

ORDINANCE NO. _____

An ordinance finding that the public interest and necessity require the acquisition by eminent domain of those certain real properties located in the vicinity northeast of Mojave and south of the Barren Ridge Switching Station (BRSS) in Kern County, California and legally described in Attachment A (attached hereto and incorporated by reference) (Properties) for the Barren Ridge Renewables Transmission Project (BRRTP).

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

Section 1. The City Council of the City of Los Angeles hereby approves, ratifies, and makes the findings and authorizations set forth in Resolution No. 051 047, adopted by the Board of Water and Power Commissioners of the Department of Water and Power of the City of Los Angeles (LADWP Board).

Sec. 2. The City Council finds and determines that:

- (a) The environmental impacts of the BRRTP were evaluated in the Environmental Impact Statement/Environmental Impact Report (EIS/EIR) adopted and certified by the LADWP Board on September 18, 2012.
- (b) In accordance with the California Environmental Quality Act (CEQA) Guidelines section 15162, no subsequent or supplemental Environmental Impact Report is required for the BRRTP and the City Council has reviewed and considered the EIS/EIR as part of the process of determining whether to acquire the Properties.

Sec. 3. The City Council further finds and determines that:

- (a) The public interest and necessity require the BRRTP.
- (b) The BRRTP is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
- (c) The Properties described in this ordinance (Attachment A) are necessary for the BRRTP.
- (d) That either the offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner cannot be located with reasonable diligence.

- (e) Remnants of some of the Properties being acquired may be left in such size, shape or condition to render them of little or no value and are, accordingly, acquired as uneconomic remnants as provided by Code of Civil Procedure §1240.410.

Sec. 4. The City Attorney is hereby authorized and directed to take all steps necessary to commence legal proceedings, in a court of competent jurisdiction, to acquire the Properties by eminent domain. Counsel is also authorized and directed to seek and obtain Orders for Prejudgment Possession of said Properties in accordance with the Eminent Domain law. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real properties that are deemed necessary for the conduct of the eminent domain action or other proceedings or transactions required to acquire the Properties. Counsel is further authorized, subject to the approval of the LADWP Board when required, to compromise and settle such eminent domain proceedings, if such negotiated settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including entering into stipulations as to judgment and other matters, and to cause all such payments to be made.

Sec.5. 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, 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: 9-26-14

File No. _____