Subject: Approve Quitclaim of City's Easement at Foothill/Rosemead Shopping Center for Water Utility Purposes

RECOMMENDATION:

It is recommended that, based upon the information herein, the City Council:

- (i) Approve the City's Quitclaim to release and terminate the City of Pasadena's (City) water line easement on the prescribed real property located in the County of Los Angeles, State of California, being that portion of the land described in the document entitled "Grant of Easement", as recorded in Book 48713, page 126 of official records, in the office of the County Recorder of said County commonly known as Foothill/Rosemead Shopping Center.
- (ii) Authorize the City Manager or his designee to execute and record with the County Recorder the quitclaim deed on behalf of the City.

BACKGROUND:

The current property owner of Foothill/Rosemead Shopping Center has requested that Pasadena Water and Power (PWP) relocate a portion of its water main in the said easement to allow for realignment of an existing water main. PWP has relocated the water main at owner expense.

A new 20-foot wide easement has been granted to the City along the new alignment. The grant documents were prepared by a civil engineering consultant, Development Resource Consultants, Inc. (Consultant), checked and approved by staff, and recorded with the County Recorder. PWP's General Manager signed the certificate of acceptance on behalf of the City.

The current property owner is also requesting the City to quitclaim the City's interest in the portion of the easement that is no longer being used. PWP has reviewed the request and has determined that this portion of the easement is no longer needed for the purpose for which it was acquired and the owner has granted a new easement of equivalent value in exchange.

Pursuant to the surplus property ordinance (Pasadena Municipal Code, Chapter 4.02), this water main easement is considered "surplus" property exempt from competitive sale requirements:

"4.02.040 Sales not subject to this chapter

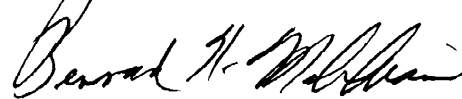
B. Quitclaim or other releases of any real or apparent interest of the City made for the purpose of clearing title to real property owned by others, upon payment of a consideration reasonably equal to the City's presumed interest and costs of conveyance"

Staff's recommendation to approve this quitclaim represents the relinquishment of an interest in property in exchange for another easement of equivalent value in the same property. The proposed quitclaim documents were prepared by the Consultant, and approved by PWP, reviewed by the City Attorney's office, and are now submitted for City Council authorization and execution by the City Manager or his designee.

FISCAL IMPACT:

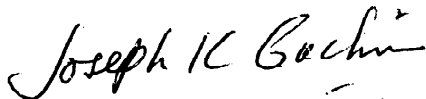
No revenue will be expended or generated by the approval of this quitclaim. The property owner of Foothill/Rosemead Shopping Center has paid for preparation and processing of all necessary documents.

Respectfully submitted,



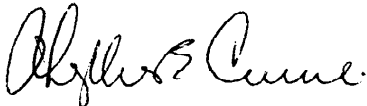
Bernard K. Melekian
City Manager

Prepared by:



Joseph K. Gachiri
Principal Engineer
Water and Power Department

Approved by:



Phyllis E. Currie
General Manager
Water and Power Department

THIS DOCUMENT IS EXEMPT FROM
DOCUMENTARY TRANSFER TAX
(REVENUE & TAXATION CODE SECTION 11922)

RECORDING REQUESTED BY

WHEN RECORDED MAIL TO

NAME City of Pasadena

ADDRESS City Clerk
100 North Garfield Avenue, Room S-228, City Hall
City of Pasadena, CA 91109

QUITCLAIM DEED NO. _____

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, City of Pasadena, a municipal corporation, as approved by the City Council on _____, hereby remises, releases and forever quitclaims to Foothill/Rosemead Shopping Center the City water line easement on the following described real property in the County of Los Angeles, State of California:

Water line easement on the real property located in the County of Los Angeles, State of California, being that portion of the land described in the document entitled "Grant of Easement" as recorded in Book 48713, page 126 of official records, in the office of the County Recorder of said County commonly known as Foothill/Rosemead Shopping Center, more particularly described in Attachment "A" hereto.

Dated _____

City Manager

City of Pasadena

STATE OF CALIFORNIA
COUNTY OF _____ } S.S.

On _____ before me, _____,
(here insert name and title of the officer) personally appeared _____

_____ 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 _____

EXHIBIT "A"
LEGAL DESCRIPTION
WATER LINE VACATION

IN THE CITY OF PASADENA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, BEING THAT PORTION OF THE LAND DESCRIBED IN THE DOCUMENT ENTITLED "GRANT OF EASEMENT", RECORDED AUGUST 19, 1955 IN BOOK 48713, PAGE 126 OF OFFICIAL RECORDS, LYING NORTHWESTERLY AND NORTHEASTERLY, RESPECTIVELY OF THE FOLLOWING DESCRIBED LINES:

LINE A:

BEGINNING AT STATION SEVEN (7) AS CALLED OUT IN SAID DOCUMENT; THENCE ALONG THE NORTHEASTERLY LINE OF SAID LAND, SOUTH 62°40'53" EAST, 232.00 FEET TO THE POINT OF INTERSECTION WITH THE NORTHEASTERLY PROLONGATION OF THE LINE SEGMENT SHOWN IN SAID DOCUMENT AS "SOUTH 27°19'07" WEST 25.00 FEET" AND THE **TRUE POINT OF BEGINNING**; THENCE ALONG SAID NORTHEASTERLY PROLONGATION, SOUTH 27°19'07" WEST, 55.01 FEET TO THE NORTHEASTERLY TERMINUS OF SAID LINE.

LINE B:

BEGINNING AT STATION SEVEN (7) AS CALLED OUT IN SAID DOCUMENT; THENCE ALONG THE NORTHWESTERLY LINE OF SAID LAND, SOUTH 27°19'07" WEST, 204.54 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE LEAVING SAID NORTHWESTERLY LINE, SOUTH 62°40'53 EAST, 32.00 FEET TO THE NORTHEASTERLY LINE OF SAID LAND.

ALL AS MORE PARTICULARLY SHOWN ON EXHIBIT "B", ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

SUBJECT TO ALL COVENANTS, RIGHTS, RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

THIS DESCRIPTION WAS PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT.



PASCAL R. APOTHELOZ, P.L.S. 7734
REGISTRATION EXPIRES 12/31/07

8-14-07

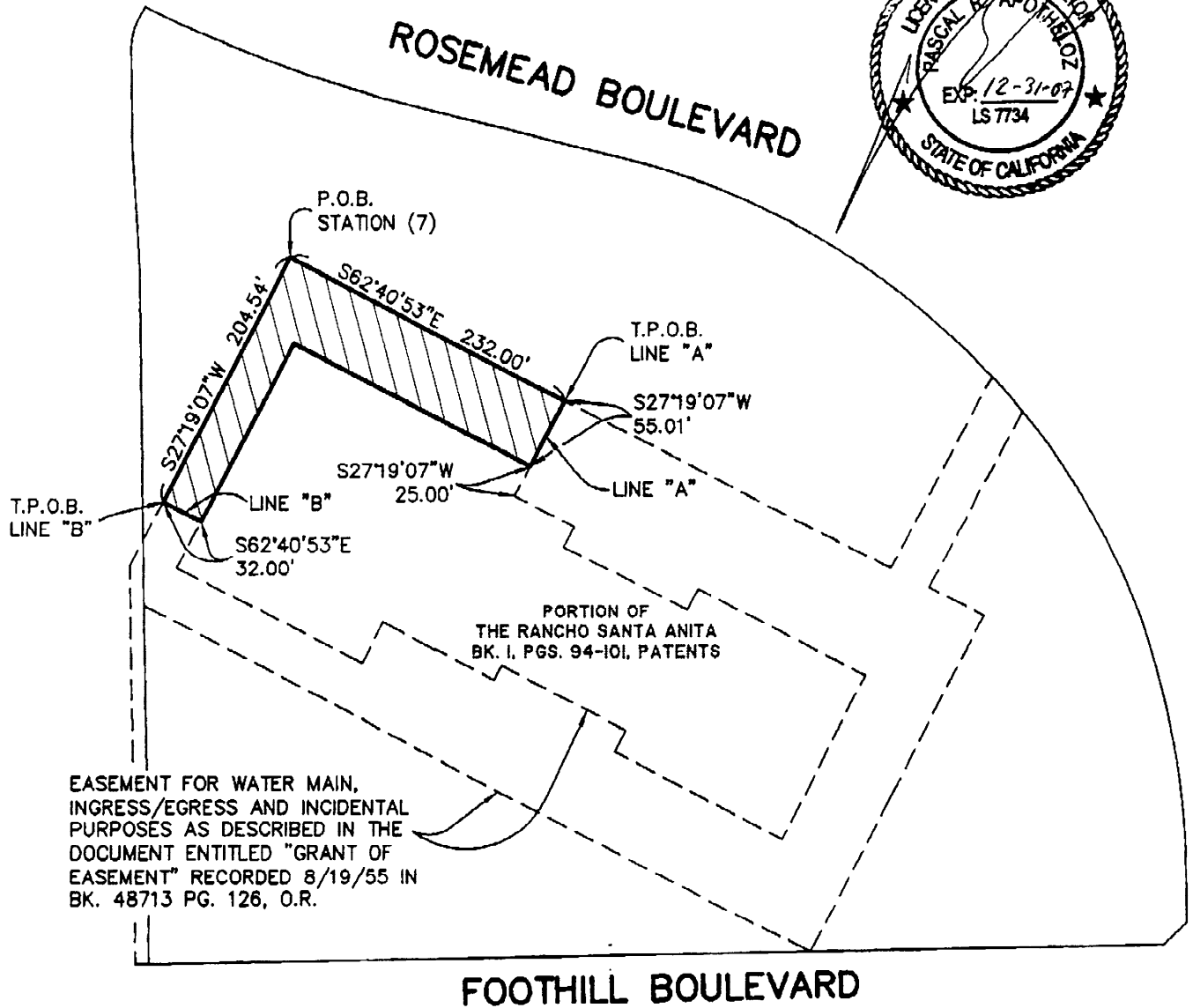
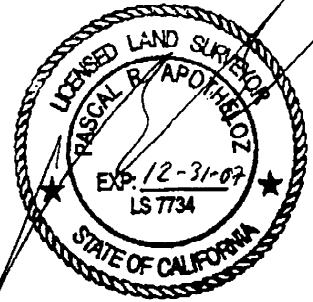
DATE



EXHIBIT "B"

SHEET 1 OF 1

PLAT TO ACCOMPANY LEGAL DESCRIPTION FOR EXHIBIT "A"



EASEMENT FOR WATER MAIN, INGRESS/EGRESS AND INCIDENTAL PURPOSES AS DESCRIBED IN THE DOCUMENT ENTITLED "GRANT OF EASEMENT" RECORDED 8/19/55 IN BK. 48713 PG. 126, O.R.

FOOTHILL BOULEVARD



SCALE: 1"=120'



INDICATES EASEMENT AREA BEING VACATED

LEGEND

- EXISTING LOT LINE
- VACATION LIMITS

WATER LINE VACATION
PASADENA, CALIFORNIA

DRC Development Resource Consultants, Inc.
Civil Engineering - Land Surveying - Environmental
1701 RIMPAU AVENUE, SUITE 101
CORDONA, CA 92081 (951) 737-1570

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Pages:
007



Recorded/Filed in Official Records
Recorder's Office, Los Angeles County,
California

Fee: 0.00

Tax: 0.00

Other: 21.00

Total: 21.00

04/23/08 AT 03:56PM

1881109 200804230040073 Counter

TITLE(S) :



Assessor's Identification Number (AIN)

To be completed by Examiner OR Title Company in black ink.

Number of AIN's Shown

RECORDING REQUESTED BY
City of Pasadena

WHEN RECORDED MAIL TO

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



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

GRANT OF EASEMENT

FOR VALUABLE CONSIDERATION, KFT ENTERPRISES No. 2 LP, Does hereby GRANT to the CITY OF PASADENA, a municipal corporation, its successors and assigns, an easement to locate, construct, maintain, replace, repair, and use, or cause to be located, constructed, reconstructed, maintained, repaired, replaced, and used for water pipes and ingress and egress purposes, together with reasonable rights of access in, over, under, upon, and to the following described property;
This is a conveyance of an easement (Oil and Gas Lease) and the consideration and value is less than \$100,000, R&T 11911.
SEE ATTACHED EXHIBIT "A", EXHIBIT "B"

By: KFT ENTERPRISES No. 2 LP

Date: April 11, 2008

By: [Signature]

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES }

DOCUMENTARY TRANSFER TAX \$ COUNTY \$ 0 CITY \$ _____

COMPUTED ON FULL VALUE OF PROPERTY CONVEYED
OR COMPUTED ON FULL VALUE LESS LIENS AND
ENCUMBRANCES REMAINING AT TIME OF SALE.

UNINCORPORATED AREA
CITY OF _____
[Signature]
Signature of Declarant or Agent determining tax. Firm Name

On _____ before me, _____,
personally appeared _____,

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.

Attached.

WITNESS my hand and official seal.

Signature _____ (Seal)

(Name, Typed or Printed)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Los Angeles

On April 11, 2008 before me, Marsha Yvonne Salazar, Notary Public

personally appeared Mark Kaplan

who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Place Notary Seal Above

Signature [Handwritten Signature]

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

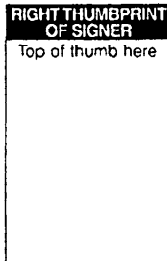
Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

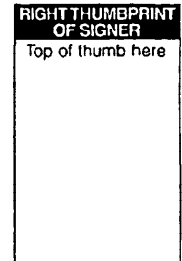
- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

EXHIBIT "A"
LEGAL DESCRIPTION
WATER LINE EASEMENT

IN THE CITY OF PASADENA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, BEING THAT PORTION OF THE RANCHO SANTA ANITA AS PER MAP FILED IN BOOK 1 PAGES 94 THROUGH 101, INCLUSIVE OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

STRIP A:

A STRIP OF LAND, 20.00 FEET IN WIDTH, LYING 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT STATION SEVEN (7) AS CALLED OUT IN THE DOCUMENT ENTITLED "GRANT OF EASEMENT", RECORDED AUGUST 19, 1955 IN BOOK 48713 PAGE 126, OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG THE NORTHEASTERLY LINE OF SAID EASEMENT, SOUTH 62°40'49" EAST, 244.51 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE LEAVING SAID NORTHEASTERLY LINE NORTH 27°20'38" EAST, 102.53 FEET; THENCE NORTH 15°14'37" EAST, 15.61 FEET TO **POINT "A"**; THENCE CONTINUING NORTH 15°14'37" EAST, 8.13 FEET; THENCE NORTH 74°45'23" WEST, 210.00 FEET TO **POINT "B"**; THENCE CONTINUING NORTH 74°45'23" WEST, 31.08 FEET; THENCE SOUTH 26°29'37" WEST, 87.30 FEET; THENCE NORTH 86°00'23" WEST, 68.95 FEET; THENCE SOUTH 03°59'37" WEST, 131.07 FEET; THENCE SOUTH 26°29'37" WEST, 30.12 FEET; THENCE SOUTH 03°59'37" WEST, 38.06 FEET TO **POINT "C"**.

EXCEPTING THEREFROM THAT PORTION LYING WITHIN SAID "GRANT OF EASEMENT", BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT SAID **POINT "C"**; THENCE NORTH 86°00'23" WEST, 10.00 FEET TO THE NORTHWESTERLY LINE OF SAID "GRANT OF EASEMENT"; THENCE ALONG SAID NORTHWESTERLY LINE, NORTH 27°19'07" EAST, 24.13 FEET; THENCE LEAVING SAID NORTHWESTERLY LINE, SOUTH 62°40'53" EAST, 11.37 FEET TO THE EASTERLY LINE OF THE HEREINABOVE DESCRIBED STRIP "A"; THENCE ALONG SAID EASTERLY LINE, SOUTH 03°59'37" WEST, 17.66 FEET; THENCE NORTH 86°00'23" WEST, 10.00 FEET TO THE **POINT OF BEGINNING**.

THE SIDELINES OF SAID STRIP "A" SHALL BE PROLONGED OR SHORTENED AS TO ORIGINATE ON THE NORTHEASTERLY LINE OF SAID "GRANT OF EASEMENT".

STRIP B:

A STRIP OF LAND, 36.00 FEET IN WIDTH, LYING 18.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT SAID **POINT "A"**; THENCE SOUTH 74°45'23" EAST, 25.70 FEET.

STRIP C:

A STRIP OF LAND, 20.00 FEET IN WIDTH, LYING 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT SAID **POINT "B"**; THENCE NORTH 15°14'37" EAST, 58.96 FEET TO THE

SOUTHERLY RIGHT-OF-WAY OF ROSEMEAD BOULEVARD.

THE SIDELINES OF SAID STRIP SHALL BE PROLONGED OR SHORTENED AS TO TERMINATE NORTHERLY ON THE SOUTHERLY RIGHT-OF-WAY LINE OF ROSEMEAD BOULEVARD.

ALL AS MORE PARTICULARLY SHOWN ON EXHIBIT "B", ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

SUBJECT TO ALL COVENANTS, RIGHTS, RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

THIS DESCRIPTION WAS PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT.

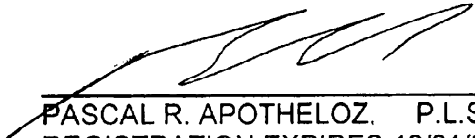

PASCAL R. APOTHELOZ, P.L.S. 7734
REGISTRATION EXPIRES 12/31/09
DATE PREPARED 08/14/2007



EXHIBIT "B"

PLAT TO ACCOMPANY LEGAL DESCRIPTION FOR EXHIBIT "A"

ROSEMEAD BOULEVARD

STRIP C

STRIP A

STRIP B

P.O.B.
STATION (7)

POINT "B"

POINT "A"

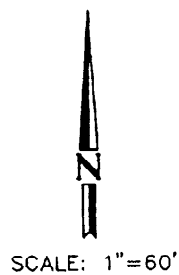
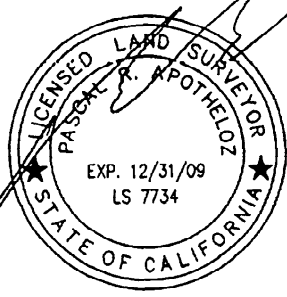
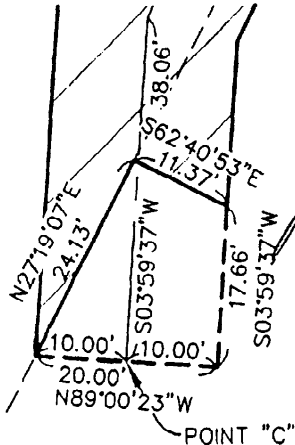
T.P.O.B.

EASEMENT FOR WATER MAIN,
INGRESS/EGRESS AND INCIDENTAL
PURPOSES AS DESCRIBED IN THE
DOCUMENT ENTITLED "GRANT OF
EASEMENT" RECORDED 8/19/55 IN
BK. 48713 PG. 126, O.R.

PORTION OF
THE RANCHO SANTA ANITA
BK. 1, PGS. 94-101, PATENTS

S26°29'37"W
30.12'
S03°59'37"W
38.06'
SEE DETAIL
BELOW
POINT "C"

DETAIL
N.T.S.



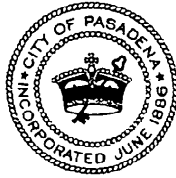
LEGEND

- EXISTING LOT LINE
- EASEMENT LIMITS
- EXCEPTION LIMITS
- CENTERLINE
- INDICATES EASEMENT LIMITS

WATER LINE EASEMENT
PASADENA, CALIFORNIA

DRC Development Resource Consultants, Inc.
Civil Engineering • Land Surveying • Environmental
1701 RIMPAU AVENUE, SUITE 101
CORONA, CA 92881 (951) 737-1570

1/23/2007 12:23:20 PM 42419 241 251
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PASADENA WATER AND POWER

CERTIFICATE OF ACCEPTANCE

(Government Code Section 27281)

This is to certify that the interest in real property conveyed by the deed of grant dated 4/11/2008 from KFT ENTERPRISES No. 2 LP, to the CITY OF PASADENA, a political corporation and/or governmental agency is hereby accepted by the undersigned General Manager of the Water and Power Department on behalf of the City of Pasadena pursuant to authority conferred by resolution of the Pasadena City Council, Resolution no. 7042, adopted on December 14, 1993, and the grantee consents recordation thereof by its duly authorized officer.

Dated: April 16, 2008

Phyllis Currie
General Manager
Water and Power Department