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Antonio R. Villaragosa

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Executive Director

May 3, 2010

Ms. Alana Edwards
BP West Coast Products LLC
ARCO Terminal Services Corp.
4 Centerpointe Dr.
Las Palma, CA 90623

SUBJECT: ORDER NO. 10-7048 DIRECTING BP WEST COAST PRODUCTS LLC AND ARCO TERMINAL SERVICES CORPORATION TO RELOCATE UTILITY PIPELINES INTERFERING WITH THE SOUTH WILMINGTON GRADE SEPARATION PROJECT

At its meeting held on Thursday, April 15, 2010, the Los Angeles Board of Harbor Commissioners adopted Order No. 10-7048 which directs BP West Coast Products LLC and ARCO Terminal Services Corporation, pursuant to Permit No. 705, to remove and/or relocate utility pipelines interfering with the South Wilmington Grade Separation Project.

Your executed copy of Order No. 10-7048 is enclosed.
(The Council review period ended on Tuesday, April 27, 2010.)

Very truly yours,


ROSE M. DWORSHAK
Commission Secretary

Enclosure

bcc: Real Estate Div., encs.
Accounting, 2 encs.
Debt & Treasury, encs.
Financial Management, encs.
County Assessor, encs.

City Attorney, encs.
Audit Controller Demand, encs.
~~Risk Management, encs.~~
Wharfingers, encs.

ORDER NO. 10 - 7048

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. 705, granted to BP West Coast Products LLC and ARCO Terminal Services Corporation by the Board of Harbor Commissioners.

WHEREAS, by Order No. 6330 dated March 8, 1995, the Board approved Permit No. 705 granting to Four Corners Pipe Line Company, ARCO Terminal Services Corporation and Atlantic Richfield Company, dba ARCO Western Pipe Line Company, permission to use and occupy certain lands at the Port of Los Angeles; and

WHEREAS, on January 1, 1995, Four Corners Pipe Line Company changed its name to ARCO Pipe Line Company; and

WHEREAS, pursuant to the First Amendment to Permit No. 705 dated July 21, 2006, ARCO Pipe Line Company and Atlantic Richfield Company, dba ARCO Western Pipe Line Company, were deleted as parties and BP West Coast Products LLC was added as a party, making BP West Coast Products LLC and ARCO Terminal Services Corporation together the "Tenant" subject to the terms and conditions of Permit No. 705; and

WHEREAS, Section 8(j) of Permit No. 705 provides 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 Permit No. 705, 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; and

WHEREAS, Section 8(j) of Permit No. 705 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; and

WHEREAS, Section 8(j) of Permit No. 705 requires that all associated removal and relocation costs shall be borne by Tenant; and

WHEREAS, the City of Los Angeles Harbor Department will begin a construction project that will eliminate two existing at-grade rail road crossings at Fries Avenue and Avalon Boulevard for the purpose of minimizing interruptions and delays of both vehicular and rail traffic and improving access to terminals and the waterfront ("South Wilmington Grade Separation Project") as shown in the attached Exhibit A; and

WHEREAS, the South Wilmington Grade Separation Project will require the removal and/or relocation of pipelines constructed or maintained by Tenant pursuant to Permit No. 705.

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 South Wilmington Grade Separation 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 South Wilmington Grade Separation Project will require the removal and/or relocation of pipelines constructed or maintained by Tenant pursuant to Permit No. 705.

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 Permit No. 705 is necessary.


Section 4. Pursuant to Section 8(j) of Permit No. 705, 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 Permit No. 705, 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 South Wilmington Grade Separation 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 South Wilmington Grade Separation 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 South Wilmington Grade Separation 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.

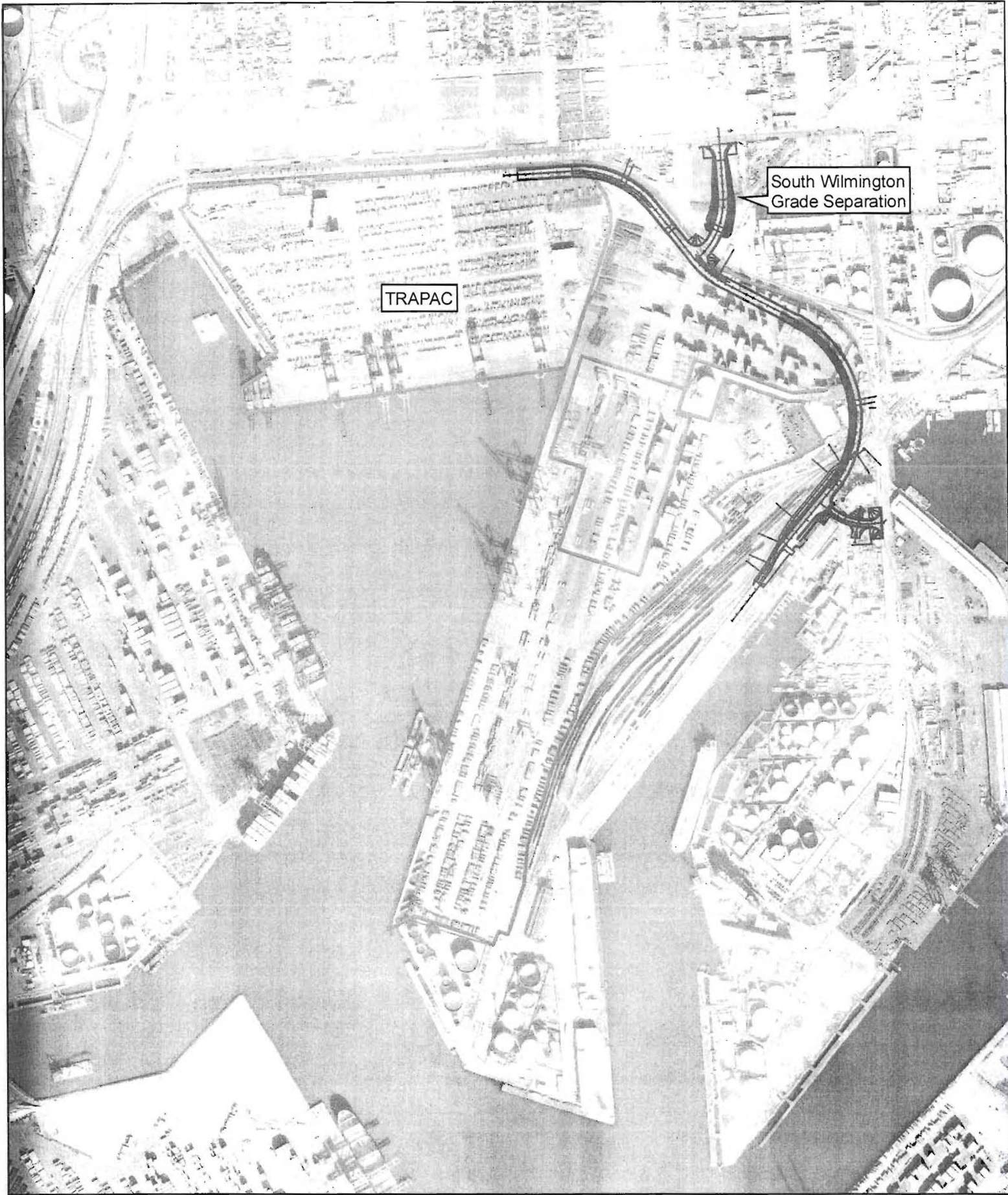
I HEREBY CERTIFY that the foregoing Order was adopted by the Board of Harbor Commissioners of the City of Los Angeles at its meeting held April 15, 2010.


ROSE DWORSHAK
Board Secretary

APPROVED AS TO FORM

April 12, 2010
CARMEN A. TRUTANICH, City Attorney

By 
RICHARD M. WIRSING, Deputy
ESTELLE M. BRAAF, Deputy



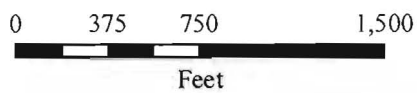
South Wilmington
Grade Separation

TRAPAC



Notes:

EXHIBIT A



Harbor Department
Planning & Economic Development
Map Produced 4/2010

