

ORDINANCE NO. 185012

An Ordinance authorizing an exchange of certain City of Los Angeles (City)-owned real property with 6001 JEFFERSON, LLC, a California limited liability company and Nantworks, LLC, a Delaware limited liability company (collectively, Nant) pertaining to the Real Property Exchange Agreement and Escrow Instructions (Agreement) for the exchange of real property interests between the City and Nant. City and Nant are "Parties" to the exchange.

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

Section 1. The Council of the City of Los Angeles finds and determines that the public interest, convenience and necessity require the exchange of real properties with Nant with respect to the conveyance by 6001 Jefferson, LLC of fee title to 6001 Jefferson Blvd (6001), along with a quitclaim deed to City for a portion of 6001, and the conveyance by City of portion of 9940 Jefferson Blvd (9940), to Nantworks, LLC. City shall reserve approximately 17,000 square feet in fee from 9940 for its Odor Control Facility for City's continued use. An access easement will be obtained by City, allowing access to and from Jefferson Boulevard, through adjacent College Boulevard, with the assistance of Nant, at City's own expense. If this access easement is not secured before closing, Nantworks, LLC will provide a 16-foot wide access easement to and from Jefferson Boulevard, through 9940 for the benefit of City's retained 17,000 square foot parcel. Between these exchanges, the Reconciliation Payment shall equal Ten Million Dollars (\$10,000,000), in favor of City. Veteran Holdings, LLC, a Delaware limited liability company, with City's acceptance will negotiate the purchase of 9401 Jefferson Boulevard with City's approval, also known as Lots A, B, and C (9401) and assign purchase contracts for these lots to City as "assignment and assumption agreements" for each Additional Lot Purchase Contract to offset the \$10,000,000 Reconciliation Payment. In the event the Reduced Reconciliation Payment Conditions are not satisfied, then the Reconciliation Payment shall equal \$10,000,000. This exchange of real property interests is required due to City of Los Angeles' need to develop Solid Waste Resources infrastructure in West Los Angeles watershed, such as a Material Recovery Facility (MRF).

Sec. 2. The exchange of real property interests between Nant and City, set forth in the Agreement, which is attached to Council File No. 15-1421, and which is hereby incorporated by reference, is hereby approved. The locations of the respective real property interests to be exchanged are shown in the attached Exhibit "A." The exchange of 9940 shall except and reserve to the City of Los Angeles all oil, gas, water, and mineral rights now vested in the City of Los Angeles without, however, the right to use the surface of said land or any portion thereof to a depth of 500 feet below the surface, for the extraction of such oil, gas, water and minerals. The exchange of 9940 shall also reserve two easements as follows: a subsurface sanitary sewer easement, without right of surface entry within a thirty-foot wide portion of parcel 4296-001-270 and ingress and egress over parcel 4296-001-270.

Sec. 3. The exchange of 9940 will further except and reserve to the City of Los Angeles any interest in the fee of any adjacent street(s) which would otherwise pass with the

conveyance and shall be subject to covenants, conditions, restrictions, reservations, easements, encroachments, rights, and rights of way of record or which are apparent from a visual inspection of the real property(ies), and subject to such other covenants, conditions, restrictions, easements, reservations, encroachments, rights, and rights-of-way and all other matters of record.

Sec. 4. The exchange property(ies) in this Ordinance are being exchanged in an "AS IS WITHOUT FAULT" condition, and both parties, by Agreement, expressly agree to the exchange of property(ies) in an "AS IS WITHOUT FAULT" condition and without any warranty as to fitness for use, fitness for a particular use, or condition of the property(ies), and that parties have no obligation to correct any condition of the property(ies), whether known before or after the date of closing.


Sec. 5. The Mayor of the City of Los Angeles is authorized to execute a deed or deeds conveying said City parcel to Nantworks, LLC. The City Clerk is authorized to attest thereto and to affix the City Seal.

Sec. 6. The Department of General Services, Real Estate Services Division, is authorized to open title and escrows, issue title transfer instructions/escrow, and/or deliver the grant deeds, and otherwise complete the transactions, and the Chief Accounting Employee of the Department of General Services is authorized to deposit the proceeds, over and above the expenses of sale, into the proper accounts as provided by law. Proceeds will be deposited in the Sewer Construction and Maintenance Fund, Revenue Source Code 514302, Sale of Real and Personal Property. Expenses associated with the sale include, but are not limited to, appraisal fees, environmental reports, legal description preparation, escrow fees, preliminary title report, recording fees, documentary transfer taxes, policy of title insurance, home warranty protection coverage, if applicable, and any associated site remediation costs.

Sec.7. The City Clerk shall certify to the passage of this Ordinance and pursuant to Charter Sec. 252(j), it shall be effective immediately upon publication according to Council policy either in a daily newspaper circulated in the City of Los or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles 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 the foregoing Ordinance was introduced at the meeting of the Council of the City of Los Angeles JUN 20 2017, and passed at its meeting of JUN 20 2017.

HOLLY L. WOLCOTT, City Clerk

By: 

Date: _____

Approved on JUN 21 2017


ERIC GARCETTI
MAYOR
ACTING

Approved as to Form and Legality:
MICHAEL N. FEUER, City Attorney

By: 

Date: 6-8-17

EXHIBIT A

6001 REAL PROPERTY - LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

THAT PORTION OF LOT 14 OF THE SUBDIVISION OF THE SOUTHERN PORTION OF RANCHO RINCON DE LOS BUEYES, PARTLY WITHIN THE CITY OF LOS ANGELES AND PARTLY WITHIN THE CITY OF CULVER CITY, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 53 PAGE 25 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LYING NORTHWESTERLY OF THE CENTER LINE OF JEFFERSON BOULEVARD, AS NOW ESTABLISHED.

EXCEPT FROM SAID LAND THAT PORTION THEREOF LYING NORTHWEST OF THE FOLLOWING LINE:

BEGINNING AT A POINT IN THE WESTERLY LINE OF SAID LOT, DISTANT SOUTH 7° 00' EAST 2.17 CHAINS FROM THE NORTHWEST CORNER OF SAID LOT (BEING A POINT OF THE NORTH BANK OF THE MACHADO DITCH), THENCE ALONG THE BANK OF DITCH NORTH 73° 35' EAST 2.95 CHAINS; THENCE CONTINUING ALONG SAID BANK NORTH 82° 6' EAST 7 CHAINS, THENCE STILL CONTINUING ALONG SAID BANK NORTH 69° 35' EAST 4.46 CHAINS TO A POINT ON THE WEST BANK OF ARROYO NEAR THE WEST END OF A FLUME, THENCE NORTH 44° 59' WEST 1.50 CHAINS TO AN ANGLE POINT IN THE NORTHERLY LINE OF SAID LINE OF SAID LOT.

ALSO EXCEPT THAT PORTION OF SAID LAND LYING EASTERLY OF THAT CERTAIN BOUNDARY LINE AND THE SOUTHERLY PROLONGATION THEREOF THE CITY OF LOS ANGELES AND THE CITY OF CULVER CITY WHICH EXTENDS SOUTHERLY FROM THE NORTHERLY LINE OF SAID LOT 14, AS SAID BOUNDARY LINE EXISTED ON OCTOBER 17, 1962.

ALSO EXCEPT THEREFROM ALL OIL AND MINERAL RIGHTS BELOW A DEPTH OF 500 FEET BUT WITHIN RIGHT OF SURFACE ENTRY, AS RESERVED IN THE DEED FROM CHARLES W. WRIGHT, A MARRIED MAN AS HIS SEPARATE PROPERTY, RECORDED OCTOBER 19, 1962 AS INSTRUMENT NO 2812, IN BOOK D-1795 PAGE 688, OFFICIAL RECORDS.

PARCEL 2:

THAT PORTION OF LOT 14 OF THE SUBDIVISION OF THE SOUTHERN PORTION OF THE RANCHO RINCON DE LOS BUEYES, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 53 PAGE 25 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BOUNDED AS FOLLOWS:

BOUNDED EASTERLY BY THE WESTERLY LINE OF TRACT NO. 2575, IN SAID COUNTY AND STATE, AS SHOWN ON THE MAP RECORDED IN BOOK 29 PAGE 34 OF MAPS, IN SAID RECORDER'S OFFICE; BOUNDED SOUTHERLY BY THE CENTER LINE OF JEFFERSON BOULEVARD, 100 00 FEET WIDE, AS DESCRIBED IN THE DEED TO THE CITY OF LOS ANGELES, RECORDED MAY 4, 1934 AS INSTRUMENT NO. 606 IN BOOK 12732 PAGE 221, OFFICIAL RECORDS, IN SAID RECORDER'S OFFICE, BOUNDED WESTERLY BY THAT CERTAIN BOUNDARY LINE AND THE SOUTHERLY PROLONGATION THEREOF, OF THE CITY OF LOS ANGELES AND THE CITY OF CULVER CITY, WHICH EXTENDS SOUTHERLY FROM THE NORTHERLY LINE OF SAID LOT 14; AND BOUNDED NORTHERLY BY THE NORTHERLY LINE OF SAID LOT 14.

ALSO EXCEPT THAT PORTION OF SAID LAND AS DEEDED TO THE CITY OF LOS ANGELES, BY DEED RECORDED JUNE 11, 1970, AS INSTRUMENT NO. 145, IN BOOK D4737 PAGE 286, OFFICIAL RECORDS OF SAID COUNTY.

ALSO EXCEPT THEREFROM ALL OIL, GAS AND MINERALS AND OTHER HYDROCARBON SUBSTANCES, WITHOUT THE RIGHT OF SURFACE ENTRY, AS RESERVED IN DEED RECORDED AUGUST 4, 1972 AS INSTRUMENT NO 4101, OFFICIAL RECORDS.

PARCEL 3:

THAT PORTION OF THAT PART OF LOT 14 OF "SUBDIVISION OF THE SOUTHERN PORTION OF THE RANCHO RINCON DE LOS BUEYES", AS SHOWN ON MAP RECORDED IN BOOK 53 PAGE 25 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE REGISTRAR RECORDER OF THE COUNTY OF LOS ANGELES, DESCRIBED AS "PARCEL NO. 3" IN A FINAL JUDGMENT, HAD IN SUPERIOR COURT CASE NO. 403,981, A CERTIFIED COPY OF WHICH IS RECORDED IN BOOK 17286 PAGE 6, OFFICIAL RECORDS, IN THE OFFICE OF SAID REGISTRAR RECORDER, LYING SOUTHEASTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT IN THE NORTHERLY LINE OF JEFFERSON BOULEVARD, 100 FEET WIDE, AS DESCRIBED IN DEED TO THE CITY OF CULVER CITY, RECORDED IN BOOK 11757 PAGE 52, OF SAID OFFICIAL RECORDS, SAID POINT BEING DISTANT ALONG SAID NORTHERLY LINE NORTH 79° 23' 05" EAST 215.82 FEET FROM A POINT DESIGNATED "FD CONC MON & STD FC DISC 6" DEEP PER F.C. 3269-251" AS SHOWN IN LOS ANGELES COUNTY FLOOD CONTROL DISTRICT FIELD BOOK F.C. 3269, PAGE 259; THENCE NORTH 11° 06' 27" WEST 18.45 FEET; THENCE NORTH 66° 47' 30" EAST 70.21 FEET; THENCE NORTH 60° 31' 30" EAST 126.05 FEET; THENCE NORTH 57° 27' 07" EAST 88.98 FEET.

PARCEL 4:

THAT PORTION OF LOT 14 OF THE SUBDIVISION OF THE SOUTHERN PORTION OF RANCHO RINCON DE LOS BUEYES, IN THE CITY OF CULVER CITY, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 53 PAGE 25 OF MISCELLANEOUS RECORDS OF LOS ANGELES COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING FOR REFERENCE AT A CONCRETE MONUMENT WITH BRASS DISC IN THE NORTHERLY LINE OF JEFFERSON BOULEVARD, 100 FEET WIDE, AS SHOWN ON LOS ANGELES COUNTY FLOOD CONTROL DISTRICT FIELD NO. FC3269 PAGE 251; SAID POINT LIES SOUTH 10° 36' 55" WEST 75.00 FEET ALONG THE SOUTHERLY PROLONGATION OF A RADIAL LINE FROM THE CENTERLINE B.C. OF BALLONA CREEK, 200 FEET WIDE, DESCRIBED AS PARCEL NO. 3 IN A FINAL JUDGMENT HAD IN SUPERIOR COURT CASE NO 403.9, A CERTIFIED COPY OF WHICH IS RECORDED IN BOOK 17286 PAGE 6, OF OFFICIAL RECORDS OF SAID COUNTY, THENCE NORTH 79° 23' 05" EAST ALONG SAID NORTHERLY LINE 233.18 FEET, TO ITS INTERSECTION WITH THE CURVED SOUTHEASTERLY LINE OF SAID PARCEL 3, AND THE TRUE POINT OF BEGINNING; THENCE, CONTINUING NORTH 79° 23' 05" EAST ALONG SAID NORTHERLY LINE, 4.02 FEET TO ITS INTERSECTION WITH THE SOUTHERLY LINE OF THE LAND DESCRIBED IN THE DEED RECORDED IN BOOK D1462 PAGE 2 OF OFFICIAL RECORDS SAID COUNTY, THENCE NORTH 68° 57' 35" EAST ALONG SAID SOUTHERLY LINE, 199.77 FEET TO AN ANGLE POINT THEREIN; THENCE NORTH 43° 48' 45" WEST 26.19 FEET TO ITS INTERSECTION WITH SAID CURVED SOUTHEASTERLY LINE; SAID CURVE HAVING A RADIUS OF 1100 FEET AND A RADIAL BEARING OF NORTH 33° 01' 28" WEST AT SAID POINT OF INTERSECTION; THENCE SOUTHWESTERLY ALONG SAID CURVED SOUTHEASTERLY LINE, THROUGH A CENTRAL ANGLE OF 10° 10' 13", AN ARC DISTANCE OF 195.26 FEET TO THE TRUE POINT OF BEGINNING.

APN: 4204-005-003, 4204-005-030 and 4204-005-031

AREA OF PARCELS 1,2,3 AND 4 = APPROXIMATELY 59,472 SQUARE FEET

LEGAL DESCRIPTION

9940 REAL PROPERTY

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF CULVER CITY, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

EXCEPTING AND RESERVING UNTO THE CITY OF LOS ANGELES, ALL OIL, GAS, WATER AND MINERAL RIGHTS NOW VESTED IN THE CITY OF LOS ANGELES, WITHOUT, HOWEVER, THE RIGHT TO USE THE SURFACE OF SAID LAND OR ANY PORTION THEREOF TO A DEPTH OF 500 FEET BELOW THE SURFACE FOR THE EXTRACTION OF SUCH OIL, GAS, WATER OR MINERALS.

PARCEL 1:

LOT 9 OF TRACT NO. 3343, IN THE CITY OF CULVER CITY, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 36 PAGES 90 AND 91 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHEASTERLY LINE OF SAID LOT 9 WITH THE EASTERLY LINE OF JEFFERSON BOULEVARD, 100 FEET WIDE, AS DESCRIBED IN ROAD DEED TO THE CITY OF CULVER CITY, PER BOOK 11655 PAGE 345 OF OFFICIAL RECORDS OF SAID COUNTY; THENCE SOUTHEASTERLY ALONG SAID NORTHEASTERLY LINE OF SAID LOT 9, 190.00 FEET; THENCE SOUTHWESTERLY IN A DIRECT LINE TO A POINT IN THE SOUTHWESTERLY LINE OF SAID LOT 9, DISTANT SOUTHEASTERLY 200.00 FEET FROM THE INTERSECTION OF THE SOUTHWESTERLY LINE OF SAID LOT 9, WITH SAID EASTERLY LINE OF JEFFERSON BOULEVARD, 100 FEET WIDE; THENCE NORTHWESTERLY ALONG SAID SOUTHWESTERLY LINE OF LOT 9, 200.00 FEET TO SAID EASTERLY LINE OF JEFFERSON BOULEVARD; THENCE NORTHERLY ALONG SAID EASTERLY LINE OF JEFFERSON BOULEVARD TO THE POINT OF BEGINNING AS DESCRIBED IN THE DEED RECORDED OCTOBER 6, 1959 AS INSTRUMENT NO. 541 IN BOOK D-624 PAGE 482, OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHWESTERLY LINE OF SAID LOT 9 DISTANT THEREON NORTH 55° 54' 06" WEST 227.54 FEET, MEASURED ALONG SAID SOUTHWESTERLY LINE, FROM THE MOST SOUTHERLY CORNER OF SAID LOT; THENCE CONTINUING ON SAID SOUTHWESTERLY LINE NORTH 55° 54' 06" WEST 250.00 FEET; THENCE LEAVING SAID SOUTHWESTERLY LINE NORTH 34° 05' 54" EAST 68.00 FEET; THENCE SOUTHEASTERLY PARALLEL WITH SAID SOUTHWESTERLY LINE SOUTH 55° 54' 06" EAST 250.00 FEET; THENCE SOUTH 34° 05' 54" WEST 68.00 FEET TO THE POINT OF BEGINNING.

RESERVING OVER SAID PARCEL 1, A SUBSURFACE SANITARY SEWER EASEMENT, WITHOUT RIGHT OF SURFACE ENTRY, TO THE CITY OF LOS ANGELES AS SHOWN ON

CITY OF LOS ANGELES RIGHT OF WAY MAP NO. 32692 SHEET 16 OF 20 INCLUDED WITHIN A STRIP OF LAND 30 FEET WIDE, SAID STRIP LYING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT IN THE SOUTHWESTERLY LINE OF SAID LOT 9 DISTANT NORTHWESTERLY THEREON NORTH 55° 54' 06" WEST (SHOWN ON SAID MAP NO. 32692 AS NORTH 56° 00' 54" WEST) 312.94 FEET, MEASURED ALONG SAID SOUTHWESTERLY LINE, FROM THE MOST SOUTHERLY CORNER OF LOT 9, SAID POINT BEING THE NORTHERLY TERMINUS OF STRIP A IN PARCEL NO. 22SE IN THE JUDGEMENT AND FINAL ORDER OF CONDEMNATION FILED IN SUPERIOR COURT CASE NO. C 727600, A COPY OF WHICH WAS RECORDED JUNE 12, 1998 AS INSTRUMENT NO. 98-999846 OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF LOS ANGELES COUNTY, SAID POINT ALSO BEING THE BEGINNING OF A NON TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 1000 FEET, A RADIAL LINE TO SAID POINT BEARS NORTH 80° 16' 31" WEST; THENCE NORTHERLY 241.06 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13° 48' 42" TO A POINT ON THE NORTHEASTERLY LINE OF LOT 9, DISTANT NORTHWESTERLY THEREON NORTH 53° 56' 32" WEST 374.67 FEET FROM THE MOST EASTERLY CORNER OF SAID LOT 9. THE SIDE LINES OF SAID 30 FOOT WIDE STRIP ARE TO BE PROLONGED OR SHORTENED TO TERMINATE NORTHEASTERLY IN THE NORTHEASTERLY LINE OF LOT 9 AND SOUTHWESTERLY IN A LINE PARALLEL WITH AND 68.00 FEET NORTHEASTERLY OF THE SOUTH WESTERLY LINE OF LOT 9.

THE UPPER AND LOWER LIMITS OF THE HEREINABOVE DESCRIBED SUBSURFACE SANITARY SEWER EASEMENT ARE HORIZONTAL PLANES HAVING ELEVATIONS OF 67.87 FEET AND 37.87 FEET, RESPECTIVELY, ABOVE MEAN SEA LEVEL BASED ON THE BENCH MARK NO. 17-05510 HAVING AN ELEVATION OF 81.112 FEET, AND BENCH MARK NO. 17-05520 HAVING AN ELEVATION OF 67.867 FEET, NGVD 1929, BOTH 1980 ADJUSTMENT OF THE CITY OF LOS ANGELES.

PARCEL 2:

AN EASEMENT FOR INGRESS AND EGRESS, 16 FEET WIDE, OVER THAT PORTION OF SAID LOT 9 OF SAID TRACT NO. 3343, AS DESCRIBED IN THE DEED TO JAMES M. MORGAN ET AL., RECORDED JULY 26, 1993, AS INSTRUMENT NO. 93-1429361, OFFICIAL RECORDS.

PARCEL 3:

THE WESTERLY 250.00 FEET OF LOT 7 OF TRACT NO. 3343, IN THE CITY OF CULVER CITY, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 36 PAGES 90 AND 91 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THE WESTERLY 220 FEET THEREOF.

ALSO RESERVING OVER SAID PARCEL 3 AN EASEMENT TO THE CITY OF LOS ANGELES FOR INGRESS AND EGRESS OVER THAT PORTION OF PARCEL 3 DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHWESTERLY LINE OF SAID PARCEL 3 DISTANT THEREON SOUTH 22° 58' 29" WEST 23.75 FEET FROM THE NORTHWEST CORNER OF SAID PARCEL; THENCE CONTINUING SOUTHWESTERLY ALONG SAID NORTHWESTERLY LINE SOUTH 22° 58' 29" WEST 82.68 FEET; THENCE LEAVING SAID NORTHWESTERLY LINE SOUTH 64° 41' 14" EAST 30.03 FEET TO THE SOUTHEASTERLY LINE OF PARCEL 3; THENCE NORTHEASTERLY ALONG SAID SOUTHEASTERLY LINE NORTH 22° 58' 29" EAST 81.72 FEET; THENCE NORTH 62° 51' 44" WEST 30.08 FEET TO THE POINT OF BEGINNING.

AREA OF PARCELS 1, 2 AND 3 = APPROXIMATELY 195,530

APN: 4296-001-270 (portion) AND 271