

REPORT OF GENERAL MANAGER

APPROVED
NOV 09 2007

NO. 07-258

DATE November 9, 2007

C.D. 4

**BOARD OF RECREATION
AND PARK COMMISSIONERS**

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: PAN PACIFIC PARK – AGREEMENT WITH THE STATE OF CALIFORNIA FOR THE TRANSFER OF A PORTION OF PAN PACIFIC PARK TO THE CITY OF LOS ANGELES

R. Adams	_____	J. Kolb	_____
H. Fujita	_____	F. Mok	_____
S. Huntley	_____	K. Regan	_____
V. Israel	_____	*M. Shull	<u><i>M. Shull</i></u>

[Signature]
General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATION:

That the Board:

1. Approve the proposed Transfer Agreement, substantially in the form on file in the Board Office, between the City and State of California transferring approximately an 0.80 acre portion of Pan Pacific Park to the City (APN 5512-004-906);
2. Adopt the Resolution, on file in the Board Office, directing staff to assist the Department of General Services, the Office of the City Attorney and other City entities with the acquisition of the 0.80 acre portion of Pan Pacific Park;
3. Authorize the Chief Accounting Employee to pay the State of California's costs for processing the subject transfer estimated at \$34,000 and other transfer fees deemed necessary by the Department of General Services up to \$6,000 for a total of \$40,000 in transfer costs to be paid from the Fund 302/89, Account 270K-00 and Fund 302/89, Account 460K-WV as detailed in the body of this report;
4. Direct the Board Secretary to transmit the proposed Transfer Agreement to the Mayor, in accordance with Executive Directive No. 3, and to the City Attorney for review and approval as to form;

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5. Authorize the Board President and Secretary to execute the Transfer Agreement, upon receipt of the necessary approvals; and,
6. Upon the successful close of escrow, direct the Board Secretary to accept the Grant Deeds to the parcels, which are to be set apart and dedicated as park property in perpetuity.

SUMMARY:

On May 16, 2007, the Board approved the lease agreement between the City and the Los Angeles Museum of the Holocaust for the use of a portion of Pan Pacific Park for the construction and operation of a holocaust museum (Board Report No. 07-111). The Board also recommended for approval an Initial Study and Mitigated Negative Declaration (IS/MND) and the associated Mitigation Monitoring Reporting Plan for the subject project. On June 26, 2007, the City Council approved the lease agreement and adopted the IS/MND.

In the report approved by the Board, it was indicated that the Pan Pacific Park is still owned by the State of California. In 1998, SB 154 was passed which allowed for the transfer of title for property from the State to the City. This was brought about because both the State and County determined that they no longer had the resources to operate and maintain the park. In 2000, the City and County entered into a Project Cooperative Agreement that essentially transferred operational responsibility for the park to the City and allowed the Department to design, construct, and operate park facilities on the State-owned park. As Department staff finalized negotiations with the Museum, the City Attorney's Office advised that the City of Los Angeles could not lease the property to the Museum prior to receiving fee title to the property from the State and the lease was drafted to reflect that it would commence upon the City receiving title from the State.

For the last several months, staff from the Department and City Attorney has been working with representatives of the State's General Services Department on this transfer. An agreement on the transfer of the portion of Pan Pacific Park to be leased to the Holocaust Museum has been reached and is presented here for consideration by the Board.

The transfer agreement proposes to transfer a 0.80 acre portion of the park (Exhibit A) to the City at no cost. In exchange, the City agrees to pay the State's staff costs and other transfer fees, as determined by the City's Department of General Services, associated with this transfer. The State's staff costs have been estimated at \$34,000 and it is anticipated that the other transfer fees will not exceed \$6,000. The Department has identified \$34,000 to pay for the State's staff costs and funds will be taken from the General Capital Account Fund 302/89, Account 270K-00. The costs for the transfer fees will be paid for through Quimby fees that will be taken from Fund 302/89, Account 460K-WV and are being allocated through another board report.

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Environmental issues and concerns associated with the construction and operation of the holocaust museum project were addressed in the Final Initial Study/Mitigated Negative Declaration (IS/MND) that was prepared for the project in May 2007 in compliance with the requirements of the California Environmental Quality Act (CEQA). As part of this process, a Phase I Environmental Site Assessment was prepared by Enviropro, Inc., in November 2005, that concluded there are no recognized environmental concerns associated with the property, and was incorporated into the IS/MND as Appendix C. As stated earlier in this Board Report, the Final IS/MND was considered by the Board of Recreation and Park Commissioners on May 16, 2007, and adopted by the City Council on June 26, 2007 (CF# 07-1820). With regards to the proposed property transfer, staff has determined that the due diligence and CEQA compliance has been satisfactorily addressed in the Final IS/MND. Therefore, no further environmental site assessment or CEQA review is required.

It should be noted that Department and City Attorney staff are continuing to work with the representatives from the State for the transfer of the balance of State-owned land.

FISCAL IMPACT STATEMENT:

There will be no fiscal impact to the Department's General Fund. The estimated cost of \$34,000 to cover the staff costs for the State of California will be paid from the Department's General Capital Account, available in Fund 302/89, Account 270K-00. A further \$6,000 in associated transfer fees as determined by the Department of General Services need to be paid. Funds for these costs will be paid from Quimby and are available in Fund 302/89, Account 460K-WV.

Prepared by Cid Macaraeg, Senior Management Analyst II, of the Department's Real Estate and Asset Management Section.

EXHIBIT "A"

HOLOCAUST MUSEUM
PERMANENT EASEMENT
W.O. E1800476

LEGAL DESCRIPTION:

THAT PORTION OF THE RANCHO LA BREA, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 1 PAGES 289 AND 290 OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTHERLY LINE OF BEVERLY BOULEVARD, 100 FEET WIDE, WITH THE SOUTHERLY PROLONGATION OF THE CENTER LINE OF STANLEY AVENUE, AS SHOWN ON THE MAP OF TRACT No.6568, AS PER MAP RECORDED IN BOOK 72, PAGES 32 AND 33, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE ALONG SAID SOUTHERLY PROLONGATION, SOUTH 0°00'37" EAST, 410.00 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING THE SOUTHWESTERLY CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN DEED TO THE UNITED STATES POSTAL SERVICE, RECORDED AS DOCUMENT No. 3825, ON JUNE 6, 1975, IN BOOK D6680, PAGE 270, OF OFFICIAL RECORDS, IN THE OFFICE OF SAID COUNTY RECORDER; THENCE PARALLEL WITH SAID SOUTHERLY LINE ALONG THE SOUTHERLY LINE OF THE UNITED STATES POSTAL SERVICE LOT, NORTH 89°48'30" EAST TO A LINE PARALLEL WITH AND DISTANT 345.00 FEET EASTERLY, MEASURED AT RIGHT ANGLES FROM SAID SOUTHERLY PROLONGATION; THENCE SOUTH 0°00'37" WEST ALONG LAST SAID PARALLEL LINE, 110.00 FEET; THENCE PARALLEL WITH SAID SOUTHERLY LINE OF BEVERLY BOULEVARD SOUTH 89°48'30" WEST, 345.00 FEET TO SAID SOUTHERLY PROLONGATION; THENCE NORTHERLY ALONG SAID SOUTHERLY PROLONGATION, 110.00 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM, THAT PORTION OF THE HEREIN ABOVE DESCRIBED LAND LYING WITHIN THE PUBLIC STREET AS DESCRIBED IN THE COUNCIL RESOLUTION, RECORDED ON APRIL 30, 2002 AS INSTRUMENT No. 02-0995136.