

RESOLUTION NO. 27487

WHEREAS, on recommendation of Management, there was presented for approval, Easement Exchange Agreement with LA Airport Industrial Owner, LP dba Overton Moore Properties in order to allow said owner of properties located at 5771 West 96th Street and 5760 Arbor Vitae Street in Los Angeles continued access on an existing public alley that will be converted to a private roadway as part of the Landside Access Modernization Program of Los Angeles World Airports; and

LAX

Van Nuys

City of Los Angeles

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Mayor

Board of Airport
Commissioners

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Vice President

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Justin Erbacci
Chief Executive Officer

WHEREAS, the Landside Access Modernization Program (LAMP) includes an Automated People Mover (APM), a Consolidated Rent-A-Car Facility, an Intermodal Transportation Facility – West and roadway improvements. LAMP requires reconfiguration of existing parcels and approval of two (2) new Tract Maps (74322 and 74326) within the area bounded by Sepulveda Boulevard to the west, Westchester Parkway/Arbor Vitae Street to the north, La Cienega Boulevard to the east, and Century Boulevard to the south; and

WHEREAS, in 2018, an Addendum to the Final Environmental Impact Report (EIR) (ENV-2016-3391-ENV, State Clearing House 2015021014), included language to allow the public alley along the eastern border of the APM Maintenance and Storage Facility (MSF) to be included in the tract map boundary for Tentative Tract Map 74322, such that the property could be used as part of Maintenance Drive, and identified that access to the adjacent property owner (LA Airport Industrial Owner, LP dba Overton Moore Properties, herein referred to as Overton) would remain via Maintenance Drive; and

WHEREAS, in accordance with the Los Angeles Municipal Code, Los Angeles World Airports (LAWA) submitted the Tract Maps to the City of Los Angeles Department of City Planning that reviewed the maps and established the conditions for their approval. One of the conditions states that “Consents to the streets and alleys being merged and waivers of any damages that may accrue because of such mergers be obtained from all property owners who might have certain rights in the areas being merged;” and

WHEREAS, there is an existing 20-foot-wide public alley that extends north and south between 96th Street and Arbor Vitae Street in between the boundaries of the MSF and Overton. When Tract Map 74322 records, said existing 20-foot-wide public alley will merge and abandon the public alley with a wider private street, Maintenance Drive, that will be owned and maintained by LAWA; and

WHEREAS, to comply with Tract Map conditions of approval and create the proposed Maintenance Drive as part of LAMP, LAWA has negotiated with Overton to obtain consent and waiver of damages for the merger of the 20-foot public alley from Overton, in exchange for the granting of an access easement by LAWA to Overton for ingress and egress to the Overton property via Maintenance Drive. The consent and waiver of damages form (*Exhibit A of Easement Exchange Agreement*) and the Access Easement Deed (*Exhibit D of Easement Exchange Agreement*) are parts of the overall Easement Exchange Agreement; and

WHEREAS, the main entrance to the MSF is from Maintenance Drive. LAWA will have greater operational flexibility to control the MSF entrance because Maintenance Drive will be a private street that will be open to the traveling public. Overton required documented access rights in perpetuity to ensure that in the event LAWA implements additional access control to MSF in the future, Overton’s access will not be impacted. Granting of the Access Easement has satisfied Overton’s prior concerns of potential closure of Maintenance Drive; and



WHEREAS, additionally, as part of the agreement, Overton is granting LAWA an easement for landscape and irrigation purposes that will allow the irrigation controller and related equipment for the landscaped parkway along the eastern boundary of Maintenance Drive to be placed on private property as is required by City of Los Angeles Bureau of Street Services, the authority having jurisdiction for approval. LAWA has successfully negotiated with Overton to obtain an easement for installation and maintenance of the needed irrigation equipment; and

WHEREAS, following are the Easement Exchange Agreement terms:

Topic	Description/Provision
The Parties	<ul style="list-style-type: none"> • LA Airport Industrial Owner, LP, a Delaware limited partnership, dba Overton Moore Properties • Los Angeles World Airports
Agreement in General	<ul style="list-style-type: none"> • LAWA grants to Overton easement for Maintenance Drive access • Overton consents to Tract Map • Overton grants to LAWA easement for irrigation purposes
Term	Both grants are permanent
Premises	<ul style="list-style-type: none"> • LAWA’s grant to Overton is 1,091 feet by 91 feet between 96th Street and Arbor Vitae (the same length and width of Maintenance Drive) • Overton’s grant to LAWA is 81 square feet for irrigation controller and related equipment
Payment Terms	No payment by either party; and

WHEREAS, Overton has signed the Easement Exchange Agreement. Overton will sign the consent to merger and waiver of damages form (*Exhibit A of Easement Exchange Agreement*), as a requirement of the Tract Map conditions of approval, and obtain lender consent (*Exhibit C of Easement Exchange Agreement*) after the Landscape Easement Deed (*Exhibit B of Easement Exchange Agreement*) and Access Easement Deed (*Exhibit D of Easement Exchange Agreement*) are fully executed; and

WHEREAS, the Easement Exchange Agreement is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Article II, Section 2.i. of the Los Angeles City CEQA Guidelines. The LAMP EIR was certified by the Board of Airport Commissioners for the project on March 2, 2017 (Resolution 26185); and

WHEREAS, the owner must have approved insurance documents, in the terms and amounts required, on file with LAWA prior to execution of the agreement; and

WHEREAS, actions taken on this item by the Board of Airport Commissioners will become final pursuant to the provisions of Los Angeles City Charter Section 606;

NOW, THEREFORE, BE IT RESOLVED that the Board of Airport Commissioners adopted the Staff Report; determined that this action is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Article II, Section 2.i. of the Los Angeles City CEQA Guidelines, whereas, it is also within the scope of the certified Landside Access Modernization Program Environmental Impact Report (State Clearinghouse 2015021014) and does not include any changes to the project that would require further review under CEQA pursuant to Public Resources

Code Section 21166 and CEQA Guidelines Section 15162; approved the Easement Exchange Agreement with LA Airport Industrial Owner, LP dba Overton Moore Properties in order to allow said owner of properties located at 5771 West 96th Street and 5760 Arbor Vitae Street in Los Angeles continued access on an existing public alley that will be converted to a private roadway as part of the Landside Access Modernization Program of Los Angeles World Airports; recommended and requested that the Los Angeles City Council make appropriate findings and adopt an ordinance to grant a non-exclusive access easement; and authorized the Chief Executive Officer, or designee, to execute said Easement Exchange Agreement with LA Airport Industrial Owner, LP dba Overton Moore Properties, and any other documents necessary to effectuate the transaction, after approval as to form by the City Attorney and approval by the Los Angeles City Council.

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I hereby certify that this Resolution No. 27487 is true and correct, as adopted by the Board of Airport Commissioners at its Regular Meeting held on Thursday, May 19, 2022.



Grace Miguel – Secretary
BOARD OF AIRPORT COMMISSIONERS

Attachments:

- *1 - Location of Overton Properties*
- *2 - Site Map*
- *3 - Location of Maintenance Drive between MSF and Overton*