

Agenda Report

TO: CITY COUNCIL

DATE: March 21, 2005

FROM: CITY MANAGER

SUBJECT: AUTHORIZATION TO PURCHASE A 29.481 ACRE PROPERTY IN THE UPPER ARROYO SECO SOUTH OF JET PROPULSION LABORATORY AND NORTH OF THE HAHAMONGNA WATERSHED PARK BY THE CITY OF PASADENA FROM THE METROPOLITAN WATER DISTRICT

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the purchase of the property referenced above is categorically exempt under the requirements of the California Environmental Quality Act (CEQA).
2. Approve and direct that the property be purchased for \$1,236,000 and authorize the City Manager to take all actions necessary to effectuate the purchase including indemnification of Metropolitan Water District (MWD) and U.S. Forest Service (USFS) for all remaining buildings of the former Oak Grove Ranger Station.
3. Approve a Resolution of the City Council approving and authorizing the acquisition of property.
4. Approve the addition of Capital Project 77570 – MWD Property Acquisition in the Arroyo Seco Project Group and recognize and appropriate \$1,236,000 from the Charter Capital Fund to Capital Project 77570.

BACKGROUND:

The property to be acquired is a 29.481 acre parcel of land, zoned for open space, located in the northwesterly portion of the city, lying easterly of Oak Grove Drive, and is a part of the upper Arroyo Seco. The City of Pasadena maintains

the physical and natural resources of the Arroyo Seco in cooperation with

MWD Arroyo Seco Purchase

several other agencies. L.A. County's Department of Public Works owns and operates the dam and maintains a flood control easement that extends to the 1075-foot elevation line and includes an 18.3-acre easement encumbering a portion of the property. The County's flood maintenance division is responsible for flood control work and debris removal within the easement area while the City is responsible for maintaining the habitat and recreation-related features inside and outside the easement.

The acquisition of this site is consistent with and supports the goals of the Hahamongna Park Master Plan that include the acquisition and preservation of open space. The purchase of the 29.481 acre site with a covenant restricting use to open space, park and recreation purposes is consistent with the Surplus Land Act provisions of the State Code, which governs MWD.

The site has a number of improvements that are the property of the tenants that occupy or have occupied portions of the site through ground leases. Existing lessees include: 1) L.A. County Fire with a lease renewal in 2004 for 50-years with an annual rental rate of \$0 for 7.07 acres; 2) Rose Bowl Riders has a year to year lease on 12.080 acres that may be terminated when and if Lessor informs Rose Bowl Riders of its intent to terminate the lease in writing 90-days in advance of each consecutive one-year term. The annual rental rate is \$14,500; 2a) Tom Sawyer's Camp subleases a portion of the Rose Bowl Riders site on a month to month basis; 3) USFS 50-year lease of 6.8 acres with an annual rental rate of \$0 terminated June 30, 2004, however, a month-to-month extension is in place until the Forest Service can comply with the terms of the lease regarding the removal of the improvements. It is proposed that as part of the acquisition of the site, the City will determine which buildings are to remain for City use and which are to be removed by the Forest Service. The USFS and MWD (lessee and owner) have indicated a willingness to leave certain buildings on the site as requested by the City. They have also indicated a requirement could be that the City release the MWD and USFS from any liability associated with the buildings. It is also anticipated that following acquisition the City will undertake a master planning process for the site.

An appraisal of the property was prepared in December 2004 by Mason and Mason Real Estate Appraisers for the MWD. The fair market value of an unencumbered fee simple interest in the property was estimated to be \$1,600,000 and the encumbered fair market value of the leased fee interest was estimated to be \$1,236,000. The appraisal, which used the market approach and compared the subject to other mostly open space acreage sales was reviewed by City staff and found to be reasonable. The City's reviewer is licensed by the State of California, Office of Real Estate Appraisers.

On January 24, 2005 City Council authorized the City Manager to negotiate with MWD for the acquisition of the 29.481 acre site. Following are the major terms and conditions of the proposed purchase:

- 1) The purchase price is to be \$1,236,000.
- 2) Included will be a covenant restricting the sites use to recreation and open space.
- 3) The owner will provide a phase I environmental report.
- 4) The City will accept the site in its "AS IS" condition.

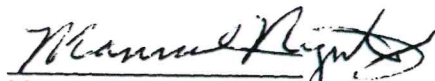
FISCAL IMPACT

The cost of this purchase is \$1,236,000. Funding for this acquisition will come from the Charter Capital Fund, leaving a cash balance in the Fund of approximately \$10.9 million. If approved, the Department of Public Works will request funds to begin the Master Plan process in the FY06 Operating Budget.


Respectfully Submitted,


CYNTHIA J. KURTZ
City Manager

Prepared By:


Manuel Negrete Jr.
Real Property Manager

Approved by:


Richard Bruckner
Director of Planning and Development

RESOLUTION NO. 8454

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PASADENA, CALIFORNIA, APPROVING
AND AUTHORIZING THE PURCHASE OF REAL
PROPERTY IDENTIFIED AS ASSESSOR'S PARCEL
NUMBER 5823-003-911 FROM THE METROPOLITAN
WATER DISTRICT OF SOUTHERN CALIFORNIA**

WHEREAS, the Metropolitan Water District of Southern California ("MWD") wishes to sell, and the City of Pasadena ("CITY") wishes to buy, approximately 29.48 acres in the City of Pasadena and identified as Assessor's Parcel Number 5823-003-911 (the "Property");

WHEREAS, MWD determined that the land was surplus and is selling the Property to CITY in accordance with Article 8, Chapter 5, Part 1, Division 2, Title 5 of the California Government Code Sections 54220-54232 (the "Surplus Land Statute");

WHEREAS, CITY intends to develop and use the Property as park or recreational space in accordance with the Surplus Land Statute;

WHEREAS, the parties have agreed on a purchase price of \$1,236,000 for the Property;

NOW, THEREFORE, based on the evidence presented to the City Council including the written staff report and oral testimony on this matter, the City Council of the City of Pasadena does hereby find, determine and resolve as follows:

Section 1. The above recitals are all true and correct.

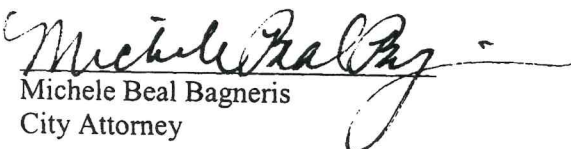
Section 2. The City Council hereby approves the acquisition of the Property from MWD for the sum of \$1,236,000.

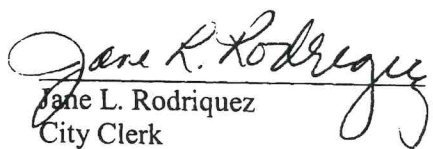
Section 3. City will develop and use the Property as park or recreational space in accordance with the Surplus Land Statute.

Section 4. The City Council hereby authorizes and directs the City Manager to enter into a Purchase and Sale Agreement and Joint Escrow Instructions for the acquisition of the Property, and to take all actions reasonably necessary to complete the acquisition of the Property.

PASSED, APPROVED AND ADOPTED this 21st DAY OF MARCH, 2005.

AYES: Councilmembers Gordo, Haderlein, Holden, Little,
Vice Mayor Tyler, Mayor Bogaard
NOES: None
ABSENT: Councilmembers Madison, Streater
APPROVED AS TO FORM:


Michele Beal Bagneris
City Attorney


Jane L. Rodriguez
City Clerk

APPROVED AS TO FORM:

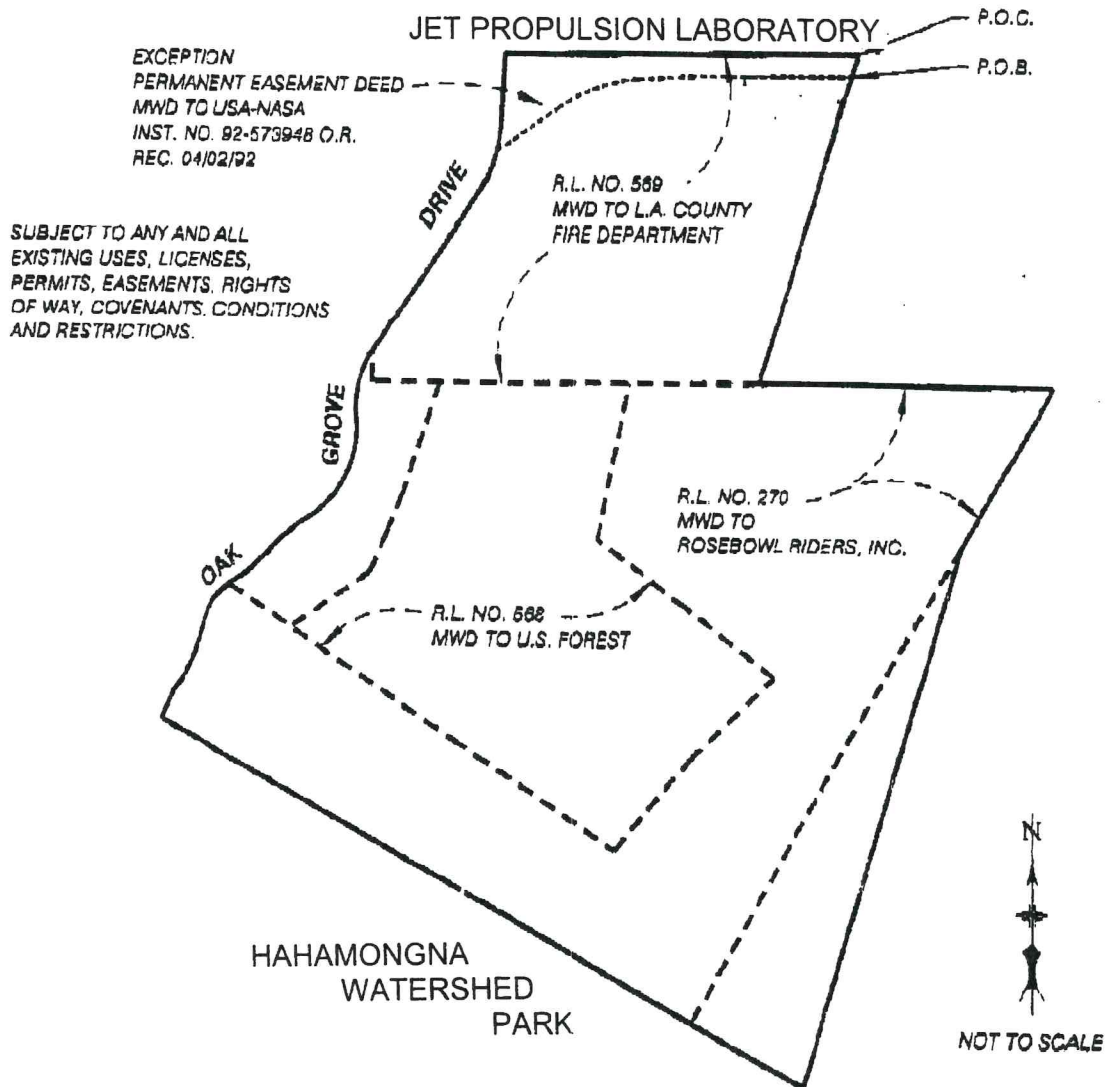
RICHARDS, WATSON & GERSHON

A handwritten signature in black ink, appearing to read "Regina N. Danner", written over a horizontal line.

Regina N. Danner,
Special Counsel

EXHIBIT A

POR. OF LOT 1 OF SUBDIVISION OF RANCHO LA CANADA BK. 4, PG. 351 M.R.
CITY OF PASADENA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA
THIS EXHIBIT IS TO BE ATTACHED TO THE LEGAL DESCRIPTION



This page is part of your document - DO NOT DISCARD

05 2647746

RECORDED/FILED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA
11/02/05 AT 08:00am

TITLE(S) : DEED



FEE

D.T.T.

FREE FF

CODE
20

CODE
19

CODE
9

Assessor's Identification Number (AIN)

To be completed by Examiner OR Title Company in black ink.

Number of AIN's Shown

5823 - 003 - 911

001

THIS FORM IS NOT TO BE DUPLICATED

11/2/05

7

LandAmerica Commercial Services
RECORDING REQUESTED BY

05 2647746

City Clerk
City of Pasadena
100 N. Garfield Avenue
Pasadena, California 91109

AND WHEN RECORDED MAIL TO

City Clerk
City of Pasadena
100 N. Garfield Avenue
Pasadena, California 91109

The undersigned declares that the DOCUMENTARY TRANSFER TAX is
None. Public Agency exempt per Revenue and Taxation Code § 11922

Exempt from Recording Fee per Govt. Code § 27383

RE: 18,799

R.8454

Assessor's Parcel Number: 5823-003-911

GRANT DEED

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
who acquired title as METROPOLITAN WATER DISTRICT
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA, a public entity organized and
existing pursuant to the Metropolitan Water District Act of the State of California, as amended, Grantor, hereby
grants and conveys to THE CITY OF PASADENA, a municipal corporation, Grantee, the real property located
in the City of Pasadena, County of Los Angeles, California, and more particularly described as follows:

See Exhibits "A" and "B" attached hereto.

All as described in Exhibit "A" and illustrated on the map attached hereto as Exhibit "B", both of which are
incorporated herein by this reference.

IN WITNESS WHEREOF, this instrument has been executed this 27th day of September, 2005.

THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

Roy L. Wolfe


Dennis B. Underwood

Chief Executive Officer/General Manager

811527

9500408-70

11/2/05

CERTIFICATE OF ACKNOWLEDGEMENT OF NOTARY PUBLIC

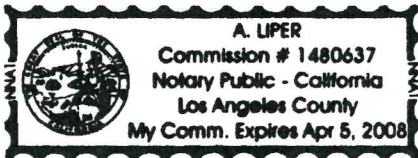
STATE OF CALIFORNIA,)
) SS
COUNTY OF LOS ANGELES)

On SEPTEMBER 27, 2005 before me, A. LIPER, a notary public in and for said County and State, personally appeared ROY L. WOLFE personally known to me ~~(or proved to me on the basis of satisfactory evidence)~~ to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s), acted, executed the instrument.

WITNESS my hand and official seal.

A. Liper

(Signature of Notary Public)



CERTIFICATE OF ACKNOWLEDGEMENT OF NOTARY PUBLIC

STATE OF CALIFORNIA,)
)
COUNTY OF LOS ANGELES)

On _____ before me, _____, a notary public in and for said County and State, personally appeared _____ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s), acted, executed the instrument.

WITNESS my hand and official seal.

(Signature of Notary Public)

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EXHIBIT A

1602-1-1
Grant Deed
MWD to City of Pasadena

That portion of Lot 1 of the Subdivision of Rancho La Canada, in the City of Pasadena, County of Los Angeles, State of California, as per map recorded in Book 4, page 351 of Miscellaneous Records in the Office of the County Recorder of said County, conveyed to The Metropolitan Water District of Southern California by Grant Deed recorded July 30, 1970 in Book D4786, Page 725 of Official Records of said County.

Subject to any and all existing uses, licenses, permits, easements, rights of way, conditions and restrictions.

Containing 29.481 Acres, more or less.

All as shown on Exhibit "B" attached hereto and made a part hereof.

END OF DESCRIPTION

PREPARED UNDER MY SUPERVISION


Peter G. Wiseman P.L.S. 6241

Date

08/29/2005



OM\ROW\ArroyoSeco\Legal\1602-1-1\ArroyoSecoLegal.doc

August 29, 2005

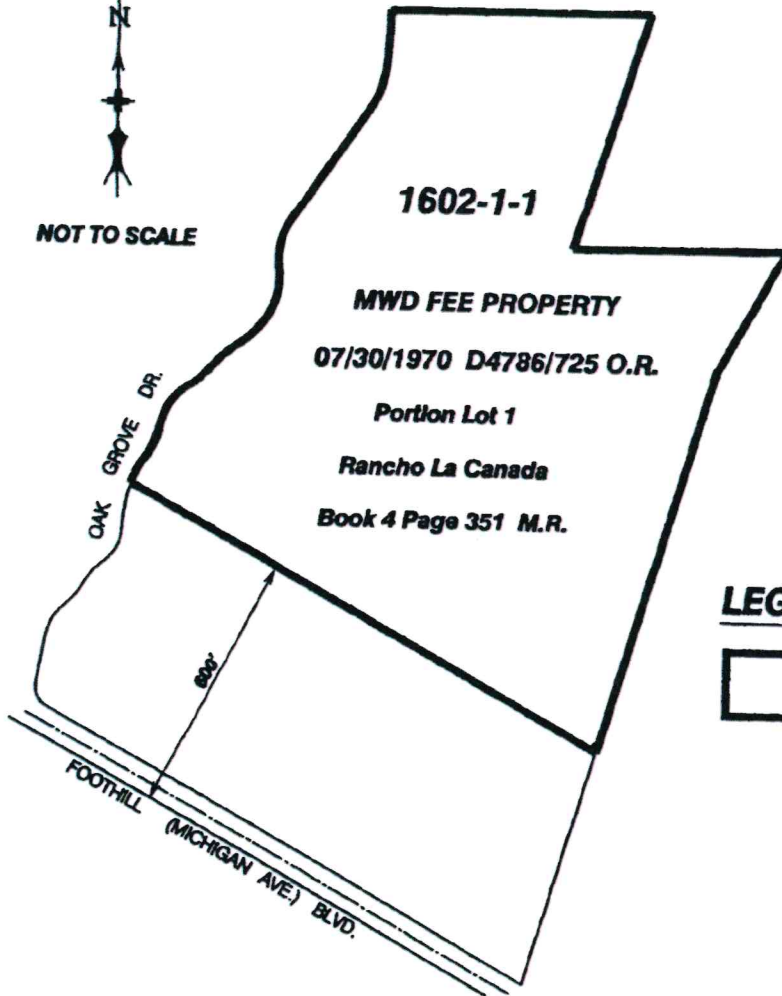
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EXHIBIT B

PAGE 1 OF 1

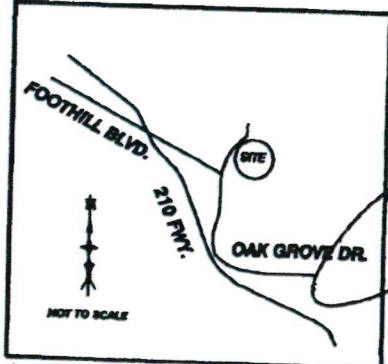
A PORTION OF LOT 1 OF THE RANCHO LA CANADA
IN THE CITY OF PASADENA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA



LEGEND



VICINITY MAP



PREPARED UNDER
MY SUPERVISION

Peter G. Wiseman P.L.S. 6241

DATE

08/29/2005

THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

ARROYO SECO
GRANT DEED

MWD
TO
CITY OF PASADENA

1602-1-1

/om/row/arroyoseco/ArroyoSeco1602-1-1Conveyance.dgn

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EXHIBIT E

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the Grant Deed dated September 27 2005, from THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA, a metropolitan water district duly organized and existing pursuant to the Metropolitan Water District Act of the State of California, as amended, to the CITY OF PASADENA, a municipal corporation ("**Pasadena**"), is hereby accepted by the undersigned officer on behalf of Pasadena pursuant to authority conferred by resolution of its City Council adopted March 21st 2005, and Pasadena consents to the recordation thereof by its duly authorized officer.

CITY OF PASADENA, CALIFORNIA

By: 

Name: Cynthia I. Kurtz

(Brian Williams)
Assistant City Manager

Title: City Manager

APPROVED:

City Attorney, City of Pasadena, California

By: 

Name: Michele Bagneris, City Attorney

APPROVED AS TO FORM:



REGINA DANNER,
SPECIAL COUNSEL TO THE
CITY OF PASADENA

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CERTIFICATE OF ACKNOWLEDGEMENT OF NOTARY PUBLIC

STATE OF CALIFORNIA,)
)
COUNTY OF LOS ANGELES)

On Sept. 13, 2005 before me, JANE L. RODRIGUEZ, a notary public in and for said County and State, personally appeared BRIAN WILLIAMS personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s), acted, executed the instrument.

WITNESS my hand and official seal.

Jane L. Rodriguez
(Signature of Notary Public)



CERTIFICATE OF ACKNOWLEDGEMENT OF NOTARY PUBLIC

STATE OF CALIFORNIA,)
)
COUNTY OF LOS ANGELES)

On _____ before me, _____, a notary public in and for said County and State, personally appeared _____ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s), acted, executed the instrument.

WITNESS my hand and official seal.

(Signature of Notary Public)

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