

Agenda Report

TO: CITY COUNCIL

Date: August 16, 1999

FROM: City Manager

**SUBJECT: Assignment and Assumption of License Agreement No. 12,190
for the Installation and Maintenance of Improvements at
2 North Lake Avenue and 911 East Colorado Boulevard**

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution which allows the assignment and assumption of License Agreement No. 12,190 from Tokyo Tatemono (U.S.A.), Inc., a Delaware corporation (Assignor), to 2NL, LLC, a California Limited Liability Company (Assignee) and authorize the City Manager to execute and the City Clerk to attest, said Assignment and Assumption of License Agreement on behalf of the City of Pasadena.

BACKGROUND:

BACKGROUND RELATING TO MARCH 22, 1999, COUNCIL MEETING:

This item was presented as a Consent Calendar item on the March 22, 1999, City Council meeting. The item was moved and seconded. There were only four councilmembers present for the vote. When brought to a vote, Councilmember Paparian voted against the item. Since there were only three votes in favor of the item, the motion failed due to the lack of a quorum.

As a result of there being no action taken to approve or disapprove this issue at the March 22nd meeting, staff has issued a temporary occupancy permit to the new property owner until staff was able to bring this back to City Council. The temporary occupancy permit was issued to cover the liability concerns that relate to private improvements within the public right-of-way. If the Assignment and Assumption is not approved, the City will require the removal of the decorative paving that has been in place since 1985. In order to avoid this scenario, this item is now presented again to the City Council with the same recommendation.

BACKGROUND RELATING TO LICENSE AGREEMENT:

At the December 4, 1984, City Council meeting, the City Council adopted a resolution approving a license agreement with Crow-Eaves-Pasadena #1, a Texas Limited Partnership which allowed

Crow-Eaves-Pasadena #1 to install and maintain certain decorative pavement, cast-iron tree grates, drains, landscaping and trees along the public right-of-way abutting their property at 2 North Lake Avenue and 911 East Colorado Boulevard. License Agreement No. 12,190 was recorded with the County on April 1, 1985. Crow-Eaves-Pasadena #1 then sold the property to the Assignor. On November 5, 1991, Assignment and Assumption of License Agreement No. 12,190 was recorded and the City assigned to the Assignor, said license agreement. Now the Assignor has sold the property to the Assignee. In connection with the purchase and sale of the property, the Assignor desires to assign to the Assignee, and the Assignee desires to assume from the Assignor, the rights and obligations of the Assignor as set forth in License Agreement No. 12,190. The City desires to consent to such assignment and assumption.


FISCAL IMPACT:

The Assignor has paid staff's time to prepare and process the Assignment and Assumption of License Agreement.

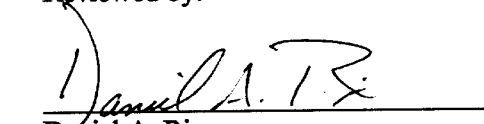
Respectfully submitted,


for CYNTHIA J. KURTZ
City Manager


Prepared by:


Bonnie L. Hopkins
Principal Engineer

Reviewed by:


Daniel A. Rix
City Engineer

Approved by:


Jack Lidyard, Acting Director
Public Works and Transportation