

MOTION

I HEREBY MOVE that the Council ADOPT the following recommendations of the City Attorney in order to effect settlement in the case entitled City of Los Angeles v. Frank Gallo, et seq., Los Angeles Superior Court Case No. BC552819 (this matter concerns an eminent action related to the Sixth Street Viaduct Replacement Project located at 470 Mesquit Street, in Council District 14), **SUBJECT TO THE APPROVAL OF THE MAYOR:**

1. APPROVE and AUTHORIZE the City Attorney to settle the above-referenced condemnation action filed by the City relative to the ongoing Sixth Street Bridge Viaduct Project. Under the proposed Settlement, the property owner will transfer to the City the property rights needed for the project. In exchange, the City will pay the property owner an additional \$550,000 cover and above the \$1,250,00 previously deposited with the State Treasurer, for a total payment of \$1,800,000.
2. AUTHORIZE the City Engineer, or designee, and the City Attorney, or designee, to execute all documents necessary to implement the proposed settlement, including, but not limited to: (1) Settlement Agreement; (2) Master Easement Agreement; (3) Escrow Agreement; (4) Easements; (5) Option Agreement; (6) Park Easement Agreement; (7) Easement Termination Notice; (8) Memorandum of Option Agreement, and (9) Memorandum of Escrow Agreement.
3. AUTHORIZE and INSTRUCT the Board of Public Works, Office of Accounting, and REQUEST the Controller, at the request of the City Attorney and Bureau of Engineering, to process a wire transfer of \$550, 000 as provided for in the Settlement Agreement, said funds to be drawn from Fund No. 54W/50, Account No. 50JR32.
4. AUTHORIZE the City Attorney to execute any additional or revised documents necessary to carry out the settlement in substantial conformance with the above terms.
5. AUTHORIZE the City Attorney, or designee, to prepare Controller instructions for any necessary technical adjustments, subject to the approval of the City Administrative Officer; and, AUTHORIZE the Controller to implement the instructions.

(Public Works and Gang Reduction Committee and Budget and Finance Committee waived consideration of the above matter)

PRESENTED BY _____
PAUL KREKORIAN
Councilmember, 2nd District

SECONDED BY _____
MITCHELL ENGLANDER
Councilmember, 12th District

REW
CF 17-0684
June 28, 2017