

ORDINANCE NO. _____

An Ordinance approving Resolution No. 25248 of the Board of Airport Commissioners of the City of Los Angeles consenting to the granting by the City of Los Angeles to the City of Ontario of a non-exclusive Easement to relocate and use a sewer line to accommodate the N. Vineyard Avenue/Union Pacific Railroad Grade Separation Project at LA/Ontario International Airport.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. It is hereby found and determined that the public interest, convenience and necessity require the granting of a non-exclusive Easement to relocate and use a sewer line along, under, across and over at LA/Ontario International Airport in the City of Ontario, from the City of Los Angeles (hereinafter referred to as the "Grantor") to the City of Ontario (hereinafter referred to as the "Grantee"), as set forth in Resolution No. 25248 of the Board of Airport Commissioners, attached to this ordinance as Exhibit "B" hereof, in order to construct, use, maintain, operate, alter, repair, replace, reconstruct, remove, use and inspect facilities and appurtenances thereto.

Sec. 2. That Resolution No. 25248 (Exhibit "B" hereto) is hereby approved and the Easement along and near Airport Drive, outlined and delineated in red on Department of Airports' Drawings and attached to this Ordinance as Exhibit "A" hereof, be and the same is hereby granted to the City of Ontario for the above- described purposes. The legal description of said parcel of land is attached to this ordinance as Exhibit "C".

Sec. 3. Grantor, its successors and assigns, reserves for the use and benefit, the right for full use and enjoyment of the surface. The Grantee expressly agrees, for itself, its successors and assigns, that it will hold Grantor harmless and defend and indemnify Grantor for any injury or damages caused by the Grantee's negligent activities undertaken pursuant to this Easement. The Grantee expressly agrees, for itself, its successors and assigns, that before undertaking any emergency or non-emergency work in secured (restricted) areas inaccessible to the general public, Grantee will provide advance notification to the Ontario Airport Manager, or his designee(s), and will use its best efforts to ensure that such work will not interfere with

the operation of the Airport, its tenants and/or the travelling public. The Grantee expressly agrees, for itself, its successors and assigns, that in the event the sewer line service for which said facilities are constructed is discontinued, Grantee will, at Grantor's election remove and/or abandon said facilities within 120 days after receipt of a notice from the Grantor and execute a Quitclaim Deed reconveying this Easement to the Grantor.

Sec. 4. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located in the Main Street lobby to the City Hall; one copy on the bulletin board located at the Main Street entrance to City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

HOLLY L. WOLCOTT, Interim City Clerk

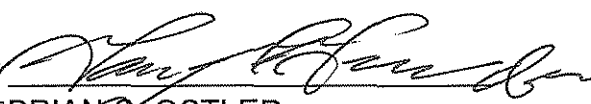
By _____
Deputy

Approved _____

Mayor

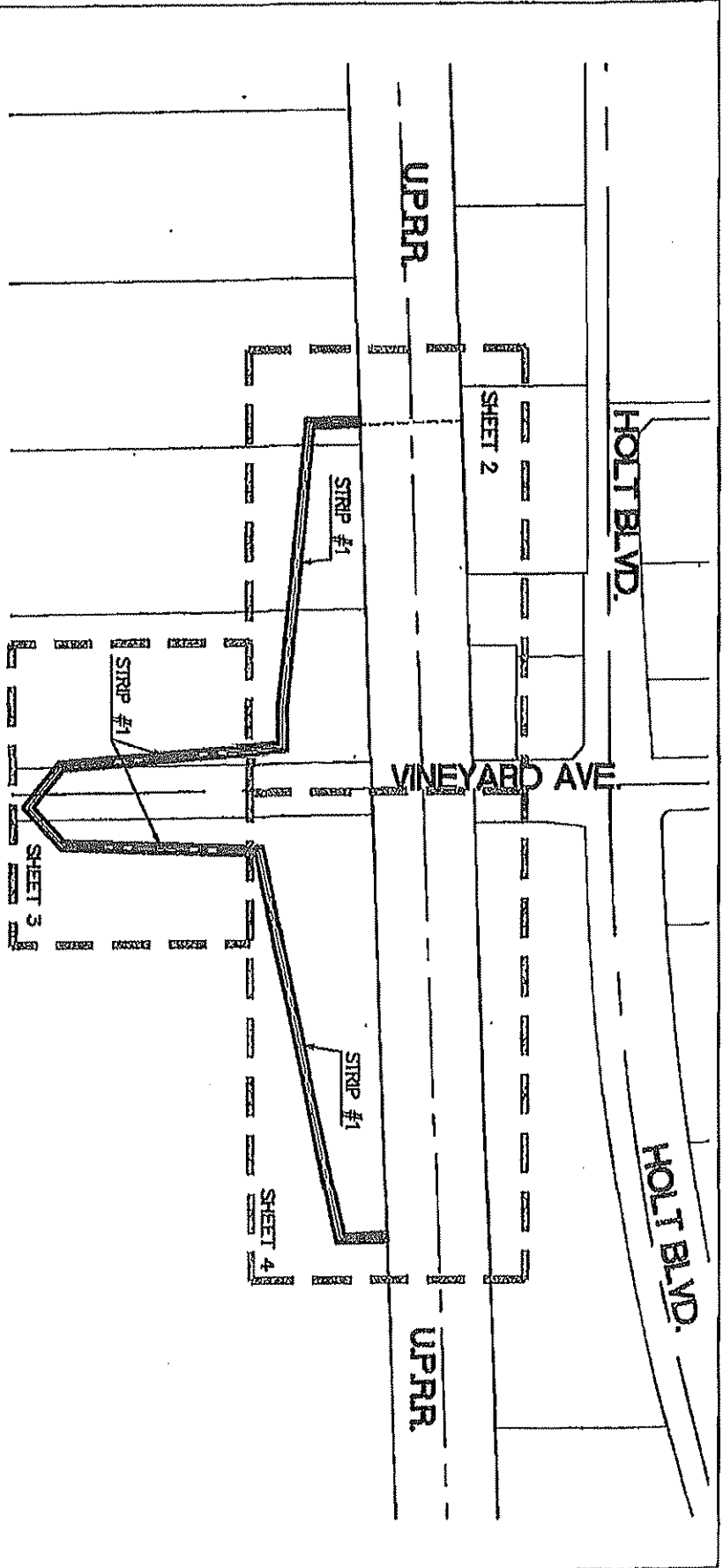
Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

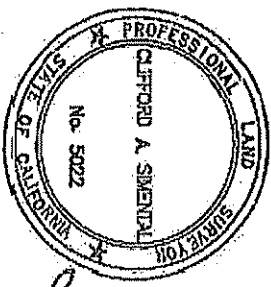
By 
BRIAN C. OSTLER
Deputy City Attorney

Date 4/2/15

File No. _____



EASEMENT NOTE:
 SEE SHEET 5 & 6 FOR UNDERLYING
 EASEMENT INFORMATION.



THIS EXHIBIT WAS PREPARED
 UNDER MY DIRECTION:
Clifford A. Simental
 CLIFFORD A. SIMENTAL DATE 8/6/13

LEGEND

P.O.C. POINT OF COMMENCEMENT
P.O.B. POINT OF BEGINNING
P.O.T. POINT OF TERMINATION

INDICATES PROPOSED 15' WIDE
 EASEMENT 39,009 SQ. FT.
 (0.90 ACRES) MORE OR LESS

INDICATES CENTERLINE

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY ARE BASED
 UPON THE NORTH AMERICAN DATUM OF
 1983 (NAD83) OF THE CALIFORNIA COORDINATE SYSTEM
 OF 1983 (CCS83), ZONE V, 2002.00 EPOCH.

DISTANCES SHOWN HEREON ARE GRID DISTANCES. GROUND
 DISTANCES MAY BE OBTAINED BY DIVIDING GRID DISTANCES
 BY THE AVERAGE CORRECTION FACTOR OF .99995292

SCALE N.T.S.

EXHIBIT "B"		SHEET 1 OF 6	
SEWER LINE EASEMENT		P S O M A S	
		1550 East Avenue, Suite 210 Redlands, CA 92307 (951) 767-8421 www.psomass.com	
SCALE N.T.S.	DRAFTED JAU	DATE	JUN 07, 2013
	CHECKED SAS	JOB	
		NUMBER	4HDROT0500

EXHIBIT A

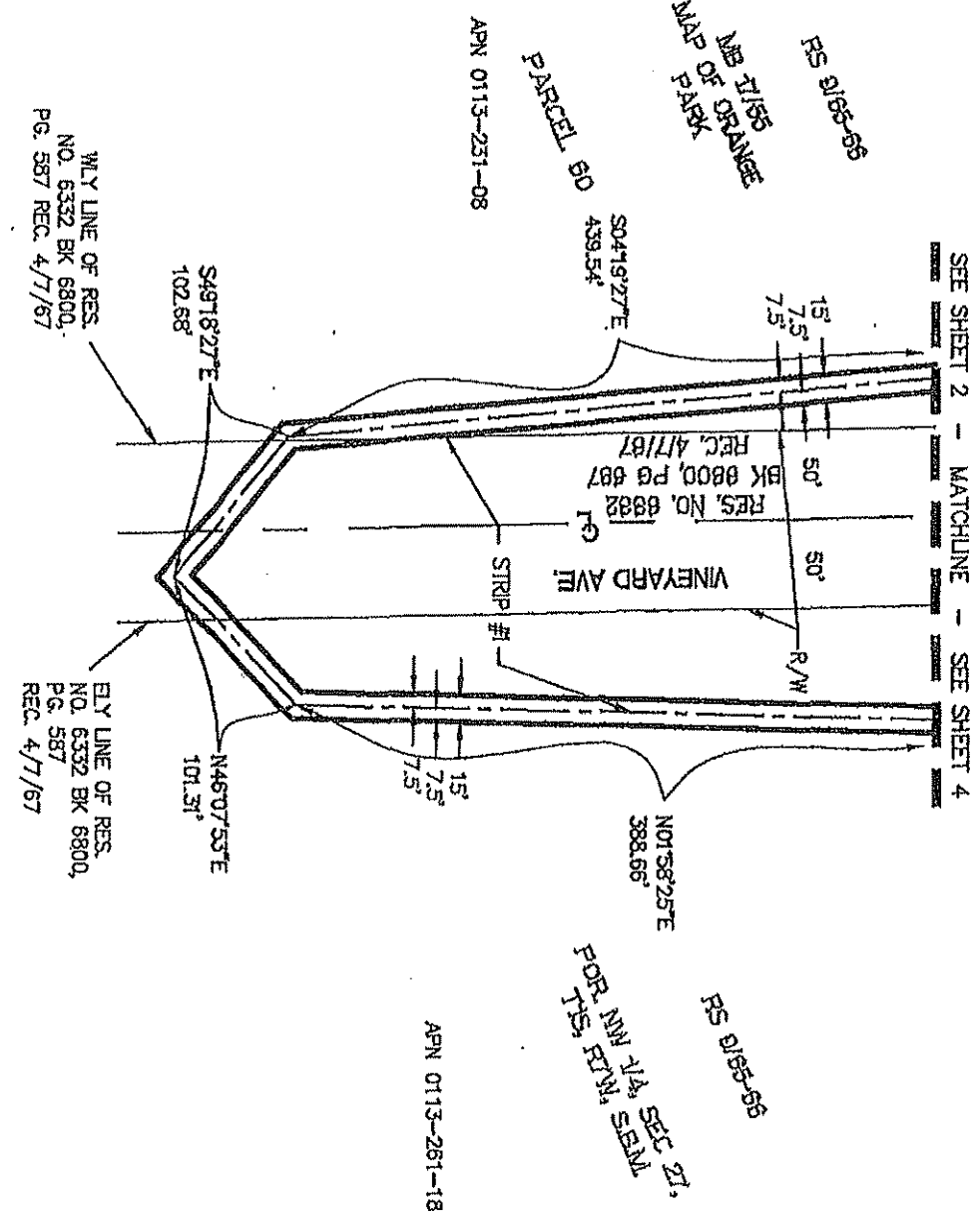
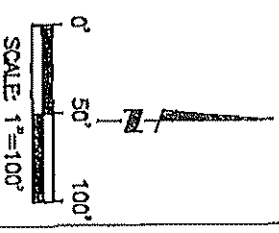


EXHIBIT "B" SEWER LINE EASEMENT		SHEET 3 OF 6 P S O M A S 1500 Lomb Avenue, Suite 210 Redwood City, CA 94067 (951) 757-8421 www.psom.com	
SCALE	1" = 100'	DRAFTED	JAV
CHECKED	SAS	DATE	JUNE 07, 2013
JOB NUMBER	44DR010500		



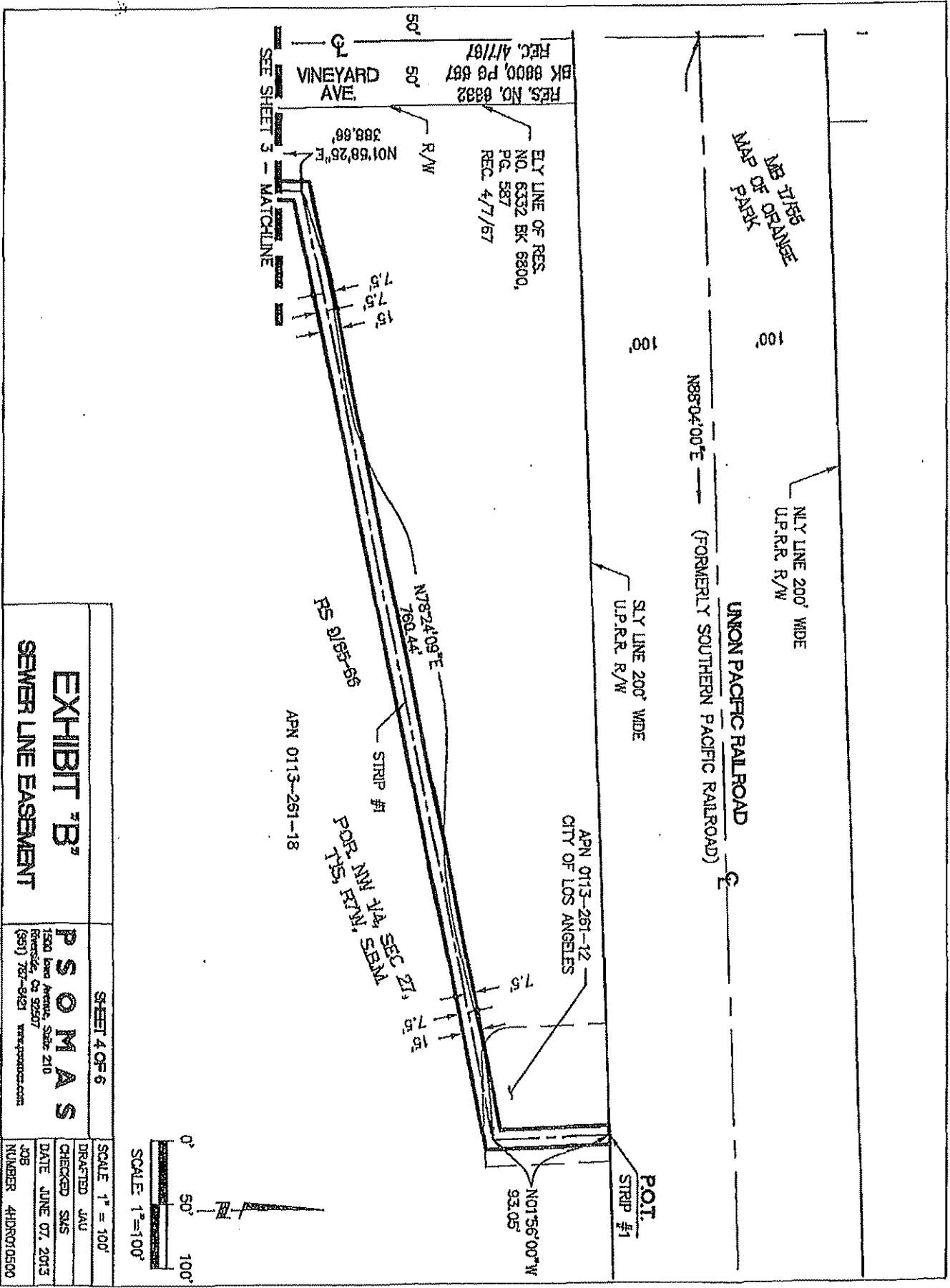
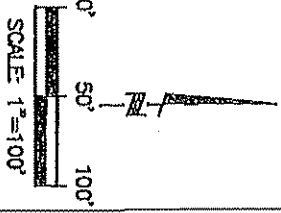
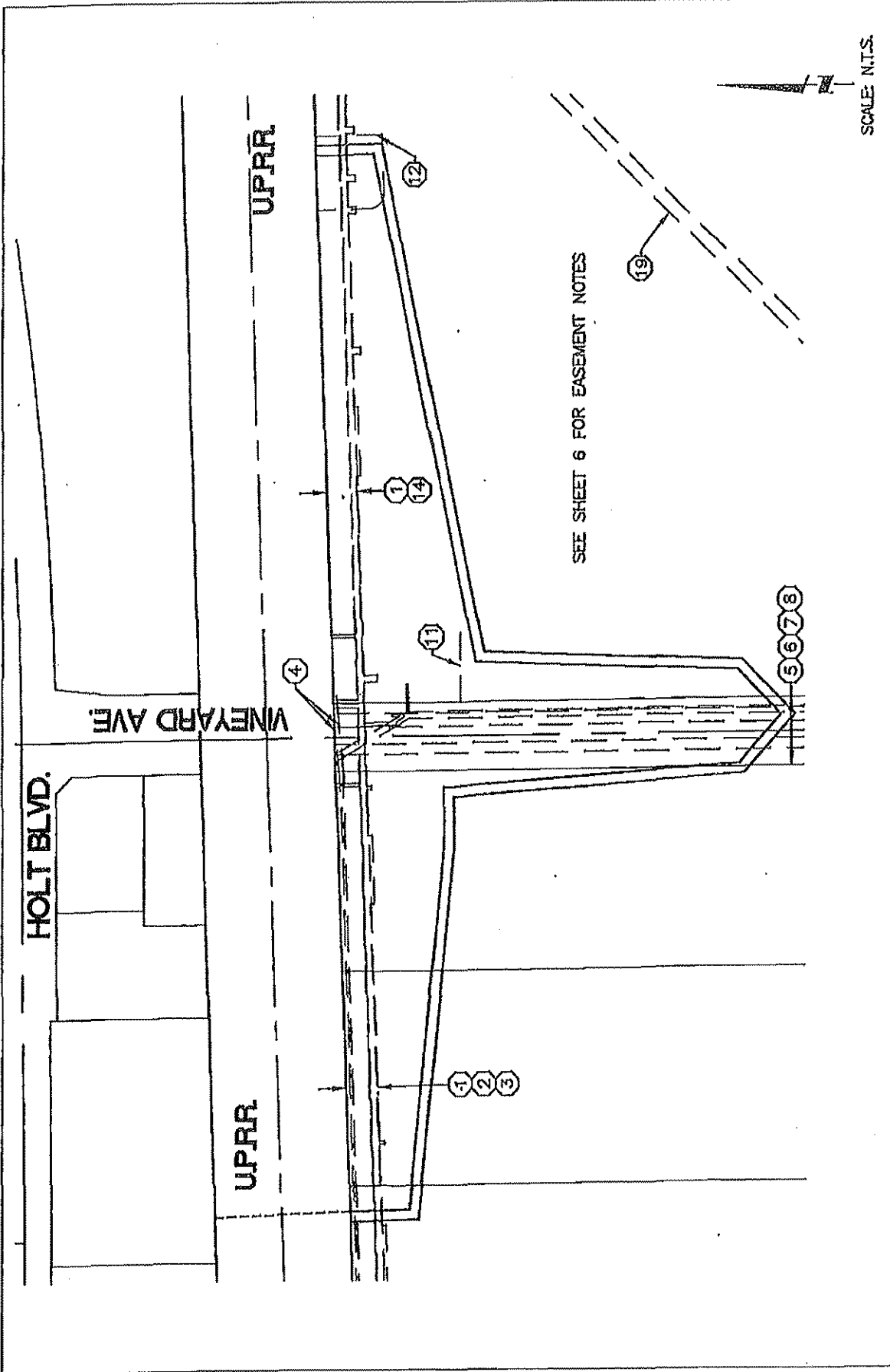


EXHIBIT "B"	
SEWER LINE EASEMENT	
SHEET 4 OF 6	P S O M A S
1500 Leno Avenue, Suite 210 Riverside, CA 92507 (951) 781-9421 www.psomass.com	
DRAWN BY JAU	CHECKED BY SAS
DATE JUNE 07, 2013	JOB NUMBER 410R070500





SEE SHEET 6 FOR EASEMENT NOTES

SCALE: N.T.S.

<p>EXHIBIT "B" SEWER LINE EASEMENT</p>	<p>SHEET 5 OF 6</p>	<p>SCALE: N.T.S.</p>
	<p>P S O M A S 1500 Iowa Avenue, Suite 210 Riverside, Ca 92507 (951) 787-8821 www.psomass.com</p>	<p>DRAFTED: JAU CHECKED: SMS DATE: JUNE 07, 2013 JOB NUMBER: 4HDR010500</p>

EASEMENT NOTE:

- ① VAR. WIDTH EASEMENT AS DESCRIBED IN GRANT DEED REC. 02/09/01 AS INST. NO. 200100500059, TELE.
- ② CENTERLINE EASEMENT AS DESCRIBED IN GRANT DEED REC. 01/29/51, BOOK 2709, PAGE 396, ELEC.
- ③ 10' WIDE EASEMENT AS DESCRIBED IN GRANT DEED REC. 07/18/52, BOOK 2986, PAGE 456, ELEC/TELE.
- ④ 6' WIDE EASEMENT AS DESCRIBED IN GRANT DEED REC. 09/26/58, BOOK 4614, PAGE 374, ELEC.
- ⑤ VAR. WIDTH EASEMENT AS DESCRIBED IN GRANT DEED REC. 10/14/55, BOOK 3764, PAGE 598, ELEC/TELE
- ⑥ 20' WIDE EASEMENT AS DESCRIBED IN GRANT DEED REC. 04/07/67, BOOK 6800, PAGE 587, UTIL.
- ⑦ 15' WIDE EASEMENT AS DESCRIBED IN GRANT DEED REC. 08/18/52, BOOK 3005, PAGE 258, GAS.
- ⑧ 20' WIDE EASEMENT AS DESCRIBED IN GRANT DEED REC. 07/01/85, INST. NO. 85-157921, O.R., SEWER

CONTINUED:

- ⑪ CENTERLINE LINE 17 EASEMENT AS DESCRIBED IN GRANT DEED REC. 10/13/50, BOOK 2654, PAGE 510, ELEC.
- ⑫ EASEMENT AS DESCRIBED IN GRANT DEED REC. 07/01/85, INST. 85-157921, O.R. WATER WELL
- ⑬ VAR. WIDTH EASEMENT AS DESCRIBED IN GRANT DEED REC. 02/09/01, AS INST. NO. 200100500060, ELEC.
- ⑭ 20' WIDE EASEMENT AS DESCRIBED IN GRANT DEED REC. 04/01/85, INST. 85-157921, O.R. SEWER

SCALE N.T.S.

SHEET 6 OF 6	
EXHIBIT "B"	P S O M A S
SEWER LINE EASEMENT	1500 Iowee Avenue, Suite 210 Riverside, CA 92507 (951) 787-8421 www.psomns.com
SCALE N.T.S.	DRAFTED JAU
	CHECKED SMS
	DATE JUNE 07, 2013
	JOB NUMBER 44DR010500



RESOLUTION NO. 25248

LAX
LA/Ontario
Van Nuys
City of Los Angeles

BE IT RESOLVED that the Board of Airport Commissioners approved utility easements and authorized the Executive Director to accept quitclaims of vacated existing easements to accommodate the City of Ontario's North Vineyard Avenue/Union Pacific Railroad Grade Separation Project at LA/Ontario International Airport, as referenced on the amended board report attached herein and made part hereof; and

Eric Garcetti
Mayor
Board of Airport
Commissioners

BE IT FURTHER RESOLVED that the Board of Airport Commissioners authorized the Executive Director to accept quitclaims of vacated existing utility easements associated with the City of Ontario's North Vineyard Avenue/Union Pacific Railroad Grade Separation Project; and

Sean O. Burton
President

BE IT FURTHER RESOLVED that the Board of Airport Commissioners authorized the Executive Director to execute documents making minor modifications to the legal descriptions of the easements should any "as-built" surveys indicate any portion of the utilities to be outside the easement area; and

Valeria C. Velasco
Vice President

Gabriel L. Eshaghian
Jackie Goldberg
Beatrice C. Hsu
Matthew M. Johnson
Dr. Cynthia A. Telles

BE IT FURTHER RESOLVED that the conveyance of minor miscellaneous easements is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Article III Class 5(4) of the Los Angeles City CEQA Guidelines. The City of Ontario work has undergone separate environmental review by the City of Ontario as lead agency. The only action authorized herein is the granting of the easement; and

Gina Marie Lindsey
Executive Director

BE IT FURTHER RESOLVED that actions taken on this item by the Board of Airport Commissioners will become final pursuant to the provisions of Los Angeles City Charter Section 373.

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I hereby certify that this Resolution No. 25248 is true and correct, as adopted by the Board of Airport Commissioners at its Regular Meeting held on Tuesday, October 1, 2013.

Sandra J. Miller – Secretary
BOARD OF AIRPORT COMMISSIONERS



Approved by City Council on January 22, 2014

EXHIBIT B

ORIGINAL

RECORDING REQUESTED BY
AND WHEN RECORDED
MAIL DOCUMENT TO:

City of Ontario
303 "B" Street
Ontario, CA 91764

Attention: Cindy Hackett, P.E.

SPACE ABOVE FOR RECORDER'S USE ONLY

EASEMENT AGREEMENT BETWEEN
THE CITY OF LOS ANGELES AND CITY OF ONTARIO FOR SEWER LINE AT
LA/ONTARIO INTERNATIONAL AIRPORT

The CITY OF LOS ANGELES, DEPARTMENT OF AIRPORTS (hereinafter referred to as "Grantor"), hereby grants to CITY OF ONTARIO (hereinafter "Grantee"), a non-exclusive easement ("Easement") for SEWER LINE PURPOSES and those appurtenances and uses commonly associated exclusively ("Grantee's Facilities" or "Facilities"), and for the purpose of permitting the Grantee to relocate and use a sewer line thereon, along, under, across, over or through Grantor's real property, together with all the necessary and convenient appurtenances thereto, at LA/Ontario International Airport ("Airport"), situated in the County of San Bernardino, State of California, described as follows:

Those portions of Lots 58, 59, and 60 of Map of Orange Park, filed in Book 17, page 55 of Maps, that portion of the northwest one-quarter (NW ¼) of Section 27 Township 1 south, Range 7 west, S.B.M. all as shown on Record of Survey filed in Book 9, pages 65 and 66 of Surveys, and that portion of Vineyard Avenue (100 feet wide) as described in Resolution No. 6332 recorded April 7, 1967 in Book 6800, page 587, of Official Records, all records of San Bernardino County, located in the City of Ontario, County of San Bernardino, State of California, more particularly described on Exhibit "A" and depicted on Exhibit "B" attached hereto and made a part hereof.

Grantee shall use said Easement to construct, use, maintain, operate, alter, repair, replace, reconstruct, remove and, from time to time, inspect Grantee's Facilities subject, however to the following conditions and reservations:

1. Grantor's full use and enjoyment of the surface thereof, subject to Grantee's rights therein.

2. Access shall be over such roads and ways on Airport as shall be prescribed by Grantor's Executive Director, or the designee of the Department of Airports.

3. To the extent required by law, Grantee shall hold Grantor harmless and defend and indemnify Grantor for any injury or damages caused by Grantee's negligent activities undertaken pursuant to this Easement Agreement.

4. Before undertaking any emergency or non-emergency work in secured (restricted) areas inaccessible to the general public, Grantee shall first obtain escorted access from the Ontario Airport Manager, or his or her designee(s), by calling Airport Maintenance at (909) 544-5254, or such other telephone number(s) as may be indicated in writing to Grantee.

Before undertaking any emergency or non-emergency work within (unsecured) areas accessible to the general public, Grantee will provide advance notification to the Ontario Airport Manager, or his or her designee(s), by calling Airport Maintenance at (909) 544-5254, or such other telephone number(s) as may be indicated in writing to Grantee.

In making any excavation upon said Easement, Grantee shall give proper advance notice to Grantor in accordance with this Section 4 and shall restore the surface of the ground, including paving and landscaping, if any, to as near as practicable the same condition as it was prior to such excavation.

Grantee will use its best efforts to ensure that such work shall not interfere with the operation of Airport, its tenants and/or the traveling public.

5. Grantee's contractor(s) shall be required to provide insurance in the amount required by the Department of Airports for non-airfield work or Airfield Operations Area work whichever is appropriate, whenever repair, relocation, construction, reconstruction or alternation of Grantee's Facilities becomes necessary.

6. Grantee, by the acceptance of this Easement, agrees that in the event the sewer line service for which said Facilities are constructed is ordered or requested by Grantor discontinued, and the Grantee is not required by any law, rule or regulation of any governmental authority to furnish sewer line service from said Facilities, Grantee will at Grantor's election, remove and/or abandon in place, in whole or in part, said Facilities within 120 days after receipt from the Grantor of the notice in writing of the discontinuance of service. This Easement will then be null and void and Grantee shall, at Grantor's written request, execute a Quitclaim Deed reconveying this Easement to Grantor.

7. Grantor agrees not to revoke this Easement agreement so long as Grantee is under a duty or obligation to provide sewer service to Grantor or Grantee's customers from the underground facilities which are the subject of this Easement and Grantee has not breached a material aspect of this Easement. Upon expiration of the duty or obligation of Grantee to supply sewer service or after breach of a material aspect of this Easement, this Easement is revocable by the Grantor and Grantee shall, at Grantor's written request, execute a Quitclaim Deed reconveying this Easement to Grantor.

8. The Easement granted in this agreement is nonexclusive. Grantor retains the right to grant concurrent easements to third parties within the Easement granted hereunder.

9. The Easement granted herein is personal and specific to Grantee. This Easement, or any right, privilege or interest therein, shall not be sold, conveyed, transferred or assigned by Grantee without the prior written consent by the Board of Airport Commissioners. Any purported sale, conveyance, transfer or assignment by Grantee of the Easement, or any right, privilege or interest therein, shall be a material breach of this Easement Agreement, and shall be void and of no effect.

IN WITNESS WHEREOF, the undersigned has caused this instrument to be executed this 3rd day of February, in the year 2014

APPROVED AS TO FORM:
Michael N. Feuer, City Attorney

Date: 12/17/13

By: [Signature]
Deputy City Attorney

CITY OF LOS ANGELES

By: [Signature]
Executive Director
Department of Airports



The forgoing Easement Agreement is hereby accepted this 19th day of September, in the year 2013.

CITY OF ONTARIO

By: [Signature]

Print Name: Chris Hughes

Print Title: City Manager

The within instrument approved by the Council of the City of Los Angeles at its meeting of

JAN 22 2014

By: [Signature]
Deputy



ACKNOWLEDGMENT

State of California
County of San Bernardino

On 9/19/13 before me, Cynthia M. Chapman,
(Insert name and title of the officer)

Notary Public, personally appeared Chris Hughes

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Cynthia M. Chapman (Seal)

EXHIBIT 'A'

SEWER LINE EASEMENT

LEGAL DESCRIPTION

Those portions of Lots 58, 59 and 60 of Map of Orange Park, filed in Book 17, page 55 of Maps, that portion of the northwest one-quarter (NW1/4) of Section 27, Township 1 south, Range 7 west, S.B.M., all as shown on Record of Survey filed in Book 9, pages 65 and 66 of Surveys, and that portion of Vineyard Avenue (100.00 feet wide) as described in Resolution No. 6332 recorded April 7, 1967 in Book 6800, page 587, of Official Records, all records of San Bernardino County, located in the City of Ontario, County of San Bernardino, State of California, more particularly described as follows:

Strip #1

A strip of land 15.00 feet wide, the centerline of said strip being more particularly described as follows:

Commencing at the southeast corner of Parcel 2 as shown on Parcel Map No. 15097, filed in Book 185, pages 68 and 69, of Parcel Maps, records of said County, said point also being on the northerly line of a 200.00 foot wide strip of land as shown as the Right of Way of the Southern Pacific Railroad Company as shown on said Record of Survey;

Thence along said northerly line South 88°04'02" West 650.10 feet;

Thence South 02°04'48" East 200.00 feet to the southerly line of said 200.00 foot wide strip;

Thence along said southerly line South 88°04'02" West 7.50 feet to the Point of Beginning;

Thence South 02°04'48" East 94.87 feet;

Thence South 84°28'47" East 540.09 feet;

Thence North 89°53'25" East 79.99 feet;

Thence South 04°19'27" East 439.54 feet;

R:\411010500\SURVEY\LEGAL\DESCRIPTIONS\LAWA\411010500_LAWA_SWA.doc1

Thence South 49°18'27" East 102.68 feet;

Thence North 46°07'53" East 101.31 feet;

Thence North 01°58'25" East 388.66 feet;

Thence North 78°24'09" East 760.44 feet;

Thence North 01°56'00" West 93.05 feet to the southerly line of said 200.00 foot wide strip and being its Point of Termination.

The sidelines of said strip are to be prolonged or shortened so as to begin and terminate on the southerly line of said 200.00 foot wide strip.

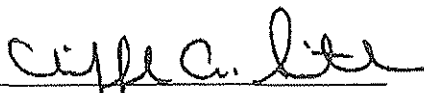
The above described strip of land contains 39,009 sq. ft. (0.90 acres) more or less.

See Exhibit 'B' attached hereto and made a part hereof.

The Basis of Bearings for this survey are based upon the North American Datum of 1983 (NAD83) of the California Coordinate System of 1983 (CCS83), Zone V, 2002.00 Epoch. Distances shown hereon are grid distances. Ground distances may be obtained by dividing grid distances by the average combination factor of 0.99995292

This legal description is not intended for use in the division and/or conveyance of land in violation of the subdivision map act of the State of California.

Prepared under the direction of:


Clifford A. Simental, PLS 5022

AUG 6, 2013
Date

