



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 1 3 - 0 3 1 5
NOV 0 1 2013

REPORT RE:

**DRAFT ORDINANCE TO APPROVE SETTLEMENT OF LITIGATION BY
STIPULATIONS FOR ENTRY OF INTERLOCUTORY JUDGMENT AND
FINAL ORDER OF CONDEMNATION IN THE CASE ENTITLED
THE PEOPLE OF THE STATE OF CALIFORNIA, ACTING BY AND THROUGH ITS
DEPARTMENT OF TRANSPORTATION v. THE CITY OF LOS ANGELES, ET. AL.,
LOS ANGELES SUPERIOR COURT CASE NO. BC 490050
(BALDWIN PARK II ACTION)**

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 provides for the approval of the settlement of the above-entitled eminent domain lawsuit, which will result in transfer of title to the State of California of easements for highway and other related purposes in property owned by the City and under the control of the Department of Water and Power (Department).

Background

The California Department of Transportation (Caltrans) is seeking to construct a project to widen Interstate Highway 10 and commenced the above entitled eminent domain action to take title and possession of the easement parcels set forth in the draft ordinance. The parcels identified in the draft ordinance are abutting and adjacent to an existing road right-of-way along Interstate Highway 10 in the City of Baldwin Park, County of Los Angeles, California.

The Department has reviewed the appraisal provided by Caltrans and the amount offered for the easement parcels, and has determined that this conveyance does not adversely impact the Department's facilities or operations. The Department has agreed to the stipulated judgment allowing for the transfer of the easements condemned and compensation in the amount of \$13,300. The Board of Water and Power Commissioners took action by resolution to approve and recommend the settlement and entry of Interlocutory Judgment and Final Order of Condemnation on October 16, 2013.

Charter Requirements

Council approves the settlement of litigation pursuant to Charter Section 273(c). Moreover, because this settlement results in the transfer of real property rights, Council approval is required pursuant to Charter Sections 385 and 675 (d) (2). By approving the enclosed draft ordinance, the Council will approve the transfer of title to the identified easements and authorize the City Attorney to execute the Stipulations for the Entry of Interlocutory Judgment and Final Order of Condemnation by which the transfer of the easement interests will be accomplished.

If you have any questions regarding this matter, please contact Deputy City Attorney Timothy J. Chung at (213) 367-4518. He or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By 

DAVID J. MICHAELSON
Chief Assistant City Attorney

DM:TJC:pj
Transmittal

ORDINANCE NO. _____

An ordinance approving Stipulations for Interlocutory Judgment in Condemnation in the eminent domain case entitled *People of the State of California v. City of Los Angeles, et al.*, Los Angeles Superior Court Case No. BC 490050 (Eminent Domain Case), brought against the City and relating to the California Department of Transportation's I-10/I-605 improvement projects.

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

Section 1. By Resolution No. 014 077, adopted on October 16, 2013, the Board of Water and Power Commissioners authorized a Stipulation for Interlocutory Judgment in Condemnation and a form of Interlocutory Judgment in Condemnation and has requested that the City Council approve the execution of the Stipulation and entry of the Interlocutory Judgment in Condemnation in the Eminent Domain Case, which authorizes the grant of easements in real property, owned by the City of Los Angeles and under the management and control of the Department of Water and Power, to the State of California Department of Transportation (Caltrans) for and in consideration of the sum of \$13,300.00. The easements to be granted to Caltrans are described as set forth below:

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.

Sec. 2. This ordinance authorizes the execution of the Stipulation for Interlocutory Judgment in Condemnation in the Eminent Domain Case. Following entry of the Stipulation for Interlocutory Judgment in Condemnation, the Court will issue a Final Order of Condemnation that will transfer title to the easements described in this ordinance. The City Attorney is authorized and directed to draft all necessary pleadings and to execute these documents on behalf of the Department of Water and Power and the City.

Sec. 3. 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 Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; 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 this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

HOLLY L. WOLCOTT, Interim City Clerk

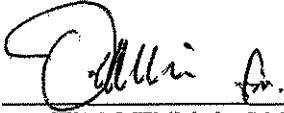
By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By  _____
TIMOTHY J. CHUNG
Deputy City Attorney

Date NOV 01 2013

File No. _____