



## AGENDA REPORT

**Meeting Date:** September 6, 2016  
**Item Number:** F-2  
**To:** Honorable Mayor & City Council  
**From:** Mark Cuneo, City Engineer  
Tristan Malabanan, Civil Engineer  
**Subject:** RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AUTHORIZING THE ACCEPTANCE OF AN EASEMENT FOR STORM DRAIN PURPOSES AND THE SUMMARY VACATION OF THE CITY'S EXISTING STORM DRAIN EASEMENT OVER THE PROPERTY LOCATED AT 9900 WILSHIRE BOULEVARD

**Attachments:** 1. City Council Resolution

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### **RECOMMENDATION**

It is recommended that the City Council adopt the resolution authorizing the acceptance of an easement for storm drain purposes and the execution of a quitclaim deed to Wanda Beverly Hills Properties LLC, terminating the City's existing storm drain easement over a portion of the property located at 9900 Wilshire Boulevard.

### **INTRODUCTION**

This report requests that City Council move to adopt the Resolution authorizing the acceptance of a new easement for storm drain purposes and the execution of a quitclaim of the City's storm drain easement over a portion of the property located at 9900 Wilshire Boulevard.

### **DISCUSSION**

An existing storm drain owned by the City of Beverly Hills traverses the western edge of the 9900 Wilshire Boulevard property in an easement approximately 16 feet wide. The property owner of 9900 Wilshire Boulevard has proposed to relocate storm drain to allow for the construction of a new foundation for a retaining wall along the property line, portions of the proposed storm drain, and an access road over the City's existing storm drain easement. The relocation of the storm drain will be inspected and completed to

the satisfaction of the of City staff. The property owner is offering to dedicate a new easement of various widths for storm drain 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 storm drain line.

The property owner is also requesting the City quitclaim the City's interest in the entire storm drain easement that is no longer being used.

Staff has reviewed the request and determined that the easement will no longer be needed once the City's storm drain is relocated to the new easement offered by the property owner to the City of Beverly Hills. The quitclaim of the storm drain easement will not be effective until the storm drain relocation has been completed and accepted by the City. It should be noted that the storm drain relocation is part of the project site preparation which had been initiated when the Robinson-May buildings were demolished and the site was regraded. Relocation of the storm drain would be required for construction to occur under the existing entitlements and would not change under the proposed amendment, to the entitlement, if approved.

**FISCAL IMPACT**

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



George Chavez

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Approved By

# **Attachment 1**

**RESOLUTION NO. 16-R-\_\_\_\_\_**

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AUTHORIZING THE ACCEPTANCE OF AN EASEMENT FOR STORM DRAIN PURPOSES AND THE SUMMARY VACATION OF THE CITY'S EXISTING STORM DRAIN EASEMENT OVER THE PROPERTY LOCATED AT 9900 WILSHIRE BOULEVARD

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

Section 1. Wanda Beverly Hills Properties, LLC, a Delaware limited liability company ("Owner") which is the owner of the property at 9900 Wilshire Boulevard in the City (the "Property"), has requested that the City relocate a storm drain easement on the Property, at no cost to the City, in order to accommodate Owner's development of the Property.

Section 2. That certain Easement Deed attached hereto as Exhibit 1, granting to the City a new easement for storm drain 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 9900 Wilshire Boulevard is hereby accepted subject to the issuance to the City of a title insurance policy for the new easement in the amount of \$2,800,000 from a title insurer and in form and substance acceptable to the City Attorney and which does not include any exception for that certain easement in favor of the Metropolitan Water District of Southern California recorded on June 15, 1940 in Book 17544, Page 320 of the Official Records of Los Angeles County, California ("Title Policy").

Section 3. The City Manager is hereby authorized and directed to execute a Certificate of Acceptance of such easement, substantially in the form attached hereto as Exhibit 2, and deliver it to the title insurer, for recording with the Easement Deed subject to the issuance of the Title Policy.

Section 4. That certain storm drain easement in favor of the City that was recorded on December 8, 1927 in Book 7785, Page 86 of the Official Records of the County of Los Angeles (“Existing Easement”) will be deemed superseded by the new easement upon: (i) the recording of the Easement Deed and Certificate of Acceptance; (ii) the completion by Owner at Owner’s cost of the storm drain work described on Exhibit 3 attached hereto; and (iii) the issuance of the Title Policy for the new easement, at Owner’s cost.

Section 5. The vacation described herein is being made under Chapter 4 of the California Streets and Highways Code. The entire Existing Easement on the Property is intended to be superseded and vacated, and the exact location of the easement to be superseded and vacated is described in the recorded Existing Easement (described in Section 3 above).

Section 6. The vacation described herein is a component of the overall redevelopment of the Property, the impacts of which were fully analyzed in the certified environmental impact report (SCH No. 2006071107) prepared for the project in accordance with the requirements of the California Environmental Quality Act. The vacation and work contemplated therein is within the scope of the project for which the environmental impact report was certified, and is subject to any and all mitigation measures that apply to the contemplated work, thus no additional environmental review is required.

Section 7. 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.

Section 8. Additionally, upon the occurrence of the events described in Section 3, the City Clerk shall cause a certified copy of this resolution of vacation, attested by the Clerk under seal, to be recorded without acknowledgment in the Official Records of Los Angeles County, as contemplated by California Health and Safety Code Section 8336, and from and after the date this resolution is so recorded, the vacated Existing Easement shall no longer constitute a public service easement.

Adopted:

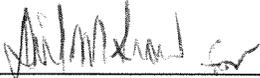
CITY OF BEVERLY HILLS

\_\_\_\_\_  
JOHN A. MIRISCH  
Mayor of the City of Beverly Hills, California

ATTEST:

\_\_\_\_\_  
BYRON POPE  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
LAURENCE S. WIENER  
City Attorney

APPROVED AS TO CONTENT:

\_\_\_\_\_  
MAHDI ALUZRI  
City Manager

**EXHIBIT 1**

**NEW EASEMENT DEED**

(Attached.)

RECORDING REQUESTED BY,  
AND WHEN RECORDED MAIL TO:

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

APN: 4327-028-002

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, Wanda Beverly Hills Properties, LLC, a Delaware limited liability company (“Grantor”), hereby GRANTS to the City of Beverly Hills (“Grantee”), an easement for storm drain purposes and incidental uses (including but not limited to storm drain construction, use, operation, maintenance and repair) in, over and under a portion of that property at 9900 Wilshire Boulevard 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 Easement Deed as of the date set forth below.

Dated as of \_\_\_\_\_, 2016

WANDA BEVERLY HILLS PROPERTIES  
LLC, a Delaware limited liability company

By: Wanda Los Angeles Properties Co., Ltd.,  
a Delaware Corporation,  
Its Sole Member

By: \_\_\_\_\_  
Xiang Shu,  
General Manager

**EXHIBIT "A"**

**LEGAL DESCRIPTION OF EASEMENT AREA**

Portions of Lots 4 and 6, Block 33 of Beverly, in the City of Beverly Hills, County of Los Angeles, State of California, as per Map recorded in Book 13, Pages 62 and 63 of Maps, in the Office of the County Recorder of said County, described as follows:

Parcel 1

A strip of land, 13.00 feet wide, the centerline of which is described as follows:

Beginning at a point on the southeasterly line of said Lot 6, distant thereon North 50°28'35" East (shown as North 50°28'35" East on said Map of Beverly) 15.31 feet from the most southerly corner of said Lot 6; thence North 39°02'59" West 4.21 feet to the beginning of a curve, concave northeasterly, having a radius of 135.00 feet; thence northwesterly along said curve, 26.73 feet through a central angle of 11°20'36"; thence North 27°42'23" West 174.17 feet to the beginning of a curve, concave southwesterly, having a radius of 250.00 feet; thence northwesterly along said curve, 13.56 feet through a central angle of 03°06'28"; thence North 30°48'51" West 214.92 feet to the beginning of a curve, concave southwesterly, having a radius of 50.75 feet; thence northwesterly along said curve, 14.00 feet through a central angle of 15°48'06" to the beginning of a reverse curve, concave northeasterly, having a radius of 50.75 feet, and being tangent at its northwesterly terminus to a line that is parallel with and 19.24 feet northeasterly of the southwesterly lines of said Lots 4 and 6; thence northwesterly along said curve, 14.00 feet through a central angle of 15°48'36" to said parallel line; thence northwesterly along said parallel line, North 30°48'21" West 257.99 feet to the beginning of a curve, concave easterly, having a radius of 145.00 feet, and being tangent at its northeasterly terminus to a line that is parallel with and 19.79 feet easterly of the westerly line of said Lot 4; thence northerly along said curve, 126.57 feet through a central angle of 50°00'54" to said parallel line; thence northerly along said parallel line, North 19°12'33" East 50.61 feet to a point hereinafter referred to as "Point A".

The sidelines of said strip shall terminate southerly at said southeasterly line of Lot 6 and northerly at a line that bears South 70°47'27" East and passes through said "Point A".

Parcel 2

Beginning at the northerly terminus of the westerly sideline of the hereinabove described Parcel 1; thence southeasterly along a line that passes through said "Point A",

South 70°47'27" East 13.00 feet to the most northerly terminus of the easterly sideline of said Parcel 1; thence northerly along the northerly prolongation of said easterly sideline of Parcel 1, North 19°12'33" East 6.01 feet to the beginning of a curve, concave westerly, having a radius of 46.00 feet; thence northerly along said curve, 22.71 feet through a central angle of 28°17'01" to the beginning of a reverse curve, concave easterly, having a radius of 40.19 feet and being tangent at its northerly terminus to a line that is parallel with and 16.00 feet easterly of the westerly line of said Lot 4; thence northerly along said curve, 19.84 feet through a central angle of 28°17'01" to said parallel line; thence northerly along said parallel line, North 19°12'33" East 67.19 feet to the northerly line of said Lot 4; thence westerly along said northerly line, North

89°55'00" West 16.93 feet to the northwesterly corner of Lot 4; thence southerly along said westerly line of Lot 4, South 19°12'33" West 95.28 feet to a line that bears North 25°57'43" West and passes through the Point of Beginning; thence southeasterly along said line, South 25°57'43" East 18.74 feet to the Point of Beginning

**EXHIBIT "B"**

**MAP OF EASEMENT AREA**

(Attached.)

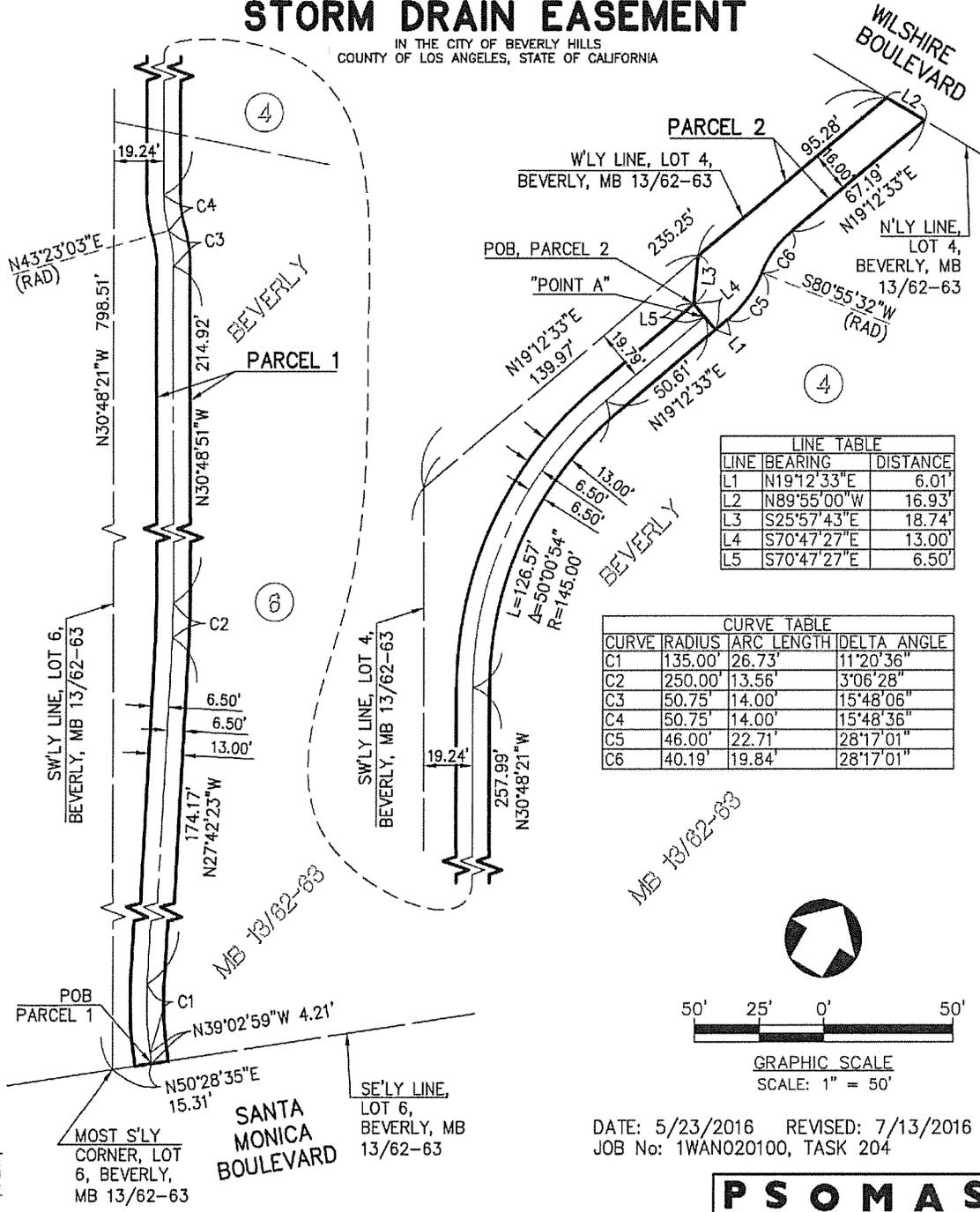
SCALE: 1" = 50'

EXHIBIT "B"

SHEET 1 OF 1 SHEET

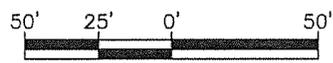
# LEGAL DESCRIPTION MAP STORM DRAIN EASEMENT

IN THE CITY OF BEVERLY HILLS  
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N19°12'33"E	6.01'
L2	N89°55'00"W	16.93'
L3	S25°57'43"E	18.74'
L4	S70°47'27"E	13.00'
L5	S70°47'27"E	6.50'

CURVE TABLE			
CURVE	RADIUS	ARC LENGTH	DELTA ANGLE
C1	135.00'	26.73'	11°20'36"
C2	250.00'	13.56'	3°06'28"
C3	50.75'	14.00'	15°48'06"
C4	50.75'	14.00'	15°48'36"
C5	46.00'	22.71'	28°17'01"
C6	40.19'	19.84'	28°17'01"



GRAPHIC SCALE  
SCALE: 1" = 50'

DATE: 5/23/2016 REVISED: 7/13/2016  
JOB No: 1WAN020100, TASK 204

**PSOMAS**

555 South Flower Street, Suite 4300  
Los Angeles, CA 90071  
(213)223-1400 (213)223-1444 (FAX)

WANDA BEVERLY HILLS PROPERTIES, LLC

PL-LG01

Jul. 13, 2016 - 18:22:19 DWG Name: W:\1WAN020100\SURVEY\LEGAL\PL-LG01.dwg Updated By: thomas.mcdarmott

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

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 2**

**CERTIFICATE OF ACCEPTANCE**

(Attached.)

**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 Easement Deed dated \_\_\_\_\_, 2016, executed by Wanda Beverly Hills Properties LLC 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 \_\_\_\_\_, 2016, and the grantee consents to recordation thereof by its duly authorized officer.

Dated: \_\_\_\_\_, 2016

\_\_\_\_\_  
Mahdi Aluzri,  
City Manager of the City of Beverly Hills

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.
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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.

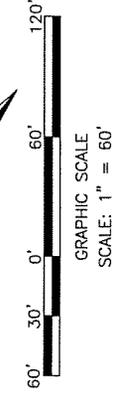
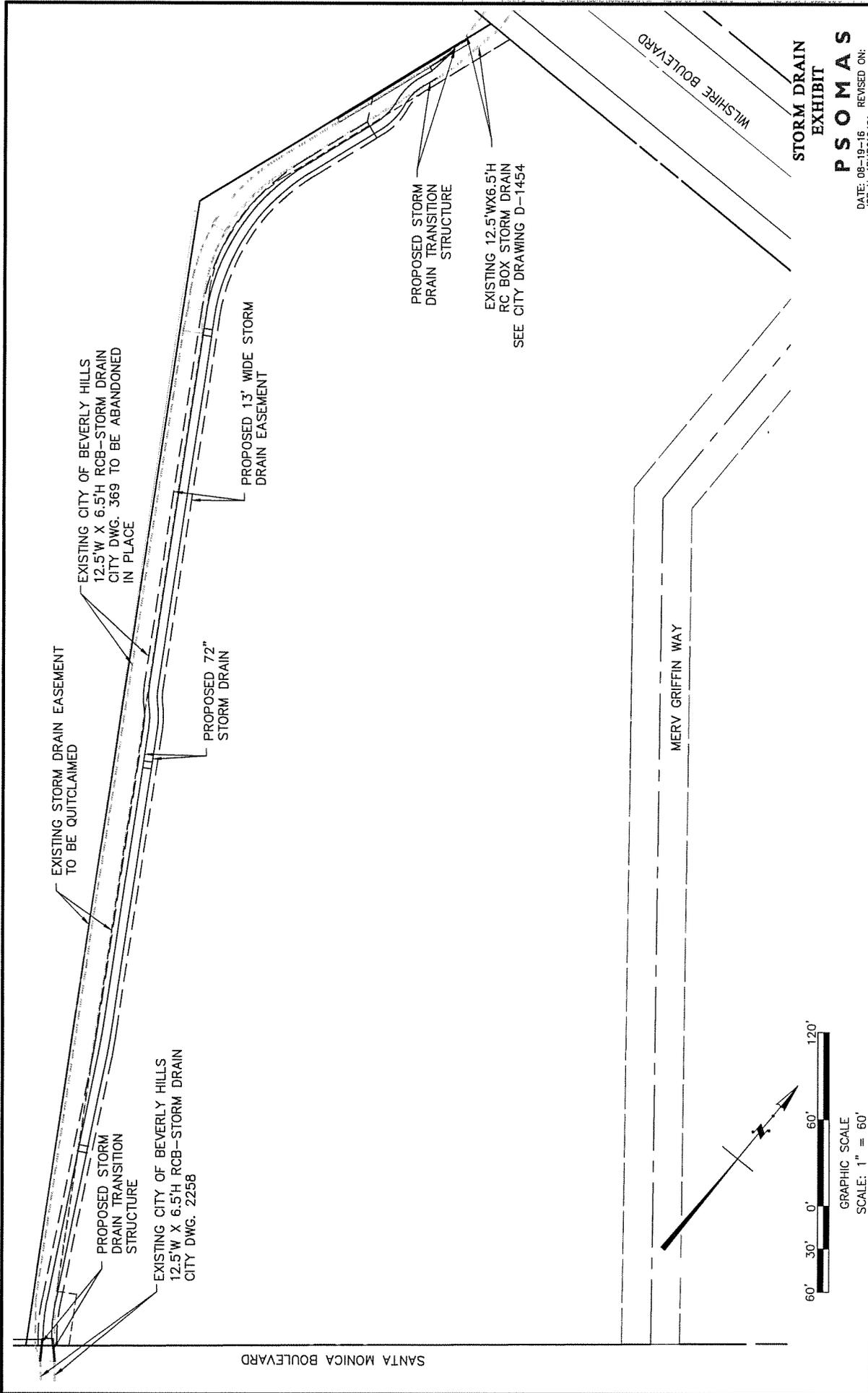
WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)

**EXHIBIT 3**

**STORM DRAIN WORK IN NEW EASEMENT AREA TO BE PERFORMED BY  
OWNER (PRIOR TO VACATION OF EXISTING EASEMENT)**

Work shall be in accordance with the Storm Drain Plans (Sheets C-01 through C-06) prepared by Psomas on 6/30/16 and approved by the City on 7/27/16. Job No. 4048, Drawing No. 7452.



STORM DRAIN EXHIBIT  
**PSOMAS**  
DATE: 08-19-16 REVISION: ON:  
JOB No: 16PMD0401