

RECORDING REQUESTED BY:
COUNTY SANITATION DISTRICTS
OF LOS ANGELES COUNTY
1955 WORKMAN MILL ROAD
WHITTIER, CA 90601

Exhibit E

AND WHEN RECORDED MAIL TO ABOVE ADDRESS
ATTN: MARGARITA E. CABRERA
FACILITIES PLANNING DEPARTMENT

Exempt from Doc. Transfer Tax per R&TC §11922
Exempt from Recording Fee per Gov. C. §§ 6103 & 27383

SPACE ABOVE THIS LINE FOR RECORDER'S USE

EXCLUSIVE EASEMENT AGREEMENT

This Exclusive Easement Agreement is dated _____, 2018 (“**Effective Date**”) and is between the **CITY OF LOS ANGELES**, a municipal corporation, acting by and through its Board of Recreation and Parks Commissioners (“**Grantor**”), and **COUNTY SANITATION DISTRICT NO. 2 OF LOS ANGELES COUNTY**, a county sanitation district organized and existing under provisions of the County Sanitation District Act, California Health and Safety Code Section 4700 *et seq.* (“**District**”). Grantor and District are each a “**Party**” and together are the “**Parties.**”

The Board of Recreation and Park Commissioners adopted Resolution No. 4814 on March 5, 1964, which granted a license (“**License**”) to District for use of certain tidelands and submerged lands at Royal Palms Beach in San Pedro, California (“**Property**”) under the jurisdiction of Grantor for public outfall sewer purposes for a period of fifty (50) years. Pursuant to the License, District constructed and continues to operate and maintain a permanent 120-inch diameter ocean outfall and appurtenances (“**Outfall**”). The License has expired, and as the Outfall is essential to maintaining public health and safety, the Parties recognize that District now requires permanent property rights for the Outfall.

The Parties therefore agree as follows:

1. Grantor hereby grants to District, its successors, and assigns, an exclusive perpetual easement (“**Easement**”) in, under, through and across the Property, which is described in Exhibit A attached hereto and depicted on Exhibits B and C attached hereto, for all purposes necessary or incidental to the construction, reconstruction, rehabilitation, repair, inspection, use, operation, and maintenance of the Outfall.
2. The terms of said Resolution No. 4814 paragraphs 2(a) through 2(c) shall remain in effect and are incorporated herein by reference and attached as Exhibit D hereto.
3. District shall continue to comply with discharge requirements (established by the Regional Water Quality Control Board and any other federal, state or local entity) which are applicable to the Outfall.

The Parties are signing this instrument as of the Effective Date.

CITY OF LOS ANGELES, a municipal corporation,
acting by and through its Board of Recreation and
Parks Commissioners

By: _____
Sylvia Patsouras, President

Date: _____

By: _____
Iris Davis, Secretary

Date: _____

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

By: _____
Deputy City Attorney

Date: _____

**COUNTY SANITATION DISTRICT NO. 2
OF LOS ANGELES COUNTY**

By: _____
Chairperson, Board of Directors

ATTEST:

Secretary to the Board

APPROVED AS TO FORM:
Lewis Brisbois Bisgaard & Smith, LLP

By: _____
District Counsel

Date: _____

[Signatures must be Notarized]

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Los Angeles)

On _____, before me, _____, a Notary Public, personally appeared _____, 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 _____

EXHIBIT "A"

**Easement to County Sanitation District No. 2 of Los Angeles County
For Existing 120-inch Ocean Outfall**

That portion of the tidelands and submerged lands in the area of Whites Point, in the City of Los Angeles, County of Los Angeles as described in Resolution No. 4814 adopted by the Board of Recreation and Park Commissioners of said City on March 5, 1964 and approved by the City of Los Angeles City Council by Ordinance No. 127,065, File No. 117838 on March 27, 1964, described below as it appears in said Resolution;

A strip of tidelands and submerged lands, 1000.00 feet in width, lying 500.00 feet on each side of the following described center line:

Commencing at a point described as Latitude 33°43'06.237" North and Longitude 118°19'11.697" West, said point being on the ordinary High Water Mark of the Pacific Ocean adjacent to Whites Point, Los Angeles County; thence North 13°31'46" East 24.86 feet ; thence South 76°28'14" East 18.00 feet to the **TRUE POINT OF BEGINNING**: thence South 8°00'00" West 8,579.00 feet; thence South 62°00'00" East 3800.00 feet more or less, into the Pacific Ocean.


The side lines of said strip are to be prolonged or shortened so as to terminate at their points of intersection.

Latitude/Longitude where determined according to methods and procedures in effect at the time the original description was created in 1964.

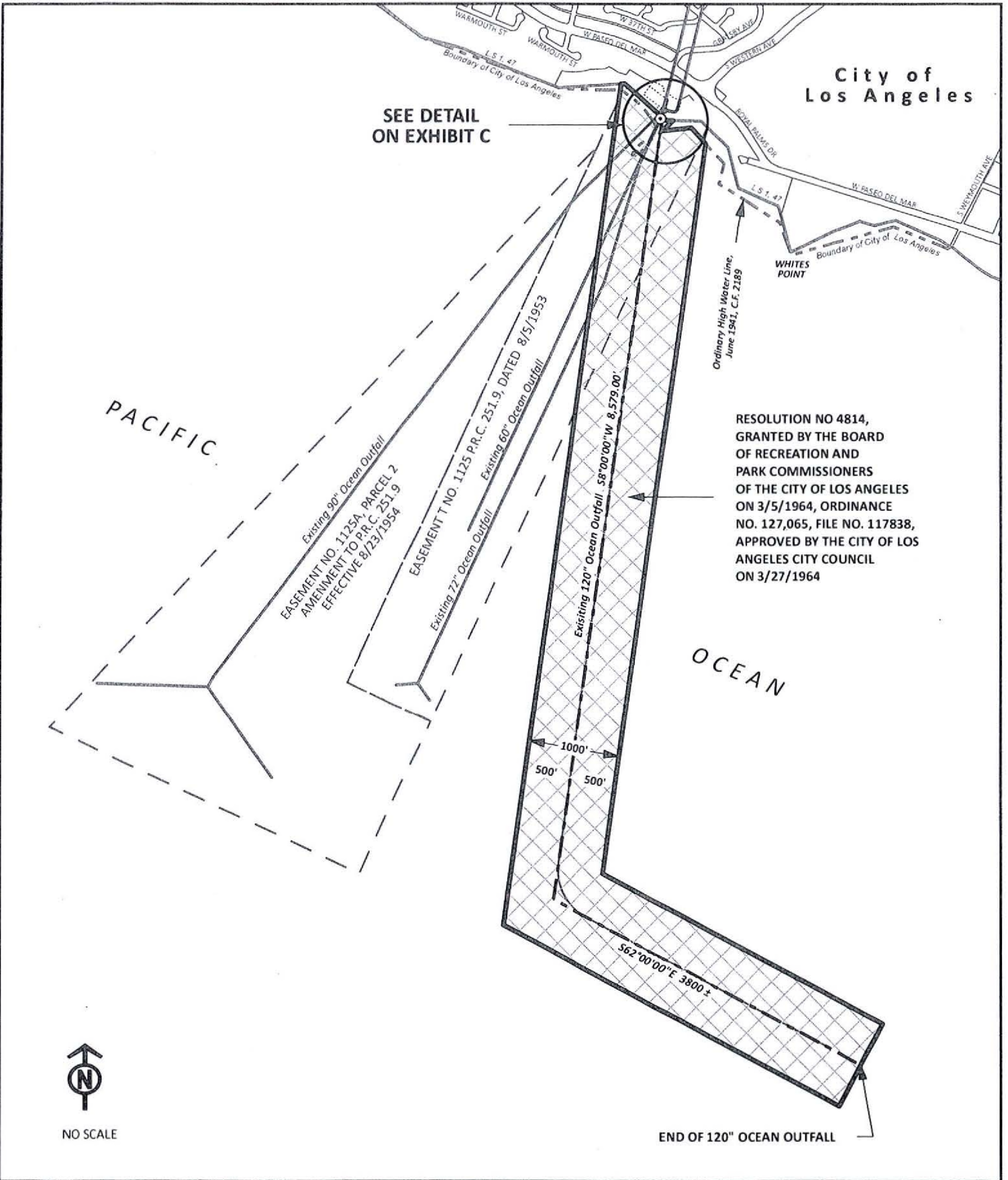
Prepared by me or under my direct supervision:

 Date: 4/21/2017
Eric L. Cyphers, P.L.S. No. 8688
Sanitation Districts of Los Angeles County



Checked by: 

Path: R:\Planning\PropertyManagement\Projects\Easements\120inch_tunnel_outfall\120inch_tunnel_outfall\120inchTunnelOutfallEaseExhibitB_Port.mxd EAO\DATED 4-19-2017\DOC# 4129927

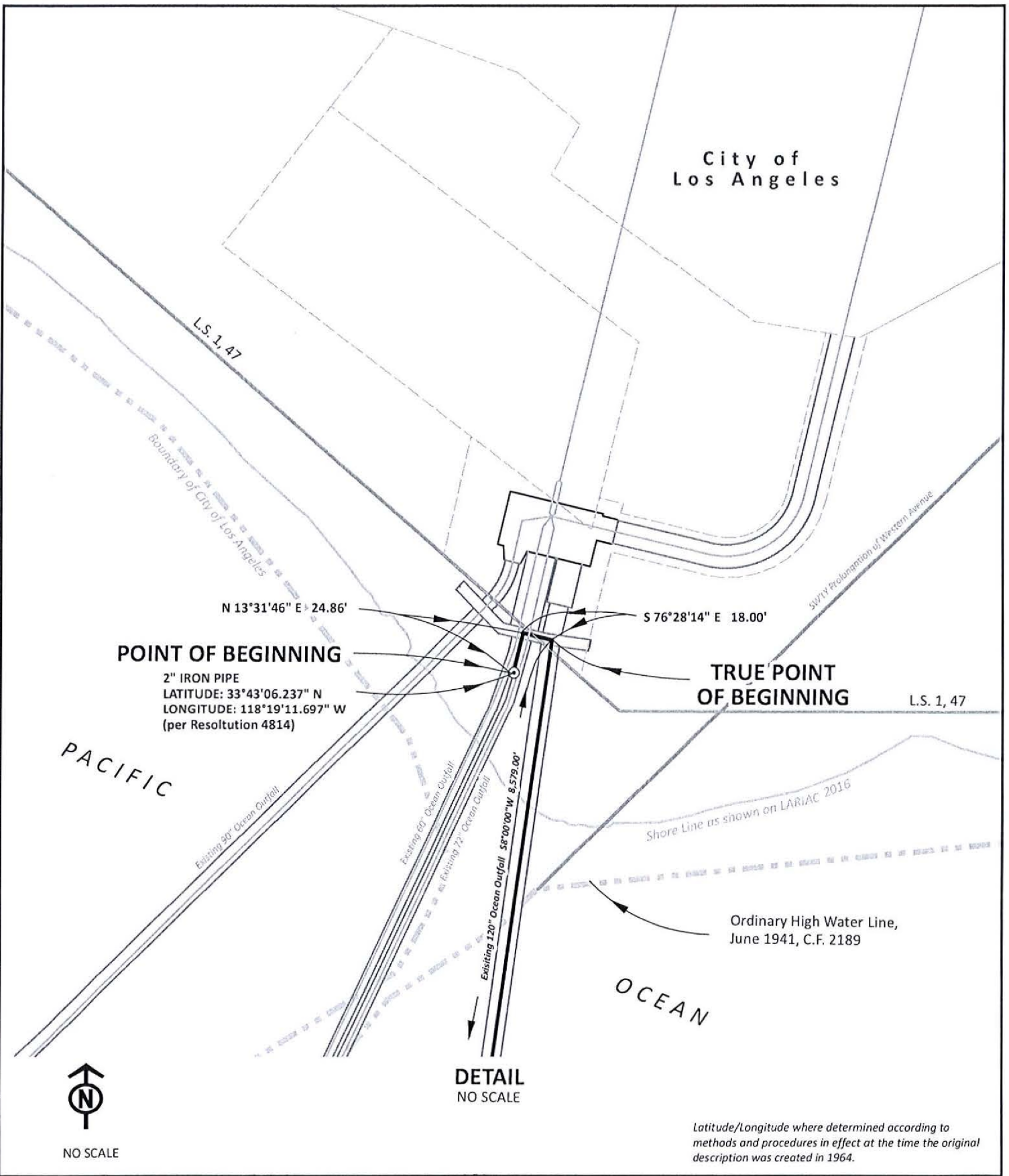


NO SCALE

COUNTY SANITATION DISTRICT NO. 2
OF LOS ANGELES COUNTY

FACILITY: 120-INCH DIAMETER OCEAN OUTFALL	
GRANTOR: CITY OF LOS ANGELES	
GRANTEE: COUNTY SANITATION DISTRICT NO. 2 OF LOS ANGELES COUNTY	EASEMENT NO.: 3459
THOMAS GUIDE: 853/G1	TIDELANDS AND SUBMERGED LANDS

EXHIBIT B



DETAIL
NO SCALE

Latitude/Longitude where determined according to methods and procedures in effect at the time the original description was created in 1964.

COUNTY SANITATION DISTRICT NO. 2
OF LOS ANGELES COUNTY

FACILITY: 120-INCH DIAMETER OCEAN OUTFALL	
GRANTOR: CITY OF LOS ANGELES	
GRANTEE: COUNTY SANITATION DISTRICT NO. 2 OF LOS ANGELES COUNTY	EASEMENT NO.: 3459
THOMAS GUIDE: 853/G1	TIDELANDS AND SUBMERGED LANDS

EXHIBIT D

**Resolution No. 4814 Adopted By
The Board of Recreation and Parks Commissioners of City of Los Angeles on March 5, 1964**

CITY OF LOS ANGELES
CALIFORNIA



SAMUEL WM. YORTY
MAYOR

DEPARTMENT OF
RECREATION AND
305 CITY HALL
LOS ANGELES, CALIF. 90012
624-5211
WM. FREDERICKSON, JR.
GENERAL MANAGER

COMMISSIONERS
LEONARD SHANE
PRESIDENT
A. E. ENGLAND
VICE-PRESIDENT
MRS. HAROLD C. MORTON
STANLEY E. FOX
MEL PIERSON
PATRICIA A. WILSON
SECRETARY

March 5, 1964

Los Angeles City Council
195, City Hall

Hon. Members:

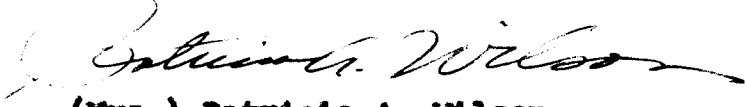
Attached herewith is Resolution No. 4814, which was adopted by the Board of Recreation and Park Commissioners at its meeting held this date.

This grants to the County Sanitation Districts of Los Angeles County permission for the use of certain tidelands and submerged lands under the jurisdiction of the Department of Recreation and Parks for the construction of an outfall sewer in the area of Whites Point, Los Angeles, California.

It is respectfully requested that you approve this Resolution by Ordinance in accordance with Section 170 (b) of the City Charter.

Very truly yours,

BOARD OF RECREATION AND
PARK COMMISSIONERS


(Mrs.) Patricia A. Wilson
Secretary

PAW:
Attachments

cc: Mr. John Parkhurst, County Sanitation Dist. ✓
Mr. John Ward
Mr. John Horan
Mr. Lyall A. Pardee, City Engineer

1964 MAR 5 PM 2
RECEIVED

RESOLUTION NO. 4814

WHEREAS, all tidelands and submerged lands, whether filled or unfilled, situated below the line of mean high tide of the Pacific Ocean, within the present boundaries of the City of Los Angeles extending from the United States Government breakwater at San Pedro to the most northwesterly boundary of said City are owned by said City and under the jurisdiction and control of the Department of Recreation and Parks; and

WHEREAS, the Sanitation Districts of Los Angeles County have requested permission to use a portion of said tidelands and submerged lands for the purpose of construction of a public outfall sewer; and

WHEREAS, the use of a portion of said tidelands and submerged lands for public outfall sewer purposes is necessary and convenient for providing adequate sewage disposal facilities to this City and its inhabitants;

NOW, THEREFORE, BE IT RESOLVED:

That the Board of Recreation and Park Commissioners of The City of Los Angeles hereby finds and determines that the public interest, convenience and necessity require that permission be, and the same is hereby granted to the Sanitation Districts of the County of Los Angeles, subject to the approval thereof by the City Council by Ordinance, to use that portion of tidelands and submerged lands in the area of Whites Point, Los Angeles, California, for public outfall sewer purposes as outlined in yellow on the sketch which is attached hereto and made a part hereof, marked

"J. O. - b - 200," and more particularly described as follows:

A strip of tidelands and submerged lands, 1000.00 feet in width, lying 500.00 feet on each side of the following described center line:

Commencing at a point described as Latitude 33° 43' 06.237" North and Longitude 118° 19' 11.697" West, said point being on the ordinary High Water Mark of the Pacific Ocean adjacent to Whites Point, Los Angeles County; thence North 13° 31' 46" East 24.86 feet; thence South 76° 28' 14" East 18.00 feet to the TRUE POINT OF BEGINNING: thence South 8° 00' 00" West 8579.00 feet; thence South 62° 00' 00" East 3800.00 feet, more or less, into the Pacific Ocean.

The side lines of said strip are to be prolonged or shortened so as to terminate at their points of intersection.

BE IT FURTHER RESOLVED:

1. That the period of the license granted herein shall be fifty (50) years unless sooner terminated or revoked.

2. That the aforesaid license is granted upon the further express conditions that:

(a) The Sanitation Districts of Los Angeles County save and hold the City of Los Angeles, the Department of Recreation and Parks, its Board and the members thereof, and the officers and employees thereof, free and harmless for or on account of any injury or death to person or damage to property that arises out of the license herein granted or the

Description Approved
Lycell A. Pardee, City Engineer
by John R. Wheeler
3/3/69

by T. E. ...
Los Angeles Sanitation District No. 2
Drawing J.O. b-200

activity or condition herein permitted;

(b) The construction, installation, repair or maintenance of the outfall sewer as shown on the sketch marked "J. O. - b - 200," shall be at no cost or expense to the Department of Recreation and Parks;

(c) That the plans and specifications for the construction of said outfall sewer be approved in advance by the Los Angeles City Engineer;

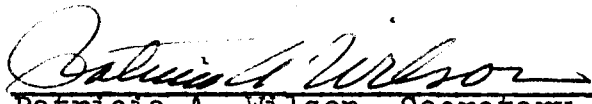
(d) That the discharge requirements established by the Regional Water Pollution Control Board and the bacteriological standards enforced by the State Health Department and the Los Angeles City Health Department are complied with during the term of the license granted hereunder; provided, however, that said license shall be revocable in the event there is a failure to comply with said requirements or standards; and

(e) That the license granted herein is subject to the conditions and limitations contained in the legislative grant from the State of California set forth in Chapter 443, Section 1, of Statutes of California, as amended September 22, 1951.

BE IT FURTHER RESOLVED:

That the Secretary be, and she is hereby authorized to transmit a copy of this Resolution to the Honorable Council of the City of Los Angeles for approval in accordance with Section 170(b) of the City Charter, and to transmit an additional copy of this Resolution to the County Sanitation Districts of Los Angeles County.

I HEREBY CERTIFY that the foregoing is a full, true, and correct copy of a Resolution adopted by the Board of Recreation and Park Commissioners of the City of Los Angeles at a meeting held March 5, 1964.


Patricia A. Wilson, Secretary

Resolution No. 4814

OFFICIAL PUBLICATION

Deputy

To be attached to Council File No.

117838

San Pedro News-Pilot 44219
ORDINANCE NO. 127,065
 An Ordinance of The City of Los Angeles approving a Resolution of the Board of Recreation and Park Commissioners granting permission to the Sanitation Districts of the County of Los Angeles to use a portion of the tidelands and submerged lands in the area of Whites Point, Los Angeles, California, for the construction of a public outfall sewer in order to provide adequate sewage disposal facilities to this City and its inhabitants.

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

Section 1. That the following Resolution of the Board of Recreation and Park Commissioners of The City of Los Angeles granting permission to the Sanitation Districts of the County of Los Angeles to use a portion of the tidelands and submerged lands in the area of Whites Point, Los Angeles, California, for the construction of a public outfall sewer in order to provide adequate sewage disposal facilities to this City and its inhabitants is hereby approved:

RESOLUTION NO. 4814
"WHEREAS, all tidelands and submerged lands, whether filled or unfilled, situated below the line of mean high tide of the Pacific Ocean, within the present boundaries of the City of Los Angeles extending from the United States Government breakwater at San Pedro to the most north-westerly boundary of said City are owned by said City and under the jurisdiction and control of the Department of Recreation and Parks; and

WHEREAS, the Sanitation Districts of Los Angeles County have requested permission to use a portion of said tidelands and submerged lands for the purpose of construction of a public outfall sewer; and

WHEREAS, the use of a portion of said tidelands and submerged lands for public outfall sewer purposes is necessary and convenient for providing adequate sewage disposal facilities to this City and its inhabitants;

"NOW, THEREFORE, BE IT RESOLVED:

"That the Board of Recreation and Park Commissioners of The City of Los Angeles hereby finds and determines that the public interest, convenience and necessity

require that permission be, and the same is hereby granted to the Sanitation Districts of the County of Los Angeles, subject to the approval thereof by the City Council by Ordinance, to use that portion of tidelands and submerged lands in the area of Whites Point, Los Angeles, California, for public outfall sewer purposes as outlined in yellow on the sketch which is attached hereto and made a part hereof, marked "J. O.-b 200," and more particularly described as follows:

"A strip of tidelands and submerged lands, 1000.00 feet in width, lying 500.00 feet on each side of the following described center line:

"Commencing at a point described as Latitude "33° 43' 06.237" North and Longitude 118° 19' 11.697" West, said point being on the ordinary High Water Mark of the Pacific Ocean adjacent to Whites Point, Los Angeles County; thence North 13° 31' 46" East 24.86 feet; thence South 76° 28' 14" East 18.00 feet to the TRUE POINT OF BEGINNING; thence South 8° 00' 00" West 8579.00 feet; thence South 62° 00' 00" East 3800.00 feet, more or less, into the Pacific Ocean.

"The side lines of said strip are to be prolonged or shortened so as to terminate at their points of intersection.

"BE IT FURTHER RESOLVED:

"1. That the period of the license granted herein shall be fifty (50) years unless sooner terminated or revoked.

"2. That the aforesaid license is granted upon the further express conditions that:

"(a) The Sanitation Districts of Los Angeles County save and hold the City of Los Angeles, the Department of Recreation and Parks, its Board and the members thereof, and the officers and employees thereof, free and harmless for or on account of any injury or death to person or damage to property that arises out of the license herein granted or the activity or condition herein permitted;

"(b) The construction, installation, repair or maintenance of the outfall sewer as shown on the sketch marked "J.O.-b-200," shall

be at no cost or expense to the Department of Recreation and Parks;

"(c) That the plans and specifications for the construction of said outfall sewer be approved in advance by the Los Angeles City Engineer;

"(d) That the discharge requirements established by the Regional Water Pollution Control Board and the bacteriological standards enforced by the State Health Department and the Los Angeles City Health Department are complied with during the term of the license granted hereunder; provided, however, that said license shall be revocable in the event there is a failure to comply with said requirements or standards; and

"(e) That the license granted herein is subject to the conditions and limitations contained in the legislative grant from the State of California set forth in Chapter 443, Section 1, of Statutes of California, as amended September 22, 1951.

"BE IT FURTHER RESOLVED:

"That the Secretary be, and she is hereby authorized to transmit a copy of this Resolution to the Honorable Council of the City of Los Angeles for approval in accordance with Section 170(b) of the City Charter, and to transmit an additional copy of this Resolution to the County Sanitation Districts of Los Angeles County."

Sec. 2. That the sketch attached to said Resolution No. 4814 and marked "J.O.-b-200" thereto, is on file in the office of the Board of Recreation and Park Commissioners, Room 305, City Hall, Los Angeles, California.

Sec. 3. The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, at its meeting of March 25, 1964.

WALTER C. PETERSON,
 City Clerk.

By M. B. WILSON,
 Deputy.

Approved March 27, 1964.

SAMUEL WM. YORTY,
 Mayor.

File No. 117,838.

Pub. April 6, 1964.

sketch which is attached hereto and made a part hereof, marked