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**Title:** CONSIDER APPROVING QUITCLAIM DEED RELEASING CITY'S EASEMENT TO INSTALL, MAINTAIN, AND OPERATE METHANE STANDPIPES ON THE CLOSED GARDENA VALLEY LANDFILL NO. 6 ON CHICO STREET (CITY COUNCIL)

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**Attachments:** 1. Ex. 1.final., 2. File Summary

Date	Ver.	Action By	Action	Result
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**Report to Mayor and City Council**

Tuesday, May 15, 2018

Consent

**SUBJECT:**

**CONSIDER APPROVING QUITCLAIM DEED RELEASING CITY'S EASEMENT TO INSTALL, MAINTAIN, AND OPERATE METHANE STANDPIPES ON THE CLOSED GARDENA VALLEY LANDFILL NO. 6 ON CHICO STREET (CITY COUNCIL)**

**I. SUMMARY**

In 1979, the City acquired an easement to install, maintain, and operate methane gas standpipes ("Easement") from the original owner of the Gardena Valley Landfill on Chico Street ("Property"). The Property is currently the subject of an enforcement action by the Department of Toxic Substances Control ("DTSC"). The current property owner, M.A. Mollai Holdings, Inc. ("Property Owner"), is voluntarily complying with DTSC's orders/enforcement action by agreeing to remediate the Property. However, the Property Owner has requested that the City release the Easement in order to perform the necessary remediation, because a portion of the remediation system would be located in the Easement area.

**II. RECOMMENDATION**

APPROVE, subject to the City Attorney's approval as to form, the Quitclaim Deed releasing City's easement to install, maintain, and operate methane standpipes on the closed Gardena Valley Landfill No. 6 on Chico Street and AUTHORIZE the City Manager to sign

the Quitclaim Deed subject to City Attorney approval as to form.

### **III. ALTERNATIVES**

TAKE such other action as the City Council deems appropriate and consistent with the requirements of law.

### **IV. BACKGROUND**

In 1979, the City acquired an easement to install, maintain, and operate methane standpipes (“Easement”) from the original owner of the Gardena Valley Landfill on Chico Street (“Property”). As the name suggests, the Property is a former landfill site. The current property owner, M.A. Mollai Holdings, Inc., (“Property Owner”) acquired the Property on July 15, 1988. The Department of Toxic Substances Control (“DTSC”) has undertaken an enforcement action against the Property Owner relating to environmental conditions on the Property and the Property Owner has agreed to comply. The cleanup partly requires removing the old methane gas standpipes from the Easement area and installing a new methane collection system in the Easement area to remediate conditions on the Property. However, in order to remove the old standpipes, the Property Owner has requested that the City release its Easement. Along with the City releasing the Easement, the negotiated Quitclaim Deed provides the following:

- Requires the Property Owner to indemnify and release the City from any liability arising out of the Easement, but only applies to the Property Owner’s ownership or activities on the Property which occur after ownership was transferred to the Property Owner on July 15, 1988.
- Limits the indemnification and release so that they are inapplicable to the City’s ownership or its activities/liabilities related to the Easement. However, this limitation does not apply to the removal of any objects (such as the methane gas stand pipes). This means that the City is released from any liability related to the removal of the methane standpipes and any installation of a remediation system.

As stated above, the Quitclaim Deed eliminates future liability for the City as it relates to the activities in the easement area; therefore, staff recommends the City Council to approve the Quitclaim Deed.

### **V. FISCAL IMPACT**

None.

### **VI. EXHIBITS**

1. Proposed Quitclaim Deed. (pgs. 3-8)

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