From: Chekouras, Katherine (Federal)
To: Shawn Jensen; Alvis, Brian (Federal)
Subject: RE: AltaSea - FW: Covenant and Title opinion
Date: Wednesday, March 22, 2017 12:30:00 PM
Attachments: image001.png

Shawn and Brian-

I am available this Thursday from 11-12 or from 2:30 until 5pm. Next week, Monday after 10am or Tuesday 10-11:30 or that afternoon are open.

Shawn- It is better to go through Brian to set up these calls. I just end up emailing him directly anyway with my times so we can coordinate. As I'm an attorney, you need to advise your attorney of the call. If non-attorneys are on the call, Brian should be on too.

Katy

Katherine Chekouras
Regional Counsel, Seattle Regional Office
U.S. Department of Commerce
Economic Development Administration
Jackson Federal Building
915 Second Ave., Room 1890
Seattle, WA 98174
(206) 220-7663

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From: Shawn Jensen [mailto:sjensen@altasea.org]
Sent: Wednesday, March 22, 2017 11:44 AM
To: Chekouras, Katherine (Federal) <KChekouras@eda.gov>
Cc: Alvis, Brian (Federal) <BAlvis@eda.gov>
Subject: RE: AltaSea - FW: Covenant and Title opinion

Hi Katy,

I am circling back to see if you have any availabilities in the next few days for a call. Please let me know.

Thank you,

SHAWN JENSEN
Manager of Government Funding and Program Partnerships
AltaSea at the Port of Los Angeles
Direct: (424)210-4326 Main: (424)210-4320
222 West 6th Street, Suite 1010
San Pedro, CA 90731
sjensen@altasea.org
altasea.org

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From: Shawn Jensen
Sent: Friday, March 17, 2017 12:00 PM
To: 'Chekouras, Katherine (Federal)' <KChekouras@eda.gov>
Cc: Alvis, Brian (Federal) <BAlvis@eda.gov>
Subject: RE: AltaSea - FW: Covenant and Title opinion

Hi Katy,

We have been working through item 2 with the Port and feel that it may be beneficial at this point to schedule a call so we can all get on the same page. If agreeable, can you provide some times that you are available next week and I will try to schedule a time for us to talk?

Thank you,

SHAWN JENSEN
Manager of Government Funding and Program Partnerships
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From: Chekouras, Katherine (Federal) [mailto:KChekouras@eda.gov]
Sent: Monday, March 06, 2017 4:50 PM
To: Shawn Jensen <sjensen@altasea.org>
Cc: Alvis, Brian (Federal) <BAlvis@eda.gov>
Subject: RE: AltaSea - FW: Covenant and Title opinion

Hi Shawn,

Always happy to speak with recipient counsel.

With the title opinion you may need the attorney for the Port because, if I recall correctly, the Port is the landowner.

You sent me the instructions for our three part form. Attached is the actual form. I find it more beneficial if the attorney(s) have the opportunity to read the form before the call. My Wednesday is fairly open from 10-12 and 1-2:30 and 4:30-5:30.

General guidelines for "Part Two, Title Opinion" that I often tell Recipients are below:

As to item 1, if the attorney does not conduct the title search, EDA has accepted in the past language stating:

"I have examined the attached [insert title report/policy/exhibit] dated [insert date] which covers a time period of at least 40 years. Based upon said examination, I find and am of the opinion that [insert Recipient's name] is vested with marketable, fee simple title to the land referenced in Part One hereof as being required in fee, subject only to the following liens, encumbrances, and objections: see Exhibit 2A. Any encumbrances or objections to the fee simple title listed will not, in my opinion, restrict or interfere with the contemplated construction, use or purpose of the aforesaid EDA Project."

As to item 2 – it may be customized to remove references to ROWs and/or leases if those are not applicable to the project.

As to item 4 – it may list the status of permits not yet obtained. EDA understands that not all permits are obtained before construction commences. Certain permits are generally required before construction. Usually these are listed in the Special Award Conditions.

Hope this helps,

Katy

Katherine Chekouras

Regional Counsel, Seattle Regional Office
U.S. Department of Commerce
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From: Shawn Jensen [mailto:sjensen@altasea.org]
Sent: Monday, March 06, 2017 4:24 PM
To: Chekouras, Katherine (Federal) <KChekouras@eda.gov>
Subject: FW: AltaSea - FW: Covenant and Title opinion

Hi Katy,

I was able to speak with Brain Alvis briefly about this particular item (title opinion) and he recommended that we set up a call between you and our attorney. Do you agree that this would be a productive next step and if so do you have any availability this week?

Thank you,

SHAWN JENSEN
Manager of Government Funding and Program Partnerships
AltaSea at the Port of Los Angeles
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From: Bansal, Shalini (Federal) [mailto:SBansal@eda.gov]

Sent: Thursday, March 02, 2017 11:35 AM
To: Alvis, Brian (Federal) <BAlvis@eda.gov>
Cc: Shawn Jensen <sjensen@altasea.org>
Subject: AltaSea - FW: Covenant and Title opinion

Brian,

I received this email for the AltaSea project. Since, I have handed off the project to you, can you please respond to Shawn regarding next steps.

Sincerely,

Shalini

From: Shawn Jensen [mailto:sjensen@altasea.org]
Sent: Thursday, March 02, 2017 11:30 AM
To: Bansal, Shalini (Federal) <SBansal@eda.gov>
Cc: Charuni Patibanda (cpatibanda@glaserweil.com) <cpatibanda@glaserweil.com>
Subject: RE: Covenant and Title opinion

Hi Shalini!

I hope you have been well. Prior to the Port executing the award document we were trying to find a path forward with the title opinion and had sent you the email below. Can you advise how we should proceed with next steps?

Thank you,

SHAWN JENSEN
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AltaSea at the Port of Los Angeles
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From: Shawn Jensen

Sent: Friday, October 21, 2016 1:23 PM
To: 'Bansal, Shalini (Federal)' <SBansal@eda.gov>
Cc: Charuni Patibanda (cpatibanda@glaserweil.com) <cpatibanda@glaserweil.com>
Subject: RE: Covenant and Title opinion

Hi Shalini,

In reviewing the attached instructions we have come across a bullet under Part Two – Title Opinion that may apply to us:

"In the event the owner occupies the project land pursuant to a long-term lease, the attorney should contact the EDA regional counsel to coordinate appropriate language."

Because AltaSea is in a 50 year lease with the Port of LA we felt we should contact you for next steps. Please let us know how to proceed.

Thank you,

SHAWN JENSEN
Manager of Government Funding and Program Partnerships
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From: Bansal, Shalini (Federal) [mailto:SBansal@eda.gov]
Sent: Friday, October 14, 2016 4:49 PM
To: Shawn Jensen <sjensen@altasea.org>
Subject: FW: Covenant and Title opinion

Shawn,

Here are the covenant forms, instructions to fill out the form and the EDA certificate requirements for title opinion. Please let us know if you have any questions.

Thanks,

Shalini

From: Chekouras, Katherine (Federal)
Sent: Friday, October 14, 2016 3:18 PM
To: Bansal, Shalini (Federal) <SBansal@eda.gov>
Subject: Covenant and Title opinion

Shalini-

Attached are the discussed forms.

I updated the covenant to reflect that 2 CFR 200 replaced 15 CFR Parts 24 and 14.

I am including the instruction sheet for the title opinion.

Best,
Katy

Katherine Chekouras
Regional Counsel, Seattle Regional Office
U.S. Department of Commerce
Economic Development Administration
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Seattle, WA 98174
(206) 220-7663

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