

Agenda Report

TO: CITY COUNCIL

DATE: May 18, 2009

FROM: CITY MANAGER

SUBJECT: ADOPT A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO LICENSE AGREEMENTS WITH PROPERTY OWNERS FOR THE INSTALLATION OF CERTAIN IMPROVEMENTS IN THE PUBLIC RIGHT-OF-WAY WITH A VALUE OF LESS THAN \$75,000

RECOMMENDATION:

It is recommended that the City Council adopt a resolution granting the City Manager authority to enter into license agreements in essentially the form attached hereto for the installation of certain improvements within the public right-of-way with a value of less than \$75,000.

BACKGROUND:

There are instances where private property owners desire to install certain improvements within the public right-of-way. Typical instances include the installation of upgraded public improvements of a nature that require a higher degree of maintenance such as special sidewalk to match onsite improvements or the installation of private improvements in the public right-of-way due to lack of space for such installations on private property.

For all such past instances, the City has entered into a license agreement with the property owner to allow these improvements in the public right-of-way. These documents are typically boiler plate in form and have minimal changes from one property to the next. The only changes to the document are with respect to the specific type of improvement, location, and property and ownership information.

The current process requires the applicant to first ensure, by way of a title report, that the property owner or the City has the underlying fee title to the portion of the public right-of-way where the improvements are to be placed. If the title information is in order, the license agreement is prepared by staff and submitted to the applicant. The applicant executes the license agreement indicating their acceptance of all terms and conditions, and then it is taken to City Council for adoption of a resolution approving the license agreement and directing the City Manager to execute it on behalf of the City.

Due to the number of agreements that are presented to the City Council on a regular basis, staff recommends that a standard form, as prepared by the City Attorney's Office, be approved and that the City Manager be given authority to execute the documents. All existing reviews will remain in place for the processing of this type of license agreement. The only difference will be that the City Council will not need to approve each one, resulting in a shorting of the approval process by three weeks. An example of the proposed standard license agreement for these private improvements is attached. Segments that are left blank will be completed based on the specific projects.

This proposed process would not apply to any license agreement having a value of \$75,000 or more. In these rare instances when there is a value of over \$75,000 associated with this type of license agreement, the agreement will be brought to the City Council for approval.


The environmental implications of any individual license agreement will be reviewed at the time of the processing of that license agreement and processed accordingly.

In 2007, the City Council adopted a resolution granting the City Manager authority to enter into license agreements for temporary shoring within the public right-of-way, resulting in a significant savings of staff time for processing these documents. Approval of the recommendation will result in further savings of staff time.

FISCAL IMPACT:

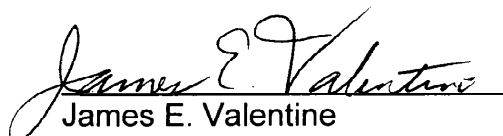
All costs for processing the License Agreement will still be paid for by the developer. These costs will be reduced as the result of the staff savings for not having to process agenda items for each individual license agreement.

Respectfully submitted,




MICHAEL J. BECK
City Manager

Prepared by:



James E. Valentine
Principal Engineer

Approved by:



Martin Pastucha, Director
Department of Public Works

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA AUTHORIZING THE CITY MANAGER TO ENTER INTO LICENSE AGREEMENTS WITH VARIOUS PROPERTY OWNERS FOR THE INSTALLATION OF CERTAIN IMPROVEMENTS WITHIN THE PUBLIC RIGHT-OF-WAY AT VARIOUS LOCATIONS WITHIN THE CITY OF PASADENA

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA

WHEREAS, property owners wish to enter into License Agreements with the City of Pasadena, and the City is willing to enter into such agreements based upon protections for the public provided therein, and

WHEREAS, the City Council of the City of Pasadena wishes to delegate to the City Manager the authority to enter into certain License Agreements.

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

1. The form of License Agreement granting property owners permission to install and maintain private improvements along portions of the public right-of-way in the City of Pasadena, in essentially the form attached hereto as Exhibit "A", and with a value of less than \$75,000, is hereby approved, and
2. The City Manager is authorized and directed to execute and acknowledge all such License Agreements 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 _____, 2009, by the following vote:

AYES:

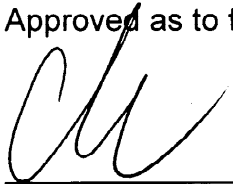
NOES:

ABSENT:

ABSTAIN:

MARK JOMSKY, City Clerk

Approved as to form:



4/15/09

Nicholas G. Rodriguez
Assistant City Attorney