



ORD-30

The Port of Long Beach

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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-1969 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 a Grant Deed between the City of Long Beach, the City of Los Angeles, and Valero Refining Company–California, read for the first time and laid over to the next regular meeting of the City Council for final reading.

DISCUSSION

Valero Refining Company–California (Valero) owns and operates an oil refinery on property adjacent to the Alameda Corridor within the City of Los Angeles. Valero desires to obtain title to a parcel of unimproved land owned by the City of Long Beach and the City of Los Angeles (“Cities”), adjacent to the Alameda Corridor, totaling approximately 2,675 square feet, in order to construct a retaining wall and drainage system. ACTA constructed a slope on the property in connection with construction of the Alameda Corridor. The slope eroded, so ACTA initiated negotiations to sell Valero the excess jointly-owned property in exchange for Valero constructing the retaining wall and drainage system on the property.

The retaining wall and drainage system will benefit the Cities and ACTA by preventing erosion and controlling the flow of storm water runoff from Valero’s property, which could undermine the rail facilities. The subject property was acquired jointly by the Cities in 1994 as part of the right-of-way acquisition for the Alameda Corridor. It has been determined that the subject property is not necessary for use by the Cities, or for the operation of the Alameda Corridor. 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 12, 2006.



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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.

FISCAL IMPACT

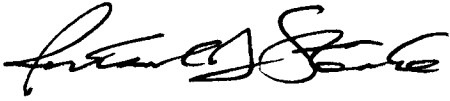
Parcel sale price: \$14,712.50

City of Long Beach share of sale price: \$7,356.25

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 a Grant Deed between the City of Long Beach, the City of Los Angeles, and Valero Refining Company—California
2. Board of Harbor Commissioners Ordinance HD-1969

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City Attorney of Long Beach
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ORDINANCE NO.

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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 APPROVES AND AUTHORIZES THE EXECUTION AND DELIVERY BY THE EXECUTIVE DIRECTOR OF A GRANT DEED, AND MAKING A DETERMINATION RELATING THERETO

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

WHEREAS, Ordinance No. HD-_____ of the Board of Harbor Commissioners of the City of Long Beach approves and authorizes the execution and delivery by the Executive Director of the Harbor Department of the City of Long Beach 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 a review of the applicability of the California Environmental Quality Act (CEQA) to this Grant Deed that under the provisions of the State Guidelines implementing CEQA, this ordinance is categorically exempt from the provisions of CEQA.

NOW, THEREFORE, the City Council of the City of Long Beach hereby

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1 finds and ordains as follows:

2 Section 1. The City Council hereby finds and determines that the Grant
3 Deed is categorically exempt from the provisions of the California Environmental Quality
4 Act.

5 Sec. 2. The City Council of the City of Long Beach hereby concurs in the
6 findings of, and approves, confirms and ratifies the actions taken by, the Board of
7 Harbor Commissioners of the City of Long Beach in Ordinance No. HD-_____.

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

12 I HEREBY CERTIFY that the foregoing ordinance was adopted by the City
13 Council of the City of Long Beach at its meeting of _____, 2006 by the following
14 vote.

15
16 Ayes: Councilmembers: _____
17 _____
18 _____
19 _____

20 Noes: Councilmembers: _____
21 _____

22 Absent: Councilmembers: _____
23 _____

24
25 _____
City Clerk

26 Approved: _____
27 _____
Mayor

28 CMG:rjr 08/17/06 #06-03545
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ORDINANCE NO. HD- 1969

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AN ORDINANCE OF THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LONG BEACH DIRECTING THE EXECUTIVE DIRECTOR OF THE LONG BEACH HARBOR DEPARTMENT TO EXECUTE A GRANT DEED BETWEEN THE CITY OF LONG BEACH, THE CITY OF LOS ANGELES, VALERO REFINING COMPANY-CALIFORNIA, AND MAKING A DETERMINATION RELATING THERETO

WHEREAS, the Board of Harbor Commissioners of the City of Long Beach ("Board") desires to execute a Grant Deed with the City of Los Angeles, acting by and through its Board of Harbor Commissioners, and Valero Refining Company-California, a Delaware corporation (the "Grant Deed"); and

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

WHEREAS, the Director of Planning and Environmental Services of the Long Beach Harbor Department has determined that, in accordance with the guidelines, the Grant Deed is categorically exempt.

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

Section 1. The Board hereby finds and determines that the Grant Deed, a copy of which is available for inspection in the office of the Executive Secretary of the


1 Board and by this reference made a part hereof, is categorically exempt from the
2 provisions of the California Environmental Quality Act.

3 Sec. 2. The Executive Director of the Harbor Department of the City of
4 Long Beach is hereby authorized to execute the Grant Deed referred to in Section 1,
5 which is hereby approved.

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

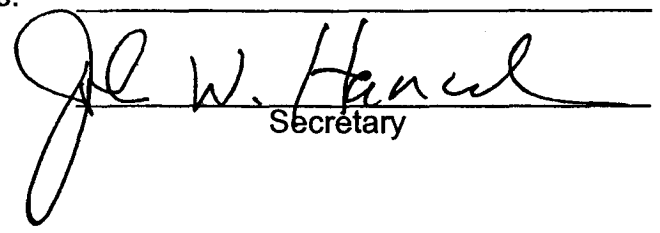


President

14 ATTEST:
15 
16 _____
Secretary

17 I hereby certify that the foregoing ordinance was adopted by the Board of
18 Harbor Commissioners of the City of Long Beach at its meeting of
19 September 25, 2006 by the following vote:

20 Ayes: Commissioners: Topsy-Elvord, Hancock, Cordero,
21 Hankla
22 _____
23 Noes: Commissioners: _____
24 Absent: Commissioners: Walter
25 _____
26 Not Voting: Commissioners: _____



Secretary

27 CMG:rjr 08/17/06 #06-03545
28 L:\APPS\CtyLaw\32\WPDOCS\018\VP005\00093084.WPD

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