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Long Beach, California

ORD-22

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October 4, 2016

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to declare ordinance conferring upon and delegating to the Board of Harbor Commissioners certain additional powers and duties relating to the sale of property at Broadway and Golden Avenue, adjacent to the World Trade Center, read the first time and laid over to the next regular meeting of the City Council for final reading.

DISCUSSION:

Pursuant to your request on August 23, 2016, this ordinance has been prepared and is submitted for your consideration.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

CHARLES PARKIN, City Attorney

By

CHARLES M. GALE
Principal Deputy City Attorney

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH CONFERRING UPON AND
DELEGATING TO THE BOARD OF HARBOR
COMMISSIONERS CERTAIN ADDITIONAL POWERS AND
DUTIES RELATING TO THE SALE OF PROPERTY AT
BROADWAY AND GOLDEN AVENUE, ADJACENT TO THE
WORLD TRADE CENTER

WHEREAS, Section 1204 of the Charter of the City of Long Beach
empowers the City Council, by ordinance, to confer upon and delegate to the Board of
Harbor Commissioners such additional powers and duties which the City Council deems
necessary or convenient to carry out the general purposes of such Board, subject to the
approval of such delegation by the Board of Harbor Commissioners; and

WHEREAS, the City of Long Beach by and through the Board of Harbor
Commissioners purchased in 2011 certain property at Broadway and Golden Avenue,
adjacent to the World Trade Center, more particularly described on Exhibit A which is
attached hereto and incorporated by this reference ("the Property"); and

WHEREAS, the Board of Harbor Commissioners now desires to sell the
Property; and

WHEREAS, the Board of Harbor Commissioners has received several
proposals for purchase and development of the Property; and

WHEREAS, in order for the Board of Harbor Commissioners to negotiate
and execute the necessary documents for the sale of the Property, it is necessary that
such authority be conferred upon and delegated to the Board of Harbor Commissioners
with respect to the Property.

NOW, THEREFORE, the City Council of the City of Long Beach ordains as

1 follows:

2 Section 1. The City Council of the City of Long Beach, pursuant to Section
3 1204 of the Charter of the City of Long Beach, confers upon and delegates to the Board
4 of Harbor Commissioners the power and duty to negotiate the sale of the Property and to
5 take all actions and enter into any and all agreements necessary to do so.

6 Sec. 2. Pursuant to such conferred and delegated powers, the Board of
7 Harbor Commissioners shall on behalf of the City of Long Beach:

8 (a) Fix and determine the terms and conditions of sale for the
9 Property, consistent with City of Long Beach practices and policies for such sales of real
10 property within the City of Long Beach;

11 (b) Make any findings required by the California Environmental
12 Quality Act regarding the Property; and

13 (c) Take any actions which may be necessary and proper to
14 complete the sale of the Property.

15 Sec. 3. The delegation of powers and duties provided for hereinabove shall
16 become operative on the operative date of a resolution of the Board of Harbor
17 Commissioners approving and accepting the powers and duties so conferred and
18 delegated.

19 Sec. 4. The City Clerk shall certify to the passage of this ordinance by the
20 City Council and shall cause the same to be posted in three (3) conspicuous places in the
21 City of Long Beach. This ordinance shall take effect on the 31st day after its approval by
22 the Mayor of the City of Long Beach.

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I hereby certify that the foregoing Ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2016, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

EXHIBIT A

Legal Description

THE LAND REFERRED TO HEREIN IS SITUATED IN LOS ANGELES COUNTY, CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

ALL OF THE FOLLOWING DESCRIBED REAL PROPERTY SITUATED IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA:

PARCEL 3 OF PARCEL MAP NO. 31915, IN THE CITY OF LONG BEACH, COUNTY OF Los Angeles, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 237 PAGES 84 TO 87 INCLUSIVE OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM ALL OIL, GAS AND OTHER HYDROCARBON SUBSTANCES, AS TO THE WEST ONE-HALF OF THE EAST ONE-HALF OF PARCEL 1 OF PARCEL MAP, RECORDED IN BOOK 184 PAGE 41 OF PARCEL MAPS, IN, UNDER OR THAT MAY BE PRODUCED AND SAVED FROM THOSE PORTIONS, OF THE HEREINAFOVE DESCRIBED LANDS LOCATED 200 FEET, OR MORE, BELOW THE SURFACE THEREOF, TOGETHER WITH SAID RIGHT OF EVERY KIND AND DESCRIPTION WHATSOEVER TO DRILL FOR OR THROUGH, DEVELOP, TAKE, REMOVE AND SEVER THE SAME, OR ANY PART THEREOF, FROM SAID LANDS, PROVIDED THAT GRANTOR SHALL NOT HAVE THE RIGHT TO USE THE SURFACE OF SAID LANDS, OR ANY PORTION THEREOF LESS THAN 200 FEET BELOW THE SURFACE IN CONNECTION WITH THE DEVELOPMENT OR REMOVAL OF SAID OIL, GAS AND OTHER HYDROCARBON SUBSTANCES AS RESERVED BY CAPITOLA CARTER, A MARRIED WOMAN, WHO ACQUIRED TITLE AS CAPITOLA LEBLANC, A MARRIED WOMAN, IN THE DEED RECORDED MAY 31, 1962 AS INSTRUMENT NO. 1211 IN BOOK D-1691 PAGE 623, OFFICIAL RECORDS.

ALSO EXCEPT ALL OIL, GAS AND OTHER HYDROCARBONS AS TO THE WEST ONE-HALF OF SAID PARCEL 1 THAT MAY BE PRODUCED IN OR UNDER SAID LAND, AS RESERVED BY HELEN S. CHAPMAN AND RUTH L. RICKARD, IN DEED RECORDED JANUARY 18, 1963 AS INSTRUMENT NO. 71 IN BOOK 88069 PAGE 83, OFFICIAL RECORDS.

ALSO EXCEPT ALL OIL, GAS AND OTHER HYDROCARBON SUBSTANCES AS TO THE EAST 37.5 FEET OF SAID PARCEL 1 IN OR UNDER SAID LAND AS RESERVED BY IDA N. KLING, A WIDOW, IN DEED RECORDED FEBRUARY 3, 1948 AS INSTRUMENT NO. 1929 IN BOOK 26333 PAGE 468, OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM ALL OIL, GAS AND OTHER HYDROCARBON SUBSTANCES, IN, UNDER OR THAT MAY BE PRODUCED AND SAVED FROM THOSE PORTIONS, OF THE HEREINAFOVE DESCRIBED LANDS LOCATED 200 FEET, OR MORE, BELOW THE SURFACE THEREOF, TOGETHER WITH ALL RIGHTS OF EVERY KIND AND DESCRIPTION WHATSOEVER TO DRILL FOR OR THROUGH, DEVELOP, TAKE, REMOVE AND SEVER THE SAME, OR ANY PART THEREOF, FROM SAID LANDS PROVIDED THAT GRANTOR SHALL NOT HAVE THE RIGHT TO USE THE SURFACE OF SAID LANDS, OR ANY PORTION THEREOF LESS THAN 200 FEET BELOW THE SURFACE, IN CONNECTION WITH THE DEVELOPMENT OR REMOVAL OF SAID OIL, GAS AND OTHER HYDROCARBON SUBSTANCES AS RESERVED BY LULU FRANCES HOWE HAMILTON, A MARRIED WOMAN; CHARLES BENNETT HOWE, A MARRIED MAN, AND MARY SICKFORD HOWE, A SINGLE WOMAN, IN THE DEED RECORDED AUGUST 2, 1963 AS INSTRUMENT NO. 1429 IN BOOK D-1713 PAGE 222, OFFICIAL RECORDS.