

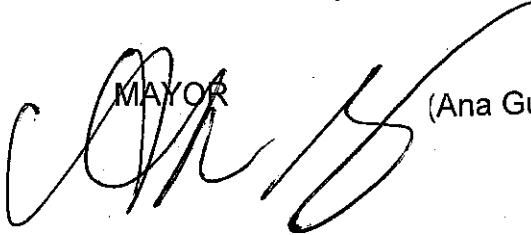
0150-10262-0000

**TRANSMITTAL**

TO Marcie L. Edwards, General Manager Department of Water and Power	DATE SEP 24 2014	COUNCIL FILE NO.
FROM The Mayor	COUNCIL DISTRICT	

**ACQUISITION OF LAND THROUGH EMINENT DOMAIN RELATING TO THE  
BARREN RIDGE RENEWABLE TRANSMISSION PROJECT (BR RTP)**

Approved and transmitted for further processing including Council consideration.  
See the City Administrative Officer report attached.

  
MAYOR (Ana Guerrero)

REPORT FROM

## OFFICE OF THE CITY ADMINISTRATIVE OFFICER

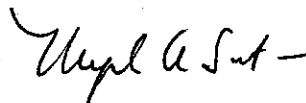
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Date: September 16, 2014

CAO File No. 0150-10262-0000  
Council File No. None  
Council District: Outside Los Angeles

To: The Mayor

From: Miguel A. Santana, City Administrative Officer



Reference: Communication from the Department of Water and Power dated August 27, 2014; referred by the Mayor for report on September 4, 2014

Subject: **ACQUISITION OF LAND THROUGH EMINENT DOMAIN RELATING TO THE BARREN RIDGE RENEWABLE TRANSMISSION PROJECT (BR RTP)**

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### SUMMARY

The Department of Water and Power (DWP; Department) requests approval of a proposed Resolution of Necessity which authorizes an eminent domain process for DWP to acquire certain parcels of land required for the Barren Ridge Renewable Transmission Project (BR RTP). The land to be acquired consists of 44 parcels located within Kern County along an approximately 61-mile, 200-foot wide corridor of undeveloped land adjacent to an existing transmission line corridor. DWP states that the acquisition of these parcels is necessary for the development of an expanded transmission line corridor which is needed to transmit renewable energy from the region to the City of Los Angeles, as approved by Ordinance on April 28, 2013 (C.F. 13-1562; Ordinance 182950).

Pursuant to City Charter Section 675(d)(1), the power of condemnation shall only be exercised with the approval of the City Council.

As part of the plan to meet the DWP Renewable Portfolio Standard goals, the Department is developing new solar and wind energy generating resources throughout the local region. Consistent with the Department's plans and the BR RTP, DWP requires additional transmission facilities and expansion of its transmission capacity through the region. Specific BR RTP improvements consist of the following:

- Expand the existing Barren Ridge Switching Station (BRSS);
- Construct a new switching station in Haskell Canyon;
- Construct a new 61 mile 230 kilovolt (kV) double-circuit transmission line from the DWP BRSS to Haskell Canyon;
- Upgrade 76 miles of the existing Barren Ridge-Rinaldi transmission line; and
- Construct a new 12 mile 230kV circuit transmission line from Haskell Canyon to the Castaic Power Plant.

DWP states that the BR RTP will be developed on an approximately 61-mile, 200-foot wide corridor of undeveloped land mostly adjacent to the existing transmission line located between the Barren Ridge Substation (Kern County) and the Rinaldi Substation (Granada Hills community).

DWP presented purchase offers beginning in June 2014 to 122 of the approximately 450 affected land owners located in the northern segment of the project between the BRSS and Aqueduct City. Voluntary sale agreements were accepted with 78 of land owners; however, the Department has not been able to reach an agreement on the remaining 44 parcels included in this request. DWP claims that the public interest and necessity require acquisition of these parcels for construction of the BR RTP. Therefore, the Department recommends proceeding with acquisition through eminent domain. The attached Resolution of Necessity, approved by the City Attorney as to form and legality, identifies the findings that are required to authorize the initiation of eminent domain.

According to the City Attorney, the City, acting through DWP, may acquire property by eminent domain for public use and electric supply purposes, both within and outside of its jurisdictional boundaries, in accordance with California Government Code Section 37350.5, Code of Civil Procedure Sections 1240.010 and 1240.125; Public Utilities Code Sections 10001 and 10004, and the Los Angeles City Charter Section 675.

It is noted by DWP that this proposed request includes the first batch consisting of 44 parcels of land necessary for acquisition through eminent domain; however, it is anticipated that a second batch of parcels requiring eminent domain will be submitted at a later date to the City Council for separate consideration and approval.

## **ALTERNATIVES CONSIDERED**

The DWP, United States Forest Service, and the United States Bureau of Land Management prepared a joint Environmental Impact Statement (EIS) / Environmental Impact Review (EIR) for the proposed BR RTP. A draft EIS/EIR which contained three route alternatives was released in August 2011 for a 60 day public comment period. The final EIS/EIR was released approximately a year later and DWP certified the FINAL EIR and approved the BR RTP with route Alternative No. 2 on September 18, 2012. Route Alternative No. 2 was selected because it is the shortest route that contains all project components within a single utility corridor which would limit the impact footprint of the BR RTP. Additionally, the project components will be located adjacent to an existing transmission corridor and next to existing DWP facilities, which can utilize an existing network of access roads further resulting in the least ground impact among the three routes considered.

## **PROPERTY ACQUISITION**

The City Attorney states that purchase offers in compliance with and as required by Government Code Section 7267.2 were provided to the property owners in June 2014 for the approved appraised value. While DWP, through its acquisition consultants, has continued to negotiate with the owners to reach voluntary purchases, to date, the offers have not been accepted or have

gone unanswered. Consequently, DWP has been unable to acquire the property through a voluntary sale and the exercise of eminent domain is necessary to acquire the Properties needed for the BRRTP in a timely manner to meet the RPS mandates. The proposed Resolution of Necessity, approved by the City Attorney as to form and legality, identifies the findings that are required to authorize the initiation of eminent domain.

The City Attorney advises that since the City, acting through the DWP, has been unable to acquire the property by voluntary sale and the use of the property is for the public good, the DWP should request the City Council to authorize the City Attorney, by ordinance, to file a lawsuit to acquire the property by eminent domain. Attached to the CAO report is a draft ordinance, prepared by the City Attorney, stating that the property is to be acquired by eminent domain as well as the intent to bring the matter before the City Council.

## **RECOMMENDATION**

That the Mayor:

1. Approve the proposed Resolution of Necessity authorizing DWP to exercise eminent domain for the acquisition of land necessary for the Barren Ridge Renewable Transmission Project, located in Kern County, California; and
2. Return the request to the Department for further processing, including Council consideration.

## **FISCAL IMPACT STATEMENT**

Approval of the proposed resolution authorizes a process to legally acquire certain parcels of land; however, it does not result in an additional fiscal impact. Funding of up to \$22 million from the Power Revenue Fund was previously approved for land acquisition and associated costs, by ordinance, under a separate request by the DWP Board of Commissions (Resolution No. 014 098) and authorized by the Mayor and City Council (C.F. 13-1562). The appraised value of the parcels to be acquired through this proposed process totals approximately \$233,975. The proposed resolution complies with the Department's adopted Financial Policies. There is no impact to the City's General Fund.

## **TIME LIMIT FOR COUNCIL ACTION**

The City Attorney advises that there is no time limitation for items approved by ordinance.