

# Agenda Report

**TO:** CITY COUNCIL

**DATE:** July 14, 2008

**FROM:** CITY MANAGER

**SUBJECT:** ADOPT A RESOLUTION APPROVING A LICENSE AGREEMENT BETWEEN THE CITY OF PASADENA AND THE VISTA DEL ARROYO BUNGALOWS HOMEOWNERS ASSOCIATION FOR THE INSTALLATION OF PRIVATE IMPROVEMENTS WITHIN THE PUBLIC RIGHT-OF-WAY UNDER THE COLORADO STREET BRIDGE AT 3 SOUTH GRAND AVENUE

## **RECOMMENDATION:**

It is recommended that the City Council:

1. Adopt a resolution approving a License Agreement with The Vista del Arroyo Bungalows Homeowners Association, for property located at 3 South Grand Avenue, 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:**

The Vista del Arroyo Bungalow ("Licensee") is the owner of the property located at 3 South Grand Avenue. The project is adjacent to Defenders Park, Grand Avenue, Arroyo Boulevard, and Arroyo Drive. The project is also bisected by the public right-of-way under the Colorado Street Bridge ("Bridge"). The project included the restoration of existing historic bungalows, the construction of new condominium buildings along the Arroyo Drive frontage and on either side of the public right-of-way under the Bridge. An ingress/egress to the project is located along Arroyo Drive near its intersection with Arroyo Boulevard and extends across the public right-of-way under the Bridge to allow access to the buildings on the south side of the public right-of-way.

As a condition of development, the Licensee is required to obtain a license agreement from the City to maintain all private improvements within the public right-of-way under the Bridge. The private improvements include a private driveway, security gates, retaining walls, utilities, and landscaping. Plans for these improvements have been submitted to the Department of Public Works and have been approved. The License agreement sets forth terms and conditions that protect public utilities, the Bridge structure and the Bridge footings. 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 and maintenance of the private improvements. The developer has completed all construction associated with this project.

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. 5820 (Exhibit "B"). The private improvements within the proposed license area are shown on the plans submitted to the Planning and Development Department. The sheet showing these improvements is shown on Exhibit "C". All exhibits are attached.

**FISCAL IMPACT:**

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


Respectfully submitted,

  
BERNARD K. MELEKIAN  
City Manager

Prepared by:

  
Bonnie L. Hopkins  
Principal Engineer

Approved by:

  
Martin Pastucha, Director  
Department of Public Works

**DRAFT**

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

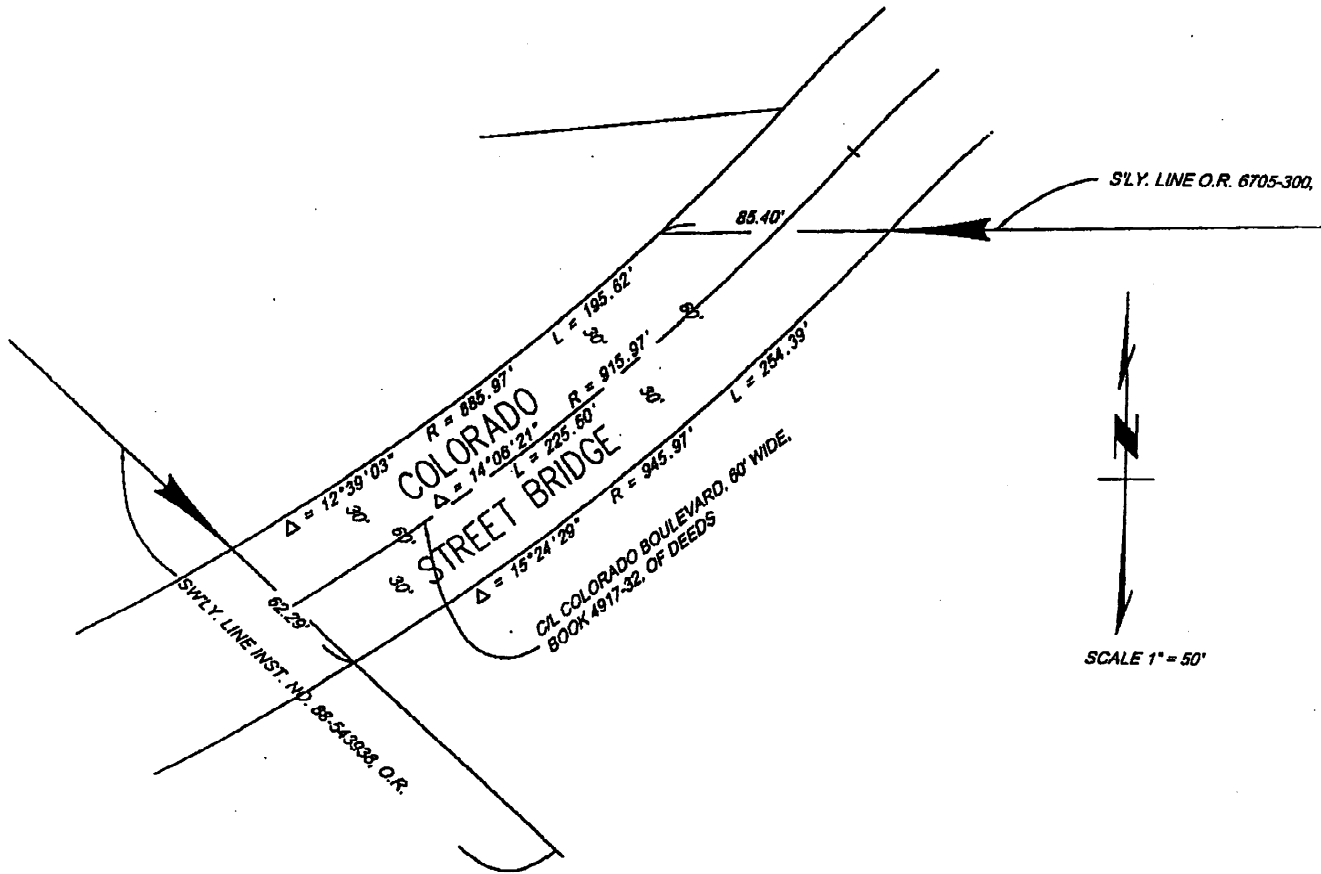
**LICENSE AGREEMENT**

That portion of Colorado Boulevard, 80 feet wide, in the City of Pasadena, County of Los Angeles, State of California, described in deed to said city, recorded on February 27, 1912, as Instrument No. 228, in Book 4917, page 32 of Deeds, in the office of the Recorder of said county, within the following described boundaries:

Beginning at the intersection of the southerly line of that certain parcel of land recorded in Book 6705, page 300, of official Records, in the office of said recorder with the southeasterly boundary of said Colorado Boulevard, thence Southwesterly along said southeasterly boundary 254.39 feet to the southwesterly line of that certain parcel of land recorded as Instrument No. 88-543938, of said official records; thence northwesterly along said southwesterly line 62.29 feet to the northwesterly boundary of said Colorado Boulevard; thence northeasterly along said northwesterly boundary 195.62 feet to said southerly line; thence easterly along said southerly line 85.40 feet to the point of beginning.

# EXHIBIT "B"

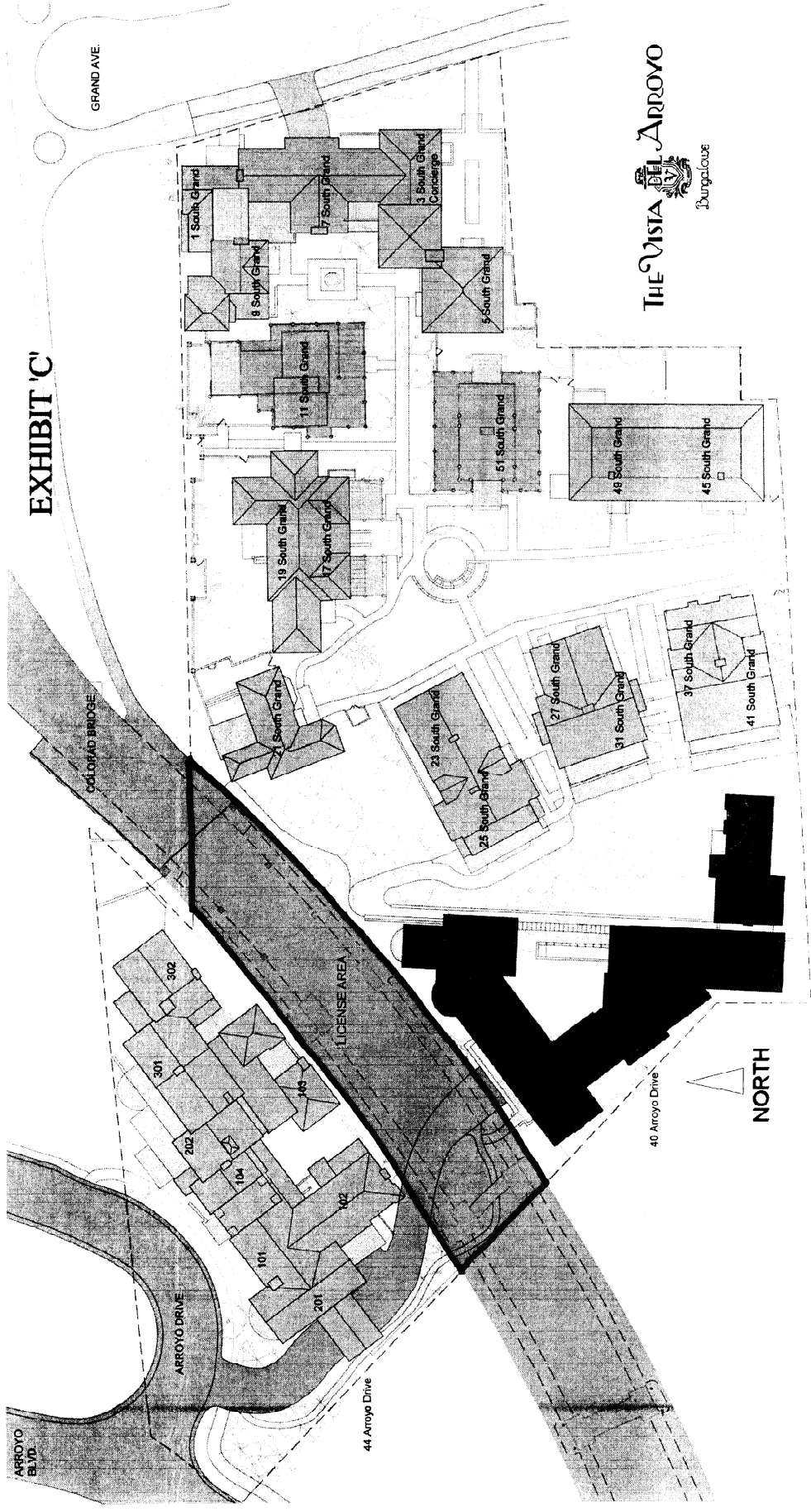
DRAFT



## CITY OF PASADENA – DEPARTMENT OF PUBLIC WORKS

DRAWN BY: PVT	LICENSE AGREEMENT FOR PRIVATE IMPROVEMENTS UNDER THE COLORADO STREET BRIDGE AT 3 SOUTH GRAND AVENUE	SCALE: NTS
CHECKED BY: BH		DATED: 6/27/08
SUBMITTED BY: BH	APPROVED BY:	5820 SHEET 1 OF 1
FIELD BOOK NO. NONE	CITY ENGINEER DATE	

EXHIBIT 'C'



THE VISTA DEL ARROYO  
Bungalows

**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 THE VISTA DEL ARROYO BUNGALOWS HOMEOWNERS ASSOCIATION FOR THE INSTALLATION OF PRIVATE IMPROVEMENTS WITHIN THE PUBLIC RIGHT-OF-WAY UNDER THE COLORADO STREET BRIDGE AT 3 SOUTH GRAND AVENUE

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, The Vista del Arroyo Bungalows Homeowners Association, a California Non-Profit Mutual Benefit Corporation, wishes to enter into a License Agreement with the City to install and maintain private improvements within the public right-of-way under the Colorado Street Bridge at 3 South Grand Avenue 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

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

1. That a License Agreement granting the Vista del Arroyo Bungalows Homeowners Association, a California Non-profit Mutual Benefit Corporation, permission to install and maintain private improvements within the public right-of-way under the Colorado Street Bridge adjacent to 3 South Grand Avenue in the

City of Pasadena, as described on the Legal Description (Exhibit "A") and as shown on the Department of Public Works Drawing No. 5820 (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:

---

JANE L. RODRIGUEZ, City Clerk

Approved as to form:

 6/30/08

---

Nicholas G. Rodriguez  
Assistant City Attorney

DRAFT

EXHIBIT "A"

LEGAL DESCRIPTION

LICENSE AGREEMENT

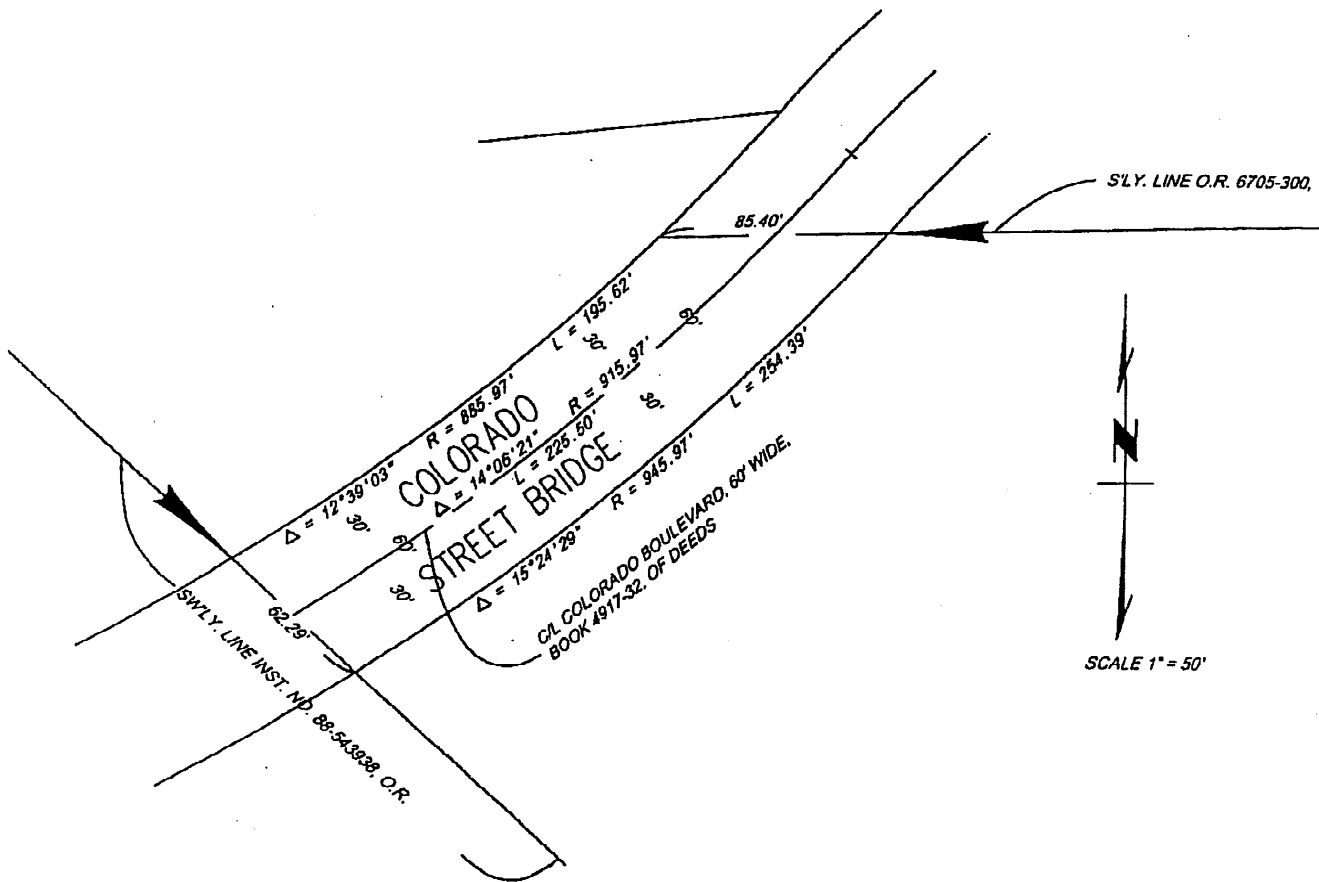
That portion of Colorado Boulevard, 60 feet wide, in the City of Pasadena, County of Los Angeles, State of California, described in deed to said city, recorded on February 27, 1912, as Instrument No. 228, in Book 4917, page 32 of Deeds, in the office of the Recorder of said county, within the following described boundaries:

Beginning at the intersection of the southerly line of that certain parcel of land recorded in Book 6705, page 300, of official Records, in the office of said recorder with the southeasterly boundary of said Colorado Boulevard, thence Southwesterly along said southeasterly boundary 254.39 feet to the southwesterly line of that certain parcel of land recorded as Instrument No. 88-543938, of said official records; thence northwesterly along said southwesterly line 62.29 feet to the northwesterly boundary of said Colorado Boulevard; thence northeasterly along said northwesterly boundary 195.62 feet to said southerly line; thence easterly along said southerly line 85.40 feet to the point of beginning.



# EXHIBIT "B"

DRAFT



## CITY OF PASADENA – DEPARTMENT OF PUBLIC WORKS

DRAWN BY: PVT	LICENSE AGREEMENT FOR PRIVATE IMPROVEMENTS UNDER THE COLORADO STREET BRIDGE AT 3 SOUTH GRAND AVENUE	SCALE: NTS
CHECKED BY: BH		DATED: 6/27/08
SUBMITTED BY: BH	APPROVED BY:	5820
FIELD BOOK NO. NONE	CITY ENGINEER	