

MOTION

The City is purchasing property located at 524 Ord Street from 636 NHP LLC to acquire land for the development of a new park near the intersection of Ord Street and Yale Street to serve the Chinatown residents of Council District 1. The Ord and Yale Park project property acquisition is led by the Department of Recreation and Parks (RAP) in coordination with the General Services Department-Real Estate Division (GSD). Once the parcels are acquired, the development of the park will be led by the Department of Public Works, Bureau of Engineering (BOE).

GSD proposes to grant to 636 NHP LLC a non-exclusive surface easement in perpetuity to accommodate the seller by providing access to their retaining wall across the property being sold to the City. There is no monetary consideration to grant this request.

An Ordinance is necessary to grant the non-exclusive perpetual easement for the seller access to a retaining wall for repairing, maintaining, and/or replacing along the easement area. The City and 636 NHP LLC will need to enter into an Easement Agreement to execute this plan. It is the belief of staff in BOE, GSD, and the City Attorney that this agreement will benefit the City for the development of the park. The Bureau of Engineering's Survey Department has created legal descriptions for these parcels. In order to effectuate this portion of the agreement, GSD: Real Estate Division and the Office of the City Attorney, should draft an Ordinance, which include the accurate legal descriptions, and present to the City Council for adoption.

I THEREFORE MOVE that the City Council request the City Attorney, with the assistance of the Department of General Services to prepare and present an Ordinance and Easement Agreement which grants a perpetual non-exclusive easement to 636 NHP LLC and their successors to provide access to a retaining wall, as further described in the text of this Motion.

I FURTHER MOVE that the City Council instruct the General Services Department, upon adoption of this Ordinance, to complete the transaction as outlined in the Ordinance, and to process the necessary documentation to execute the grant of the easement.

PRESENTED BY:



GILBERT CEDILLO  
Councilmember, 1st District

SECONDED BY:



APR 7 2017



ORIGINAL