

ENERGY AND ENVIRONMENT COMMITTEE REPORT AND ORDINANCE FIRST CONSIDERATION relative to settlement of eminent domain litigation for highway easements located at the Los Angeles Department of Water and Power's (LADWP) Firestone Junction to Lugo Junction Transmission Right-of-Way along the south side of Dalewood Street in the City of Baldwin Park (The People of the State of California v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BC 490050).

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

1. CONCUR with the Board of Water and Power Commissioner's (Board) action of October 16, 2013, Resolution No. 014-077 approving the Stipulation for Interlocutory Judgment, approved as to form and legality by the City Attorney and authorizing the City Attorney to into said Stipulation for Interlocutory Judgment and any ancillary documents necessary to settle this matter for and on behalf of the LADWP and the City.
2. PRESENT and ADOPT the accompanying 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.

Fiscal Impact Statement: The City Administrative Officer (CAO) reports that approval of the proposed Resolution No. 014-077 will result in revenue to the LADWP Power Revenue Fund totaling \$13,300. The proposed action complies with the LADWP's adopted Financial Policies. Approval of the proposed Resolution will have no impact to the City's General Fund.

Community Impact Statement: None submitted.

Council may recess to Closed Session, pursuant to Government Code Section 54956.9(d)(1), to confer with its legal counsel relative to this matter.

Summary:

On November 6, 2013, your Committee considered October 21, 2013 Board, August 15, 2013 CAO, and November 1, 2013 City Attorney reports, Resolution No. 014-077, and Ordinance relative to settlement of eminent domain litigation for highway easements located at the LADWP's Firestone Junction to Lugo Junction Transmission Right-of-Way along the south side of Dalewood Street in the City of Baldwin Park (The People of the State of California v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BC 490050). According to the CAO, the LADWP is requesting approval of a proposed resolution which authorizes a settlement agreement involving eminent domain litigation between the California Department of Transportation (Caltrans) and the 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, the LADWP determined that the portions of land required for the highway improvement project are not necessary for current or future LADWP 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, LADWP 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, the LADWP will receive a payment of \$13,300 based on an appraisal conducted by Caltrans and approved by LADWP. Caltrans filed an eminent domain action against the LADWP 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 LADWP.

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

After further consideration and having provided an opportunity for public comment, the Committee moved to recommend concurring with the Board's action and approval of the Ordinance settling the above cited case as detailed in the above recommendations and the contained in the Board report and Resolution. This matter is now referred to Council for its consideration.

Respectfully Submitted,

ENERGY AND ENVIRONMENT COMMITTEE

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

-NOT OFFICIAL UNTIL COUNCIL ACTS-