

RESOLUTION NO. _____

WHEREAS, the Board of Recreation and Park Commissioners (Board) recommended approval of the granting of subsurface easements to the Sanitation Districts of Los Angeles County (Districts) required for the Joint Water Pollution Control Plant Effluent Outfall Tunnel Project (Project) of the Clearwater Program; and consideration of the Certified Final EIR (SCH NO. 2008101074);

WHEREAS, to construct the Project, the Districts require the City of Los Angeles (City), the Board of Department of Recreation and Parks (RAP) to grant permanent and temporary subsurface easements to the Districts;

WHEREAS, the permanent subsurface easements include an Exclusive Permanent Subsurface Tunnel Easement for certain locations at the Ken Malloy Harbor Regional Park/Harbor Park Golf Course (Harbor Park) and White Point Nature Preserve and Education Center (White Point);

WHEREAS, the permanent subsurface easements also include an Exclusive Permanent Subsurface Easement for an existing one hundred and twenty (120) inch Ocean Outfall within the tidelands and submerged lands under the jurisdiction of RAP in the area off Royal Palms Beach adjacent to White Point;

WHEREAS, the temporary subsurface easements includes Temporary Construction Easements (TCE) for six months to the Districts for the construction and use of two staging areas that will contain subsurface areas (also known as "safe havens") within Harbor Park;

WHEREAS, the Board through the Board Report (18-054) approved the temporary installation of surface monitoring devices at various locations on Harbor Park for eighteen (18) months to monitor the boring process before, during and immediately after the tunnel is constructed;

WHEREAS, the Board through the Board Report recommended acceptance of the Districts' offer in the amount of Two Hundred Forty-Seven Thousand Dollars (\$247,000.00) (Compensation Funds) as compensation for the two (2) Exclusive Permanent Subsurface Tunnel Easements at Harbor Park and White Point, one Exclusive Permanent Subsurface Easement off Royal Palms Beach adjacent to White Point, two (2) Temporary Construction Easements at Harbor Park, and the temporary installation of surface monitoring devices at Harbor Park;

WHEREAS, the Board recommended the authorization of the RAP Chief Accounting Employee to establish the appropriate account for the receipt of the Compensation Funds to be received from the Districts;

WHEREAS, the Board recommended concurrence with the California Environmental Quality Act (CEQA) findings for the Final Environmental Impact Report (EIR) as certified by the Board of Directors of the County Sanitation District No. 2 for the Joint Water Pollution Plant Effluent Outfall Tunnel Project of the Clearwater Program that includes the tunnel easements underneath the subject park locations;

WHEREAS, the Board recommended authorization of RAP staff to request the assistance of the Department of General Services (GSD) and the Office of the City Attorney in the review and processing of the related documents, including but not limited to the easement agreements; and

WHEREAS, upon the receipt of the necessary approvals, the CITY authorizes the Board President and Secretary to execute the Exclusive Permanent Easement Agreements and the Temporary Construction Easement Agreement for the aforementioned easements, subject to City Attorney review and approval as to form and legality

NOW, THEREFORE, BE IT RESOLVED that the CITY finds and determines that the public interest, convenience, and necessity require that the subsurface easements be granted to the Districts required for the Project of the Clearwater Program, subject to the approval of the City Council, whereupon the General Manager is authorized to execute the Easement Agreements;

BE IT FURTHER RESOLVED that RAP will exercise only such reserved rights in said easements as will not interfere with or prohibit the free and complete use by the Districts of the rights hereby granted; and

BE IT FURTHER RESOLVED that upon City Council approval of the easements to the Districts, that City Council directs the General Services Department, and the City Attorney's Office to draft and process any required document necessary to process said easements.