



**THE PORT
OF LOS ANGELES**

Executive Director's
Report to the
Board of Harbor Commissioners

DATE: MAY 2, 2017

FROM: CARGO & INDUSTRIAL REAL ESTATE

SUBJECT: RESOLUTION NO. _____ - APPROVE CONVEYANCE OF UTILITY EASEMENT GRANT DEED AMONG THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND THE PORT OF LONG BEACH AS JOINT-OWNERS AND LOS ANGELES DEPARTMENT OF WATER AND POWER

SUMMARY:

Staff requests approval of the conveyance of Utility Easement Grant Deed from the City of Los Angeles Harbor Department (Harbor Department) and the Port of Long Beach (POLB) to the Los Angeles Department of Water and Power (LADWP). The easement is located on Butte Street, which is currently owned by the City of Los Angeles (City) but is to be transferred to the Harbor Department and POLB as joint owners.

As part of the condition and approval for the Butte Street vacation process, the Harbor Department and POLB will execute the Utility Easement Grant Deed for LADWP in order to preserve its overhead power distribution line located over the Butte Street right-of-way. This easement is a nonexclusive, 10-foot wide area to maintain, repair, use, and operate an overhead power distribution line.

The execution of the easement is the last condition required prior to approval of the Butte Street vacation. There is no compensation involved in the easement transfers or any future rental costs.

RECOMMENDATION:

It is recommended that the Board of Harbor Commissioners (Board):

1. Find that the proposed action is exempt from the requirements of the California Environment Quality Act (CEQA) under Article III Class 5(4) of the Los Angeles City CEQA Guidelines as determined by the Director of Environmental Management;
2. Approve the conveyance of a Utility Easement Grant Deed from the City of Los Angeles Harbor Department and the Port of Long Beach as joint owners to the Department of Water and Power;
3. Authorize the Executive Director to execute and the Board Secretary to attest to the conveyance of the Utility Easement Grant Deed; and
4. Adopt Resolution No. _____

SUBJECT: APPROVAL OF UTILITY EASEMENT GRANT DEED - LADWP

DISCUSSION:

Background – On December 22, 1994, the Harbor Department and POLB jointly purchased properties as part of the Alameda Corridor construction project. The property is located along the former Southern Pacific Railroad (SPRR) and Union Pacific Railroad (UPRR) right-of-ways within the County of Los Angeles. The SPRR right-of-way was acquired to serve as the main rail line for the Alameda Corridor. The UPRR right-of-way was acquired to serve as a possible alternative route within the corridor.

In 1998, the Harbor Department and POLB granted rights to the Alameda Corridor Transportation Authority (ACTA) through a Use Agreement to allow for the construction, maintenance, and operation of the Alameda Corridor. ACTA entered into agreements with various entities affected by the construction of the corridor. The City and ACTA entered into such an agreement, known as a Memorandum of Understanding, in 1999 pertaining to all construction elements located within City limits. The use of the City right-of-way was granted to allow ACTA to widen the railroad right-of-way for the construction of the Los Angeles River Bridge Project.

The property in question is held by the Harbor Department and POLB as tenants in common, with each holding an undivided 50 percent interest in the property. Concurrently, with the acquisition of railroad right-of-way, the Harbor Department and POLB became successors-in-interest to all railroad agreements, leases, and licenses related to the acquired railroad right-of-way.

Butte Street is located between Santa Fe Avenue and the Los Angeles River in an industrial area near downtown. In the early 1930s, Butte Street was one of many small streets servicing this industrial area of Los Angeles that abutted the Los Angeles River. Butte Street was eventually abandoned due to expanding development. ACTA constructed a track on this abandoned Butte Street as part of the Los Angeles River Project.

Butte Street no longer exists, and the street has been replaced by the ACTA Corridor tracks. ACTA, along with the Harbor Department and POLB, is in the process of officially vacating Butte Street and has had the street removed from the City roster. Butte Street is still considered a dedicated street and is owned by the City. The Los Angeles City Council intends to officially vacate Butte Street, have it removed from the City maps, and transfer the City's interest to the Harbor Department and POLB jointly.

It was negotiated as a condition of the approval that LADWP will continue to have access to their facility without compensation. Therefore, LADWP needs to maintain the 10-foot wide area for maintenance, repair, use, and operation of an overhead power distribution line.

SUBJECT: APPROVAL OF UTILITY EASEMENT GRANT DEED - LADWP

ENVIRONMENTAL ASSESSMENT:

The proposed action is approval to convey a Utility Easement Grant Deed (Transmittal 1) from the Harbor Department and POLB to LADWP as part of the vacation of Butte Street, which is on property jointly owned by the Harbor Department and POLB (Transmittal 2). As an activity involving the conveyance of minor easements, the Director of Environmental Management has determined that the proposed action is exempt from the requirements of CEQA in accordance with Article III Class 5(4) of the Los Angeles City CEQA Guidelines.

FINANCIAL IMPACT:

There is no financial impact to the Harbor Department associated with this proposed Board action.

CITY ATTORNEY:

The Office of the City Attorney has reviewed and approved the Utility Easement Grant Deed as to form and legality.


TRANSMITTALS:

- 1. Utility Easement Grant Deed
- 2. Aerial Map



JACK C. HEDGE
Director of Cargo & Industrial Real Estate

FIS Approval: MB (initials)
CA Approval: gnc (initials)



MICHAEL DiBERNARDO
Deputy Executive Director

APPROVED:



FOR

EUGENE D. SEROKA
Executive Director