

# Agenda Report

**TO:** CITY COUNCIL

**Date:** September 22, 2008

**FROM:** CITY MANAGER

**SUBJECT:** ADOPT A RESOLUTION APPROVING A LICENSE AGREEMENT BETWEEN THE CITY OF PASADENA AND MS PROPERTY COMPANY FOR THE INSTALLATION OF PRIVATE IMPROVEMENTS WITHIN THE PUBLIC RIGHT-OF-WAY ALONG COLORADO BOULEVARD AT 355 EAST COLORADO BOULEVARD

## **RECOMMENDATION:**

It is recommended that the City Council:

1. Find that the activity described in the License Agreement was subject to adequate environmental review in the Mitigated Negative Declaration adopted by Council for the Montana I and II projects on March 29, 2004, and that no further environmental review is required; and
2. Adopt a resolution approving a License Agreement with MS Property Company, for property located at 355 East Colorado Boulevard, with terms and conditions as set forth in the License Agreement; and
3. Authorize the City Manager to execute and the City Clerk to attest said License Agreement on behalf of the City of Pasadena.

## **BACKGROUND:**

MS Property Company ("Licensee") is the property owner of the Montana I project located at 355 East Colorado Boulevard. The Licensee is currently constructing a condominium project consisting of seven floors which includes one level of subterranean parking, a ground floor consisting of parking and commercial space, and five floors consisting of 28 condominium units.

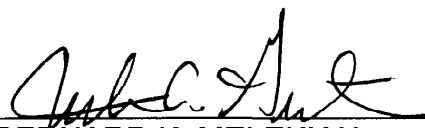
To enhance the exterior of their building, the Licensee wishes to install private improvements consisting of up lights within the public right-of-way along their Colorado Boulevard frontage. The License Agreement sets forth terms, conditions and assumption of risk by the Licensee and indemnification of the City for any activity in the public right-of-way associated with the installation, maintenance and operation of the private improvements.

The proposed License Agreement area is described in the Legal Description and as shown on the City of Pasadena Department of Public Works Drawing and are attached to the resolution as Exhibit "A" and "B", respectively.

**FISCAL IMPACT:**

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


Respectfully submitted,

  
\_\_\_\_\_  
Cm BERNARD K. MELEKIAN  
City Manager

Prepared by:

  
\_\_\_\_\_  
Bonnie L. Hopkins  
Principal 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 MS PROERTY COMPANY FOR THE INSTALLATION OF PRIVATE IMPROVEMENTS WITHIN THE PUBLIC RIGHT-OF-WAY ALONG COLORADO BOULEVARD AT 355 EAST COLORADO BOULEVARD

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, MS Property Company wishes to enter into a License Agreement with the City to install and maintain private improvements within the public right-of-way along Colorado Boulevard adjacent to 355 East Colorado Boulevard which protects the public and the public's interests and the City is willing to enter into such an agreement based upon the protections therein; and

WHEREAS, the activity described in the License Agreement was subject to adequate environmental review in the Mitigated Negative Declaration adopted by Council for the Montana I and II projects on March 29, 2004, and no further environmental review is required.

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

1. That the License Agreement granting MS Property Company permission to install and maintain private improvements along Colorado Boulevard adjacent to

355 East Colorado Boulevard in the City of Pasadena, as described on the Legal Description (Exhibit "A") and as shown on the Department of Public Works Drawing No. 5839 (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 \_\_\_\_\_, 2008, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
MARK JOMSKY, City Clerk

Approved as to form:

  
\_\_\_\_\_  
Nicholas G. Rodriguez  
Assistant City Attorney



CIVIL ENGINEERING  
SURVEYING+MAPPING  
LAND DEVELOPMENT

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**DRAFT**

## EXHIBIT "A"

### LEGAL DESCRIPTION FOR UPLIGHTS EASEMENT

A STRIP OF LAND 1.50 FEET WIDE LOCATED WITHIN THE COLORADO BOULEVARD RIGHT-OF-WAY ADJOINING LOT 3, TRACT NO. 62283 IN THE CITY OF PASADENA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON THE MAP RECORDED IN BOOK 1338 PAGE 69 THROUGH 74 INCLUSIVE OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF LOS ANGELES COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTH LINE OF SAID COLORADO BOULEVARD AT THE SOUTHEAST CORNER OF SAID LOT 3;

THENCE ALONG SAID NORTH LINE OF COLORADO BOULEVARD, NORTH 89°58'40" WEST A DISTANCE OF 0.50 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE SOUTH 00°01'20" WEST A DISTANCE OF 1.50 FEET;

THENCE PARALLEL TO SAID NORTH LINE, NORTH 89°58'40" WEST A DISTANCE OF 191.37 FEET;

THENCE NORTH 00°01'2" EAST A DISTANCE OF 1.50 FEET TO SAID NORTH LINE OF COLORADO BOULEVARD;

THENCE SOUTH 89°59'40" EAST 191.37 FEET TO THE **TRUE POINT OF BEGINNING**.

SAID STRIP OF LAND CONTAINS 287 SQUARE FEET, MORE OR LESS.

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

NOTE: THIS DESCRIPTION WAS PREPARED AS A CONVENIENCE ONLY AND IS NOT FOR USE IN THE DIVISION AND/OR CONVEYANCE OF LAND IN VIOLATION OF THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA.

BRADLEY G. BISHOP, P.L.S. 8194



# EXHIBIT "B"

## UP-LIGHTS EASEMENT FROM THE CITY OF PASADENA

DRAFT

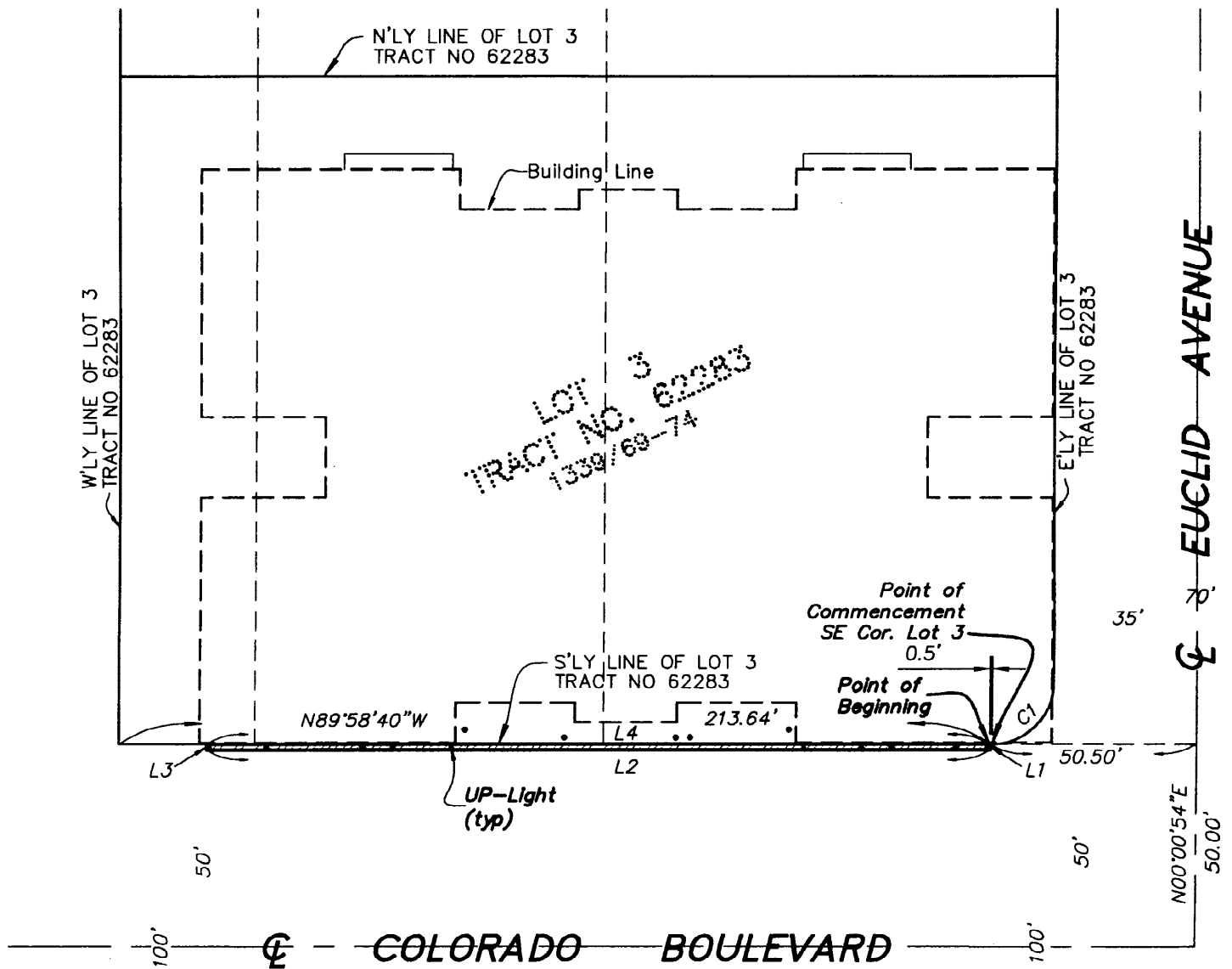


LINE DATA:

LINE	BEARING	DISTANCE
L1	S 00°01'20" W	1.50'
L2	N 89°58'40" W	191.37'
L3	N 00°01'20" E	1.50'
L4	S 89°58'40" E	191.37'

CURVE DATA:

CURVE	DELTA	RADIUS	LENGTH	TANGENT
C1	90°00'26"	15.00'	23.56'	15.00'



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MONTANA 1, EXHIBIT 'B'