

Los Angeles  Department of Water & Power

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Mayor

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RONALD O. NICHOLS  
*General Manager*

October 21, 2013

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

Honorable Members:

Subject: Approves Settlement of Eminent Domain Litigation for Highway Easements –  
People of the State of California v. city of Los Angeles

Pursuant to Charter Section 273(c) and 675(d)(2), enclosed for approval by your Honorable Body is Resolution No. 014 077, adopted by the Board of Water and Power Commissioners on October 16, 2013, approved as to form and legality by the City Attorney, which approves settlement for a total amount not to exceed \$13,300.00. 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:sar

Enclosures: LADWP Resolution  
Board Letter  
CAO Report  
(Ordinance transmitted under separate cover)

Los Angeles Aqueduct Centennial Celebrating 100 Years of Water 1913-2013

c/enc: Mayor Eric Garcetti

Councilmember Felipe Fuentes, 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



(Baldwin Park I-10/I-605 Improvements)  
(Settlement of Eminent Domain litigation—  
Transfer of easement interests to the State of  
California Department of Transportation)

**WHEREAS**, the People of the State of California, acting by and through its Department of Transportation (Caltrans) has brought suit in eminent domain to condemn certain real property interests owned by the City of Los Angeles and under the management and control of the Department of Water and Power (LADWP) in the City of Baldwin Park, Los Angeles County, State of California, for and in consideration of the total sum of \$13,300.00 and said real property is further described as:

PARCEL 79795-1:

For freeway purposes, a highway easement, over the Southerly 3.64 feet of the Northerly 19.00 feet of Lot 17 of Tract No. 22790, in the City of Baldwin Park, County of Los Angeles, State of California, as shown on map recorded in Book 656, pages 3 and 4 of Maps, in the Office of the Registrar-Recorder/County Clerk of said county.

Lands abutting said freeway shall have no right or easement of access thereto; provided, however, that part of the remaining lands shall abut upon and have access to an adjoining frontage road which will be connected to the main thoroughfare of the freeway only at such points as may be established by public authority.

PARCEL 79795-2

For freeway purposes, a temporary construction easement, in, over, and across the Southerly 4.00 feet of the Northerly 23.00 feet of Lot 17 of Tract No. 22790, in the City of Baldwin Park, County of Los Angeles, State of California, as shown on map recorded in Book 656, pages 3 and 4 of Maps, in the Office of the Registrar-Recorder/County Clerk of said county.

The above-described parcel of land is to be used for temporary construction purposes and incidents thereto in connection with the construction of a Route 10 freeway project designated 07-LA-10-PM 31.3 on maps in the Office of the Department of Transportation, State of California at Los Angeles, California, and the rights to be acquired therein shall cease and terminate upon the completion of said project, and in any event, shall cease and terminate not later than, October 1, 2014.

**WHEREAS**, Caltrans has prepared and provided the LADWP with an appraisal of the easement interests to be acquired valuing both the permanent easement and temporary easement interests at \$13,300.00 total; and

**WHEREAS**, LADWP staff have reviewed the appraisal and determined that the appraised value of \$13,300.00 is reasonable and fair compensation for the easement interests to be conveyed to Caltrans; and

**WHEREAS**, LADWP staff have examined the easement interests to be conveyed for freeway purposes and determined that such uses will be compatible with the LADWP's use of its remaining interests in the property; and

**WHEREAS**, based on foregoing, it is recommended that the Board authorize settlement for the amount of \$13,300.00 and recommend that the City Council approve the ordinance drafted to effectuate this settlement and transfer of title by Stipulation for Interlocutory Judgment in Condemnation; and

**WHEREAS**, the Los Angeles City Attorney's Office represents the City of Los Angeles in this case and recommends approval of a Stipulation for Interlocutory Judgment in Condemnation and form of Interlocutory Judgment in Condemnation, copies of which are on file with the Board Secretary, that when fully adjudicated and incorporated in the Court's Final Order of Condemnation, will settle this matter;

**NOW THEREFORE BE IT RESOLVED:**

1. That the Stipulation for Interlocutory Judgment and form of Interlocutory Judgment, approved as to form and legality by the City Attorney, be and is hereby approved and the City Attorney is authorized to enter into the Stipulation for Interlocutory Judgment and any ancillary documents necessary to settle this matter for and on behalf of the Department and City.
2. The City Council is requested to adopt an ordinance to approve this Stipulation for Interlocutory Judgment as provided in Los Angeles City Charter Sections 273(c) and 675(d)(2).
3. That the funds shall be deposited in the Power Revenue Fund.

**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 **OCT 16 2013**




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

*Barbara E. Prosecher*  
Secretary

APR 24 2013

BY *[Signature]*  
TIMOTHY J. CHUNG  
DEPUTY CITY ATTORNEY

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

TO: BOARD OF WATER AND POWER COMMISSIONERS		DATE: October 2, 2013
 <b>GARY WONG</b> Assistant General Manager-Systems Support Division		SUBJECT:  Approval of Settlement of Eminent Domain Litigation for Highway Easements- People of the State of California v. City of Los Angeles  (Dalewood Street/Baldwin Park I-10/605 Interchange Improvement Project)
 <b>RONALD O. NICHOLS</b> General Manager		
 <b>ARAM BENYAMIN</b> 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: 273(c), 675(d)(2)	

**PURPOSE**

Transmitted for approval by your Honorable Board is a Resolution, approved as to form and legality by the City Attorney, recommending the approval of the settlement of an eminent domain lawsuit brought by the California Department of Transportation (Caltrans) against the LADWP, to take an approximately 517 square foot permanent easement and 568 square foot temporary construction easement over a portion of the LADWP's Firestone Junction to Lugo Junction Transmission Line Right of Way along the south side of Dalewood Street in the City of Baldwin Park. This eminent domain action is in connection with Caltrans' I-10/I-605 Interchange Improvement Project.

**COST AND DURATION**

The proposed settlement will result in the payment of \$13,300 by Caltrans to the LADWP in compensation for the permanent easement interests to be granted to Caltrans for highway purposes.

**BACKGROUND**

Caltrans filed an eminent domain action against the LADWP by the authority of a Resolution of Necessity in order to acquire permanent and temporary easement interests in a parcel of land along Dalewood Street in the City of Baldwin Park and under the control of the LADWP. Caltrans previously acquired easement interests from the LADWP along this same property in 2009/2010 for highway improvement purposes

and now needs an additional 3.64 feet along the Dalewood Street frontage. Caltrans has appraised the permanent and temporary easements to be acquired and has valued them at \$13,300. The LADWP's Real Estate staff reviewed the appraisal and found Caltrans' offer to be reasonable. The LADWP's Power System, Right of Way Engineering staff, has reviewed Caltrans' proposed acquisition and determined that the easements will be compatible with the LADWP's transmission line operations. Legal counsel for the LADWP and Caltrans have negotiated a Stipulation for Interlocutory Judgment in Condemnation and a form of Interlocutory Judgment in Condemnation for filing with the Los Angeles Superior Court.

The terms of the settlement and proposed Interlocutory Judgment require the LADWP to relinquish possession and ownership of a permanent easement interest in the subject property.

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 August 15, 2013, is attached.

#### **ENVIRONMENTAL DETERMINATION**

In accordance with the California Environmental Quality Act (CEQA), it has been determined that because the LADWP is not initiating any project, but is only responding to Caltrans eminent domain action, this settlement is exempt pursuant to the General Exemption described in CEQA Guidelines Section 15061, where it can be seen with certainty that there is no possibility that the LADWP's activity in question may have a significant effect on the environment. Caltrans as the condemning agency in this action is the lead agency for the project and will be required to comply with CEQA on its highway improvement project.

#### **RECOMMENDATION**

It is requested that your Honorable Board adopt the attached Resolution authorizing settlement of the eminent domain litigation with Caltrans and recommending City Council's adoption of the ordinance approving the settlement and grant of easements to Caltrans.

TJC:bn

Attachments

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

Philip Leiber  
Gary Wong  
Reynan L. Ledesma  
Timothy J. Chung

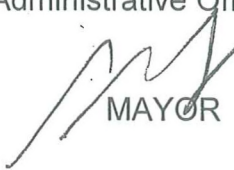
0610-03708-0000

**TRANSMITTAL**

TO Ronald O. Nichols, General Manager Department of Water and Power	DATE  AUG 22 2013	COUNCIL FILE NO.
FROM The Mayor	COUNCIL DISTRICT City of Baldwin Park	

**RESOLUTION APPROVING A SETTLEMENT AGREEMENT BETWEEN THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND CITY OF LOS ANGELES INVOLVING EMINENT DOMAIN LITIGATION RELATING TO HIGHWAY IMPROVEMENT PURPOSES**

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

  
MAYOR (Ana Guerrero)

MAS:OAV:10140041t

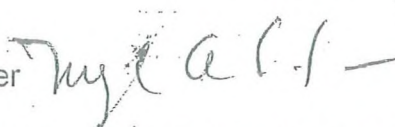


REPORT FROM

## OFFICE OF THE CITY ADMINISTRATIVE OFFICER

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Date: August 15, 2013  
To: The Mayor  
From: Miguel A. Santana, City Administrative Officer   
Reference: Transmittal from the Department of Water and Power dated April 30, 2013; referred by the Mayor for report on May 15, 2013  
Subject: **RESOLUTION APPROVING A SETTLEMENT AGREEMENT BETWEEN THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND CITY OF LOS ANGELES INVOLVING EMINENT DOMAIN LITIGATION RELATING TO HIGHWAY IMPROVEMENT PURPOSES**

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### SUMMARY

The Department of Water and Power (DWP; Department) requests approval of a proposed resolution which authorizes a settlement agreement involving eminent domain litigation between the California Department of Transportation (Caltrans) and the City of Los Angeles (City). Caltrans asserts that access to certain City-owned land located in the City of Baldwin Park, California, is necessary for highway improvement purposes related to the Interstate 10 / Interstate 605 Interchange Improvement Project. Upon review, DWP determined that the portions of land required for the highway improvement project are not necessary for current or future Department production, delivery, or conservation of water or power resources, as defined in the City Charter Section 601.

Approval of this resolution will result in the settlement of this eminent domain litigation between Caltrans and the City. Furthermore, DWP will convey to Caltrans a permanent easement of approximately 517 square feet, along with a temporary construction easement of approximately 568 square feet. As compensation for the easements, DWP will receive a payment of \$13,300 based on an appraisal conducted by Caltrans and approved by DWP.

Charter Section 273(c) provides that City Council shall consider any settlement agreement which includes more than only the payment of funds. In the proposed settlement agreement, the payment of \$13,300 is provided along with two easements across City-owned land. Furthermore, as a consequence of granting the two easements, Charter Section 675(d)(2) is applicable which requires City Council approval by ordinance to dispose of real property. A draft ordinance is to be transmitted by the City Attorney's Office to the City Council. The City Attorney has approved the proposed resolution as to form and legality.

Caltrans filed an eminent domain action against the DWP in order to acquire permanent

easements and temporary construction easements on a parcel of land along Dalewood Street in the City of Baldwin Park which is owned by the City and under the control of the Department. The proposed easements provide an additional 3.64 feet along the Dalewood Street frontage. Caltrans appraised the value of the easement at \$13,300. DWP Real Estate staff reviewed the appraisal and determined that the appraised value is reasonable. Additionally, a review by the DWP Power System staff determined that the easements will not interfere with Department operations. It is noted by the Department that Caltrans previously acquired other easements from DWP in approximately 2009-2010 along this same property for highway improvement purposes.

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 which (i) authorizes a settlement agreement between the City of Los Angeles and the California Department of Transportation involving eminent domain litigation relating to land owned by the City of Los Angeles located in the City of Baldwin Park, California, and (ii) authorizes an Ordinance to convey an approximately 517 square foot permanent easement and 568 square foot temporary construction easement, excluding all water and water rights, located in the City of Baldwin Park, California, for payment of \$13,300 to the DWP Power Revenue Fund; and
2. Return the proposed resolution to the Department for further processing, including City Council consideration.

## **FISCAL IMPACT STATEMENT**

Approval of the proposed resolution will result in revenue to the DWP Power Revenue Fund totaling \$13,300. 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.