

MIKE FEUER
CITY ATTORNEY

REPORT NO. R 1 3 - 0 2 0 1
JUL 18 2013

REPORT RE:

**DRAFT ORDINANCE AUTHORIZING THE APPROVAL OF
SUBDIVISION PARCEL MAP AFFECTING
MOHAVE GENERATING STATION PROPERTY
(Real Estate File P-85414)**

The Honorable City Council
Of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Honorable Members:

This Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. This draft ordinance authorizes the approval of a Subdivision Parcel Map affecting Mohave Generating Station Property.

Background

The LADWP, in partnership with Southern California Edison Company (SCE), Nevada Power Company (dba NV Energy), and the Salt River Project Agricultural Improvement and Power District, own the MGS and associated property in Clark County, Nevada. SCE operates and manages MGS on behalf of the partnership. The MGS is currently undergoing plant decommissioning activities.

The MGS partnership currently leases an 8.01 acre parcel of land and associated buildings to NV Energy. NV Energy is using the leased area as a maintenance yard and reporting location for its power distribution staff who serves the local Laughlin area. NV Energy wishes to continue with its present use for the foreseeable future notwithstanding the decommissioning of the generation station and possible disposition of the remainder of the MGS property. Accordingly, NV Energy proposes to buy the

parcel from the partnership. Before this 8.01 acre parcel can be sold to NV Energy, the larger MGS property must be subdivided in accordance with Nevada law, thereby creating the separate, discrete, and saleable parcel which is identified as Parcel 2 of the Parcel Map attached hereto as Exhibit A. The approval and recording of the Parcel Map by local authorities will effectively subdivide the property.

One condition for subdivision of the property, required by local planning authorities, is the dedication of an easement for public right-of-way. This easement is depicted in Exhibit A, page 2, as a cul-de-sac with an area of approximately 6,510 square feet. This dedication constitutes a divestiture of real property rights and thus requires approval of the City Council. The approval of the actual sale of LADWP's ten percent (10%) interest in the 8.01 acre parcel will require Council approval. This will be sought once the subdivision is effective.

The ordinance, required pursuant to Charter Section 675(d)(2), will be transmitted by the City Attorney's Office to the Council for approval. A copy of the City Administrative Officer report, dated April 24, 2013, is attached.

Environmental Determination

In compliance 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 (17), and Class 15 Categorical Exemptions.

Recommendation

Based upon the foregoing, it is requested that the City Council adopt the draft ordinance, which has been provided for your consideration and action.

If you have any questions regarding this matter, please contact Senior Assistant City Attorney Eduardo Angeles at (213) 367-4580. He or another member of this Office will be available to answer any questions you may have on this matter.

Very truly yours,

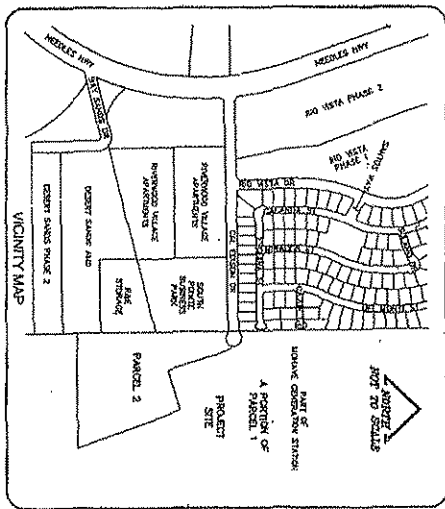
MICHAEL N. FEUER, City Attorney

By 
PEDRO B. ECHEVERRIA
Chief Assistant City Attorney

PBE:EA:lh
Transmittal

PARCEL MAP

A SUBDIVISION OF PARCEL ONE AS PERMITTED BY THAT CERTAIN GRANT NEED RECORDED OCTOBER 25, 1966 IN BOOK 754, INSTRUMENT NUMBER 608206 OF OFFICIAL RECORDS IN THE COUNTY REGISTERS OFFICE, CLARK COUNTY, NEVADA, LYING WITHIN SECTION 27, TOWNSHIP 32 SOUTH, RANGE 88 EAST, 104TH, CLARK COUNTY, NEVADA.



- SURVEYOR'S CERTIFICATE**
- I, David S. Bales, a Professional Land Surveyor Licensed in the State of Nevada, do hereby certify that:
 - The plat represents the results of a survey conducted under my direct supervision at the request of Nevada Power Company (N/PC).
 - The lines shown on the map represent the boundaries of Parcel One as shown on the plat.
 - The plat complies with the provisions of the Nevada State Survey Law.
 - The monument shown on the plat are of the character, size, shape, and location provided for and are of sufficient number and location.



COUNTY SURVEYOR'S CERTIFICATE

I, James L. Wacker, County Surveyor for Clark County, Nevada, do hereby certify that the plat complies with the provisions of the Nevada State Survey Law and that the lines shown on the map represent the boundaries of Parcel One as shown on the plat.

ZONING ADMINISTRATOR'S CERTIFICATE

I, [Name], Zoning Administrator, do hereby certify that the plat complies with the provisions of the Nevada State Survey Law and that the lines shown on the map represent the boundaries of Parcel One as shown on the plat.

PLAT COMMISSIONER'S CERTIFICATE

I, [Name], Plat Commissioner, do hereby certify that the plat complies with the provisions of the Nevada State Survey Law and that the lines shown on the map represent the boundaries of Parcel One as shown on the plat.

BASES OF BEARINGS

When necessary, bearings were taken from the most reliable source available and are shown on the plat.

REFERENCE MAPS

The following maps were used in the preparation of this plat:

- Map of Nevada, State of Nevada, 1966.
- Map of Clark County, Nevada, 1966.

PARCEL MAP
 A PORTION OF SECTION 27, TOWNSHIP 32 SOUTH, RANGE 88 EAST, 104TH, CLARK COUNTY, NEVADA

NAVENERGY
 14, 800 SOUTH 145 WEST, SUITE 100, LAS VEGAS, NEVADA 89102
 PHONE: (702) 799-1234
 PROJECT NO. 00000000

NAV ENERGY
 REGISTERED SURVEYOR
 14, 800 SOUTH 145 WEST, SUITE 100, LAS VEGAS, NEVADA 89102
 PHONE: (702) 799-1234

NAV ENERGY
 REGISTERED SURVEYOR
 14, 800 SOUTH 145 WEST, SUITE 100, LAS VEGAS, NEVADA 89102
 PHONE: (702) 799-1234

NAV ENERGY
 REGISTERED SURVEYOR
 14, 800 SOUTH 145 WEST, SUITE 100, LAS VEGAS, NEVADA 89102
 PHONE: (702) 799-1234

EXHIBIT A

OWNER'S CERTIFICATE

I, [Name], do hereby certify that the above described land is my own and that I have no interest in any other land in the State of Nevada.

ACKNOWLEDGMENT

I, [Name], do hereby acknowledge the execution of this instrument by me and my co-signers.

ACKNOWLEDGMENT

I, [Name], do hereby acknowledge the execution of this instrument by me and my co-signers.

ACKNOWLEDGMENT

I, [Name], do hereby acknowledge the execution of this instrument by me and my co-signers.

ACKNOWLEDGMENT

I, [Name], do hereby acknowledge the execution of this instrument by me and my co-signers.

ACKNOWLEDGMENT

I, [Name], do hereby acknowledge the execution of this instrument by me and my co-signers.

PARCEL MAP

A SUBDIVISION OF PARCEL ONE AS DESCRIBED BY THAT CERTAIN QUARTY BEING RECORDED UNDER 265, PART OF THE PLAT NUMBER 68488 OF OFFICIAL RECORDS IN THE COUNTY RECORDS OF CLARK COUNTY, NEVADA, LING WITHIN SECTION 27, TOWNSHIP 32 SOUTH, RANGE 96 EAST, N.D.L. CLARK COUNTY, NEVADA.

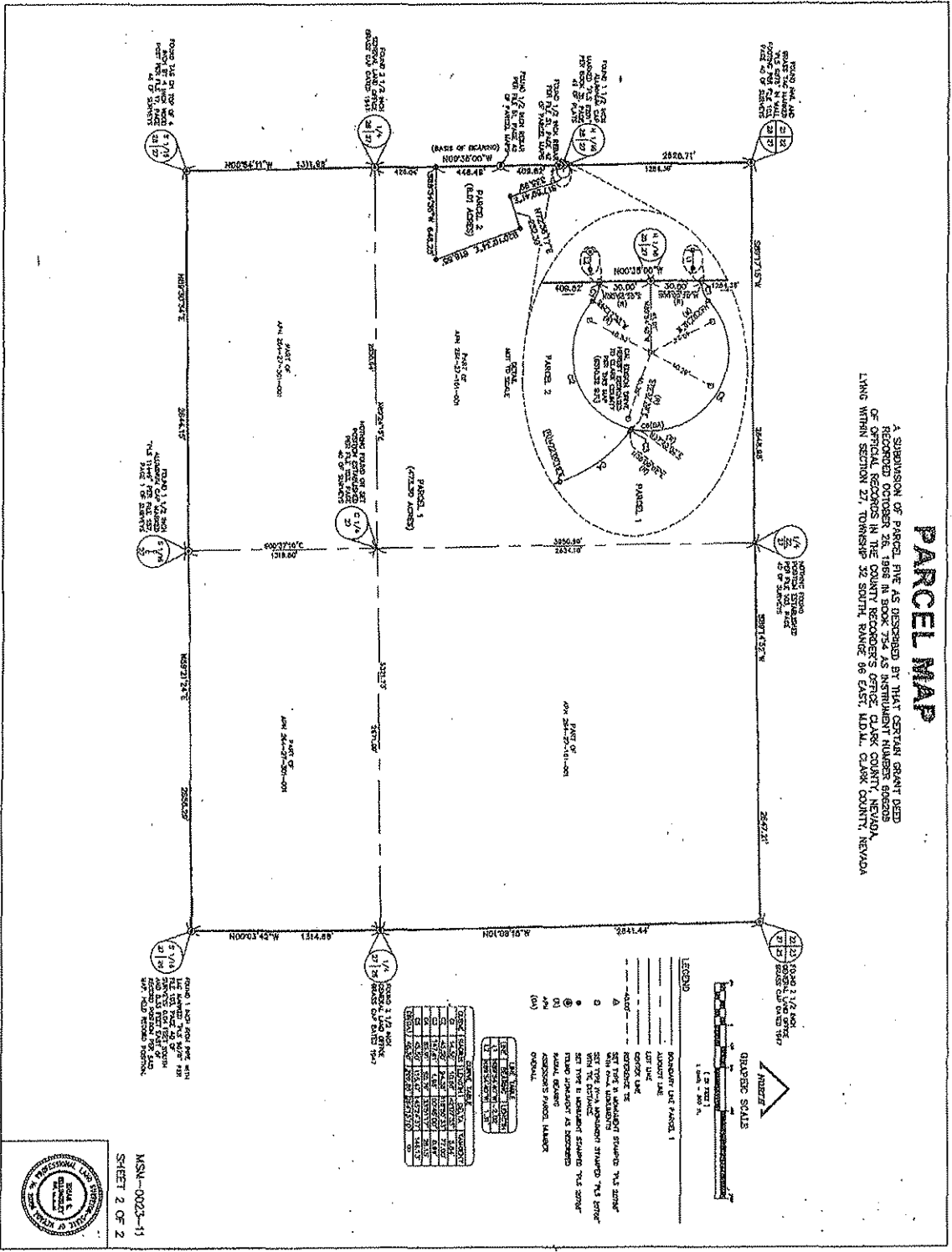


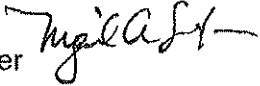
EXHIBIT A

MSN-0023-11
SHEET 2 OF 2



REPORT FROM

OFFICE OF THE CITY ADMINISTRATIVE OFFICER

Date: April 24, 2013
To: The Mayor
From: Miguel A. Santana, City Administrative Officer 
Reference: Transmittal from the Department of Water and Power dated March 5, 2013; referred by the Mayor for report on March 18, 2013
Subject: **PROPOSED RESOLUTION AUTHORIZING A SUBDIVISION PARCEL MAP FOR THE MOHAVE GENERATING STATION PROPERTY AND AN ASSOCIATED DEDICATION OF AN EASEMENT FOR PUBLIC RIGHT OF WAY**

SUMMARY

The Department of Water and Power (DWP; Department) requests approval of a proposed resolution which authorizes the Department, by Ordinance, as a co-owner of the decommissioned Mohave Generating Station (Mohave Station), to execute a Subdivision Parcel Map creating a separate 8.01 acre parcel from the larger Mohave Station property, and provide an associated dedication to the County of Clark, Nevada, of an easement for public right of way. The DWP has determined that this property is no longer required for use by the Department. Pursuant to Charter Section 675(d)(2), Council approval is required to dispose of real property. The City Attorney has approved the proposed resolution as to form and legality.

The Mohave Station is a 1,510 Megawatt coal-fired power plant located on approximately 2,490 acres, currently undergoing decommissioning activities, that is co-owned by a partnership of four utilities consisting of Southern California Edison Company (SCE) – 56 percent, Salt River Project – 20 percent, Nevada Power Company (NV Energy) – 14 percent, and DWP – 10 percent. SCE operates and manages Mohave Station on behalf of the partnership, including during the plant decommissioning activities. The co-owners currently lease the 8.01 acre parcel of land and associated building to NV Energy for use as a maintenance yard and field office.

NV Energy wants to continue with its present use of the land notwithstanding the decommissioning activities and possible sale or disposition of the remainder of the Mohave Station property. NV Energy proposes to purchase the parcel from the partnership; however, the current property must be subdivided in accordance with State of Nevada law to create a separate, discrete, and saleable parcel. Furthermore, as a condition of local planning approval for the subdivision by the County of Clark, Nevada, a dedication of easement for public right of way is also required that involves 6,510 square feet. Approval of the current request only pertains to this proposed subdivision of the Mohave Station and the associated dedication of easement for public right. The actual sale of the Department's 10 percent interest in the Mohave Station property will require a separate Board and Council action that will be pursued following the completion of this proposed parcel subdivision.

BACKGROUND

The Mohave Station, located in Laughlin, Nevada, entered commercial operation in 1971. Due to noncompliance with a Consent Decree that required the installation of emission control equipment, the Mohave Station was removed from service in December 2005. As of October 2007, the Mohave Station was in permanent shutdown status. Subsequently, the Department advises that many options were considered by the co-owners, including converting the station to a gas-fired generating station, selling it to interested parties, decommissioning the station, and redeveloping the site as a solar plant or a hybrid solar/gas-fired power generating plant. Following several failed attempts to sell the power plant, the co-owners agreed to decommission the Mohave Station. Each co-owner is obligated to pay its proportional share of the expenses associated with the decommissioning of the Mohave Station. Decommissioning activities began in 2009 and were completed in 2012. Until a redevelopment plan or other option is approved, the plant site is to be maintained at a safe, secure, and environmentally compliant condition.

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.

RECOMMENDATION

That the Mayor:

1. Approve the proposed resolution authorizing the Department of Water and Power, by Ordinance, as a co-owner, to execute a Subdivision Parcel Map affecting the sale of an 8.01 acre parcel of the Mohave Generating Station property, and provide an associated dedication to the County of Clark, Nevada, of an easement for public right of way 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 does not have a fiscal impact on the Department. A subsequent request regarding the sale or disposition of the Department's 10 percent interest in the Mohave Generating Station property could impact the Power Revenue Fund; however, the amount has not been determined. The proposed action complies with the Department's adopted Financial Policies. 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:RPR:10130131

ORDINANCE NO. _____

An ordinance authorizing approval of Subdivision Parcel Map affecting Mohave Generating Station Property (Real Estate File P-85414).

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN S FOLLOWS:**

Section 1. The Department of Water and Power of the City of Los Angeles (LADWP), in partnership with Southern California Edison Company (SCE), Nevada Power Company (dba "NV Energy"), and the Salt River Project Agricultural Improvement and Power District, own the deactivated Mohave Steam Generating Station (MSGs) and associated property in Clark County, State of Nevada. The MSGs partnership currently leases a certain 8.01 acre parcel of land and associated buildings to NV Energy, which is using the area as a maintenance yard and reporting location for its power distribution staff who serve the local Laughlin, Nevada area.

Sec. 2. NV Energy wishes to purchase the leased area so that it may continue with its present use for the foreseeable future notwithstanding the MSGs decommissioning activities and eventual sale of MSGs assets. Before the MSGs partners can sell this 8.01 acre parcel to NV Energy, the larger MSGs property must be subdivided to legally create the separate 8.01 acre parcel that may, subject to additional separate approval, be sold to NV Energy. Said subdivision will be accomplished through the approval and recording of a subdivision Parcel Map. This Parcel Map, in order to meet with local planning authority approval, contains an offer and dedication, to the County of Clark, of an easement for public right of way consisting of approximately 6,510.32 square feet in area.

Sec. 3. Said Parcel Map, attached hereto as Exhibit A, which creates a separate 8.01 acre parcel from a larger portion of the MSGs property and offers and dedicates to the County of Clark, an approximately 6,510.32 square foot public right-of-way easement, is hereby approved upon the terms and conditions herein, and the execution of said Parcel Map is authorized. The President, or the Vice President of the Board of Water and Power Commissioners, or the General Manager of the Department of Water and Power, or such person as the General Manager shall designate in writing, and by the Secretary, Assistant Secretary or the Acting Secretary, are authorized and directed to execute said Parcel Map on behalf of the Department and the City.

Sec. 4. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: One copy on the bulletin board located at the ground level at the Los Angeles Street entrance to the Los Angeles Police Department; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

JUNE A. LAGMAY, City Clerk

By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

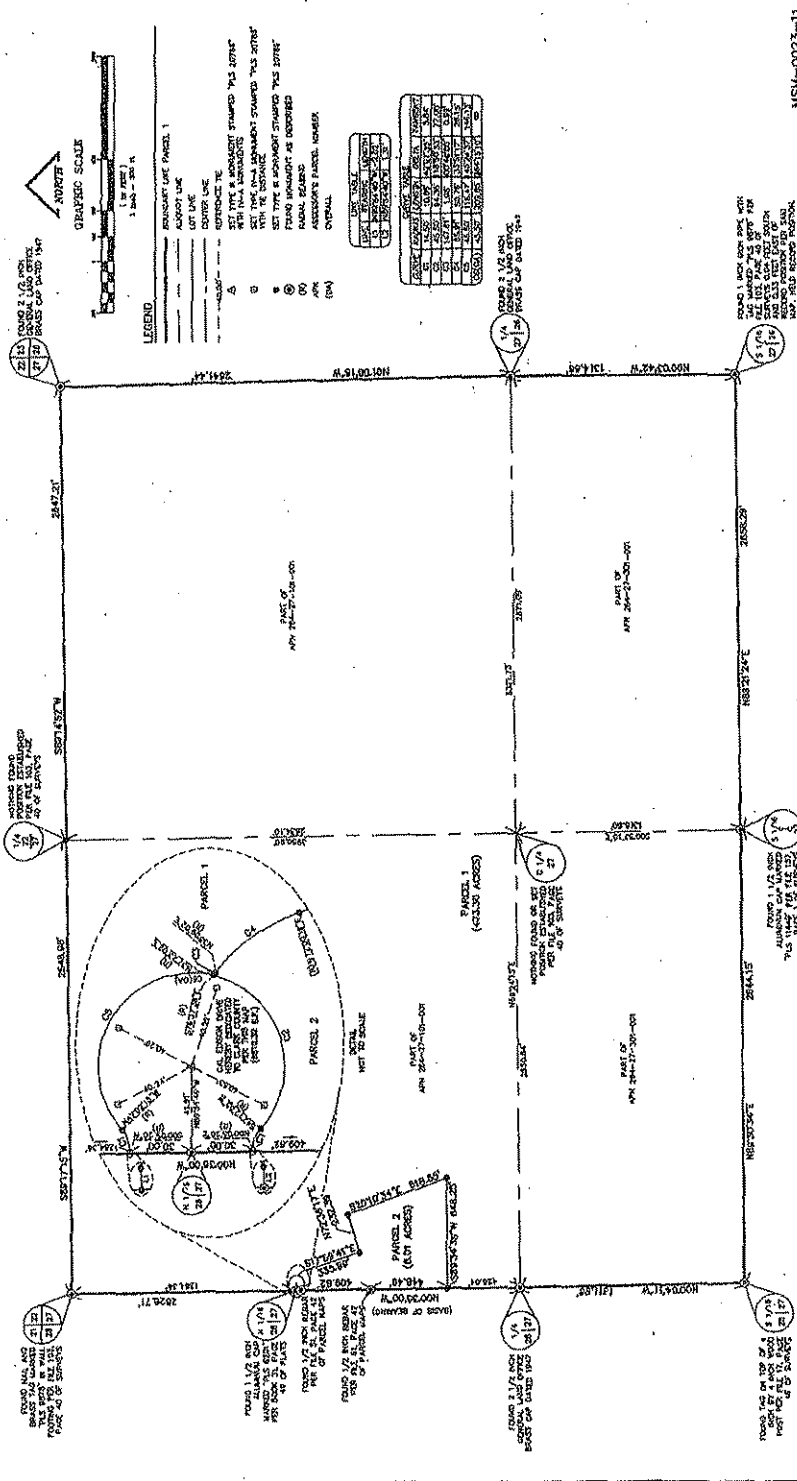
By _____
EDUARDO ANGELES
Senior Assistant City Attorney

Date _____

File No. _____

PARCEL MAP


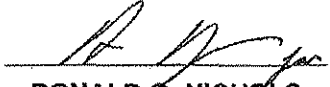

A SUBDIVISION OF PARCEL 17E AS DESCRIBED BY THAT CERTAIN GRANT DEED RECORDED OCTOBER 26, 1988 IN BOOK 754 AS INSTRUMENT NUMBER 862026 OF OFFICIAL RECORDS IN THE COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA, LYING WITHIN SECTION 27, TOWNSHIP 32 SOUTH, RANGE 86 EAST, M.D.M., CLARK COUNTY, NEVADA



MSN-0023-11
SHEET 2 OF 2



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

TO: BOARD OF WATER AND POWER COMMISSIONERS		DATE: May 9, 2013
 GARY WONG Assistant General Manager-Systems Support Division		SUBJECT: Approval of Subdivision Parcel Map Affecting Mohave Generating Station Property (Real Estate File P-85414)
 RONALD O. NICHOLS General Manager		
 ARAM BENYAMIN Senior Assistant General Manager-Power System		FOR COMMISSION OFFICE USE: RESOLUTION NO. _____
CITY COUNCIL APPROVAL REQUIRED: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		IF YES, BY WHICH CITY CHARTER SECTION: 675(d)(2)

PURPOSE

Transmitted for approval by your Honorable Board is a Resolution, approved as to form and legality by the City Attorney, which if adopted, will authorize the execution of a Subdivision Parcel Map creating a separate 8.01 acre parcel from the larger Mohave Generating Station (MGS) property.

- **Location:** The vicinity of Cal Edison Drive, near Laughlin, Clark County, Nevada
- **Area:** 8.01 acre
- **Improvements:** 2 industrial buildings, 16,070 square feet gross area plus parking

COST AND DURATION

There is no direct cost to LADWP. The subdivision represents a permanent change to the character of the property.

BACKGROUND

The LADWP, in partnership with Southern California Edison Company (SCE), Nevada Power Company (dba NV Energy), and the Salt River Project Agricultural Improvement and Power District, own the MGS and associated property in Clark County, Nevada. SCE operates and manages MGS on behalf of the partnership. The MGS is currently undergoing plant decommissioning activities.

The MGS partnership currently leases an 8.01 acre parcel of land and associated buildings to NV Energy. NV Energy is using the leased area as a maintenance yard and

Board of Water and Power Commissioners
Page 2
May 9, 2013

reporting location for its power distribution staff who serves the local Laughlin area. NV Energy wishes to continue with its present use for the foreseeable future notwithstanding the decommissioning of the generation station and possible disposition of the remainder of the MGS property. Accordingly, NV Energy proposes to buy the parcel from the partnership. Before this 8.01 acre parcel can be sold to NV Energy, the larger MGS property must be subdivided in accordance with Nevada law thereby creating the separate, discrete, and saleable parcel which is identified as Parcel 2 of the Parcel Map attached hereto as Exhibit A. The approval and recording of the Parcel Map by local authorities will effectively subdivide the property.

One condition for subdivision of the property, required by local planning authorities, is the dedication of an easement for public right of way. This easement is depicted in Exhibit A, page 2, as a cul-de-sac with an area of approximately 6,510 square feet. This dedication constitutes a divestiture of real property rights and thus, requires approval of this Board as well as City Council. The approval of the actual sale of LADWP's 10% interests in the 8.01 acre parcel will require separate Board and Council approval. This will be sought once the subdivision is effective.

The Ordinance, required pursuant to Charter Section 675(d) (2), will be transmitted by the City Attorney's Office to the Council for approval. A copy of the City Administrative Officer report, dated April 24, 2013, is attached.

ENVIRONMENTAL DETERMINATION

In compliance 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 (17), and Class 15 Categorical Exemptions.

RECOMMENDATION

It is requested that your Honorable Board adopt the attached Resolution recommending City Council's approval of the execution of a Subdivision Parcel Map affecting an 8.01 acre parcel of MGS property, all upon the terms and conditions contained therein.

MDG:bn

Attachments

e-c/att: Ronald O. Nichols
Richard M. Brown
Aram Benyamin
James B. McDaniel

Philip Leiber
Gary Wong
Reynan L. Ledesma
Marc D. Garcia

DWP File P-85414
(Mohave Generating Station)
(Approval of Subdivision Parcel Map)

RESOLUTION NO. _____

WHEREAS, the Department of Water and Power (LADWP), in partnership with Southern California Edison Company (SCE), Nevada Power Company (dba "NV Energy"), and the Salt River Project Agricultural Improvement and Power District, owns the deactivated Mohave Generating Station (MGS) and associated property in Clark County, Nevada; and

WHEREAS, the MGS partnership currently leases a certain 8.01 acre parcel of land and associated buildings to NV Energy, which is using the area as a maintenance yard and reporting location for its power distribution staff who serve the local Laughlin Nevada area; and

WHEREAS, NV Energy wishes to purchase the leased area so that it may continue with its present use for the foreseeable future notwithstanding the MGS decommissioning activities and possible disposition of MGS assets; and

WHEREAS, before the MGS partners can sell this 8.01 acre parcel to NV Energy, the larger MGS property must be subdivided to legally create the separate 8.01 acre parcel that may, subject to additional separate approval, be sold to NV Energy, said subdivision will be accomplished through the approval and recording of a subdivision Parcel Map; and

WHEREAS, said Parcel Map, attached hereto as Exhibit A, in order to meet with local planning authority approval, contains an offer and dedication to the County of Clark of an easement for public right of way consisting of approximately 6,510.32 square feet in area;

NOW THEREFORE BE IT RESOLVED:


1. Said Parcel Map, which creates a separate 8.01 acre parcel from a larger portion of the MGS property and offers and dedicates the County of Clark, an approximately 6,510.32 square foot public right of way easement, is hereby approved.
2. The President or Vice President of this Board, or the General Manager, or such person as the General Manager shall designate in writing, and the Secretary, Assistant Secretary, or Acting Secretary of the Board are hereby authorized and directed to execute said Parcel Map for and on behalf of LADWP.
3. The City Council is requested to authorize and direct the execution of said Parcel Map as provided in Section 675(d)(2) of the City Charter.

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


Secretary

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

FEB 28 2013

BY 
EDUARDO A. ANGELES
SENIOR ASSISTANT CITY ATTORNEY

POWER SYSTEM
MAY 06 2013
EXECUTIVE OFFICE

TRANSMITTAL		0220-04643-0003
TO Ronald O. Nichols, General Manager Department of Water and Power	DATE MAY 01 2013	COUNCIL FILE NO.
FROM The Mayor	COUNCIL DISTRICT	
<p>PROPOSED RESOLUTION AUTHORIZING A SUBDIVISION PARCEL MAP FOR THE MOHAVE GENERATING STATION PROPERTY AND AN ASSOCIATED DEDICATION OF AN EASEMENT FOR PUBLIC RIGHT OF WAY</p> <p>Approved and transmitted for further processing including Council consideration. See the City Administrative Officer report attached.</p> <p> MAYOR</p>		
MAS:RPR:101301311 CAO 649-d		