

Office of the City Engineer  
Los Angeles, California

To the Public Works Committee  
Of the Honorable Council  
Of the City of Los Angeles

October 29, 2018

Honorable Members:

C. D. No. 12

SUBJECT:

Termination of Covenant and Agreement Regarding Mason Avenue  
Grade Separation Project - 9220 Mason Avenue - Right of Way No.  
36000-2190

---

RECOMMENDATIONS:

- A. That the petitioner's request for the termination of covenant and agreement Recorded as Document No. 96-1426089, regarding the agreement recorded in conjunction with the proposed Mason Avenue Grade Separation Project, related to Parcel Map L.A. No. 7069, shown colored red on Exhibit "A" be approved, subject to the following condition:
  1. The petitioner makes satisfactory arrangements with the Real Estate Group of the Bureau of Engineering, 1149 S. Broadway, 6<sup>th</sup> Floor, Los Angeles, California, 90015, telephone (213) 485-5766, with respect to payment of document recording fees.
- B. That the City Engineer be authorized to execute and record a suitable release from the covenant and agreement recorded as Document No. 96-1426089.
- C. That pursuant to Section 96.5(5) of the City Charter, the Council find that the release of the existing covenant and agreement is in substantial conformance with the purpose, intent and provisions of the General Plan.
- D. That the Real Estate Division of the Bureau of Engineering record the necessary termination document.
- E. That a copy of the Council action be forwarded to the Real Estate Division of the Bureau of Engineering for processing.
- F. That notification of the time and place of the City Council meeting to consider this matter be sent to:

1. Allegretti & Company  
Attn: Joseph Allegretti  
9300 Oso Avenue, # A  
Chatsworth, CA 91311
2. Council District 12  
Attn: Hannah Lee  
200 N. Spring Street, Room 405  
Los Angeles, CA 90012

FISCAL IMPACT STATEMENT:

A fee of \$6,006.98 was paid for processing this request pursuant to Section 7.40 of the Administrative Code.

TRANSMITTALS:

1. Application dated September 11, 2018 from Allegretti & Company.
2. Exhibit "A", location map.
3. Copy of Covenant and Agreement Document No. 96-1426089.

DISCUSSION:

That petitioner, Joseph Allegretti, representing Allegretti & Company, is requesting the City to terminate the covenant and agreement regarding Mason Avenue Grade Separation Project, shown colored red on Exhibit "A".

The petitioner is requesting, by application dated September 11, 2018, the City Council of Los Angeles, to release its rights under the Agreement, recorded on August 29, 1996 as Document No. 96-1426089. This agreement was recorded on August 29, 1996 in conjunction with the proposed Mason Avenue grade separation project, related to Parcel Map L.A. No. 7069.

The City Council adopted the Motion under Council File 18-0906, directing Bureau of Engineering to evaluate the termination of Covenant and Agreement (Document No. 96-1426089) upon confirmation from the Department of Transportation and the Department of City Planning that construction of the previously proposed Mason Avenue Grade Separation Project in Chatsworth will not begin prior to August 29, 2021. This Covenant and Agreement imposed the owners of the properties, Parcels A, B, C and D, Parcel Map L.A. No. 7069, to deposit a cash deposit in the amount of \$100,000 with the City Engineer to be used for the construction of the proposed Mason Avenue Grade Separation Project, prior to the sale of the first parcel. The agreement also has a clause, in which, the cash deposit for the

proposed grade separation shall be refunded in full if construction has not started within twenty-five years from the recordation date of the covenant and agreement.

The Valley District Office of the Bureau of Engineering stated in its communication dated October 24, 2018 that "the City completed an at-grade crossing of Mason Avenue at the Union Pacific Railroad in 2001 per improvement plan P-35442." It also stated that they do not anticipate the grade separation project will ever occur; therefore, they have no objection relative to the termination of the C&A.

The Department of Transportation (DOT) stated in its communication dated October 23, 2018 that at grade crossing group of DOT are not aware of any plans to construct a grade crossing at that location.

The Metro Transit Division of Bureau of Engineering stated in its communication dated October 24, 2018 that they "don't have any comments since the Raymer to Bernson Project (MetroRail) Project has been closed."

The Department of City Planning stated in its communication dated October 26, 2018 that "our Department is not aware of any specific plans on the part of the City to construct an overpass, nor does there appear to be a significant need to do so given present day use of Mason Avenue. Thus the terms of the covenant do not appear to serve a purpose and the Department of City Planning would concur with the request to terminate the subject Covenant and Agreement."

#### CONCLUSION:

Based on the communication mentioned above from various City Agencies, retention of the agreement over the property shown outlined in red on Exhibit "A" is no longer necessary. No agencies have demonstrated any plan or proposal to construct a grade crossing before August 29, 2021. Therefore, Bureau of Engineering is recommending the City Council to terminate the Covenant and Agreement recorded as document no. 96-1426089 at this time.

#### ENVIRONMENTAL DETERMINATION:

The Bureau of Engineering has determined that the termination of covenant and agreement regarding the Mason Avenue Grade Separation Project is exempt from the California Environmental Quality Act of 1970, pursuant to the categorical exemptions included in the City of Los Angeles Guidelines under Article III, Class 5(22).

Council

-4-

C.D. No. 12

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Charles H. Eandagiff". The signature is fluid and cursive, with a large, stylized initial "C".

Edmond Yew, Manager  
Land Development and GIS Division  
Bureau of Engineering

EY/GV/

Q:\LANDDEV\termination covenant and agreement\9220 Mason Ave -  
2190\Reports\term rpt\_2190.doc

cc: Wes Pringle, DOT  
Craig Weber, DCP  
Blake Lamb, DCP  
Lawrence Hsu, BOE  
Ali Nahass, BOE