



Los Angeles World Airports



REPORT TO THE BOARD OF AIRPORT COMMISSIONERS

Evan Haug

Approved by: Evan Haug, Senior Real Estate Officer
Commercial Development Division

V. J.

Reviewed by: Jeffrey Utterback, Deputy Executive Director,
Commercial Development Group

D. Dy

City Attorney

JH

Justin Erbacci – Chief Executive Officer

Meeting Date:

2/18/2021

CAO Review:

☐ Completed
☒ Pending
☐ N/A

| <u>Reviewed for</u> | <u>Date</u> | <u>Approval Status</u> | <u>By</u> |
|---------------------|-------------|--|-----------|
| Finance | 1/21/2021 | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA | CI |
| CEQA | 1/22/2021 | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N | VW |
| Procurement | 1/21/2021 | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Cond | QM |
| Guest Experience | 1/21/2021 | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N | TB |
| Strategic Planning | 1/21/2021 | <input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NA | KC |

SUBJECT: Amendment to Right of Way Agreement with Southern California Gas Company

Approve Amendment to Right of Way Agreement between Los Angeles World Airports and the Southern California Gas Company, for the improvements associated with Los Angeles World Airports' Receiving Station-X Project.

RECOMMENDATIONS:

Management RECOMMENDS that the Board of Airport Commissioners:

1. ADOPT the Staff Report.
2. DETERMINE that this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Article III, Class 1(18)(c) and Article III, Class 1 (2) of the Los Angeles City CEQA Guidelines.
3. APPROVE Amendment to the Right of Way Agreement between Los Angeles World Airports and Southern California Gas Company, for infrastructure improvements associated with the Receiving Station-X Project.
4. AUTHORIZE the Chief Executive Officer to execute the Amendment to Right of Way Agreement upon approval as to form by the City Attorney.

DISCUSSION:

1. Purpose

To fix existing Southern California Gas Company (SoCalGas) infrastructure that currently conflicts with a proposed electrical duct bank for the Receiving Station-X Project (RS-X). The SoCalGas pipe that is in conflict will be realigned to avoid the proposed electrical duct bank for the RS-X project.

2. Prior Related Actions

- **April 11, 1974 – Resolution No. 8209**

The Board of Airport Commissioners approved and entered into a Right of Way Agreement between LAWA and SoCalGas to assign Right of Way to lay, construct, maintain, operate, repair, and change pipe size for the transportation of gas. (See Attachment 2)

- **March 21, 2019 – Resolution No. 26722**

The Board of Airport Commissioners authorized the release of a Notice Inviting Bids for the construction of the Secured Area Access Post and Enabling Projects at LAX.

October 10, 2019 – Resolution No. 26865

- The Board authorized the award of a three-year DB Contract to Clark Construction for Phase 1 of the RS-X Project at LAX in an amount not-to-exceed \$14,397,391 for comprehensive engineering, design, pre-construction, demolition, and construction services, and appropriate capital funds in the amount of \$35,554,680. On October 30, 2019, the City Council approved this award. The project budget, including DB Contract, inclusive of allowances in the contingency, owner contingency, and project-direct soft cost for LAWA and other City support services, was estimated at \$140,493,336.
- **December 19, 2019 – Resolution No. 26928**
The Board of Airport Commissioners approved an award of a three year contract to Griffith Company in the not-to-exceed amount of \$57,718,035 for construction of the Secured Area Access Post and Enabling Projects at Los Angeles International Airport and appropriated capital funds in the amount of \$64,599,839 for this project which includes hard costs, soft costs, and project contingency.
- **July 30, 2020 – Resolution No. 27083**
The Board of Airport Commissioners (Board) authorized the award of a Guaranteed Maximum Price 1 in the amount of \$43,511,056; IDO's totaling \$28,913,552, to LADWP and other City departments; and budgeted Owner's Contingency of \$3,480,884; covering the RS-X Project at LAX; and appropriation of not to exceed \$79,367,099 for said project, including soft costs.
- **October 1, 2020 – Resolution No. 27112**
The Board of Airport Commissioners (Board) approved the First Amendment to Contract No. DA-5395 with Clark Construction for Phase 2A – Construction of a new Los Angeles Department of Water and Power Receiving Station – X Project at Los Angeles International Airport. The amendment will increase the contract value payable to Clark Construction to \$57,908,447, to match Board Resolution 27083, approved on July 30, 2020.

3. Current Action

The proposed Amendment to the Right of Way Agreement between Los Angeles World Airports and SoCalGas will allow for the construction of the RS-X Project. The Amendment to the Right of Way Agreement will provide permanent rights for the operation and maintenance of the new SoCalGas infrastructure. (See Attachment 1)

The RS-X Project will construct a new and dedicated electrical receiving station and associated electrical infrastructure improvements in order to address persistent power reliability, redundancy, and capacity issues at Los Angeles International Airport. The Secured Area Access Post Project will construct the electrical duct bank to be used for the RS-X Project – and this planned duct bank is in direct conflict with existing SoCalGas infrastructure. (See Attachment 3)

This planned duct bank and the existing SoCalGas infrastructure are located on existing Airport property at the southeast corner of Pershing Road and Westchester Parkway. New utility connections to existing natural gas and other related utility services are required to support operation of the proposed RS-X Project.

Los Angeles World Airports and SoCalGas previously entered into a Right of Way Agreement on April 11, 1974, to allow SoCalGas to install its existing infrastructure. In this current action, the proposed Amendment to SoCalGas' Right of Way will allow SoCalGas to relocate the existing infrastructure so that it is not in conflict with the duct bank that needs to be installed for the RS-X Project.

Provided below is a table with material terms of the proposed Amendment to Right of Way Agreement.

| PROPOSED AMENDMENT TO RIGHT OF WAY AGREEMENT | |
|--|--|
| Use: | Relocate a segment of the existing 6-inch gas line south of World Way West, West of Maintenance Road |
| Term: | Permanent |
| Cancellation Provision: | Not Applicable, however parties may amend the Right of Way by additional amendments or quitclaim existing Right of Way no longer needed. |
| Description of Right of Way Area | South of World Way West, West of Maintenance Road Approximate square footage equal to 1,680 square feet. |

How this action advances a specific strategic plan goal and objective

This action advances this strategic goal and objective:

- Strategic Objective: Develop, Maintain, and Operate First Class Facilities
 - The proposed Amendment to SoCalGas Right of Way Agreement will allow for the RS-X project to be constructed. The RS-X project will construct a new electrical Receiving Station and electrical infrastructure improvements in order to address persistent power reliability, redundancy, and capacity issues at Los Angeles International Airport.

Action Requested

Staff requests the Board approve the Amendment to the Right of Way Agreement with Southern California Gas Company and authorize the Chief Executive Officer to execute the Amendment upon approval as to form by the City Attorney.

Fiscal Impact

Approval of this item will have no impact on the Los Angeles World Airports Operating Budget.

4. Alternatives Considered

- *Different Alignments of the Electrical Duct Bank that do not conflict with the existing SoCalGas line were considered but were determined to be not cost effective.*

APPROPRIATIONS:

No appropriation of funds is required for this action. Funds for this project previously were appropriated in the SAAP project funds, Board Resolution No. 26928.

STANDARD PROVISIONS:

1. The issuance of permits, leases, agreements, gate and space assignments, and renewals, amendments, or extensions thereof, or other entitlements granting use of existing airport facilities or its operations is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Article III, Class 1 (18)(c) of the Los Angeles City CEQA Guidelines. Also, operation, repair, maintenance or minor alteration of existing facilities of both investor and publicly owned utilities, electrical power and mechanical systems serving existing facilities are categorically exempt from California Environmental Quality Act (CEQA) requirements pursuant to Article III, Class 1 (2) of the Los Angeles City CEQA Guidelines.
2. This item is subject to approval as to form by the City Attorney.
3. Actions taken on this item by the Board of Airport Commissioners will become final pursuant to provisions of the Los Angeles City Charter Section 606.
4. This action is not subject to the provisions of the Service Contractor Worker Retention and Living Wage Ordinances.
5. This action is not subject to the provisions of the Small Business Enterprise Program Small Business Enterprise, Local Business Enterprise/Small Local Business Enterprise, and Disabled Veterans Business Enterprise Programs.

6. This action is not subject to the provisions of the Affirmative Action Program.
7. This action does not require a Business Tax Registration Certificate.
8. This action is not subject to the provisions of the Child Support Obligations Ordinance.
9. This action is not subject to the insurance requirements of the Los Angeles World Airports.
10. This action is not subject to the provisions of City Charter Section 1022 (Use of Independent Contractors).
11. This action is not subject to the provisions of the Contractor Responsibility Program.
12. This action is not subject to the provisions of the Equal Benefits Ordinance.
13. This action is not subject to the provisions of the First Source Hiring Program.
14. This action is not subject to the provisions of Bidder Contributions CEC Form 55.
15. This action is not subject to the provisions of the Iran Contracting Act of 2010.

Attachments:

1. Attachment 1 – Amendment to Right of Way Agreement and Exhibits
2. Attachment 2 – Original Right of Way Agreement and Exhibit
3. Attachment 3 – 6 Inch Gas Line Relocation Exhibit

Attachment 1

Amendment to
Right-of-Way Agreement
and Exhibits

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

Southern California Gas Company
Land and Right of Way Department
8101 Rosemead Blvd., SC722K
Pico Rivera, California 90660-5100

AMENDMENT TO RIGHT OF WAY

R.W. 32176

This Amendment to Right of Way is dated for reference purposes only this ____ day of _____, 2021, and is made and entered into by and between **SOUTHERN CALIFORNIA GAS COMPANY**, a California corporation ("SoCalGas") and **City of Los Angeles** ("Owners"), with reference to the following recitals of fact:

WHEREAS, SoCalGas is the holder of a certain Right of Way, described as follows;

Right of Way dated April 11th, 1974 and recorded May 10th, 1974 in Book D6267, Page 857, Official Records, County Los Angeles, State of California,

WHEREAS, such document encumbers certain real property owned by Owners which is located in the County of Los Angeles, State of California;

WHEREAS, the parties hereto desire to amend the legal descriptions of the Rights of Way as provided herein;

NOW THEREFORE, incorporating the above recitals and for valuable consideration, the receipt of which is acknowledged hereby, the parties agree as follows;

1. The legal description of the Right of Way shall be amended to include that 15-foot wide strip of land as described in Exhibit "A" and as depicted in Exhibit "B," attached hereto and by this reference incorporated herein,
2. Excepted as modified hereby, all other terms, conditions and provisions of the original right of way remain in full force and effect,
3. This Amendment to Right of Way shall inure to the benefit of and be binding upon the successors and assigns of the respective parties hereto,

R.W. 32176

IN WITNESS WHEREOF, the parties hereto have executed this Amendment to Rights of Way on the dates written below.

DATE: February 10, 2021

SOUTHERN CALIFORNIA GAS COMPANY

BY: Artemis Manos
Artemis Manos

TITLE: Supervisor, Land & Right of Way

(OWNER)

DATE: _____

BY: _____

TITLE:

DATE: _____

BY: _____

TITLE:

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }
 Los Angeles } ss
COUNTY OF _____ }

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

(Seal)


 **JESSICA CHAVEZ-ROY**
Commission No. 2287979
NOTARY PUBLIC-CALIFORNIA
LOS ANGELES COUNTY
My Comm. Expires **MAY 10, 2023**

EXHIBIT "A"
LEGAL DESCRIPTION
6" Gas Main Relocation

PARCEL 1

That real property at the Los Angeles World Airport, in the City of Los Angeles, County of Los Angeles described as follows:

Being a 15.00 foot wide strip of land, the centerline of which is described as follows:

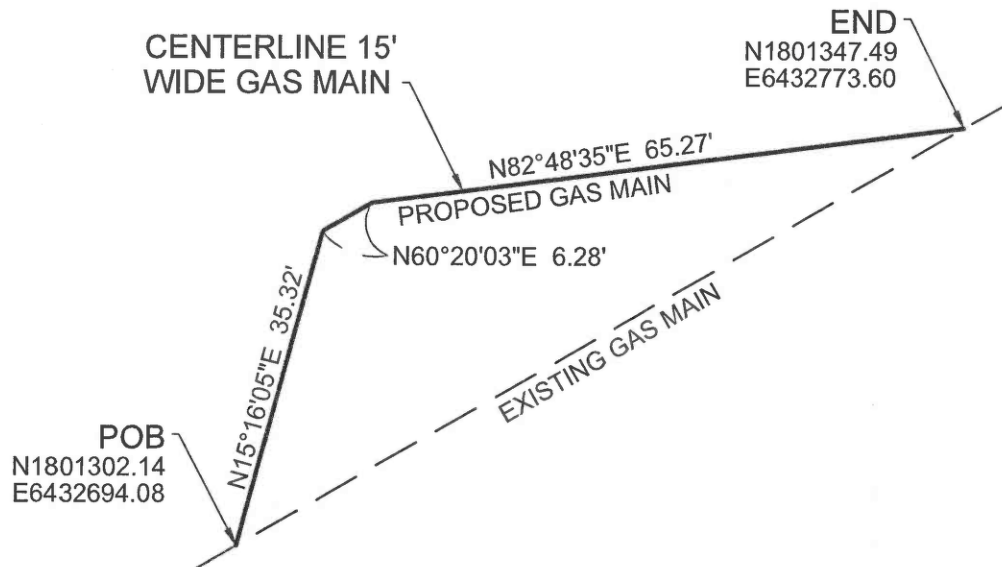
BEGINNING at Northing 1801302.14 and Easting 6432694.08, California Coordinate System, Zone 5, NAD83 (Epoch 2010.00) as determined locally by a line between Continuous Global Positioning System (CGPS) stations WRHS and BGIS being North 87°52'03" East, as derived from geodetic values published by the National Geodetic Survey (NGS); said point also being a point on an existing gas main; Thence North 15°16'05" East, a distance of 35.32 feet; Thence North 60°20'03" East, a distance of 6.28 feet; Thence North 82°48'35" East, a distance of 65.27 feet, to a point on the existing gas main and terminus of said proposed 15.00 foot wide strip, having a coordinate of Northing 1801347.49 and Easting 6432773.60



| | |
|----------------------------|-----------|
| | 1/20/2021 |
| Matthew W. Busch, PLS 7229 | Date |
| Expires: December 31, 2022 | |

EXHIBIT B

GAS MAIN



LEGEND

- NEW GAS MAIN
- - - EXISTING GAS MAIN TO BE REMOVED

NOTE: COORDINATES, BEARINGS AND DISTANCES PER CALIFORNIA COORDINATE SYSTEM ZONE 5, NAD83 (EPOCH 2010.00) AS DETERMINED LOCALLY BY A LINE BETWEEN CONTINUOUS GLOBAL POSITIONING SYSTEM (CGPS) STATIONS WRHS AND BGIS, BEING NORTH 87°52'03" EAST AS DERIVED FROM GEODETIC VALUES PUBLISHED BY THE NATIONAL GEODETIC SURVEY (NGS)



SCALE: 1" = 20'

Attachment 2

Original Right-of-Way Agreement
and Exhibit

RECORDING REQUESTED BY
SOUTHERN CALIFORNIA GAS CO.

3545

BY 06267-857

WHEN RECORDED MAIL TO

SOUTHERN CALIFORNIA GAS CO.
ENGINEERING DEPARTMENT
P.O. BOX 3249, TERMINAL ANNEX
LOS ANGELES, CALIFORNIA 90054

RECORDED IN OFFICIAL RECORDS
OF LOS ANGELES COUNTY, CA

27 MIN. 11 A.M. MAY 10 1974
PAST

Recorder's Office

FEES \$6 $\frac{4}{7}$

SPACE ABOVE THIS LINE FOR RECORDER'S USE

DOCUMENTARY TRANSFER TAX \$ NO TAX DUE
COMPUTED ON FULL VALUE OF PROPERTY CONVEYED
OR COMPUTED ON FULL VALUE LESS LIENS AND
ENCUMBRANCES REMAINING AT TIME OF SALE
E. S. H. H. H.
SIGNATURE OF DECLARANT OR AGENT DETERMINING TAX. FIRM NAME
SOUTHERN CALIFORNIA GAS CO.

RIGHT OF WAY

R.W. 32,176

FOR AND IN CONSIDERATION of the sum of One (\$1.00) Dollar, to the undersigned in hand paid, the receipt whereof is hereby acknowledged, City of Los Angeles - Department of Airports

municipal
a/corporation, does hereby grant to SOUTHERN CALIFORNIA GAS COMPANY, a corporation organized and existing under and by virtue of the laws of the State of California, its successors and assigns, a right of way to lay, construct, maintain, operate, repair, renew, change the size of and remove one or more pipe lines, with metering, regulating and other equipment, for the transportation of gas, with the right of ingress and egress to and from the same, over and through, under, along and across that certain parcel of land, situated in Los Angeles County, State of California, which is described as follows, to-wit:

That portion of Section 2 and 3, Township 3 South, Range 15 West, in the Rancho Sausal Redondo, as shown on Map recorded in Book 1, Page 507 and 508, of Patents, in the office of the Recorder of the County of Los Angeles, being a strip of land 15 feet in width. The parcels of real property over and through which right-of-way is granted is legally described on Exhibit "A" (LAX Airport R/W Drawing #74023-80) attached hereto and made a part hereof as though set forth hereat in full.

EX-06267-858

The grantor... to fully use and enjoy the said premises except as to the rights hereby granted; and the grantee hereby agrees to pay any damages which may arise to crops, fences or buildings from the laying, construction, maintenance or operation of said pipe line; provided, however, that grantor... shall not construct or maintain on said premises over which this right of way is granted any buildings or other structures, plant trees, inundate, or change the grade of said premises. Damages to crops, fences, buildings or other structures if not mutually agreed upon, are to be ascertained and determined by three disinterested persons; one thereof to be appointed by the grantor... or assigns, one by the grantee, or its assigns, and the third by the two so appointed as aforesaid; and the award of such three persons, or any two of them, shall be final and conclusive.

IN WITNESS WHEREOF, the undersigned has caused this instrument to be executed this 11th day of April 1974.

CITY OF LOS ANGELES

By *Robert C. Davidson* (Corporate Seal)
General Manager, President
Department of Airports
Robert C. Davidson

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

On this 11th day of April A.D. 1974, before me *Minerva E. Morwood* Notary Public in and for the said County and State, residing therein, duly commissioned and sworn, personally appeared *Robert C. Davidson* known to me to be the President and *First Deputy General* known to me to be the *Manager* Secretary of the Corporation named in and which executed the foregoing instrument, known to me to be the persons who executed the foregoing instrument on behalf of said Corporation, and they acknowledged to me that such Corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Minerva E. Morwood
Notary Public in and for said County and State.

APPROVED AS TO FORM
BURT PINES
CITY ATTORNEY
10 1974
H.A. Talpe
ASSISTANT DEPUTY

OFFICIAL SEAL
MINERVA E. MORWOOD
NOTARY PUBLIC - CALIFORNIA
PRINCIPAL OFFICE IN
LOS ANGELES COUNTY
My Commission Expires April 29, 1977

BK D6267 PG 859

PUBLIC AGENCY

State of California, County of Los Angeles ss.

On April 11, 1974 before me, the undersigned, a Notary
(date)

Public in and for said State, personally appeared _____

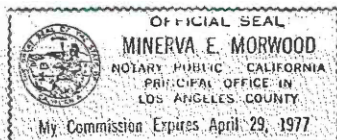
Robert C. Davidson, known to me to be the
First Deputy General Manager of the
(title of officer of agency) (name of)
Department of Airports City of Los Angeles
(public corporation, agency, or political subdivision)

and known to me to be the person who executed the within instrument

on behalf of said Department of Airports City of Los Angeles
(public corporation, agency, or political sub-
division), and acknowledged to me that such _____
division)

Department of Airports City of Los Angeles
(Public corporation, agency, or political subdivision)

executed the same. WITNESS my hand and official seal.



Minerva E. Morwood

EX-106267 PC 860

S CURVE DATA
Δ = 60° 48' 08"
R = 720'
L = 691.40'

STA. 4+71.05
END OF R/W AT E.C. OF CURVE

CURB LINE & NORTH LINE OF S.C. OAS CO. R/W
PROPERTY LINE

STA. 14+48.10
N 8° 57' 34" W

408.91'

229.00'

339.12'

WORLD

WAY

N 76° 40' 13" W

Δ = 21° 17' 21"
R = 282.80'
L = 218.44'
T = 108.27'

PORTION OF SECTION 3
T. 3 S., R. 15 W., S.B.B. & M.

PORTION OF SECTION
T. 3 S., R. 15 W., S.B.B. & M.

DRIVE

LOS ANGELES INTERNATIONAL AIRPORT
WEST AIRLINES AREA

-2.47' N 89° 54' 41" E

H. LINE SECTION 2

E CURVE DATA
Δ = 83° 48' 08"
R = 760'
L = 691.40'

PERSHING DR. TO BE VACATED

Q CURVE DATA
 $\Delta = 11^\circ 11' 07''$
 $R = 1000'$
 $L = 208.22'$

TRUE POINT OF
BEGINNING

WAY

WEST

80

N 83° 02' 26"

9

$\Delta = 21^{\circ} 17' 21''$
 $\mu = 592.80''$
 $L = 215.44''$
 $T = 165.37''$

R/W LICENSE
15' WIDE R/W TO SO. CAL. GAS CO.

PORTION OF SECTION 2
T. 3 S., R. 15 W., S. B. B. & M.

INTERNATIONAL AIRPORT
NES AREA

CITY OF LOS ANGELES
DEPARTMENT OF AIRPORTS

R / W LICENSE

SOUTHERN CALIFORNIA GAS COMPANY

| | |
|----------------------------|-------------------------|
| Mal M. Packer | Grant S. Anderson |
| ASST. CHIEF AIRPORTS ENGR. | CHIEF AIRPORTS ENGINEER |

| | | | | |
|-----------|--------|--------|---------|-------------|
| SCALE | DATE | DRAWN | CHECKED | DRAWING NO. |
| 1" = 200' | 2-1-74 | H.T.O. | W.H.V. | 74023-80 |

Attachment 3

6-inch Gas Line Relocation Exhibit



- ### GENERAL NOTES

1. AL GAS CLEARANCES: 18" MIN HORIZONTAL CLEARANCE & 12" MIN VERTICAL CLEARANCE.
2. LADWP CLEARANCES: 6" MIN VERTICAL CLEARANCE, 5 FT HORIZONTAL CLEARANCE.
3. PROPOSED GAS LINE SHALL HAVE A MINIMUM 36" COVER BELOW EXISTING GRADE.
4. GAS LINE TRENCH AND TRENCH SECTION PER SO CAL GAS COMPANY STANDARDS
5. THE LOCATIONS OF ALL SHOWN EXISTING UTILITIES ARE APPROXIMATE. THE CONTRACTOR SHALL VERIFY AND CONFIRM THE EXACT LOCATIONS OF ALL EXISTING SUBSTRUCTURES.
6. ANY EXCAVATING USING HEAVY EQUIPMENT IS NOT ALLOWED WITHIN 5-FT ACTIVE INFRASTRUCTURE DUCTS AND FAA LINES. THE USE OF HAND TOOLS IS PERMITTED WITHIN 5-FT OF FAA DUCTS, EXCAVATION OCCURRING UNDERNEATH FAA DUCTS WILL BE SUPPORTED WITH AN "I" BEAM AND TIE THE DUCTS. COORDINATE WITH FAA.
7. PRIOR TO WORKING NEAR UG ENERGIZED LINES, THE CONTRACTOR SHALL CONTACT LADWP UG CONSTRUCTION CREW AT (310) 524-8438. WORK TO BE DONE BY LADWP 10-FT FROM EXISTING LINE.
8. CONTRACTOR SHALL SUBMIT DETAILED CUT OVER PLANS IN CONJUNCTION WITH THE LAWA REQUIRE UTILITY SHUT-DOWN REQUESTS (USR) IN ADVANCE OF THE COMPLETING THE WORK IN THE FIELD. CONSTRUCTION ACTIVITIES SHALL BE SEQUENCED SUCH THAT SERVICE IS MAINTAINED AT ALL TIME UNLESS OTHERWISE NOTED OR APPROVED.
9. ALL FIXTURES, EQUIPMENT, PIPING, FITTINGS, AND MATERIALS SHALL BE PER SO CAL GAS COMPANY STANDARD AND SPECIFICATIONS.
10. FOR THE PROPOSED RECLAIMED WATER PLANS REFER TO 5-W-101 TO 5-W-105.
11. FOR THE PROPOSED RS-X DUCT BANK, SEE SHEETS 5-E-102 TO 5-E-207.

