

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. 914, granted to PBF Energy Western Region, LLC (PBF) by the Board of Harbor Commissioners.

WHEREAS, on May 19, 2016, the Board approved Order No. 16-7200 consenting to the assignment of Permit No. 914 from ExxonMobil Oil Corporation to PBF Energy Western Region LLC ("Tenant"), a subsidiary of PBF Energy Inc., and granting Tenant permission to use and occupy certain lands at the Port of Los Angeles; and

WHEREAS, Section 106.4 of Permit No. 914 provides that the Board shall have the right to make any change in the route or location of any pipeline constructed or maintained on the Premises by Tenant pursuant to Permit No. 914, 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 106.4 of Permit No. 914 requires that the Board give Tenant at least ninety (90) days' written notice of a determination that any such change in the route or location is required or necessary; and

WHEREAS, Section 106.4 of Permit No. 914 requires that all associated removal and/or protection costs shall be borne by Tenant; and

WHEREAS, development of the San Pedro Public Market Project will require the Tenant to remove and/or protect in place the pipelines identified by the Harbor Engineer as interfering with the development, pursuant to Section 106.4 of Permit No. 914.

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

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

Section 2. The Board finds that the implementation of the San Pedro Public Market Project will require the removal of the pipelines identified by the Harbor Engineer, as shown in Exhibit "A", which are maintained by Tenant pursuant to Permit No. 914.

Section 3. The Board, by adoption of this Order, is providing written notice to Tenant that removal of the affected pipelines maintained by Tenant pursuant to Permit No. 914 is necessary.

Section 4. Pursuant to Section 106.4 of Permit No. 914, all costs associated with the removal and/or protection of the affected pipelines shall be borne by Tenant.

Section 5. Pursuant to section 106.4 of Permit No. 914, Tenant is hereby given ninety (90) days' notice that removal of the affected pipelines has been identified by the Harbor Engineer as necessary and unless additional time is granted by the Executive Director, Tenant shall have ninety (90) days ("Work Period") to perform the work of removing the pipelines as determined necessary by the Harbor Engineer to avoid interference with performance of the San Pedro Public Market Project. Tenant is advised that if Tenant fails to complete the removal of the pipelines within the Work Period, the City of Los Angeles may incur increased construction costs and loss of revenue resulting from delayed completion of the San Pedro Public Market Project. The determination as to whether a pipeline or portion thereof shall be removed or allowed to remain protected in place shall be made at the sole and absolute discretion of the Harbor Engineer.

Section 6. Tenant shall also remove any and all contamination associated with the removed pipelines, as well as all remaining idle or abandoned pipelines (which may be known or discovered) connected to or associated with the identified interfering pipelines and which removal is determined necessary by the Harbor Engineer to avoid interference with the development of the San Pedro Public Market 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 on _____.

AMBER M. KLESGES
Board Secretary

APPROVED AS TO FORM AND LEGALITY

9/13, 2018
MICHAEL N. FEUER, City Attorney
JANNA B. SIDLEY, General Counsel


JOHN T. DRISCOLL, Deputy City Attorney

JD
Attachment