

*The Port of Long Beach*

P. O. BOX 570 · LONG BEACH, CA 90801-0570 · TELEPHONE (562) 437-0041 · FAX (562) 901-1725

October 24, 2006

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

**RECOMMENDATION:**

Recommendation to declare the attached Ordinance to approve, confirm, and ratify Ordinance No. HD-1963 of the Board of Harbor Commissioners of the City of Long Beach, which authorizes the execution by the Executive Director of the Long Beach Harbor Department of an Exchange Agreement between and among the City of Long Beach, the City of Los Angeles, the Alameda Corridor Transportation Authority (ACTA), and Konoike-Pacific California, Inc. (K-Pac), read for the first time and laid over to the next regular meeting of the City Council for final reading.

**DISCUSSION**

K-Pac owns 0.291 acres adjacent to the Alameda Corridor. The land is required for the construction of rail improvements by ACTA that will create a direct connection between the Alameda Corridor and the UP San Pedro Branch. The UP San Pedro Branch acts as an overflow or emergency bypass route for the Alameda Corridor.

In exchange, the City of Long Beach and the City of Los Angeles, as joint owners of the Alameda Corridor, will convey to K-Pac 0.256 acres of jointly-owned right-of-way property, and Los Angeles will convey to K-Pac an additional 0.84 acre parcel that will allow K-Pac to reconfigure its operations which will be impacted by the ACTA construction project. K-Pac will grant to ACTA right of entry upon K-Pac property for the construction improvements to mitigate the impacts of the ACTA project. The cost of the improvements will be borne by ACTA. Under the Charter, City Council approval is required for any conveyance of property owned by the City.

This matter was reviewed by Principal Deputy City Attorney Dominic Holzhaus on October 9, 2006.

**TIMING CONSIDERATIONS**

City Council action on this matter is not time critical, however all parties to the agreement desire to resolve this matter in a timely manner.



HONORABLE MAYOR AND CITY COUNCIL  
October 24, 2006  
Page Two

FISCAL IMPACT

There is no fiscal impact associated with the requested action.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



RICHARD D. STEINKE  
EXECUTIVE DIRECTOR

EPK:sjg

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Attachments:

1. City Council Ordinance Authorizing Execution of an Exchange Agreement with Konoike-Pacific California, Inc.
2. Board of Harbor Commissioners Ordinance HD-1963

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333 West Ocean Boulevard  
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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH APPROVING, CONFIRMING AND RATIFYING ORDINANCE NO. HD-\_\_\_\_\_ OF THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LONG BEACH, WHICH AUTHORIZES THE EXECUTION BY THE EXECUTIVE DIRECTOR OF AN EXCHANGE AGREEMENT BETWEEN AND AMONG THE CITY OF LONG BEACH, THE CITY OF LOS ANGELES, THE ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY AND KONOIKE-PACIFIC CALIFORNIA, INC., AND MAKING A DETERMINATION RELATING THERETO

WHEREAS, the Board of Harbor Commissioners of the City of Long Beach has adopted Ordinance No. HD-\_\_\_\_\_ on \_\_\_\_\_, 2006, a complete copy of which is attached hereto as Exhibit "A" and incorporated herein by this reference.

WHEREAS, Ordinance No. HD-\_\_\_\_\_ of the Board of Harbor Commissioners of the City of Long Beach authorizes the execution by the Executive Director of the Harbor Department of the City of Long Beach of an Exchange Agreement between and among the City of Long Beach, the City of Los Angeles, the Alameda Corridor Transportation Authority, and Konoike-Pacific California, Inc. (the "Exchange Agreement") and making a determination relating thereto; and

WHEREAS, this City Council concurs in the findings of, and wishes to approve, confirm and ratify the actions taken by, the Board of Harbor Commissioners of Ordinance No. HD-\_\_\_\_\_; and

WHEREAS, the Director of Planning and Environmental Services for the Harbor Department has determined and the Board has found and ordained that the

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1 Exchange Agreement is categorically exempt from the provisions of the California  
2 Environmental Quality Act.

3 NOW, THEREFORE, the City Council of the City of Long Beach hereby  
4 finds and ordains as follows:

5 Section 1. The City Council hereby finds and determines that the  
6 Exchange Agreement is categorically exempt from the provisions of the California  
7 Environmental Quality Act.

8 Sec. 2. The City Council of the City of Long Beach hereby concurs in the  
9 findings of, and approves, confirms and ratifies the actions taken by, the Board of  
10 Harbor Commissioners of the City of Long Beach in Ordinance No. HD-\_\_\_\_\_.

11 Sec. 3. The City Clerk shall certify to the passage of this ordinance by the  
12 City Council and shall cause the same to be posted in three (3) conspicuous places in  
13 the City of Long Beach. This ordinance shall take effect on the later of 31<sup>st</sup> day after its  
14 approval by the Mayor of the City of Long Beach.

15 I HEREBY CERTIFY that the foregoing ordinance was adopted by the City  
16 Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2006 by the following  
17 vote.

18 Ayes: Councilmembers: \_\_\_\_\_

19 \_\_\_\_\_

20 \_\_\_\_\_

21 \_\_\_\_\_

22 Noes: Councilmembers: \_\_\_\_\_

23 \_\_\_\_\_

24 Absent: Councilmembers: \_\_\_\_\_

25 \_\_\_\_\_

26 \_\_\_\_\_  
City Clerk

27 Approved: \_\_\_\_\_

28 \_\_\_\_\_  
Mayor

DTH:tr 08/31/06 #06-03825 REPRINT 09/27/06

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CITY COUNCIL ORDINANCE [08/31/06]

ORDINANCE NO. HD- 1963

1  
2  
3 AN ORDINANCE OF THE BOARD OF HARBOR  
4 COMMISSIONERS OF THE CITY OF LONG BEACH  
5 AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE  
6 AN EXCHANGE AGREEMENT BETWEEN AND AMONG THE  
7 CITY OF LONG BEACH, THE CITY OF LOS ANGELES, THE  
8 ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY  
9 AND KONOIKE-PACIFIC CALIFORNIA, INC., AND MAKING  
10 A DETERMINATION RELATING THERETO  
11

12 WHEREAS, the Board of Harbor Commissioners of the City of Long  
13 Beach ("Board") desires to enter into a real property Exchange Agreement and Joint  
14 Escrow Instructions with the City of Los Angeles, acting by and through its Board of  
15 Harbor Commissioners, the Alameda Corridor Transportation Authority, a joint powers  
16 authority and Konoike-Pacific California, Inc., a California corporation (the "Exchange  
17 Agreement"); and

18 WHEREAS, guidelines adopted by the Secretary of the California  
19 Resources Agency and by the Board, pursuant to Sections 21082-21084 of the  
20 California Public Resources Code, provide that certain classes of projects listed therein  
21 have been determined not to have a significant effect on the environment and are  
22 categorically exempt from the provisions of the California Environmental Quality Act;  
23 and

24 WHEREAS, the Director of Planning and Environmental Services of the  
25 Long Beach Harbor Department has determined that, in accordance with the  
26 guidelines, the Exchange Agreement is categorically exempt.

27 NOW, THEREFORE, the Board of Harbor Commissioners of the City of  
28 Long Beach ordains as follows:

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333 West Ocean Boulevard  
Long Beach, California 90802-4664  
Telephone (562) 570-2200

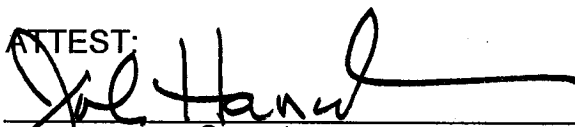
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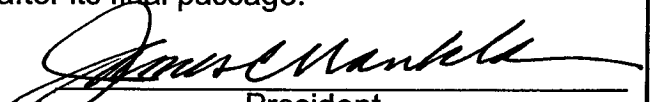
1 Section 1. The Board hereby finds and determines that the Exchange  
2 Agreement, a copy of which is available for inspection in the office of the Executive  
3 Secretary of the Board and by this reference made a part hereof, is categorically  
4 exempt from the provisions of the California Environmental Quality Act.

5 Sec. 2. The Executive Director of the Harbor Department of the City of  
6 Long Beach is hereby authorized to execute the Exchange Agreement referred to in  
7 Section 1, which is hereby approved.

8 Sec. 3. This ordinance shall be signed by the President or Vice President  
9 of the Board and attested to by the Secretary. The Secretary shall certify to the  
10 passage of this ordinance by the Board, shall cause the same to be posted in three (3)  
11 conspicuous places in the City of Long Beach, and shall cause a certified copy of this  
12 ordinance to be filed forthwith with the City Clerk of the City of Long Beach. This  
13 ordinance shall take effect on the 31st day after its final passage.

14  
15 ATTEST:

16   
17 \_\_\_\_\_  
Secretary

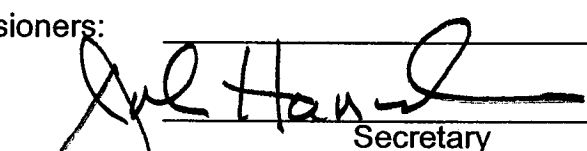
  
\_\_\_\_\_  
President

18 I hereby certify that the foregoing ordinance was adopted by the Board of  
19 Harbor Commissioners of the City of Long Beach at its meeting of  
20 August 14, 2006 by the following vote:

21 Ayes: Commissioners: Topsy-Elvord, Hancock, Cordero,  
22 Hankla

23 Noes: Commissioners: \_\_\_\_\_

24 Absent: Commissioners: Walter

25 Not Voting: Commissioners: \_\_\_\_\_  
26   
27 \_\_\_\_\_  
Secretary

28 DTH:rjr 08/03/06 #06-03825

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ORDINANCE [08/03/06]