

ORDER NO. _____

An Order of the Board of Harbor Commissioners of the City of Los Angeles ("Board") requiring the removal and/or relocation of pipelines constructed or maintained pursuant to Permit No. 708, granted to Kinder Morgan Tank Storage Terminals LLC ("Tenant").

WHEREAS, on or about November 17, 1995, Permit No. 708 ("Permit") was granted by the Board to GATX Tank Storage Terminals Corporation, predecessor-in-interest Tenant, giving permission to use and occupy certain lands at the Port of Los Angeles, as more particularly described therein;

WHEREAS, Section 8(j) of the Permit provides, among other things, that the Board shall have the right to make any change in the route or location of any pipeline constructed or maintained by Tenant pursuant to the Permit, as may be required or made necessary by the progress of harbor development or the performance of any work or improvement within the jurisdiction of the Board;

WHEREAS, Section 8(j) of the Permit requires that the Board give Tenant at least ninety (90) days' written notice of a determination any such change in the route or location is required or necessary;

WHEREAS, Section 8(j) of the Permit further requires that all associated removal and relocation costs shall be borne by Tenant;

WHEREAS, the City of Los Angeles Harbor Department will be developing the Alameda Corridor Southern Terminus Gap Closure Project ("Project") as shown in the attached Exhibit A; and

WHEREAS, the Project will require the removal and/or relocation of pipelines constructed or maintained by Tenant pursuant to the Permit.

NOW, THEREFORE, IT IS HEREBY ORDERED by the Board of Harbor Commissioners of the City of Los Angeles as follows:

Section 1. The Board finds that the Project is to be performed as part of the continued progress of harbor development and as work or improvement within the jurisdiction of the Board in the area depicted in the attached Exhibit A.

Section 2. The Board finds that implementation of the Project will require the removal and/or relocation of pipelines constructed or maintained by Tenant pursuant to the Permit.

Section 3. The Board, by adoption of this Order, is providing written notice to Tenant that removal and/or relocation of pipelines constructed or maintained by Tenant pursuant to the Permit is necessary.

Section 4. Pursuant to Section 8(j) of the Permit, all costs associated with the removal and/or relocation of the pipelines shall be borne by Tenant.

Section 5. Pursuant to Section 8(j) of the Permit, Tenant is hereby given ninety (90) days notice ("Notice Period") that removal and/or relocation is necessary and unless additional time is granted by the Harbor Engineer, Tenant shall have ninety (90) days ("Work Period") after the Notice Period to perform the work of removing, relocating, and/or modifying the pipelines as determined necessary by the Harbor Engineer to avoid interference with performance of the Project. Tenant is advised that if Tenant fails to complete the removal, relocation and/or modification of the pipelines within the Work Period, the City of Los Angeles may incur increased construction costs and losses of revenue resulting from delayed completion of the Project.

Section 6. Tenant shall also remove any and all contamination associated with the pipelines removed, relocated, and/or modified as determined necessary by the Harbor Engineer to avoid interference with performance of the Project.

Section 7. The Secretary shall certify to the adoption of this Order by the Board of Harbor Commissioners of the City of Los Angeles.

I HEREBY CERTIFY that the foregoing Order was adopted by the Board of Harbor Commissioners of the City of Los Angeles at its meeting held _____.

AMBER M. KLESGES
Board Secretary

APPROVED AS TO FORM AND LEGALITY

Feb. 12, 2019
MICHAEL N. FEUER, CITY ATTORNEY
Janna B. Sidley, General Counsel

By

Estelle M. Braaf
Estelle M. Braaf, Deputy

