



Board Report

File #: 2017-0023, File Type: Project

Agenda Number: 13.

**CONSTRUCTION COMMITTEE
EXECUTIVE MANAGEMENT COMMITTEE
MARCH 16, 2017**

SUBJECT: HOPE/2ND STREET PEDESTRIAN BRIDGE EASEMENT AGREEMENT

ACTION: AUTHORIZE CEO TO EXECUTE EASEMENT AGREEMENTS FOR PEDESTRIAN BRIDGE AT REGIONAL CONNECTOR STATION AT HOPE AND 2ND STREETS

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to execute two Easement Agreements allowing construction of a portion of the **Hope/2nd Street Pedestrian Bridge to be built on, and Metro patron access across, private property owned by the Broad Museum.**

ISSUE

In July 2014, with Motion 77 (Attachment A), the Board of Directors directed staff to exercise a construction contract option to build a second station level and pedestrian bridge (“the Bridge”) at the Regional Connector Station at Hope and 2nd Streets (“the Station”) and secure a legally binding agreement between Metro and all relevant parties for access and maintenance of the Bridge onto private property.

Staff has negotiated with the Broad Museum, the Successor Agency to the Los Angeles Community Redevelopment Agency, The Related Company, and the Grand Avenue Joint Powers Authority, two Easement Agreements (“Agreements”) that will ensure that the Bridge can be constructed and connected into private property currently owned by the Broad to ensure Metro patrons access through private property onto Grand Avenue. The terms of those Agreements are explained herein.

DISCUSSION

The Station design has been modified to include a second level and a pedestrian bridge across Hope Street, as pictured in the Conceptual Design, Attachment B. The Site Plan, Attachment C, shows the Bridge and surrounds. Upper Grand Avenue is approximately 20 feet higher than Hope Street. The Station and Bridge were therefore designed so that patrons could exit the Station at Hope Street or at the second level, using the six high speed elevators that will connect patrons into the mezzanine level of the Station, several levels below grade. Patrons will be able to exit either at street level onto Hope Street, or one level higher onto the Bridge. The Bridge will then take them across Hope Street and onto the roof deck of the Broad garage.

The Easement Agreements will secure rights for Metro to build the Bridge with a connection to the Garage deck on the Broad property. The Bridge will be structurally independent from the Garage and will be joined with a seismic joint. The Easement Agreements will provide for Metro to build and maintain the seismic joint, a security gate, and Metro signage on the Broad Garage deck. The Agreements will secure the rights for Metro patrons to travel through the "Easement Area," depicted in Attachment D, securing an envelope with a height of 20 feet to be clear of any permanent obstructions as long as a structure stands or is rebuilt in the footprint of the garage. The Agreements will secure the right for Metro patrons to travel through the Broad Plaza ("Plaza") out onto Grand Avenue. Metro will be able to have signage on the Garage deck and the Plaza to guide patrons from Grand Avenue to the Bridge and Station. All signage will be in accordance with the Conceptual Signage Plan, Attachment E.

The Broad has agreed to enter into a maintenance agreement that would obligate the Broad to maintain the landscaping on the Bridge. Metro Facilities Maintenance would be responsible for all other maintenance of the Bridge.

The principal terms of the Agreements are as follows:

Pedestrian Easement Agreement

- The specific areas where Metro will retain rights are pictured in the Easement Plat Diagram, Attachment D.
- Requires Broad to build improvements on the Garage deck that are compatible with the Bridge by the end of 2018, in time for the Bridge to be constructed.
- Allows Metro the right to construct the Bridge including the support column and seismic joint.
- Allows Metro to build and maintain a security gate to secure the Bridge during non-operating hours.
- Secures access for Metro patrons over the garage deck to the Broad Plaza as long as any structure is there (i.e. if the Garage is torn down and something else is built in its place, Metro will retain an easement).
- Allows for Metro to have signage in the Easement Area.
- While the Garage itself is owned by the Broad, the air rights above it are owned by the Grand Avenue Joint Powers Authority. If they should choose to develop the space above the garage, they would be able to build over Metro's Easement Area, leaving an envelope with a clear height of 20 feet for Metro patrons to continue to travel.
- Allows the Broad to close access to the Bridge for no more than 7 times per year, under certain conditions.

Plaza Reciprocal Easement Agreement

- Secures Metro patrons the right to travel through the Broad Plaza and onto Grand Avenue.
- There is an underlying Reciprocal Easement Agreement (REA) in place for the Plaza which allows the privately-owned Plaza to be used by the public and outlines the maintenance responsibilities of the private parties that surround it.
- Forbids the Plaza REA from being amended to disallow Metro patrons across it.

- Outlines Metro's contribution to the maintenance of the Plaza of \$50,000 per year (since the Plaza will receive more wear and tear as a result of Metro patrons walking through it daily).
- Secures the right for Metro to design and manufacture signage, which the Broad would install on the Plaza, in accordance with the Conceptual Signage Plan.

Neither Easement requires compensation to Broad for the value of the easement itself.

DETERMINATION OF SAFETY IMPACT

This Board action will have no impact on Safety.

FINANCIAL IMPACT

There will be an annual payment of \$50,000 (plus escalations) associated with the maintenance of the Plaza starting in Fiscal Year 2022, when the Regional Connector is expected to open. Funds will then be budgeted annually in the non-departmental Cost Center 0651, the operating project for the new Regional Connector. Source of funds will be various operating funding. The budget will impact the bus and rail operating budget.

Impact to Budget

There will be no impact to the Fiscal Year 2017 Budget.

ALTERNATIVES CONSIDERED

The Board could choose not to authorize the CEO to execute the Agreements. This alternative is not recommended because it is not consistent with previous Board direction and it would not allow the Bridge to be constructed.

NEXT STEPS

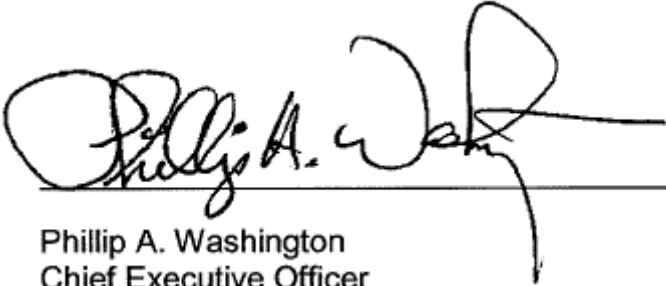
Upon approval of this board action, CEO will finalize negotiations and execute both Agreements and both will be recorded against the impacted properties. The Regional Connector Project team will include the provisions of the Agreements in any applicable contracts. The Bridge and Station will proceed with design and construction to be completed in time for the Station opening.

ATTACHMENTS

- Attachment A - July 2014 Board Motion 77
- Attachment B - Conceptual Design
- Attachment C - Site Plan
- Attachment D - Easement Plat Diagram
- Attachment E - Conceptual Signage Plan

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