



Council Action

The City Council ADOPTED the following recommendation(s), contained in a COMMUNICATION FROM THE GENERAL SERVICES DEPARTMENT (GSD) which was WAIVED, pursuant to Council Rule 17, by the Chair of the Innovation, Technology and General Services Committee, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. ADOPT the determination that under the California Public Resources Code Section 21166 and California Environmental Quality Act Guidelines Section 15162, on the basis of substantial evidence contained in the whole record, that since certification of Environmental Impact Report (EIR) No. ENV-2007-254-EIR (SCH-2007071036), on November 14, 2012, there have been no changes to the Project, changes with respect to the circumstances under which the Project is being undertaken, or new information of substantial importance concerning the Project, which cause new significant environmental effects or a substantial increase in the severity of previously identified significant effects, and therefore no additional environmental review is required for the Project which includes, among other things, the construction of a new southbound on-ramp to the U.S. Highway 101 – Hollywood Freeway from Universal Studios Boulevard (Ramp).
2. ADOPT the determination that based on the unique features of the contemplated acquisition and disposition, sale of the Property through competitive bidding would not be practicable, and public interest would be best served by a direct sale to NBC Universal without competitive bidding.
3. PRESENT and ADOPT the accompanying ORDINANCE authorizing transfer of the Property to NBC Universal immediately after the City acquires the Property at NBC Universal's sole cost, and such transfer to NBC Universal shall include a covenant requiring construction of the Ramp at NBC Universal's sole cost and transfer of the completed Ramp to the California Department of Transportation.
4. AUTHORIZE the GSD to negotiate and execute an Acquisition and Disposition Agreement regarding: (i) the City's acquisition of the Property from Cahuenga Investors, LLC and (ii) the City's disposition of the Property to NBC Universal, in a form substantially similar to the Acquisition and Disposition Agreement, attached to the Council file, subject to approval of the City Attorney as to form.
5. AUTHORIZE the GSD to take any action and negotiate and execute any agreement or document necessary to implement the contemplated negotiated purchase transaction, subject to approval of the City Attorney as to form with respect to such agreement(s) or document(s).

6. AUTHORIZE the GSD to negotiate and execute an indemnity agreement pursuant to which NBC Universal would fully indemnify the City for all costs/liabilities associated with the City's acquisition and disposition of the Property and agree to defend the City in any proceeding challenging any action by the City in furtherance of the Project or the Ramp, in a form substantially similar to the Indemnity Agreement, attached to the Council file, subject to approval of the City Attorney as to form.
7. AUTHORIZE the City Attorney to make technical corrections and changes to all agreements and documents necessary for the contemplated transaction.
8. DIRECT the GSD to report to City Council in the event that a negotiated purchase in lieu of condemnation cannot be achieved, and seek direction regarding the initiation of condemnation proceeding.

Council File No. 12-1657-S4

