



Meeting Date: 07 / 22 / 08

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input checked="" type="checkbox"/> Info. Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other	<input type="checkbox"/> Other

Prepared By: Jim Rupp, Assistant City Attorney Agenda Item No. I-1
 Reviewed By: City Manager [Signature] City Attorney [Signature] Finance [Signature] Other (Specify) _____

DATE: July 16, 2008

TO: City Council

FROM: Jim Rupp, Assistant City Attorney Jim Rupp
Office of the City Attorney

SUBJECT: Execution of an Easement Agreement for the Waterway Commonly Known as the Edison Canal

RECOMMENDATION

That City Council authorize the Mayor to execute an Easement Agreement with Centerpoint Energy MRT Services and Trimark Pacific-Mandalay Bay, LLC.

DISCUSSION

The approved project located northeasterly of the intersection of Harbor Boulevard and 5th Street ("Northshore") has planned storm water run-off from the project into the Edison Canal at three points.

The Edison Canal is owned by Centerpoint Energy MRT Services Company ("Centerpoint"). Trimark Pacific-Mandalay Bay, LLC ("Trimark") is the developer of Northshore. Trimark has obtained an easement agreement ("Agreement") from Centerpoint to allow the planned storm water run-off into the Edison Canal.

The Agreement is between Centerpoint, Trimark and the City. Section 5.2 of the Agreement requires Trimark and the City to indemnify Centerpoint against any adverse consequences of the use of the easement by Trimark.

The City has obtained from Trimark insurance in the amount of \$10 million. After sale of the project, the homeowners' association has the responsibility to continue the insurance policy.

FINANCIAL IMPACT

There is no financil impact in the FY 08-09 budget associated with the approval of this agreement.

JR