

Agenda Report

TO: CITY COUNCIL

DATE: January 29, 2007

FROM: CITY MANAGER

SUBJECT: ADOPT A RESOLUTION APPROVING A LICENSE AGREEMENT BETWEEN THE CITY OF PASADENA AND ARROYO-CORDOVA LTD, FOR THE INSTALLATION OF TIE-BACKS UNDER THE PUBLIC RIGHT-OF-WAY FOR SUBTERRANEAN PARKING ALONG ARROYO PARKWAY AND CORDOVA STREET AT 240 SOUTH ARROYO PARKWAY

RECOMMENDATION

It is recommended that the City Council:

1. Adopt the attached resolution approving a License Agreement with Arroyo Cordova LTD, for property located at 240 South Arroyo Parkway, 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

Arroyo Cordova LTD ("Licensee") is the owner of the property located at 240 South Arroyo Parkway. The Licensee is developing a four-story, mixed-use building that will include 55 residential condominium units, one commercial space, and two levels of subterranean parking.

The Licensee requests permission to use and occupy a portion of Arroyo Parkway and Cordova 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 building permit, and this portion of the project is approximately 10 percent complete.

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. 5693 (Exhibit "B"). All exhibits are attached.

FISCAL IMPACT

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

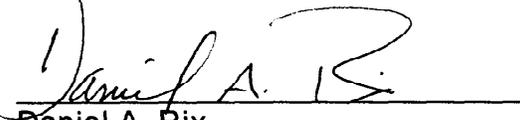
Respectfully submitted,


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 ARROYO CORDOVA LTD, FOR THE INSTALLATION OF TIE-BACKS UNDER THE PUBLIC RIGHT-OF-WAY FOR AN UNDERGROUND PARKING STRUCTURE AT 240 SOUTH ARROYO PARKWAY

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 Arroyo Cordova, LTD, to construct a mixed use building and subterranean parking structure in a timely manner, it is necessary for Arroyo Cordova, LTD, to use and occupy a portion of Arroyo Parkway and Cordova Street to install tie-backs under the public right-of-way; and

WHEREAS, Arroyo Cordova, LTD, 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 Arroyo Cordova, LTD, 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 Arroyo Cordova, LTD, permission to install and maintain tie-backs along a portion of Arroyo Parkway and Cordova 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. 5693 (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:

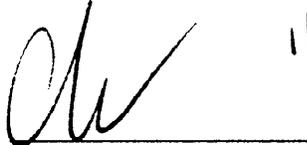
NOES:

ABSENT:

ABSTAIN:

JANE L. RODRIGUEZ, City Clerk

Approved as to form:

 11/14/07

Nicholas G. Rodriguez
Assistant City Attorney

EXHIBIT A

DRAFT

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PARCEL A:

That portion of Lot 6 in Block H of San Pascual Tract , in the City of Pasadena, County of Los Angeles, State of California, as shown on map recorded in Book 3 Page 315 of Miscellaneous Records, in the office of the County Recorder of said County; being within a Public Street designated as Arroyo Parkway; and described as a whole as follows:

Beginning at the southwest corner of Lot 1 of Tract No. 062147, as shown on map filed in Book 1316 Pages 71 and 72 of Maps, in the office of said County Recorder; said corner being a point in the easterly Right-of-Way of Arroyo Parkway (100 feet wide), as shown on said Tract; thence along said east line, N.00°00'49"W., a distance of 228.53 feet to the beginning of a tangent curve, concave southeasterly and having a radius of 15.00 feet; thence northeasterly along said curve, through a central angle of 48°19'06" and an arc length of 12.65 feet; thence N.45°00'49"W., a distance of 44.34 feet; thence S.89°59'11"W., a distance of 17.75 feet; thence S.00°00'49"E., a distance of 271.08 feet; thence N.89°59'11"E., a distance of 44.08 feet to the Point of Beginning.

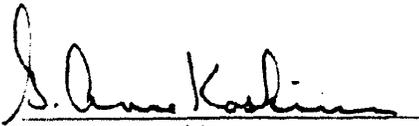
Containing 11,633 square feet, more or less.

PARCEL B:

That portion of Lot 6 in Block H of San Pascual Tract , in the City of Pasadena, County of Los Angeles, State of California, as shown on map recorded in Book 3 Page 315 of Miscellaneous Records, in the office of the County Recorder of said County; being within a Public Street designated as Cordova Street; and described as a whole as follows:

Commencing at the northeast corner of Lot 1 of Tract No. 062147, as shown on map filed in Book 1316 Pages 71 and 72 of Maps, in the office of said County Recorder; said corner being a point in the southerly Right-of-Way of Cordova Street (80 feet wide) , as shown on said Tract; thence along said south line, S.89°50'48"W., a distance of 18.42 feet to the True Point of Beginning; thence continuing along said south line, S.89°50'48"W., a distance of 66.47 feet to the beginning of a tangent curve, concave southeasterly and having a radius of 15.00 feet; thence westerly along said curve, through a central angle of 10°23'16" and an arc length of 2.72 feet; thence N.00°09'12"W., a distance of 27.58 feet; thence N.89°50'48"E., a distance of 69.17 feet; thence S.00°09'12"E., a distance of 27.33 feet to the True Point of Beginning.

Containing 1,891 square feet, more or less.

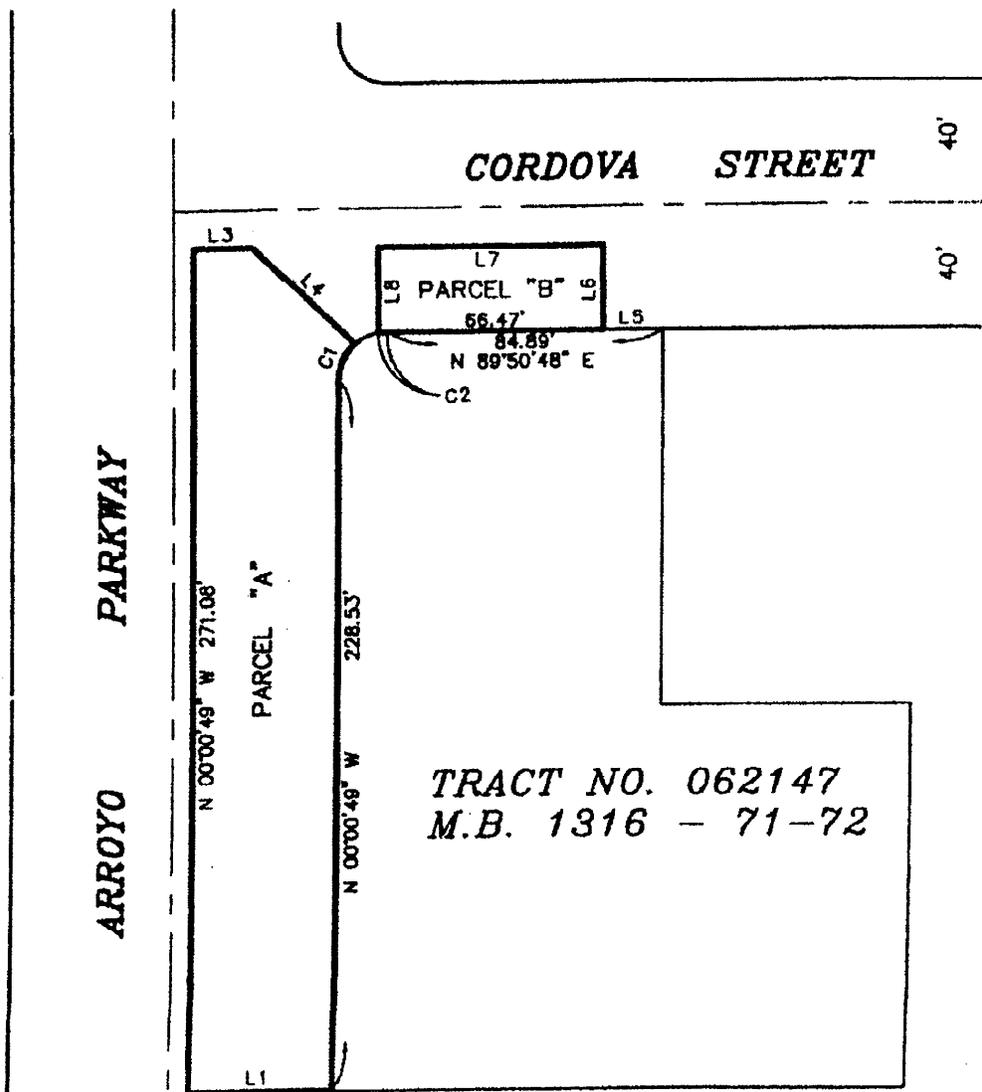


G. Anne Koskinen, P.L.S.
License Expires: 31 Dec. 2007

Date: 28 SEP. '06



EXHIBIT B



CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH
C1	48°19'06"	15.00'	12.65'
C2	10°23'16"	15.00'	2.72'

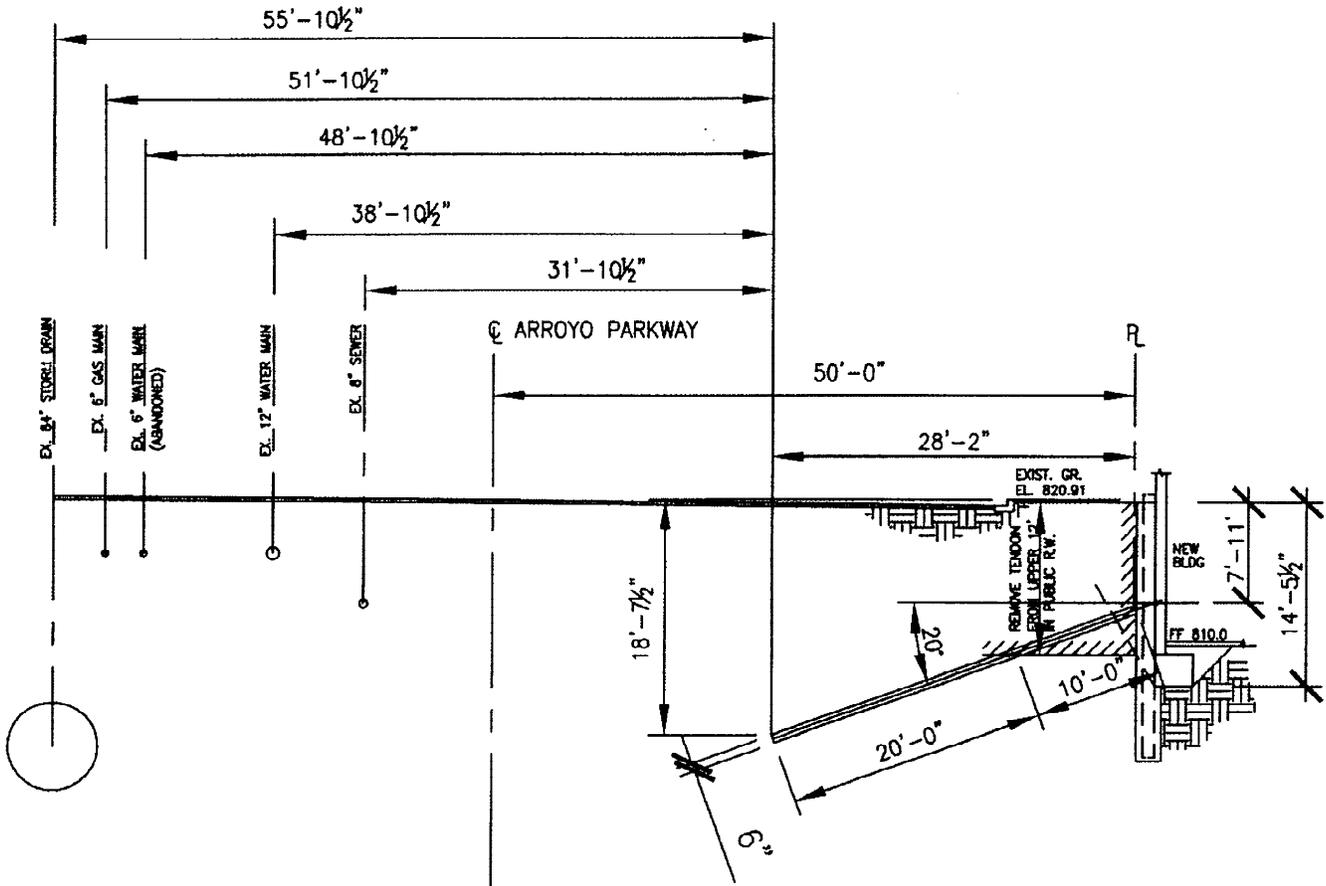
LINE TABLE

LINE	BEARING	LENGTH
L1	N 89°59'11" E	44.08'
L2	NOT USED	
L3	N 89°59'11" E	17.75'
L4	S 45°00'49" E	44.34'
L5	N 89°50'48" E	18.42'
L6	S 00°09'12" E	27.33'
L7	N 89°50'48" E	69.17'
L8	S 00°09'12" E	27.58'

CITY OF PASADENA - DEPARTMENT OF PUBLIC WORKS

DRAWN BY: CM	LICENSE AGREEMENT FOR THE ENCROACHMENT OF TIE-BACKS AT 240 SOUTH ARROYO PARKWAY	SCALE: NTS
CHECKED BY: BH		DATED: 1/24/07
SUBMITTED BY: BH		5693
FIELD BOOK NO. NONE		SHEET 1 OF 3
APPROVED BY: _____		
CITY ENGINEER		DATE

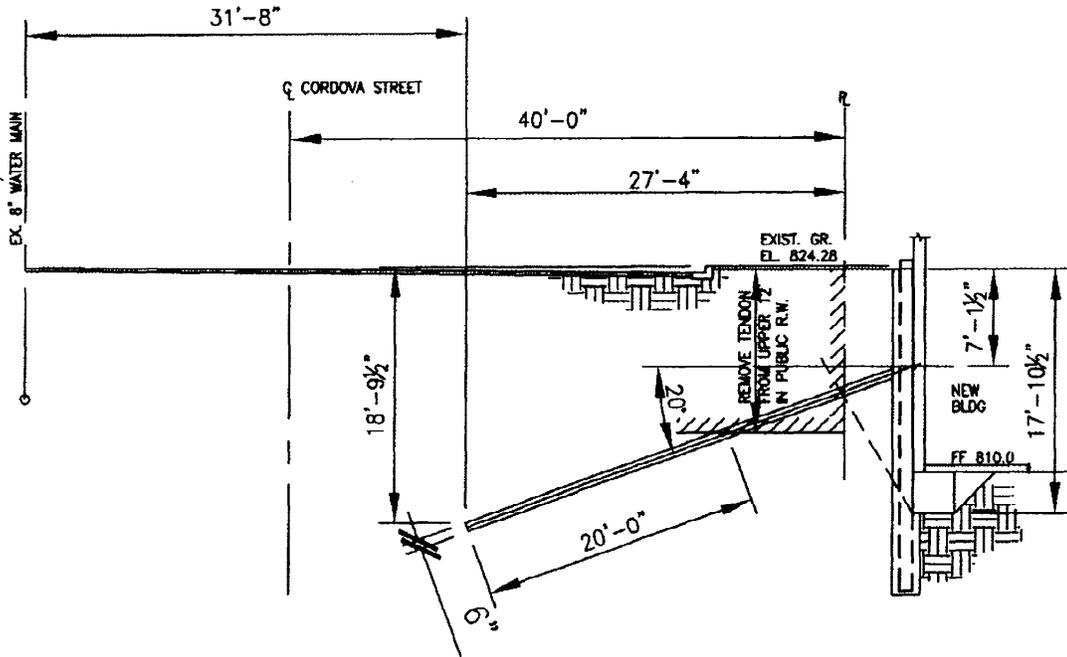
EXHIBIT B



CITY OF PASADENA – DEPARTMENT OF PUBLIC WORKS

DRAWN BY: PVT/GP	LICENSE AGREEMENT FOR THE ENCROACHMENT OF TIE-BACKS AT 240 SOUTH ARROYO PARKWAY	SCALE: NTS
CHECKED BY: BH		DATED: 1/8/07
SUBMITTED BY: BH	APPROVED BY:	5693
FIELD BOOK NO. NONE	CITY ENGINEER	
		SHEET 2 OF 3

EXHIBIT B



CITY OF PASADENA — DEPARTMENT OF PUBLIC WORKS

DRAWN BY: PVT/GP	LICENSE AGREEMENT FOR ENCROACHMENT OF TIE-BACKS AT 240 SOUTH ARROYO PARKWAY	SCALE: NTS
CHECKED BY: BH		DATED: 1/8/07
SUBMITTED BY: BH	APPROVED BY:	5693 SHEET 3 OF 3
FIELD BOOK NO. NONE	CITY ENGINEER	