

Agenda Report

TO: CITY COUNCIL

Date: April 30, 2001

FROM: City Manager

SUBJECT: Approval of City's Quitclaim of a Portion of an Existing Easement for Reservoir, Water Conservation and Flood Control Operations Located on Parcel Map No. 24680 at 104 Berkshire Place in the City of La Canada Flintridge

RECOMMENDATION:

It is recommended that, based upon the information herein, the City Council adopt the attached resolution to:

1. Approve the City's quitclaim of all of its interest in a portion of an existing easement for reservoir, water conservation and flood control operations located on Parcel Map No. 24680 at 104 Berkshire Place in the City of La Canada Flintridge.
2. Authorize the City Manager or her designee to execute the quitclaim deed on behalf of the City.

BACKGROUND:

In April of 1970, the Los Angeles County Flood Control District transferred a reservoir flood control easement adjacent to the Hahamonga Watershed Park (formerly known as Devil's Gate Reservoir) to the City of Pasadena. The subject easement encompasses areas in the City of Pasadena, City of La Canada Flintridge, and the property owned by the La Canada Methodist Church in the City of La Canada Flintridge. The easement area served as part of the Devil's Gate Reservoir flood control basis when the area was subject to flooding during major storms. Since then, the area has been improved by the construction of Oak Grove Drive, grading and backfilling, and the construction of a storm drain system to eliminate the flooding of the subject area.

The La Canada Methodist Church is proposing to develop their portion of the easement area by constructing a sanctuary and a fellowship hall and has requested the City to quitclaim the easement on their property. The City of La Canada Flintridge acknowledges the request by the church and has no objections. Based upon the review by our staff, it has been determined that the easement area is no longer needed to service the public and is recommended that the City process the quitclaim of the easement. The interest of the easement has no market value to the City and is simply

BACKGROUND: Continued


a right to utilize the area for a specified purpose. Consequently, the easement is not considered surplus property subject to disposition pursuant to the City's surplus property ordinance and, as it has no market value; therefore, the easement can be quitclaimed to a religious organization without violating the "establishment clause" of the United States and California Constitutions. No special treatment is being afforded to the applicant by virtue of its status as a religious institution. This quitclaim is a relinquishment of an interest in property that has no value and is not a government subsidy to a religious organization.

The proposed quitclaim document has been prepared by the Public Works and Transportation Department, reviewed by the City Attorney's office and is now ready for approval by the City Council and execution by the City Manager. The property included in the proposed quitclaim is legally described in the text and is graphically shown on the attached Public Works and Transportation Department Drawing No. 5143.

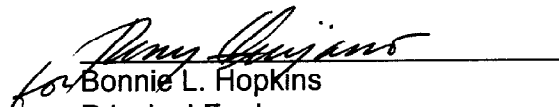
FISCAL IMPACT:

No revenue will be expended or generated by the approval of this quitclaim. La Canada United Methodist Church has paid all costs for preparing and processing the quitclaim.

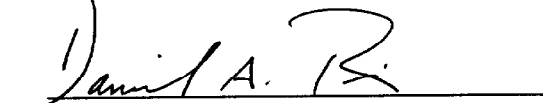
Respectfully submitted,


CYNTHIA J. KURTZ
City Manager


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for Bonnie L. Hopkins
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Reviewed by:


Daniel A. Rix
City Engineer

Approved by:


C. Bernard Gilpin, Director
Public Works and Transportation