COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
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ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE REFER TO FILE: LD-1

January 6, 2005

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

AGREEMENT FOR TRANSFER OF STORM DRAIN SYSTEMS
CITY OF REDONDO BEACH
SUPERVISORIAL DISTRICT 4
3 VOTES

IT IS RECOMMENDED THAT YOUR BOARD ACTING AS THE GOVERNING BODY OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:

1. Approve the enclosed Agreement between the Los Angeles County Flood Control District (LACFCD) and the City of Redondo Beach that warrants the rights of way as to title, extent, and location of drainage facilities when transferred from the City to the LACFCD for operation and maintenance pursuant to Section 13-3/4 of the Los Angeles County Flood Control Act.

2. Authorize and instruct the Chair of the Board of Supervisors to execute the Agreement on behalf of the LACFCD.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The LACFCD has executed similar agreements with other cities in the County. Under the terms of the Agreement, the City warrants the accuracy of the right of way for future storm drain transfers, and the LACFCD would eliminate its independent review, except for an abbreviated review on major projects where extensive fee title is taken. This will accelerate the processing of transferring facilities. No storm drain facilities or property interests are being conveyed to the LACFCD at this time.

Implementation of Strategic Plan Goals

The Agreement will expedite the storm drain transfer from the City to the LACFCD and is consistent with the County Strategic Plan Goal of Service Excellence since the regularly scheduled maintenance of flood control facilities is needed to provide flood protection that improves the quality of life to residents in the area.

FISCAL IMPACT/FINANCING

No fiscal impact. The above-mentioned facilities are those drainage facilities that are built by the City or by private developers under bond to the City that are to be transferred to the LACFCD for operation and maintenance. The rights of way for these facilities are granted first to the City and then quitclaimed to the LACFCD as the facilities are transferred.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Section 13-3/4 of the Los Angeles County Flood Control Act authorizes your Board to accept the transfer and conveyance of storm drain facilities to the LACFCD upon approval of a City resolution, by four-fifths vote of the City Council.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

No adverse impact.

CONCLUSION

The original and four copies of the Agreement are enclosed and have been signed by the City of Redondo Beach. Please have the Chair sign the original and one copy and the Executive Officer-Clerk of the Board of Supervisors complete the acknowledgment on all copies. Please forward the original, one fully signed copy, and one conformed copy of the Agreement to Public Works. Retain one conformed copy for your interim file pending return of the original after recordation by our office and one conformed copy for the Auditor-Controller.

Respectfully submitted,

DONALD L. WOLFE
Interim Director of Public Works

AI:ED:plg
P:\ldpub\SUBPCHECK\Board\City of Redondo Beach Agreement

Enc. 5

cc: Auditor-Controller
Chief Administrative Office
County Counsel

RECORDING REQUESTED BY:
AND MAIL TO:

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
P.O. Box 1460
Alhambra, CA 91802-1460
Attention: Mapping & Property
Management Division
R/W Engineering Section

Space above This Line Reserved for Recorder's Use

AGREEMENT

THIS AGREEMENT IS DATED FOR
REFERENCE ONLY, AND MADE
BY AND BETWEEN

LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, a body corporate and politic of the State of California, hereinafter referred to as "DISTRICT", and the CITY OF REDONDO BEACH, a municipal corporation of the State of California, hereinafter referred to as "CITY".

RECITALS

A. DISTRICT's primary function is the control and conservation of the flood, storm, and other waste waters of said DISTRICT.

B. DISTRICT is authorized by Section 13-¾ of the Los Angeles County Flood Control Act to accept transfers and conveyances of flood control facilities for operation, maintenance, repair and improvement thereof.

C. CITY periodically requests by resolution that the DISTRICT accept transfers and conveyances of certain flood control facilities for operation, maintenance, repair and improvement thereof;

D. Acceptance by the DISTRICT of the flood control facilities for such purposes will benefit the CITY.

THEREFORE, THE PARTIES AGREE AS FOLLOWS:

Upon the execution of this Agreement by both parties, all transfers and conveyances of flood control facilities thereafter requested by the CITY and accepted by the DISTRICT shall be subject to the following:

1. CITY shall warrant that said facilities are contained within the described right of way, that it has complied with DISTRICT's requirements as to the location of said facilities, that right of way is sufficient for the protection of the facilities and an access of road, if necessary; that the land identified or described in the document by which the CITY acquired its interest is physically locatable by interpretation or accurate analysis of the document, and by ties to legal points of record; and that said document contains no discontinuities, gaps, or overlaps.

2. CITY shall further warrant that it has good and sufficient title to the interest in the property in, over, under, and across which the facilities were constructed, that CITY has the right to execute the deed transferring and conveying the same to DISTRICT, and that the interest transferred and conveyed by CITY to DISTRICT is free of all prior liens, encumbrances, charges, and conditions, unless expressly agreed to in writing by DISTRICT's Chief Engineer.

3. City agrees to pay the cost of any relocation of modification of said facility made necessary by a relocation, change in grade, or other modification of any street or structure owned or under control of CITY.

4. CITY agrees to indemnify and hold harmless the DISTRICT, its officers, agents, and employees, from any and all loss, damage, or expense which DISTRICT, its officers, agents, and employees may suffer by reason of the breach of the foregoing warranties, and shall, when requested to do so by DISTRICT, defend any action brought against the DISTRICT as a result of such breach.

In WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed by their respective officers, by the City on December 14, 2004, and by the DISTRICT, on _____, 2004.

LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, a body corporate and politic:

By_____
Chair, Board of Supervisors

ATTEST:
VIOLET VARONA-LUKENS
Executive Officer-Clerk of the Board of Supervisors

By_____
Deputy

APPROVED AS TO FORM:
County Counsel

By Francis E Scott
Deputy

(Signatures continue on the following page)

CITY OF REDONDO BEACH, A Municipal Corporation

By_____
GREGORY C. HILL
Mayor of the City of Redondo Beach, California

ATTEST:

_____
SANDY FORREST
City Clerk

Approved as to form:

_____
JERRY GODDARD
City Attorney

Approved as to content:

_____
JOHN BAKER
Acting City Manager

_____
STEVE HUANG
Director of Engineering and Building Services

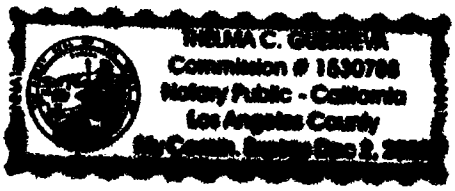
_____
JILL BUCHHOLZ
Risk Manager

STATE OF CALIFORNIA)
)ss.
COUNTY OF LOS ANGELES)

On December 15, 2004, 2004, before me, Thelma C. Guerrera, personally appeared GREGORY C. HILL, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in her/her authorized capacity, and that by his/her signature on the instrument the person or the entity on behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Thelma C. Guerrera
Notary Public



RESOLUTION NO. CC-0412-160

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, APPROVING AN AGREEMENT BETWEEN THE CITY OF REDONDO BEACH AND THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT ALLOWING THE TRANSFER AND CONVEYANCE OF FLOOD CONTROL FACILITIES IN THE CITY OF REDONDO BEACH FROM THE CITY OF REDONDO BEACH TO THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT

WHEREAS, the City of Redondo Beach holds title to a parcel of land, in the City of Redondo Beach, County of Los Angeles, State of California; and

WHEREAS, said parcel is numbered by said County Assessor's Office as parcel number 7510-032-900, as shown on the attached Exhibit "A"; and

WHEREAS, the City of Redondo Beach owns a small storm drain within said parcel; and

WHEREAS, said City storm drain discharges into an adjacent storm drain owned, operated, and maintained by the Los Angeles County flood control district; and

WHEREAS, it is more cost effective to transfer ownership, operation and maintenance of said City storm drain to the Los Angeles County flood control district.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. That certain agreement, a copy of which is on file in the office of the City Clerk, between the City of Redondo Beach and the Los Angeles County Flood Control District allowing the transfer and conveyance of flood control facilities in the City of Redondo Beach from the City of Redondo Beach to the Los Angeles County Flood Control District ("the Agreement"), is hereby approved.

SECTION 2. That the Mayor is hereby authorized and directed to execute said Agreement on behalf of the City.

SECTION 3. That the City Manager or his designee shall administer the terms of the Agreement on behalf of the City.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this resolution and shall enter the same in the Book of Original Resolutions.

SECTION 5. That the City Clerk shall furnish a copy of said Agreement after it has been approved and fully executed by the City, along with a copy of this resolution, to: County of Los Angeles Department of Public Works, P.O. Box 1460, Alhambra, California 91802-1460, Attention: Mapping & Property, Management Division, R/W Engineering Section.

PASSED, APPROVED AND ADOPTED this 14th day of December, 2004.

Gregory C. Hill

ATTEST:

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF REDONDO BEACH)

I, Sandy Forrest, City Clerk of the City of Redondo Beach, California, do hereby certify that the foregoing Resolution No. CC-0412-160 was duly passed, approved and adopted by the City Council of the City of Redondo Beach, California, at a regular meeting of said City Council held on the 14th day of December, 2004, by the following roll call vote:

AYES: Bisignano, Cagle, Szerlip, Schmalz, Parsons

NOES: None

ABSENT: None

ABSTAIN: None

Sandy Forrest

Sandy Forrest, City Clerk

APPROVED AS TO FORM:

City Attorney