



ANTONIO R. VILLARAIGOSA
Mayor

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RONALD O. NICHOLS
General Manager

January 30, 2013

The Honorable City Council
City of Los Angeles
Room 395, City Hall
Los Angeles, California 90012

Honorable Members:

Subject: Authorizes the Approval of the Amended Resolution to Quitclaim Seven LADWP
Distribution Easements

Pursuant to Charter Section 373, enclosed for approval by your Honorable Body is Resolution No. 013 164, adopted by the Board of Water and Power Commissioners on January 25, 2013, approved as to form and legality by the City Attorney, resolution rescinding Resolution No. 011-230 and authorizing the approval of the Amended Resolution to Quitclaim Seven LADWP Distribution Easements (Real Estate File J-15496-174). As directed by the Board, transmitted to you are supporting documents.

If there are any questions regarding this item, please contact Ms. Winifred Yancy, Manager of Intergovernmental Affairs and Community Relations, at (213) 367-0025.

Sincerely,

Barbara E. Moschos
Board Secretary

BEM:oja

Enclosures: LADWP Resolution
Board Letter
CAO Report

Water and Power Conservation ... a way of life

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c/enc: Mayor Antonio Villaraigosa
Councilmember Jose Huizar, Chair, Energy and the Environment Committee
Gerry F. Miller, Chief Legislative Analyst
Miguel A. Santana, City Administrative Officer
Rafael Prieto, Legislative Analyst, CLA
William R. Koenig, Chief Administrative Analyst
Winifred Yancy

J-15496-174
(Amended Quitclaim of Water and Power
Distribution Easements)

RESOLUTION NO.

013 164

BE IT RESOLVED:

Section 1. Except for Item 1, which is intentionally omitted, those permanent easements across certain real property herein described, owned by the City of Los Angeles and under the control of its Department of Water and Power, are no longer required for the use of the City and the Department, and should be abandoned and quitclaimed as herein authorized.

Section 2. The abandonment and quitclaiming of said easements is authorized and directed. The President or the Vice President of the Board, or the General Manager of the Department, (or such person as the General Manager shall designate in writing), and the Secretary, Assistant Secretary or the Acting Secretary of the Board, be and they are hereby authorized and directed, after due authorization from the City Council, to execute, acknowledge and deliver an instrument in writing, approved as to form and legality by the City Attorney, quitclaiming unto the owner of record said easements, hereinafter described, and all rights, title, and interest therein.

Section 3. Resolution No. 011-230 is amended to remove item 1.

Section 4. The Council of the City of Los Angeles is requested to authorize execution, acknowledgment, and delivery of said instrument in writing, quitclaiming said easements, as aforesaid.

Section 5. Said easements herein authorized to be quitclaimed and abandoned are upon and across real property described in Items 2 to 8, inclusive, as:

ITEM 1
(P-80086, Map L.A. 16)

(INTENTIONALLY OMITTED)

ITEM 2
(J-81163, Parcel 2 R/W No. 13251, Map 104-147)

PARCEL 1: (Power Distribution)

Those portions of Lots 1 and 2 of Tract No. 61505, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 1354, Pages 78 through 81 of Maps, in the office of the County Recorder of said County, lying within that certain 20-foot wide easement in Lot 1 of Tract No. 28031, in said City, as per map recorded in Book 732, Page 44 of Maps, in the office of said County Recorder, the centerline of said 20-foot wide easement is shown on said Tract No. 28031 as "5.00' of 20' Wide Easement to the City of Los Angeles for Drainage, Sanitary Sewer, Water line and Public Utility Purposes", and bounded on the northeast by the southwesterly line of that certain 5-foot wide easement shown as "5.00' WIDE EASEMENT OF THE CITY OF LOS ANGELES FOR FUTURE STREET

100
PURPOSES PER INSTRUMENT NO. 20071360370 OF OFFICIAL RECORDS." in said Lot 1 of Tract No. 61505.

PARCEL 2: (Water Distribution)

Those certain easements for water line purposes being portions of Lots 1 and 2 of Tract No. 61505, in the City of Los Angeles, County of Los Angeles, State of California, as shown on map recorded in Book 1354, Pages 78 to 81, inclusive, of Maps, in the office of the County Recorder, of said County, granted and dedicated to said City of Los Angeles by Tract No. 28031, in said City, as shown on map recorded in Book 732, Page 44, of said Maps, said easements shown on said Tract No. 28031 as follows:

Parcel 2A: 18-foot and variable width

"Variable width Easement to the City of Los Angeles for Drainage, Sanitary Sewer and Water line purposes"

Excepting therefrom any portion thereof of said Lot 1 lying within that certain 2-foot-wide strip of land shown as "2.00' WIDE EASEMENT OF THE CITY OF LOS ANGELES FOR FUTURE STREET PURPOSES PER INSTRUMENT NO. 20071360370 OF OFFICIAL RECORDS" on said Tract No. 61505.

The above-described Parcel 2A contains an area of approximately 2,337.31 square feet.

Parcel 2B: 20-foot-wide

" 4 of 20' wide Easement to the City of Los Angeles for Drainage, Sanitary Sewer, Water line and Public Utility purposes"

Excepting therefrom any portion thereof of said Lot 1 lying within that certain 5-foot-wide strip of land shown as "5.00' WIDE EASEMENT OF THE CITY OF LOS ANGELES FOR FUTURE STREET PURPOSES PER INSTRUMENT NO. 20071360370 OF OFFICIAL RECORDS" on said Tract No. 61505.

The above-described Parcel 2B contains an area of approximately 6,165.34 square feet.

ITEM 3
(P-81838, Map 88-216)

TRACT NO. 50699

The southeasterly 2.50 feet of Lots 1, 2, 4, 5, 9, 10, 12, 13, 17, 18, 20, 21, 27, 28, and 31 of Tract No. 50699, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 1249, Pages 67 through 70 of Maps, in the office of the County Recorder of said County. TOGETHER with the southeasterly 4.00 feet of Lots 24 and 25 of said Tract No. 50699. TOGETHER with the northwesterly 2.50 feet of Lots 3, 6, 7, 11, 14, 15, 19, 22, 23, 29, 30, 32, and 33 of said Tract No. 50699. TOGETHER with the southwesterly 2.50 feet of Lots 9, 15, 23, and 25 of said Tract No. 50699. TOGETHER with the northeasterly 2.50 feet of Lots 10, 14, 22, and 24 of said Tract No. 50699.

EXCEPTING therefrom those certain 3-foot wide easements abutting the southwesterly line of Santa Ana Boulevard North and abutting the northeasterly line of Santa Ana Boulevard South, said 3-foot wide easements are shown on said Tract No. 50699 as "3' WIDE EASEMENTS TO THE CITY OF LOS ANGELES FOR SIDEWALK, STREET TREE, STREET LIGHTING, SEWER AND PUBLIC UTILITY PURPOSES."

TRACT NO. 50700

The southeasterly 2.50 feet of Lots 13, 17, 18, and 21 of Tract No. 50700, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 1207, Pages 12 through 15 of Maps, in the office of the County Recorder of said County. TOGETHER with the northwesterly 2.50 feet of Lots 14, 15, 19, 20, 22, and 23 of said Tract No. 50700. TOGETHER with the southwesterly 2.50 feet of Lot 17 of said Tract No. 50700. TOGETHER with the northeasterly 2.50 feet of Lots 18 of said Tract No. 50700.

EXCEPTING therefrom those certain 3-foot wide easements abutting the southwesterly line of Santa Ana Boulevard North and abutting the northeasterly line of Santa Ana Boulevard South, said 3-foot wide easements are shown on said Tract No. 50700 as "3' WIDE EASEMENTS TO THE CITY OF LOS ANGELES FOR SIDEWALK, STREET TREE, SEWER, STREET LIGHTING AND PUBLIC UTILITY PURPOSES."

ITEM 4

(P-82462, Map 122-219)

Those portions of Lots 1 and 4 of Tract No. 70020, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 1355, Pages 89 and 90 of Maps, in the office of the County Recorder of said County, lying within that certain 10-foot wide strip of land described in Easement Deed recorded on July 14, 1948, in Book 27708, Page 172 of Official Records, in the office of the County Recorder of said County.

ITEM 5

(P-83391, Map 148-186)

That certain 2-foot by 50-foot easement in Lot 15 of Block 21 of Map of Hollywood, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 28, Pages 59 and 60 of Miscellaneous Records, in the office of the County Recorder of said County, described in Deed recorded on February 8, 1928, in Book 8432, Page 13 of Official Records, in the office of said County Recorder.

ITEM 6

(P-83841, Map 146-189)

The easterly 7 feet of Lot 2 of Columbia Pictures, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 237, Pages 48 and 49 of Maps, in the office of the County Recorder of said County.

Together with the easterly 5 feet of Lot 1 of Tract No. 30220, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 740, Pages 40 and 41 of Maps, in the office of the County Recorder of said County.

Together with the easterly 5 feet of the northerly 641.38 feet of Lot 2 of Tract No. 30220, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 740,





I HEREBY CERTIFY that the foregoing is a full, true and correct copy of a resolution adopted by the Board of Water and Power Commissioners of the City of Los Angeles at its meeting held **JAN 25 2013**

Barbara E. Mascher
Secretary

APPROVED AS TO FORM AND LEGALITY
CARMEN A. TRUTANICH, CITY ATTORNEY

JUL 16 2012
BY JCB
JEAN-CLAUDE BERTET
DEPUTY CITY ATTORNEY

LOS ANGELES DEPARTMENT OF WATER AND POWER (LADWP) BOARD APPROVAL LETTER

TO: BOARD OF WATER AND POWER COMMISSIONERS		DATE: November 1, 2012
 GARY WONG Assistant General Manager Systems Support Division		SUBJECT: Rescind Resolution No. 011-230 and Approve Amended Resolution to Quitclaim Seven LADWP Distribution Easements (Real Estate File J-15496-174)
 RONALD O. NICHOLS General Manager		
 ARAM BENYAMIN Senior Assistant General Manager – Power System		FOR COMMISSION OFFICE USE: RESOLUTION NO. _____
 JAMES B. McDANIEL Senior Assistant General Manager – Water System		
CITY COUNCIL APPROVAL REQUIRED: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	IF YES, BY WHICH CITY CHARTER SECTION: 675(d)(2)	

PURPOSE

Your Honorable Board is requested to rescind previous Resolution No. 011-230 dated April 5, 2011 and approve the attached amended Resolution to quitclaim seven (7) LADWP distribution easements.

COST AND DURATION

There is no cost to LADWP. The processing fee of \$4,250 will be returned.

BACKGROUND

On April 5, 2011, the LADWP entered into Resolution No. 011-230 to execute a Quitclaim Deed of eight (8) Water and Power distribution easements. The eight (8) requestors have already paid the processing fee of \$4,250.

Item No. 1 of said Quitclaim Deed is for the right and easement to construct, maintain and operate lines of poles and wires for the transmission of electrical energy and telephonic and telegraphic messages through and over a portion of Lot 1, Section 24, Township 3 North, Range 16 West, of the San Bernardino Meridian, more particularly described in a document recorded in Book 3742, page 233 of Deeds, in the Office of the County Recorder of Los Angeles County.

Initially, the affected facility for Item No. 1 was identified as Power System assets only and the request was directed to the Power System group for review.

Board of Water and Power Commissioners
Page 2
November 1, 2012

When the matter was scheduled before the Los Angeles City Council, the Ordinance was missing; in effect, the Council took no action.

Subsequently, it was determined that Water System has assets nearby and they should have been consulted. When Water System reviewed the matter, it was determined that quitclaiming the subject easement would have impacted LADWP's surface and air rights for the First Los Angeles Aqueduct. This results in a quitclaim of seven (7), rather than eight (8) easements. This request and the history of the situation is described in more detail in the enclosed City Administrative Officer Memorandum.

No action is needed on the remaining seven (7) items (i.e. Items 2 through 8, inclusive) and are included in the amended Resolution.

ENVIRONMENTAL DETERMINATION

In accordance with the California Environmental Quality Act (CEQA), it has been determined that this work is exempt from further requirements under the Los Angeles City CEQA Guidelines, Article III, Class 5(4), Categorical Exemption.

RECOMMENDATION

It is requested that your Honorable Board adopt the attached amended Resolution recommending the Los Angeles City Council's approval to quitclaim seven LADWP distribution easements.

AC

Attachments

e-c/att: Ronald O. Nichols
Richard M. Brown
James B. McDaniel
Aram Benyamin
Philip Leiber
Gary Wong
Reynan L. Ledesma
Alex Castillo

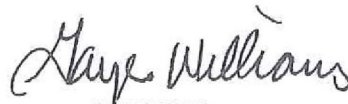
0150-09892-0000

TRANSMITTAL

TO Ronald O. Nichols, General Manager Department of Water and Power	DATE JAN 09 2013	COUNCIL FILE NO.
FROM The Mayor	COUNCIL DISTRICT	

**PROPOSED RESOLUTION AUTHORIZING THE EXECUTION OF
SEVEN QUITCLAIM DEEDS FOR SEVEN WATER AND POWER
DISTRIBUTION EASEMENTS**

Transmitted for further processing, including Council consideration. See the
City Administrative Officer report attached.


MAYOR

MAS:OAV:10130070T

REPORT FROM

OFFICE OF THE CITY ADMINISTRATIVE OFFICER

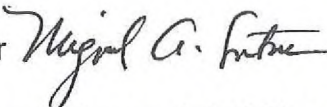
Date: December 19, 2012

CAO File No.: 0150-09892-0000

Council File No.:

Council District: Various

To: The Mayor

From: Miguel A. Santana, City Administrative Officer 

Reference: Transmittal from the Department of Water and Power dated November 2, 2012; referred by the Mayor for report on November 27, 2012

Subject: **PROPOSED RESOLUTION AUTHORIZING THE EXECUTION OF SEVEN QUITCLAIM DEEDS FOR EIGHT WATER AND POWER DISTRIBUTION EASEMENTS**

SUMMARY

The Department of Water and Power (DWP; Department) requests approval of a proposed resolution which authorizes the DWP to quitclaim (to release or relinquish a legal claim) seven water and power distribution easements. The DWP has determined that these easements are no longer required for use by the Department. Charter Section 675(d)(2) requires Council approval to dispose of real property. The City Attorney has approved the proposed resolution as to form and legality.

This request is a revision of a previous Resolution No. 011-230 adopted by the Board of Water and Power Commissioners (Board) on April 2011 which called for the quitclaim of eight easements. However, due to the omission of an ordinance before the City Council to approve the previous action by the Board, the action was never approved. Currently, the property owners have requested that DWP provide them with the deeds to their property; therefore, DWP is resubmitting the request with a revision to the number of claims to be considered decreased from eight to seven.

The reason the revision is required is that the initial Resolution by the Board was acted upon and the revision needed to be corrected for the record. The first parcel was originally reviewed for Power System needs and not by the Water System. A second review indicates that the parcel is located over a portion of Lot 1, Section 24, Township 3 North, Range 16 West, of the San Bernardino Meridian, which impacts DWP's surface and air rights for the First Los Angeles Aqueduct. The proposed Resolution deletes the first quitclaim and retains the remaining seven.

Background

The Department periodically reviews applications requesting the Department to abandon DWP owned easements. The requests are from property owners who often are trying to remove easement restrictions that had been required for building permits or tract maps. If the Department determines that an easement is no longer necessary for current or future DWP operations, a quitclaim deed is processed which transfers the rights of the easement to the existing property owner, thereby,

effectively terminating the easement. The DWP states that each of the eight applicants paid DWP a processing fee. This rate is consistent with the Board action which established new requirements for quitclaim deeds that increased the processing fee to a minimum of \$4,250. There is no other cost from the Department to a property owner who requests a quitclaim. Since the first quitclaim has been denied, a refund shall be provided to that property owner.

Upon review of the attached DWP request, it is the opinion of this Office that the item can be approved, as the requested action appears to be reasonable and in accordance with City policies and procedures.

RECOMMENDATIONS

That the Mayor:

1. Approve the proposed resolution which authorizes the Department of Water and Power to remove the first quitclaim and execute quitclaim deeds for seven Water and Power distribution easements as provided for in the resolution; and
2. Return the proposed resolution to the Department for further processing, including Council consideration.

FISCAL IMPACT STATEMENT

Approval of the proposed resolution will result in revenue to the Water Revenue Fund and Power Revenue Fund totaling \$29,750. The Department of Water and Power Debt Management Policies are not applicable. Approval of the proposed resolution will have no impact on the City's General Fund.

TIME LIMIT FOR COUNCIL ACTION

Pursuant to Charter Section 675(d)(2), "Powers and Duties of the Board – Real Estate Interests," subject to the water rights of the City, there is no time limit for Council action on agreements for real property or any rights in real property held by DWP that will be sold, leased or withdrawn from the Department's control.

MAS:OAV:10130070

Attachments