



AGENDA REPORT

Meeting Date: June 19, 2012
Item Number: G-3
To: Honorable Mayor & City Council
From: Ara Maloyan, City Engineer *M*
Samer Elayyan, Civil Engineer *SE*
Subject: RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AUTHORIZING THE ACCEPTANCE OF AN EASEMENT FOR WATER LINE PURPOSES AND THE EXECUTION OF A QUITCLAIM DEED TO MARISA ARANGO BERRY, TRUSTEE OF THE M.A.B. FAMILY TRUST DATED 12/9/93, TERMINATING THE CITY'S PUBLIC UTILITIES EASEMENT OVER A PORTION OF THE PROPERTY LOCATED AT 1360 SUMMITRIDGE PLACE.

Attachment: 1) City Council Resolution

RECOMMENDATION

It is recommended that the City Council adopt the proposed resolution.

INTRODUCTION

This report requests that City Council adopt the Resolution authorizing the acceptance of a new easement for water line purposes and the execution of a quitclaim of the City's water easement over a portion of the property located at 1360 Summitridge Place.

DISCUSSION

In 2008, the current property owner at 1360 Summitridge Place has relocated a portion of the City's water main in the said property to allow for the construction of a new house over the City's water easement. The relocation of the water line was inspected, tested and completed to the satisfaction of the of the City staff. The property owner is offering to dedicate a 15.75-foot wide easement for water

line purposes and incidental uses (including but not limited to the construction, use, operation, maintenance, and repair) in, over and under a portion of the said property for the new water line.

The property owner is also requesting the City to quitclaim the City's interest in the portion of the 15-foot wide water easement that is no longer being used. Staff has reviewed the request and it has been determined that this portion of the easement is no longer needed for the purposes for which it was acquired since the City's 6-inch water line was relocated to the new easement offered by the property owner to the City of Beverly Hills.

FISCAL IMPACT

No funds will be expended by the approval of this quitclaim. The property owner has paid for the water line relocation, preparation and processing of all necessary documents.



David Gustavson
Approved By

Attachment 1

RESOLUTION NO. 12-R-___

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AUTHORIZING THE ACCEPTANCE OF AN EASEMENT FOR WATER LINE PURPOSES AND THE EXECUTION OF A QUITCLAIM DEED TO MARISA ARANGO BERRY, TRUSTEE OF THE M.A.B. FAMILY TRUST DATED 12/9/93, TERMINATING THE CITY'S PUBLIC UTILITIES EASEMENT OVER A PORTION OF THE PROPERTY LOCATED AT 1360 SUMMITRIDGE PLACE.

The City Council of the City of Beverly Hills ("City") does hereby resolve as follows:

Section 1. That certain Easement Deed attached hereto as Exhibit 1, granting to the City an approximately 15.75 foot wide easement for water line purposes and incidental uses (including but not limited to the construction, use, operation, maintenance and repair) in, over and under a portion of that property at 1360 Summitridge Place is hereby accepted.

Section 2. The City Manager is hereby authorized and directed to execute a Certificate of Acceptance of the easement, substantially in the form attached hereto as Exhibit 2.

Section 3. That certain Quitclaim Deed, attached hereto as Exhibit 3, transferring all right, title, and interest acquired by the City under and by virtue of its 15 foot wide water line easement over the property at 1360 Summitridge Place to Marisa Arango Berry, as Trustee of the M.A.B. Family Trust dated 12/9/93, is hereby approved.

Section 4. The City Manager is hereby authorized and directed to execute the Quitclaim deed on behalf of the City.

Section 5. The City Manager or his designee is authorized and directed to execute any and all documents necessary to complete the land transfers on behalf of the City of Beverly

Hills, provided that the Quitclaim Deed shall only be recorded after the Easement Deed has been recorded.

Section 6. The City Clerk shall certify to the adoption of this resolution and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Council of this City.

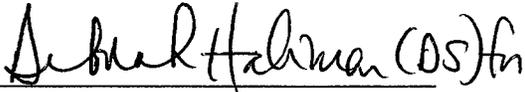
Adopted:

WILLIAM W. BRIEN, M.D.
Mayor of the City of Beverly Hills,
California

ATTEST:

(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

JEFFREY KOLIN
City Manager

Exhibit 1

Easement Deed

RECORDING REQUESTED BY,
AND WHEN RECORDED MAIL TO:

City Clerk
City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, California 90210

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Grantor declares that this Easement Deed is exempt from recording fees pursuant to California Government Code Section 27383.

EASEMENT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Marisa Arango Berry, as Trustee of the M.A.B. Family Trust dated 12/9/93 ("Grantor"), hereby GRANTS to the City of Beverly Hills ("Grantee"), an approximately 15.75 foot wide easement for public water line purposes and incidental uses (including but not limited to the construction, use, operation, maintenance and repair) in, over and under a portion of that property at 1360 Summitridge Place in the City of Beverly Hills, County of Los Angeles, State of California, described and shown on the attached Exhibits A and B, respectively.

IN WITNESS WHEREOF, the undersigned has executed this Quitclaim Deed as of the date set forth below.

Dated as of MARCH 18, 2012

M.A.B. Family Trust, dated 12/9/93

By: 
Marisa Arango Berry, Trustee

State of California)
County of Los Angeles)

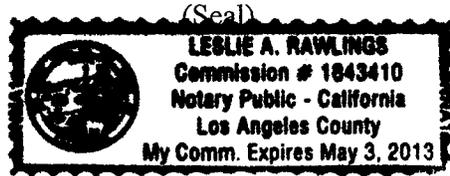
On March 19, 2012, before me, Leslie A. Rawlings,
(insert name and title of the officer)

Notary Public, personally appeared Marisa Arango Berry,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that
the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Leslie A. Rawlings



State of California)
County of Los Angeles)

On _____, before me, _____,
(insert name and title of the officer)

Notary Public, personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that
the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

(Seal)

EXHIBIT A

LEGAL DESCRIPTION

THAT PORTION OF LOTS 1 AND 2 OF TRACT NO. 22455, IN THE CITY OF BEVERLY HILLS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 611 PAGES 47 AND 48 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF SAID LOT 2, DISTANT THEREON NORTH 89° 52' 24" WEST 44.91 FEET FROM THE NORTHEASTERLY CORNER OF SAID LOT; THENCE DEPARTING SAID NORTH LINE SOUTH 0° 19' 11" WEST 196.45 FEET; THENCE SOUTH 37° 45' 00" EAST 26.87 FEET TO THE THE EASTERLY LINE OF SAID LOT 1, SAID EASTERLY LINE HAVING A BEARING OF SOUTH 34° 12' 15" WEST AND A DISTANCE OF 340.97 FEET; THENCE SOUTHERLY ALONG SAID EASTERLY LINE SOUTH 34° 12' 15" WEST 15.78 FEET; THENCE LEAVING SAID EASTERLY LINE NORTH 37° 45' 00" WEST 36.93 FEET; THENCE NORTH 0° 19' 11" EAST 186.58 FEET; THENCE NORTH 89° 52' 24" WEST 179.84 FEET; THENCE NORTH 55° 47' 45" WEST 17.92 FEET TO A POINT ON THE CURVED WESTERLY LINE OF SAID LOT 2, SAID WESTERLY LINE BEING CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 36.00 FEET, A RADIAL LINE TO SAID POINT HAVING A BEARING OF NORTH 34° 36' 21" WEST; THENCE NORTHEASTERLY ALONG SAID CURVE A DISTANCE OF 11.55 FEET TO THE END THEREOF, SAID END OF CURVE ALSO BEING THE NORTHWEST CORNER OF SAID LOT 2; THENCE EASTERLY ALONG THE NORTH LINE OF LOT 2 SOUTH 89° 52' 24" EAST 199.35 FEET TO THE POINT OF BEGINNING.

AREA = 6,287 SQUARE FEET



EXHIBIT "B"

MAP OF EASEMENT AREA

(Attached; see area designated as "Water Easement")

Exhibit 2

Certificate of Acceptance

CERTIFICATE OF ACCEPTANCE
(California Government Code Section 27281)

This is to certify that the interest in real property conveyed to the City of Beverly Hills by that certain Grant Deed dated _____, 2012, executed by Marisa Arango Berry, Trustee of the M.A.B. Family Trust dated 12/9/93 is hereby accepted by the undersigned office on behalf of the City of Beverly Hills pursuant to the authority conferred at the City Council meeting held on _____, and the grantee consents to recordation thereof by its duly authorized officer.

Dated: _____, 2012

Jeffrey Kolin,
City Manager of the City of Beverly Hills

Exhibit 3

Quitclaim Deed

RECORDING REQUESTED BY,
AND WHEN RECORDED MAIL TO:

City Clerk
City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, California 90210

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Grantor declares that this Quitclaim Deed is exempt from recording fees pursuant to California Government Code Section 27383.

QUITCLAIM DEED AND TERMINATION OF EASEMENT

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, City of Beverly Hills ("Grantor"), hereby GRANTS to M.A.B. Family Trust under trust dated 12/9/93 ("Grantee"), without representation or warranty, express or implied, all of the Grantor's right, title and interest (if any) in, under and to the land in the City of Beverly Hills, County of Los Angeles, State of California described on Exhibit "A" (which is also depicted on Exhibit "B").

IN WITNESS WHEREOF, the undersigned has executed this Quitclaim Deed as of the date set forth below.

Dated as of _____, 2012

CITY OF BEVERLY HILLS,
a municipal corporation

By: _____
Jeffrey Kolin, City Manager
APPROVED AS TO FORM:

By: _____
Laurence S. Wiener, City Attorney

EXHIBIT A

LEGAL DESCRIPTION

THAT PORTION OF LOTS 1 OF TRACT NO. 22455, IN THE CITY OF BEVERLY HILLS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 611 PAGES 47 AND 48 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY INCLUDED WITHIN A STRIP OF LAND 15 FEET WIDE, LYING 7.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT A POINT IN THE EASTERLY LINE OF SAID LOT 1, DISTANT THEREON NORTH 34°12'15" EAST 300.97 FEET FROM THE MOST SOUTHERLY CORNER OF LOT 1; THENCE NORTH 55°47'45" WEST 126.37 FEET; THENCE NORTH 87°47'00" WEST 148.97 FEET; THENCE NORTH 15°22'43" WEST 5.83 FEET TO THE END THEREOF; THE SIDELINES OF SAID 15 FOOT WIDE STRIP OF LAND SHALL TERMINATE EASTERLY IN SAID EASTERLY LINE OF LOT 1 AND SHALL TERMINATE NORTHERLY IN THE SOUTHERLY LINE OF SUMMITRIDGE PLACE AS SHOWN ON THE MAP OF SAID TRACT NO. 22455.

AREA = 4,192 SQUARE FEET



EXHIBIT "B"

MAP (Attached; see area designated as "Existing Water Easement"

State of California)
County of Los Angeles)

On _____, before me, _____,
(insert name and title of the officer)

Notary Public, personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that
the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

(Seal)

State of California)
County of Los Angeles)

On _____, before me, _____,
(insert name and title of the officer)

Notary Public, personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that
the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

(Seal)