



Legislation Text

File #: 23-0059, **Version:** 1

Recommendation to authorize City Manager, or designee, to execute a Crane Swing Easement Agreement with NASH - Holland 3PAC Investors, LLC (Developer), granting a temporary, non-exclusive, above-ground easement, for the sole purpose of allowing a crane to operate in the air space over City-owned property located at 309 Pine Avenue. (District 1)

On June 14, 2016, the City Council authorized the sale of City of Long Beach (City)-owned property located at the northeast corner of 3rd Street and Pacific Avenue to Ensemble Investments, LLC for the construction of a mixed-use development (Project). NASH - Holland 3PAC Investors, LLC, (Developer), as successor-in-interest to Ensemble Investments, LLC, is moving forward with the construction of the Project which includes the use of a steel tower construction crane (Crane). The Crane's boom servicing the Project will extend into the airspace over the City-owned property located adjacent to the Project at 309 Pine Avenue (Subject Property). The Crane Swing Easement Agreement will grant the Developer a temporary, non-exclusive, above-ground easement, for the sole purpose of allowing the Crane to operate in the air space over the Subject Property until either 1) permanent dismantling of the Crane occurs, 2) construction is completed, or 3) December 31, 2026. The Developer shall be responsible for reimbursement for all reasonable, documented out-of-pocket fees, not to exceed \$5,000, incurred by the City for any and all engineering, architectural, design, and/or fieldwork in reviewing the plans, easements, and licenses and in addition, for all reasonable attorney's fees incurred in reviewing and negotiating the Crane Swing Easement Agreement. The Developer will also be required to provide the appropriate insurance coverages prior to the setup and installation of the Crane and maintain such coverages until the completion of the Project.

This matter was reviewed by Principal Deputy City Attorney Richard F. Anthony on January 3, 2023 and by Budget Operations and Development Officer Rhutu Amin Gharib on January 4, 2023.

City Council action is required on January 24, 2023, to memorialize the Crane Swing Easement Agreement and allow construction to commence.

The City will be reimbursed for all reasonable, documented out-of-pocket fees, not to exceed \$5,000, incurred for any and all engineering, architectural, design, and/or fieldwork in reviewing the plans, easements, and licenses as well as all reasonable attorney's fees incurred in reviewing and negotiating the Crane Swing Easement Agreement. Any reimbursement received will be deposited in the General Fund Group in the Economic Development Department. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. There is no

local job impact associated with this recommendation.

Approve recommendation.

BO MARTINEZ
DIRECTOR OF ECONOMIC DEVELOPMENT

APPROVED:

THOMAS B. MODICA
CITY MANAGER