

CITY OF LOS ANGELES
CALIFORNIA

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When making inquiries relative to
this matter, please refer to the
Council File No.

October 17, 2013

To All Interested Parties:

The City Council adopted the action(s), as attached, under Council File No. 13-0813,
at its meeting held October 1, 2013.

City Clerk
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TIME LIMIT FILES
ORDINANCES

OFFICE OF THE MAYOR
RECEIVED
Mayor's Time Stamp
2013 OCT -2 PM 2:38
CITY OF LOS ANGELES

RECEIVED
CITY CLERK'S OFFICE
City Clerk's Time Stamp
2013 OCT -2 PM 2:34
CITY CLERK
BY _____
DEPUTY

COUNCIL FILE NUMBER 13-0813 COUNCIL DISTRICT _____
COUNCIL APPROVAL DATE OCTOBER 1, 2013 LAST DAY FOR MAYOR TO ACT OCT 15 2013
ORDINANCE TYPE: Ord of Intent Zoning Personnel General
 Improvement LAMC LAAC CU or Var Appeals - CPC No. _____

SUBJECT MATTER: THE ACQUISITION BY EMINENT DOMAIN OF SIX PARCELS OF REAL PROPERTY ADJACENT TO THE CITY LIMITS IN AND ADJACENT TO THE NORTHEAST AREA OF THE SAN FERNANDO VALLEY HAVING APNS 2581-001-042, 2581-001-043, 2581-001-009, 2581-001-010, 2603-002-006 AND 2603-002-007, ALL LOCATED IN LOS ANGELES COUNTY, TO PROTECT THE FIRST AND SECOND LOS ANGELES AQUEDUCTS

	APPROVED	DISAPPROVED	BY	RECEIVED
PLANNING COMMISSION	_____	_____	CITY CLERK DEPUTY	2013 OCT 10 PM 4:09 CITY CLERK'S OFFICE
DIRECTOR OF PLANNING	_____	_____		
CITY ATTORNEY	<u>X</u>	_____		
CITY ADMINISTRATIVE OFFICER	_____	_____		
OTHER	_____	_____		

DATE OF MAYOR APPROVAL, DEEMED APPROVED OR *VETO OCT 10 2013
(*VETOED ORDINANCES MUST BE ACCOMPANIED WITH OBJECTIONS IN WRITING PURSUANT TO CHARTER SEC. 250(b) (c))

(CITY CLERK USE ONLY PLEASE DO NOT WRITE BELOW THIS LINE)

DATE RECEIVED FROM MAYOR OCT 10 2013 ORDINANCE NO. 182743
DATE PUBLISHED _____ DATE POSTED OCT 11 2013 EFFECTIVE DATE NOV 20 2013
ORD OF INTENT: HEARING DATE _____ ASSESSMENT CONFIRMATION _____
ORDINANCE FOR DISTRIBUTION: YES NO

ENERGY AND ENVIRONMENT COMMITTEE REPORT and ORDINANCE relative to the acquisition by eminent domain of six parcels of real property adjacent to the City limits in and adjacent to the northeast area of the San Fernando Valley having APNs 2581-001-042, 2581-001-043, 2581-001-0092581-001-010, 2603-002-006, and 2603-002-007, all located in Los Angeles County, to protect the First and Second Los Angeles Aqueducts.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. FIND that approval of the ordinance is exempt from CEQA review under the State CEQA Guidelines 15061(b)(3) because the acquisition of the Property, as described in the July 26, 2013 City Attorney and June 24, 2013 Board of Water and Power Commissioners (Board) reports, attached to the Council file, for the protection of the aqueducts will not lead to any development and the property will remain undeveloped after acquisition and, therefore, it can be seen with certainty that there is no possibility that the protection of the aqueducts may have a significant effect on the environment; and DIRECT the Los Angeles Department of Water and Power (LADWP) to file a Notice of Exemption.
2. DIRECT the LADWP to take all actions necessary to authorize payment for the these acquisitions, as described in the July 26, 2013 City Attorney and June 24, 2013 Board reports, attached to the Council file.
3. AUTHORIZE the City Attorney to make the necessary deposit of probable just compensation per appraisals of the property, currently in the amount of \$808,000.00 for the benefit of the Owners of the Property, and to seek orders from the Court to obtain possession of the property prior to trial.
4. AUTHORIZE the LADWP to continue to attempt to acquire the Property, as described in the July 26, 2013 City Attorney and June 24, 2013 Board reports and attached to the Council file, and all interests in the properties, via negotiated purchases, and if successful, to execute all documents necessary to accomplish the transfer of those properties.
5. PRESENT and ADOPT the accompanying Condemnation ORDINANCE (Resolution of Necessity) finding that the public interest and necessity required the acquisition by eminent domain of six parcels of real property adjacent to the City limits in and adjacent to the northeast area of the San Fernando Valley having APNs 2581-001-042, 2581-001-043, 2581-001-0092581-001-010, 2603-002-006, and 2603-002-007, all located in Los Angeles County.
6. CONCUR with the Board of Water and Power Commissioner's action of May 23, 2013, Resolution No. 013-019, making findings and authorizing actions in connection with the acquisition of acquisition by eminent domain of six parcels of real property adjacent to the City limits in and adjacent to the northeast area of the San Fernando Valley having APNs 2581-001-042, 2581-001-043, 2581-001-0092581-001-010, 2603-002-006, and 2603-002-007, all located in Los Angeles County, to protect the First and Second Los Angeles Aqueducts.

Fiscal Impact Statement: The City Administrative Officer (CAO) reports that approval of this request will not impact the General Fund. The one-time cost to the Los Angeles Department of Water and Power (LADWP) is currently estimated at \$813,000. The LADWP Financial Policies are not applicable.

Community Impact Statement: None submitted.

Council may recess to Closed Session pursuant to Government Code Sections 54956.9(d)(1) to confer with its legal counsel relative to the above matter and in connection with the case entitled City of Los Angeles Department of Water and Power v. Nicholas L. Pavich, Jr., Indian Ridge LLC and LMW78 LLC, and related cross complaint, Los Angeles Superior Court Case No. Bs135629 [This lawsuit seeks to protect the First and Second Los Angeles Aqueducts through several causes of action including injunctive relief, trespass, and Building and Safety code enforcement; Cross Complainants lawsuit seeks crossing rights over the Second Los Angeles Aqueduct and seeks to remove the First Los Angeles Aqueduct from its current location].

Summary:

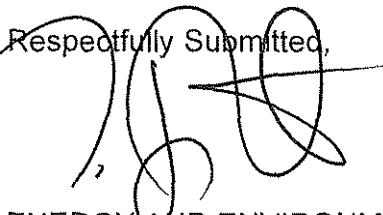
On August 20, your Committee considered August 19, 2013 CAO, July 26, 2013 City Attorney and June 24, 2013 Board reports, Resolution No. 013-319, and Condemnation Ordinance relative to the acquisition by eminent domain of six parcels of real property adjacent to the City limits in and adjacent to the northeast area of the San Fernando Valley having APNs 2581-001-042, 2581-001-043, 2581-001-0092581-001-010, 2603-002-006, and 2603-002-007, all located in Los Angeles County, to protect the First and Second Los Angeles Aqueducts. According to the CAO, the First Los Angeles Aqueduct has provided over 200 million gallons per day of drinking water to City residents and LADWP ratepayers. Typically, it supplies up to 30% of overall City water demands and the Aqueduct was completed around 1913. Since the First Los Angeles Aqueduct was constructed, the population of the City has increased tenfold to become the second largest city in the United States. The Second Los Angeles Aqueduct, completed in 1970, has also provided over 200 million gallons per day of partially treated drinking water to City residents and LADWP ratepayers. Typically, this Aqueduct supplies up to 20% of overall City water demands.

The Second Los Angeles Aqueduct has become an important backup during repairs on the older, First Los Angeles Aqueduct. During periods of low water demand in the City, the Second Los Angeles Aqueduct can supply the City with water while the First is removed from service for maintenance and repair. It should be noted that the First Los Angeles Aqueduct, in particular, exists as an unreinforced tunnel as shallow as two or three feet below the surface on the southerly side of these parcels and is extremely vulnerable to damage. The tunnel is temporarily protected from the current property owner's construction traffic by k-rails. The status quo carries unacceptable risks and liability for the LADWP of failure of the Aqueducts. There is not only an interest, but a necessity to permanently protect the Aqueducts in this region.

The LADWP states that the relocation of either Aqueduct to avoid these six parcels of Property would consume tens of millions of public ratepayer dollars, take years of effort, very likely interrupt thousands of commuters during construction, and far exceed the cost of acquisition of the Property. Based on the above, the relocation of the Aqueducts is infeasible; the Property must be acquired for the permanent protection and maintenance of the Aqueducts and to secure the City's water supply. Property Acquisition Indian Ridge LLC and LMW78 LLC (Owners) own six contiguous parcels through or alongside the two Aqueducts as they cross into Los Angeles City limits. The Owners have engaged in uses of the Property that are incompatible with and a danger to, the Aqueducts, including, among other things, extensive grading over and adjacent to the First and Second Los Angeles Aqueducts; driving large construction and grading equipment directly over the First and Second Los Angeles Aqueducts; engaging in these activities without obtaining any of the required permits; and

ignoring LADWP requests to cease these activities that jeopardize the Aqueducts.

After further consideration, the Committee moved to recommend approval of the LADWP's request as detailed in the CAO, Board, and City Attorney reports and detailed in the above recommendations. This matter is now forwarded to Council for its consideration.

Respectfully Submitted,


ENERGY AND ENVIRONMENT COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
FUENTES:	YES
BLUMFIELD:	YES
LABONGE:	YES
HUIZAR:	ABSENT
KORETZ:	YES

RPT
ADOPTED

SEP 24 2013

LOS ANGELES CITY COUNCIL

ORDINANCE OVER TO OCT 1, 2013

-NOT OFFICIAL UNTIL COUNCIL ACTS-

Ord.
ADOPTED

OCT 1 2013

LOS ANGELES CITY COUNCIL

MAYOR WITH FILE