

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

RESOLUTION NO. RES-07-0091

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH CONSENTING TO THE ESTABLISHMENT OF ANAHEIM STREET BRIDGE OVER LONG BEACH FREEWAY, WITHIN SAID CITY, AS PART OF THE SYSTEM OF HIGHWAYS OF THE COUNTY OF LOS ANGELES

WHEREAS, the County of Los Angeles Board of Supervisors on April 17, 2007, duly adopted a Resolution declaring the bridge portion of Anaheim Street Bridge over Long Beach Freeway, in the City of Long Beach, to be a part of the County System of Highways for the purpose of performing a seismic safety retrofit of the bridge at the aforementioned location, as provided in Sections 1700-1702 inclusive of the Streets and Highways Code of the State of California; and

WHEREAS, said Board of Supervisors by said Resolution requested the City Council of the City of Long Beach to give its consent to allow the County to perform seismic safety retrofit of this bridge ("Retrofit Work"), within the City of Long Beach; and

WHEREAS, it is the intent of the County of Los Angeles Board of Supervisors to perform the Retrofit Work, provided the consent of the City Council of the City of Long Beach shall first be given under the terms herein;

NOW, THEREFORE, the City Council of the City of Long Beach resolves as follows:

Section 1. Consent to Inclusion in County Highway System - This City Council does hereby consent to include this bridge as part of the System of Highways of the County of Los Angeles as provided in the Sections 1700-1702 inclusive of the Streets and Highways Code of the State of California, for the limited purpose of performing a seismic safety retrofit of this bridge at this location.

1 Section 2. Indemnification - That the City of Long Beach shall fully
2 indemnify, defend, and hold the County of Los Angeles harmless in connection with any
3 and all claims, liability, injury (as defined by Government Code Section 810.8) or damage
4 relating to this bridge that is not caused by County's Retrofit Work.

5 Section 3. Roadway Maintenance - The City of Long Beach will remain
6 the owner of the bridge and remain responsible for all roadway maintenance activities on
7 the portion of Anaheim Street Bridge over Long Beach Freeway prior to the start of
8 construction by the County and following the completion and field acceptance of said
9 construction. Following completion of construction and County's field acceptance of the
10 Retrofit Work, the City of Long Beach accepts ownership and full responsibility for all
11 roadway maintenance, including relating to the Retrofit Work.

12 Section 4. Environmental Documentation - The City of Long Beach does
13 hereby consent to adopt and concurs with the environmental findings pursuant to the
14 California Environmental Quality Act that has been adopted by the County in connection
15 with the Retrofit Work.

16 Section 5. Warranty for Retrofit Work - The County hereby assigns to the
17 City of Long Beach all of its right, title, and interest in and to any unexpired portion of a
18 one-year warranty granted to the County by the construction contractor performing the
19 Retrofit Work following completion of construction of the Retrofit Work and field
20 acceptance of said construction by County. The City of Long Beach agrees to accept
21 said assignment as its sole remedy against the County in connection with defects relating
22 to said Retrofit Work.

23 Section 6. This resolution shall take effect immediately upon its adoption
24 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of July 3, 2007 by the following vote:

Ayes: Councilmembers: B. Lowenthal, S. Lowenthal, DeLong,
O'Donnell, Schipske, Andrews,
Reyes Uranga, Gabelich, Lerch.

Noes: Councilmembers: None.

Absent: Councilmembers: None.



City Clerk

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