

# Agenda Report

January 9, 2012

**TO:** Honorable Mayor and City Council

**FROM:** Department of Public Works

**SUBJECT: TRANSFER OF MISCELLANEOUS TRANSFER DRAIN 91, UNIT 4, LINES A AND B STORM DRAIN FACILITIES TO THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT**

## **RECOMMENDATION:**

It is recommended that the City Council:

1. Acknowledge the Notice of Determination filed with the Los Angeles County Clerk on December 14, 2006 for the Caltech Final Supplemental Environmental Impact Report (EIR) and Amendments to the Caltech Master Development Plan, which included the Schlinger Chemistry Building project, in compliance with §21108 or §21152 of the Public Resources Code; and
2. Adopt a resolution by at least seven votes (Section 8160 of the Water Code requires of four-fifths vote) requesting that the Los Angeles County Flood Control District accept transfer of Miscellaneous Transfer Drain (MTD) 91, Unit 4, Lines A and B, and authorizing the City Manager to execute all necessary documents to effectuate said transfer, including but not limited to the quitclaim of easements to the County.

## **BACKGROUND:**

The California Institute of Technology (Caltech) submitted a Master Development Plan in 2006 for 1200 East California Boulevard, which included the proposed Schlinger Chemistry Building. The building was to be located directly over an existing City of Pasadena storm drain line. As a condition of approval, the Department of Public Works required that the existing storm drain facilities be relocated around the new building, and that new easements be granted. The storm drain facilities and easements are located in the vicinity of vacated Michigan Avenue, between Del Mar Boulevard and vacated San Pasqual Street.

The Department of Public Works has been coordinating with the Los Angeles County Department of Public Works to facilitate the transfer of the relocated and rehabilitated

storm drain lines to the County upon satisfactory completion of construction. The required work on Line A of the drain consisted of relocating it around the proposed Chemistry Building. The work on Line B of the drain consisted of inspecting the existing facilities and repairing the deficiencies to County standards. The required construction work was completed by Caltech and has been accepted by the County.

Los Angeles County Department of Public Works prepared the proposed transfer documents. The City Attorney's Office and the Department of Public Works have reviewed the documents. They are now ready for approval by the City Council prior to being executed and processed.

The Los Angeles County Department of Public Works, on behalf of the Los Angeles County Flood Control District, will maintain the storm drain facilities provided that they are transferred to the County. For the transfer to occur, it is necessary for the City Council to adopt a resolution by at least seven votes (a four-fifths vote is required by Section 8160 of the Water Code) requesting that the County accept the transfer and conveyance of the improvements, and quitclaim the City's new storm drain and access road easements to the County.

#### **COUNCIL POLICY CONSIDERATION:**

The transfer supports the City Council Strategic Goal to improve, maintain and enhance public facilities and infrastructure. This project is consistent with the Public Facilities Element of the General Plan in that the City is almost fully built out and the drainage system elements, particularly older facilities, are subject to ongoing repair, replacement, or modification.

#### **ENVIRONMENTAL ANALYSIS:**

A Notice of Determination was filed with the Los Angeles County Clerk on December 14, 2006 for the Caltech Final Supplemental Environmental Impact Report (EIR) and Amendments to the Caltech Master Development Plan, which included the Schlinger Chemistry Building project. The City's conditions of approval for the Chemistry Building project required that the existing storm drain facilities be relocated and rehabilitated, and then transferred to the County. There are no changed circumstances or new information which requires further environmental review.

**FISCAL IMPACT:**

There is no fiscal impact as a result of this action and it will not have any indirect or support cost requirements. The anticipated impact to other operational programs or capital projects as a result of this action will be minimal. The developer has paid the costs required for the storm drain improvements and the new easements. With the transfer of said drainage facilities to the Los Angeles County Flood Control District, the City will save the funds associated with the future maintenance and repair of the storm drain lines.

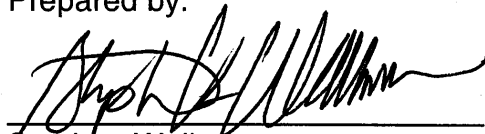
Respectfully submitted,



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SIOBHAN FOSTER  
Director  
Department of Public Works

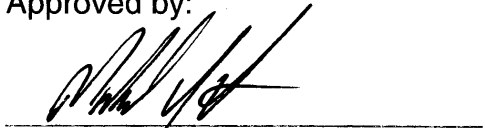
Prepared by:



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Stephen Walker  
Principal Engineer

Approved by:



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MICHAEL J. BECK  
City Manager

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF PASADENA, CALIFORNIA,  
REQUESTING THE BOARD OF SUPERVISORS OF  
THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT  
OF THE STATE OF CALIFORNIA TO ACCEPT ON BEHALF OF SAID  
DISTRICT THE TRANSFER AND CONVEYANCE OF THE  
STORM DRAIN IMPROVEMENTS KNOWN AS  
MISCELLANEOUS TRANSFER DRAIN NO. 91, UNIT 4, LINES A AND B  
IN THE CITY OF PASADENA FOR FUTURE OPERATION,  
MAINTENANCE, REPAIR, AND IMPROVEMENT, AND  
AUTHORIZE THE TRANSFER AND CONVEYANCE THEREOF

WHEREAS, there have been dedicated to, or the City has otherwise acquired, the storm drain improvements and drainage system known as Miscellaneous Transfer Drain (MTD) No. 91, Unit 4, Lines A and B, depicted on Los Angeles County Flood Control District Drawing Nos. (DDNs) 275-564-F24.1-.4 and 275-564-F31.1-.2 on file with the Director of the County Los Angeles Department of Public Works; and

WHEREAS, the City is authorized and empowered to transfer and convey to the Los Angeles County Flood Control District any storm drain improvements and drainage systems for future operation, maintenance, repair, and improvement; and

WHEREAS, the City and the Los Angeles County Flood Control District entered into an agreement dated February 5, 1980 and recorded April 2, 1980 as Document No. 80-335553, of the Official Records in the Registrar-Recorder/County Clerk's Office, whereby the City made certain warranties about its future transfers and conveyances of flood control facilities to the District; and

WHEREAS, the best public interest will be served by transfer and conveyance of said storm drain improvements and drainage system from the City to the Los Angeles County Flood Control District for future operation, maintenance, repair, and improvement.

NOW, THEREFORE, BE IT RESOLVED, that the City does hereby request the Los Angeles County Flood Control District to accept the transfer and conveyance of the storm drain improvements and drainage system depicted on Los Angeles County Flood Control District Drawing Nos. (DDNs) 275-564-F24.1-.4 and 275-564-F31.1-.2 on file with the Director of the County of Los Angeles Department of Public Works.

BE IT FURTHER RESOLVED that, subject to the acceptance thereof of the Board of Supervisors of the Los Angeles County Flood Control District, the City Engineer is directed and ordered to prepare all necessary instruments and documents, to effectuate said transfer and conveyance, and that the City Manager is authorized and instructed to execute said documents and other instruments, including but not limited to a Quitclaim of Easements document to transfer the City's new storm drain and access road easements, recorded as Document Nos. 20091461970, 20091461969, and 20081132699 to the County. District shall have no obligation or responsibility to maintain said storm drain, improvements, and drainage until all rights-of-way for said drain now vested in the City and all other necessary rights-of-way have been conveyed to and accepted by District.

Adopted at the \_\_\_\_\_ meeting of the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2012 by the following vote:

AYES:


NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
MARK JOMSKY, CMC  
City Clerk

Approved as to form:

  
\_\_\_\_\_  
Nicholas G. Rodriguez  
Chief Assistant City Attorney