

**City of Culver City, California
Agenda Item Report**

Meeting Date: 12/10/2012		Item Number: <u>C-6</u>	
CITY COUNCIL AGENDA ITEM: (1) Acceptance of Certain Real Estate Transfers and (2) Authorization of the City Manager to Execute Certain Real Estate Transfers, Easements, and License Agreements related to the Construction and Operation of the Exposition Light Rail Transit Project.			
Contact Person/Dept.: Charles D. Herbertson/PW		Phone Number: (310) 253-5630	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐	
Public Hearing: ☐		Action Item: ☐ Attachments: ☐	
Commission Action Required: Yes ☐ No ☒		Date: _____	
Public Notification: (E-mail) Agenda and Meetings – City Council (12/07/12);			
Department Approval: Charles D. Herbertson (11/29/12)		City Attorney Approval: Carol Schwab (by H. Baker) (12/06/12)	
Chief Financial Officer Approval: Jeff Muir (12/06/12)		City Manager Approval: John M. Nachbar (12/07/12)	

RECOMMENDATION:

Staff recommends that the City Council accept certain real estate transfers and authorize the City Manager to execute certain real estate transfers, easements and license agreements related to the construction and operation of the Exposition Light Rail Transit Project.

BACKGROUND:

The Exposition Metro Line Construction Authority (Authority) was created by the California State Legislature to oversee the final design and construction of the Metropolitan Transportation Authority (Metro) Exposition Light Rail Transit Project (Expo LRT). The Authority has constructed Phase 1 of the Expo LRT, consisting of the 9.6-mile Metro-owned Exposition Right-of-Way from the existing Metro Light Rail Transit (LRT) station at 7th/Metro Center in downtown Los Angeles to the Venice/Washington Boulevard area in Culver City, the "Culver City Station". Metro has been operating the Expo LRT since June 20, 2012.

The construction of the Expo LRT project in Culver City, included work involving realignment and reconstruction of Washington and National Boulevards and related facilities, as well as realignments of various street cul-de-sacs adjoining the northerly side of the Expo Right-of-Way, between Washington Boulevard and Ballona Creek. The work also included the

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construction of portions of the Expo project soundwalls and Bike Path on City properties.

On September 12, 2011, the City Council approved the City entering into a Financial Contribution Agreement with Metro (Agreement) in order to provide for the City of Culver City's local contribution towards the design and construction of the Culver City Station component of the project. The agreement included provisions for the City's contribution to be made by provisions of funds, credits for City in-kind contributions, real estate transfers and licenses.

DISCUSSION:

The Agreement included certain provisions which identified certain real estate transfers and licenses as being a part of the Agreement. Specifically, Section 2.4 of the Agreement acknowledges that each party will grant, convey and deed certain specified real estate as provided in the Project Parcel Map and Real Estate matrix attached as "Exhibit E" to the Agreement. In addition to the real estate transfers, Section 2.3 of the Agreement acknowledges that the City and Metro intended to build and operate a bike path on properties owned by the City and by Metro. The Agreement stipulates that a license agreement would be prepared to allow for the construction by the Authority and operation and maintenance by the City, of the bike path.

The following is the matrix of the proposed property transfers and license agreements:

Expo LRT Project Parcel Map and Real-Estate Matrix		
Parcel Reference Number	Ownership Interest Transferred / Rights Conveyed	Transfer or Convey From/To
FFP-152 – Portion of Howard Industries property, to widen WB Washington Bl. for public street and right-of-way.	Permanent Street Easement Deed	A & E Winter 1987 Trust to City
FFP-154 – Realigned WB National Bl. roadway, between Ballona Creek and Hayden Ave.	Grant Deed	Metro to City
FFP-156 – Existing Washington Bl. roadway crossing over Expo Right-of-Way	Non-Exclusive Access Easement Deed	Metro to City
FFP-158 – Portion of former	Grant Deed	City to Metro

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Wesley St. cul-de-sac.		
FFP-160 – Northerly portion of National Bl., between Hayden Ave. and Wesley St.	Grant Deed	City to Metro
FFP-163 – Portion of former Agency-owned property at northwest corner of Washington and National Blvds., for future roadway widening.	Grant Deed	Former Redevelopment Agency to City (see note below)
FFP-173 – Westerly side of National Bl. at Expo Right-of-Way, for expanded sidewalk.	Grant Deed	Metro to City
FFP-178 – Expo Transit Parkway (Bike Path), including Metro and City properties around the Expo LRT Trackway, between Ballona Creek and the intersection of the Trackway and National Bl.; for construction, operation and maintenance of the Expo Bike Path, and installation, operation and maintenance of Expo LRT and City street infrastructure.	Bikeway License Agreement	Metro to City
WE-606 – Portion of Former Agency-owned property (Hull Parking Lot) to construct and expand adjacent to Wesley St. cul-de-sac.	Grant Deed	Former Redevelopment Agency to City (see note below)
WE-611 - Portion of former Wesley St. cul-de-sac.	Quit Claim Deed	City to Metro
WE-667 – Easterly side of Helms Ave. to realign and construct adjacent cul-de-sac.	License and Indemnity Agreement	D & E Beri Family Trust to City
WE-676 – Former portion of Helms Ave. cul-de-sac.	Quit Claim Deed	City to Metro

The Director of Public Works/City Engineer has reviewed the above real estate transfer documents and found them to be technically correct.

The City Council has previously accepted two (2) additional real estate transfers related to the construction of the Expo LRT Project. In December 2009, the City accepted a Grant Deed for a portion of 3425 Helms Avenue for the realignment of the Helms Avenue cul-de-sac. And, in May 2011, the City accepted a Grant Deed for a portion of 8770 and 8786 Washington Boulevard

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for the construction of a public sidewalk along the easterly side of National Boulevard.

No additional real estate transfers are anticipated for the construction of the Expo LRT Project.

Note that two parcels involve transference of property once owned by the Former Culver City Redevelopment Agency. Those transfers may be subject to the approval of the Successor Agency, the Oversight Board, and the State Department of Finance. Given the recent decision of the State Department of Finance to not approve real estate transfers until the Long Range Property Management Plan is completed, actual conveyance of these parcels may not be approved until sometime in 2013 or beyond. Such transfers will only be recorded upon receipt of any applicable approval by the Oversight Board and State Department of Finance.

FISCAL ANALYSIS:

Pursuant to the Agreement, the real estate transfers are to be granted, conveyed and deeded at “no additional cost or expense” to the City and/or Metro. However, the City will incur on-going costs for the operation and maintenance of the Expo Bike Path and related lighting, signage, landscape and irrigation, including utility costs. An initial estimate of the potential annual on-going cost to the City’s General Fund is approximately \$50,000 to \$75,000. Additional cost will also be incurred as a result of ongoing graffiti abatement along the Expo Bike Path.

MOTIONS:

That the City Council

1. Approve the acceptance of, and transfer of certain real estate transfers; and,
2. Approve a Bikeway License Agreement; and,
3. Authorize the City Attorney to review/prepare the necessary documents; and,
4. Authorize the City Manager to execute such documents on behalf of the City.