

1 REVOCABLE PERMIT

2 **30731**

3 Pursuant to a minute order adopted by the City Council of the City of Long
4 Beach at its meeting held on March 18, 2008, the CITY OF LONG BEACH ("City") hereby
5 grants permission to the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT
6 ("Permittee"), the address of which is 900 S. Fremont Avenue, Alhambra, California
7 91803-1331, to use the land ("permit area") shown on Exhibit "A" attached to this Permit
8 and incorporated by this reference.

9 1. Permittee shall use the permit area solely for the temporary storage
10 of trash pulled from the Los Angeles River and related uses (the "project") and for no
11 other purpose or purposes without the prior written consent of the City Manager or his
12 designee.

13 2. This Permit shall commence on April 16, 2008, and shall continue
14 until April 15, 2018 or until terminated by either party giving to the other party thirty (30)
15 days' prior written notice of such termination.

16 3. Permittee shall pay rent to City for the permit area in the amount of
17 \$1.00 per year. City may, at its sole option, raise the rental amount of the permit area
18 upon ninety (90) days' written notice to Permittee.

19 4. Permittee shall, at its sole cost and expense, maintain the permit
20 area at a level satisfactory to City and keep the permit area in a clean, safe and sanitary
21 condition. Permittee accepts the permit area "as is," and City makes no warranties or
22 representations of any kind regarding the permit area.

23 5. Permittee shall, with the prior written approval of the City Manager or
24 his designee and at Permittee's sole cost and expense, install a screened fence around
25 the permit area. Permittee will be responsible for obtaining any and all necessary
26 building permits. When this Permit terminates, City may require Permittee to clean and
27 remove any and all improvements on the permit area or, at City's sole option, require
28 Permittee to leave Permittee's improvements in place.

1 6. Permittee is responsible for any and all utility costs, including any
2 connection costs, associated with its operations on the permit area.

3 7. City shall not be responsible for loss by theft, fire, flood, burglary,
4 vandalism, or any other cause, of personal property stored or left on the permit area,
5 whether relating to Permittee's storage on the permit area or otherwise.

6 8. No hazardous materials will be brought onto the permit area without
7 City's prior written approval, and at the termination of this Permit, the permit area shall be
8 returned to City free and clear of any and all hazardous materials brought onto the permit
9 area by Permittee.

10 9. Permittee acknowledges that this Permit may create a possessory
11 interest subject to possessory interest taxes, and Permittee will be responsible for paying
12 any and all property and possessory interest taxes on the permit area.

13 10. Pursuant to Government Code Section 895.4 and all other applicable
14 laws, at all times Permittee shall indemnify, keep indemnified, save harmless, and defend
15 City, its officers, agents and employees from and against any injury, loss, damage,
16 liability, claim and expense of any kind which City or any of its officers, agents and
17 employees may sustain, incur or pay and from all actions which may be connected with
18 any of the operations of Permittee. Permittee shall procure and maintain, at its cost,
19 during the term of the Permit and any renewals thereof, from an insurer admitted in
20 California or having a minimum rating of or equivalent to A:VIII by A.M. Best Company
21 the following insurance:

22 A. Commercial General Liability insurance (equivalent in scope
23 to ISO form CG 00 01 11 85 or 88) with a combined single limit of at least One
24 Million Dollars (\$1,000,000) for each occurrence and Two Million Dollars
25 (\$2,000,000) general aggregate. Such coverage shall include but shall not be
26 limited to broad form contractual liability, cross liability, products and completed
27 operations liability, and sudden and accidental pollution liability. City, its officials,
28 employees and agents shall be covered as additional insureds under an

1 endorsement equivalent to ISO additional insured endorsement form CG 20 12 11
2 85 with respect to liability arising from the operations of Permittee.

3 B. Commercial automobile liability insurance (equivalent in scope
4 to ISO form CA 00 01 06 92) covering symbol 1 (any auto) in an amount no less
5 than \$1,000,000 per accident. Such coverage shall include but not be limited to
6 sudden and accidental pollution liability.

7 C. Protection and indemnity insurance, including injury to
8 passengers in an amount not less than One Million Dollars (\$1,000,000) covering
9 all vessels in connection with the permitted operations. City, its officials,
10 employees and agents shall be covered as additional insureds under such
11 protection and indemnity insurance.

12 D. "All Risk" property insurance in an amount sufficient to cover
13 the full replacement value of Permittee's personal property, improvements and
14 equipment on the permit area.

15 E. Workers' compensation insurance required by the State of
16 California and endorsed, as applicable, to include United States Longshoremen
17 and Harbor Workers' Compensation Act coverage and Jones Act coverage.

18 Permittee shall require any contractor, subcontractor, subpermittee or
19 others operating under this Permit to maintain insurance provisions of this Permit, unless
20 otherwise agreed in writing by the City's Risk Manager or designee.

21 Each insurance shall be endorsed to provide that the insurance is primary
22 with respect to City and that the insurer shall give (30) days' prior written notice from
23 insurers to City and Permittee before cancellation, nonrenewal, change in coverage,
24 voidance or suspension.

25 Permittee shall file certificates of insurance and original endorsements
26 containing the signature of a person authorized by the insurer to bind coverage on its
27 behalf and evidencing the coverage required herein for approval as to sufficiency and
28 form prior to the start of operations pursuant to this Permit. City reserves the right to

1 require complete certified copies of all policies at any time.

2 Said insurance may provide for such deductibles or self-insured retentions
3 as may be acceptable to the City Risk Manager or designee. In the event such insurance
4 does provide for deductibles or self-insured retentions, Permittee shall fully protect City,
5 its officials and employees in the same manner and to the same extent as they would
6 have been protected had the policy not contained such deductible or retention provisions.
7 Permittee (but not its contractors, subcontractors, subpermittees or others operating
8 under this Permit) shall be allowed to provide evidence of self-insurance in lieu of
9 insurance without prior approval from City to meet the requirements of this Section 10.

10 With respect to damage to property, City and Permittee waive all rights of
11 subrogation, one against the other, but only to the extent that collectible commercial
12 insurance is available for said damage.

13 Insurance required herein shall not be deemed to limit Permittee's liability
14 under this Permit. Any modification or waiver of these insurance requirements shall only
15 be made with the written approval of the City's Risk Manager or designee.

16 11. Should City revoke this Permit, Permittee expressly waives any
17 relocation benefits from City which may be payable due to such development.

18 12. Permittee acknowledges that by this Permit, Permittee does not
19 acquire any right, title or interest of any kind in the permit area. This Permit is personal to
20 Permittee and Permittee shall not assign this Permit. Permittee will not allow any other
21 person or entity to use the permit area other than incident to the uses mentioned in
22 Section 1.

23 13. City may revoke this Permit for any reason by giving thirty (30) days'
24 notice to Permittee. Upon revocation, Permittee shall cease its use of the permit area,
25 shall remove all personal property of any kind from the permit area and shall restore the
26 permit area to the condition existing at the beginning of Permittee's use. If said personal
27 property is not removed from the permit area within five (5) days following revocation or
28 expiration of this Permit, it shall become the property of City to be disposed of as City, in

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 its sole discretion, deems appropriate. Permittee shall pay to City the costs of removal as
2 an additional permit fee.

3 14. Permittee, during its use of the permit area, shall comply with all
4 applicable laws, ordinances, rules and regulations of and obtain permits from all federal,
5 state and local governmental authorities having jurisdiction over the permit area and
6 Permittee's use thereof.


7 15. Any notice under this Permit shall be in writing and personally
8 delivered or deposited in the U.S. Postal Service, first class, postage prepaid, to
9 Permittee at 900 S. Fremont Avenue, Alhambra, California 91803-1331, and to City at
10 333 West Ocean Boulevard, Long Beach, California 90802, Attn: City Manager. Notice
11 shall be deemed given on the date of personal delivery or on the date of deposit in the
12 mail, whichever first occurs.

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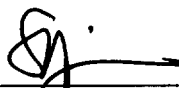
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Permittee and City have executed this Permit as of the dates set next to their signatures.

LOS ANGELES COUNTY FLOOD CONTROL DISTRICT


By: 
Name: PAT PROANO
Title: ASST. DEPUTY DIRECTOR

CITY OF LONG BEACH

By:  Assistant City Manager
Patrick H. West City Manager **EXECUTED PURSUANT TO SECTION 301 OF THE CITY CHARTER.**

Approved as to form this 12 day of May, 2008

ROBERT E. SHANNON, City Attorney

By: 
Deputy

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

ACKNOWLEDGMENT FORM

STATE OF CALIFORNIA)
COUNTY OF Los Angeles) ss.

On 5.28.08, before me, Melodi Nantes, Notary Public,
(insert name of the officer) (insert title of the officer)

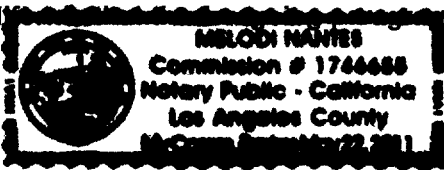
personally appeared Suzanne M. Frick
(insert name(s) and title(s))

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 is true and correct.

WITNESS my hand and official seal.

Signature Melodi Nantes



(Seal)

NOTARIES: ATTACH ADDITIONAL OR OTHER FORMS, IF REQUIRED

ACKNOWLEDGMENT FORM (FOR COUNTY USE ONLY)

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.

On MAY 5, 2008, before me, DEAN C. LOGAN, Acting Registrar-Recorder/County Clerk of the County of Los Angeles, personally appeared PAT PROANO

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.

DEAN C. LOGAN, Acting Registrar-Recorder/
County Clerk of the County of Los Angeles

By Mark Ballman
Deputy County Clerk

(Seal)



APPROVED as to title and execution,

_____, 20_____
DEPARTMENT OF PUBLIC WORKS
Mapping & Property Management Division
Supervising Title Examiner

By _____

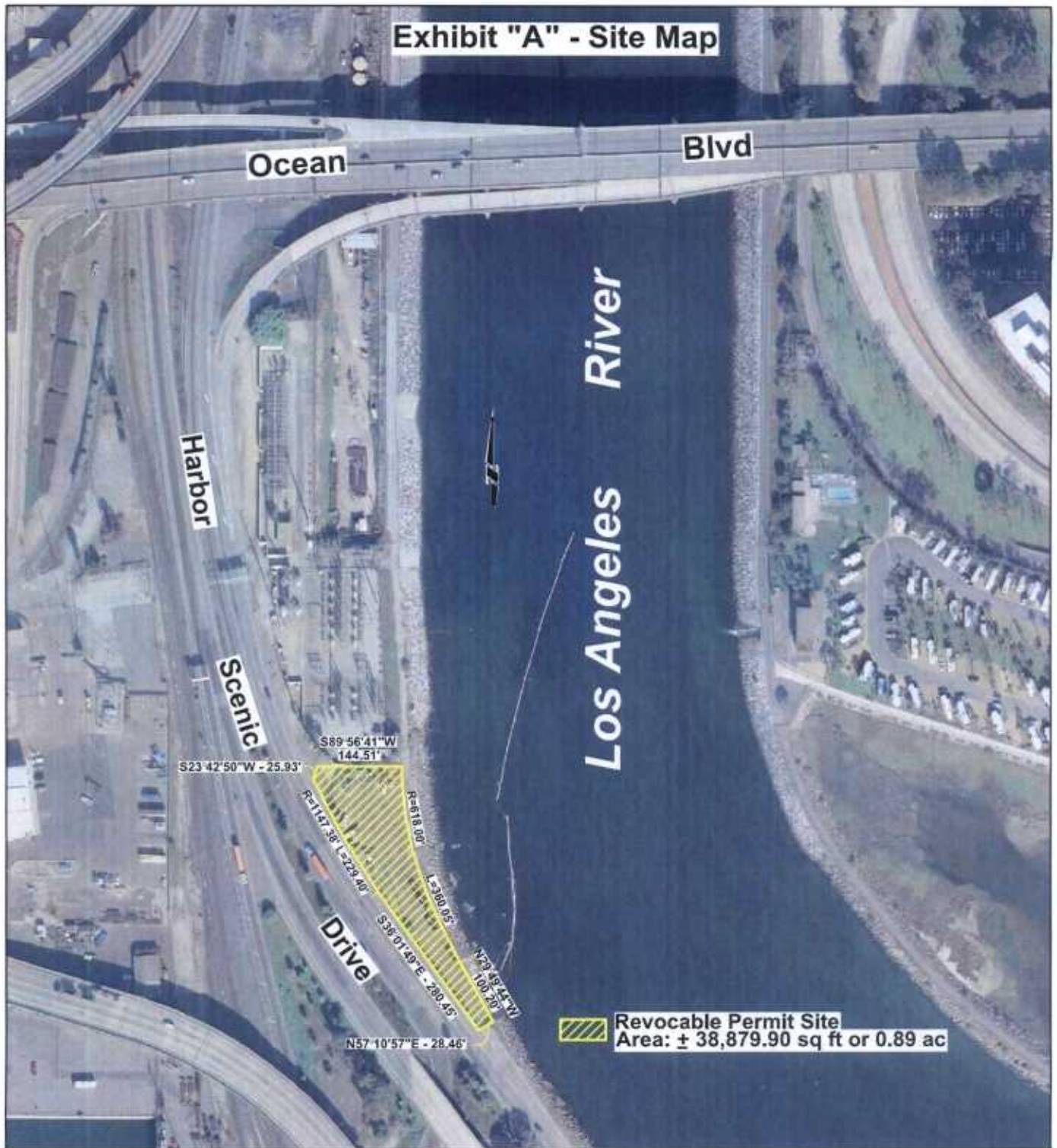
CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the within deed or grant is hereby accepted under the authority conferred by Ordinance No. 95-0052, duly and regularly adopted by the Board of Supervisors of the County of Los Angeles on the 26th day of September 1995, and the Grantee consents to the recordation thereof by its duly authorized officer.

Dated _____

By _____
ASSISTANT DEPUTY DIRECTOR
Mapping & Property Management Division

Exhibit "A" - Site Map



s:\entire\public works\engineering - 202708

CITY OF LONG BEACH - CALIFORNIA
DEPARTMENT OF PUBLIC WORKS, ENGINEERING BUREAU

Revocable Permit To
Los Angeles County - Department of Public Works
West Bank of LA River s/o Ocean Blvd Bridge