

ORDINANCE NO. 183778

An ordinance finding that the public interest and necessity require the acquisition by eminent domain of those certain real property mineral rights interests located at the Beacon Solar Project site in the vicinity of the community of Cantil in unincorporated Kern County, California and legally described in Attachment A (attached hereto and incorporated by reference) (Properties) for the Beacon Solar Project (BSP).

**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. 015-234, 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, acting as a Responsible Agency under the California Environmental Quality Act (CEQA), finds and determines that:

- (a) The environmental impacts of the BSP were evaluated in the Final Environmental Impact Report (EIR) certified by the Kern County Board of Supervisors on September 27, 2012, along with the adopted mitigation measures and provides adequate environmental review of the BSP pursuant to CEQA.
- (b) In accordance with the CEQA Guidelines Section 15162, no subsequent or supplemental Environmental Impact Report is required for the BSP, and the City Council has reviewed and considered the 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 BSP.
- (b) The BSP 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 BSP.
- (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 Section 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 condemnation action or other proceedings or transactions required to acquire the Properties. Counsel, with the concurrence and approval of LADWP management, shall have the authority to make and agree to minor adjustments to the location of property to be acquired and to provide for physical improvements or alterations, such as access roads, culverts and other facilities, so as to mitigate Project effects to remainder property while accommodating the elements and necessities of the BSP. Counsel is further authorized, subject to the approval of LADWP's 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, **by a vote of not less than two-thirds** of all its members, at its meeting of JUL 29 2015.

HOLLY L. WOLCOTT, City Clerk

By  _____ Deputy


AUG 04 2015

Approved _____

 _____ Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By  for _____
TIMOTHY J. CHUNG
Deputy City Attorney

Date 6/23/15

File No. 14-0735-51

ATTACHMENT A

EXHIBIT A

PARCEL 11: (APN 469-022-09)

AN UNDIVIDED $\frac{1}{4}$ TH INTEREST IN AND TO ALL OF SECTION 9, TOWNSHIP 31 SOUTH, RANGE 37 EAST, MOUNT DIABLO MERIDIAN, IN THE UNINCORPORATED AREA, COUNTY OF KERN, STATE OF CALIFORNIA, ACORDING TO THE PLAT THEREOF.

INCLUDING AN UNDIVIDED $\frac{1}{4}$ INTEREST OF ALL MINERALS, OIL, GAS PETROLEUM AND OTHER HYDROCARBON SUBSTANCES AS RESERVED IN DEED RECORDED MARCH 3, 1953, AS INSTRUMENT NO. 9987 IN BOOK 2047, PAGE 343, OF OFFICIAL RECORDS.

INCLUDING AN UNDIVIDED 50% INTEREST IN ALL MINERALS, OIL, GAS, PETROLEUM AND OTHER HYDROCARBONS SUBSTANCES AS RESERVED IN DEED RECORDED JULY 15, 1981 AS INSTRUMENT NO. 004522 IN BOOK 5389, PAGE 733 OF OFFICIAL RECORDS.

EXHIBIT A

PARCEL 14: (APN 469-022-09)

AN UNDIVIDED 3/4TH INTEREST IN AND TO ALL OF SECTION 9, TOWNSHIP 31, SOUTH, RANGE 37 EAST, MOUNT DIABLO MERIDIAN, IN THE UNINCORPORATED AREA, COUNTY OF KERN, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

INCLUDING AN UNDIVIDED 1/4TH INTEREST IN ALL, MINERALS, OIL, GAS, PETROLEUM AND OTHER HYDROCARBONS SUBSTANCES AS RESERVED IN DEED RECORDED MARCH 3, 1953 IN BOOK 2047, PAGE 343, OF OFFICIAL RECORDS.

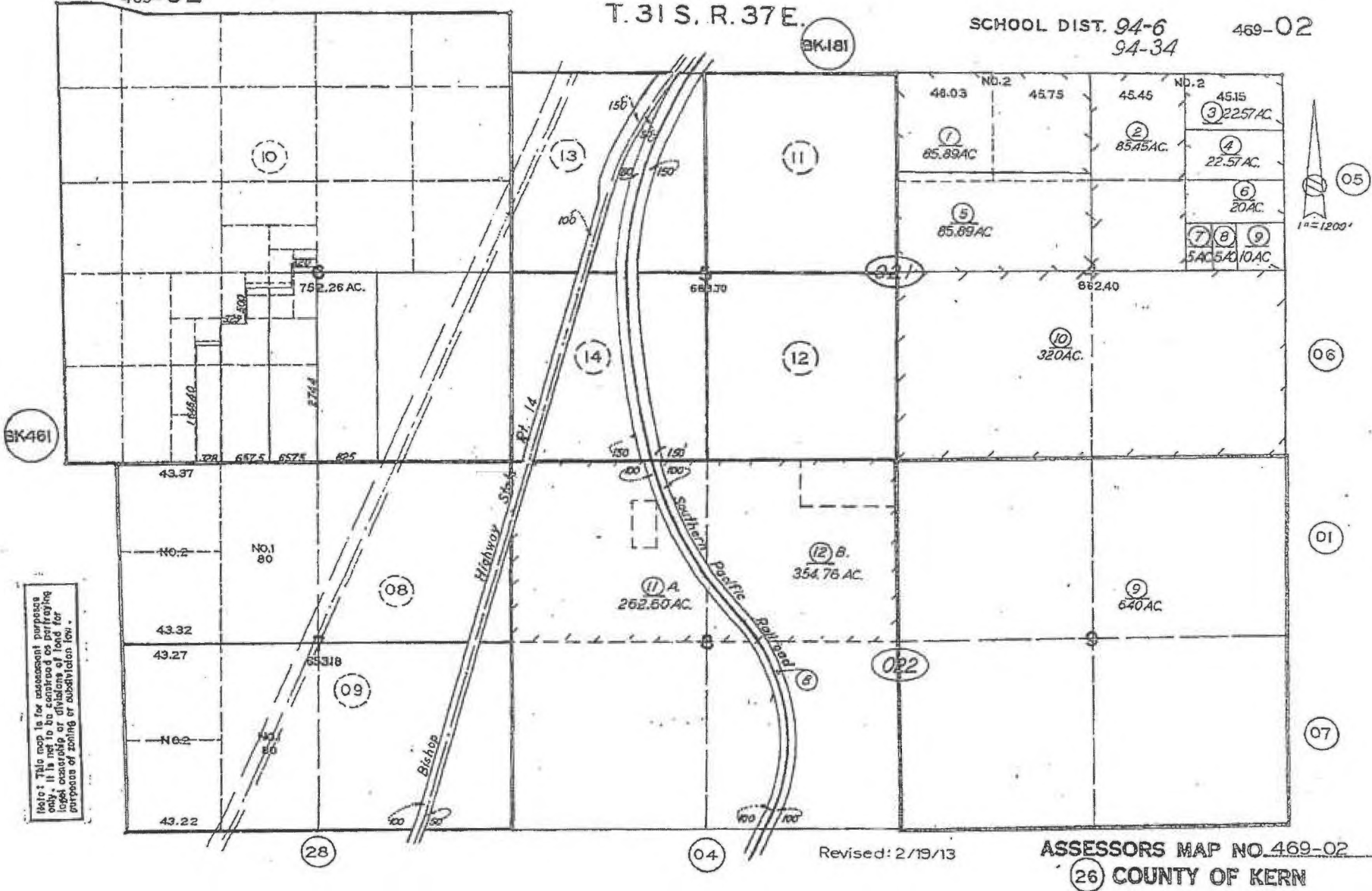
INCLUDING THE REMAINING ALL MINERALS, OIL, GAS, PETROLEUM AND OTHER HYDROCARBONS SUBSTANCES AS RESERVED IN DEED RECORDED FEBRUARY 25, 1959 AS INSTRUMENT NO. 12453 IN BOOK 3088, PAGE 122, OF OFFICAL RECORDS.

469-02

T. 31 S. R. 37 E.

SCHOOL DIST. 94-6
94-34

469-02



BK461

BK181

Note: This map is for assessment purposes only. It is not to be construed as creating legal boundaries or title of land for purposes of zoning or subdivision law.

Revised: 2/19/13

ASSESSORS MAP NO. 469-02
26 COUNTY OF KERN

EXHIBIT B

EXHIBIT A

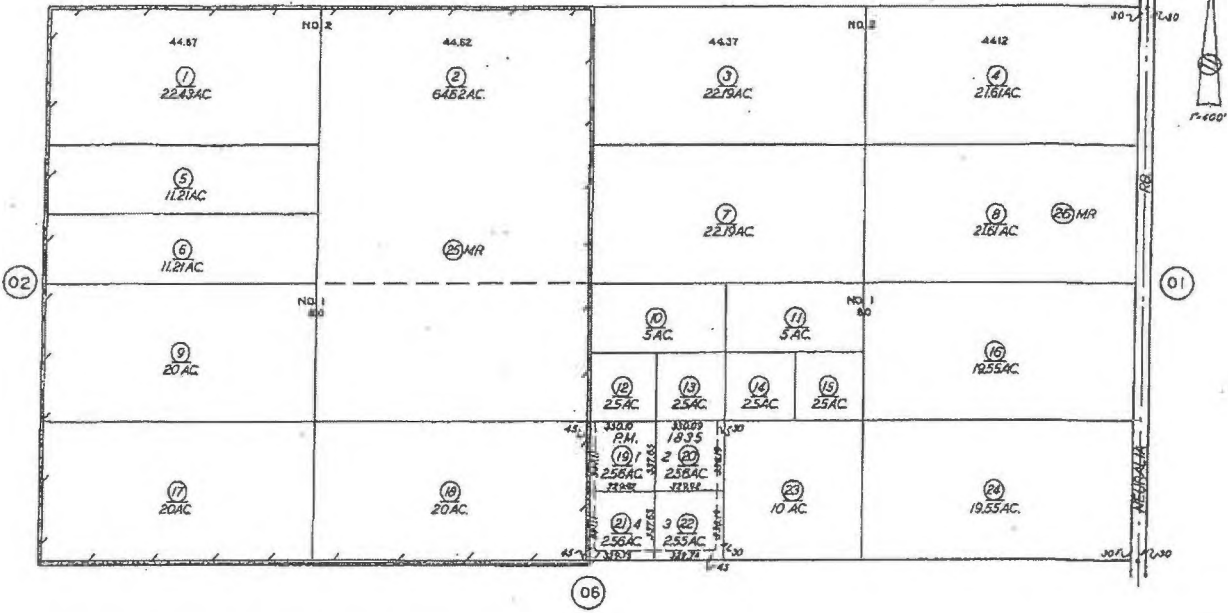
PARCEL 12: (APN 469-050-01-02-05-06-09-17-18 AND 469-060-01-02-12-13-16 AND 17)

THE WEST HALF OF SECTION 3, TOWNSHIP 31 SOUTH, RANGE 37 EAST, MOUNT DIABLO MERIDIAN, IN THE UNINCORPORATED AREA COUNTY OF KERN, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

INCLUDING AN UNDIVIDED $\frac{1}{2}$ INTEREST IN ALL MINERALS, OIL, GAS, PETROLEUM AND OTHER HYDROCARBONS SUBSTANCES AS RESERVED IN DEED RECORDED JULY 21, 1952 AS INSTRUMENT NO. 33622 IN BOOK 1965, PAGE 345 OF OFFICIAL RECORDS.

INCLUDING THE REMAINING UNDIVIDED $\frac{1}{2}$ INTEREST IN ALL MINERALS, OIL, GAS, PETROLEUM AND HYDROCARBONS SUBSTANCES AS RESERVED IN DEED RECORDED MARCH 25, 1959 AS INSTRUMENT NO. 12453 IN BOOK 3088 PAGE 122 OFFICIAL RECORDS.

BK181



Note: This map is for assessment purposes only. It is not to be construed as portroying legal ownership or division of land for purposes of zoning or subdivision law.

ASSESSORS MAP NO. 469-05...
COUNTY OF KERN

05

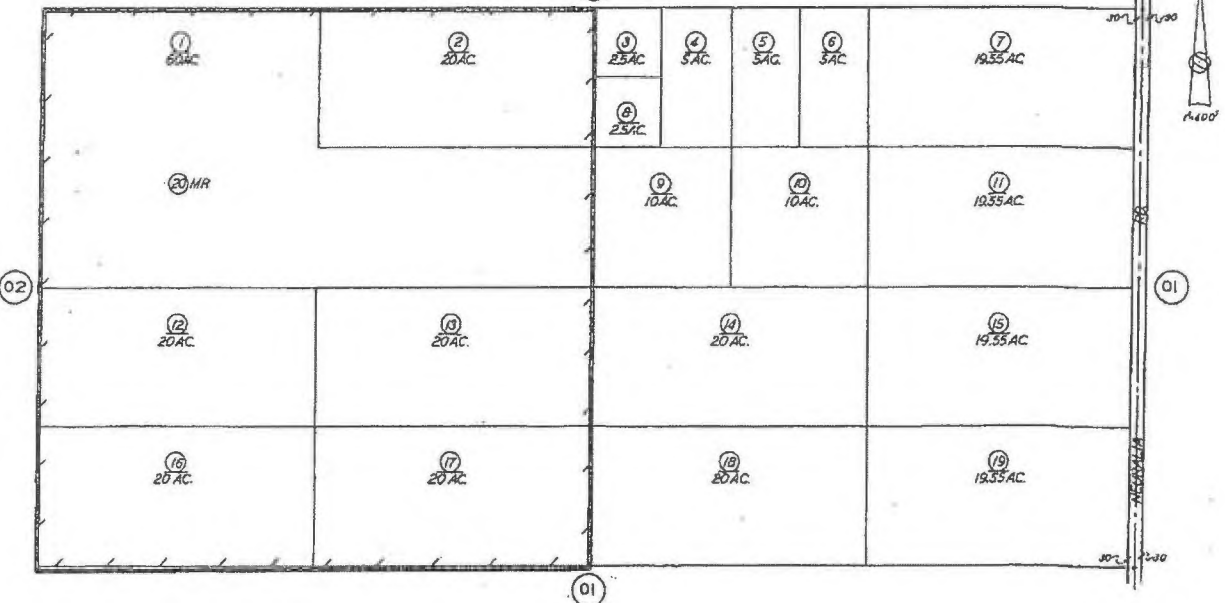


EXHIBIT B

Note: This map is for assessment purposes only. It is not to be construed as portroying legal ownership or division of land for purposes of zoning or subdivision law.

ASSESSORS MAP NO. 469-06...
COUNTY OF KERN

EXHIBIT A

PARCEL 13:

PARCEL 13A: (APN 469-022-01, 02 AND 03)

NOW ALL THAT PORTION OF SECTION 8, TOWNSHIP 31 SOUTH, RANGE 37 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE UNINCORPORATED AREA OF THE COUNTY OF KERN, STATE OF CALIFORNIA AS SET FORTH IN THAT CERTAIN CERTIFICATE OF COMPLIANCE RECORDED AUGUST 01, 2012 A DOCUMENT NO. 0212104845 OF OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 8; THENCE N 00°11'40" E ALONG THE WEST LINE OF SAID SECTION 8, A DISTANCE OF 4266.50 FEET TO A POINT ON THE EAST RIGHT OF WAY OF STATE HIGHWAY 14 AS CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED IN BOOK 6654, PAGE 439 OF OFFICIAL RECORDS;

THENCE N16°46'55" E ALONG SAID EAST RIGHT OF WAY, A DISTANCE OF 1136.51 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 8,

THENCE N 89°57'32" E ALONG SAID NORTH LINE, A DISTANCE OF 1,081.58 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, SAID CURVE BEING CONCAVE NORTHEASTERLY HAVING A RADIUS OF 5,675.15 FEET TO WHICH POINT A RADIAL LINE BEARS S 85°57'43" W, SAID POINT ALSO BEING ON THE EAST LINE OF THE UNION PACIFIC RAILROAD RIGHT OF WAY;

THENCE SOUTHEASTERLY ALONG SAID CURVE AND SAID RIGHT OF WAY THROUGH A CENTRAL ANGLE OF 27°43'59" AN ARC LENGTH OF 2,746.97 FEET;

THENCE S 31°46'16" E, A DISTANCE OF 1509.64 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 2948.15 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 30°00'45", AN ARC LENGTH OF 1,544.29 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 8;

THENCE DEPARTING FROM SAID RAILROAD RIGHT OF WAY S 89°38'43" W ALONG THE SOUTH LINE OF SAID SECTION, 3,495.75 FEET TO THE POINT OF BEGINNING.

INCLUDING ALL MINERALS, OIL, GAS, PETROLEUM AND OTHER HYDROCARBON SUBSTANCES AS RESERVED IN DEED RECORDED FEBRUARY 25, 1959 AS INSTRUMENT NO. 12453 IN BOOK 3088, PAGE 122, OF OFFICIAL RECORDS.

PARCEL 13B: (APN 469-022-06)

ALL THAT PORTION OF SECTION 8, TOWNSHIP 31 SOUTH, RANGE 37 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE UNINCORPORATED AREA OF THE COUNTY OF KERN, STATE OF CALIFORNIA AS SET FORTH IN THAT CERTAIN CERTIFICATE OF COMPLIANCE RECORDED AUGUST 1, 2012 AS DOCUMENT NO. 0212104845 OF OFFICIAL RECORDS.

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 8, THENCE S 89°38'43" W ALONG THE SOUTH LINE OF SAID SECTION, 1,776.84 FEET TO THE

EXHIBIT A

BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 2948.15 FEET TO WHICH POINT A RADIAL LINE BEARS NORTH 88°14'29" EAST, SAID POINT ALSO BEING ON THE EAST LINE OF THE UNION PACIFIC RAILROAD RIGHT OF WAY;

THENCE NORTHWESTERLY ALONG SAID CURVE AND SAID RIGHT OF WAY THROUGH A CENTRAL ANGLE OF 30°00'45" AN ARC LENGTH OF 1544.29 FEET;

THENCE N 31°46'16" W, 1509.64 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 5675.15;

THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 27°43'59" AN ARC LENGTH OF 2746.97 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 8;

THENCE DEPARTING FROM SAID UNION PACIFIC RAILROAD RIGHT OF WAY, N 89°57'32" E ALONG THE NORTH LINE OF SAID SECTION, 3877.92 FEET TO THE NORTHEAST CORDER OF SAID SECTION;

THENCE S 00°19'06" W ALONG THE EAST LINE OF SAID SECTION 8, A DISTANCE OF 5325.60 FEET TO THE POINT OF BEGINNING.

INCLUDING ALL MINERALS, OIL, GAS, PETROLEUM AND OTHER HYDROCARBON SUBSTANCES AS RESERVED IN DEED RECORDED FEBRUARY 25, 1959 AS INSTRUMENT NO. 12453 IN BOOK 3088, PAGE 122, OF OFFICIAL RECORDS.

469-02

T.31S. R.37E

SCHOOL DIST. 94-6
94-34

469-02

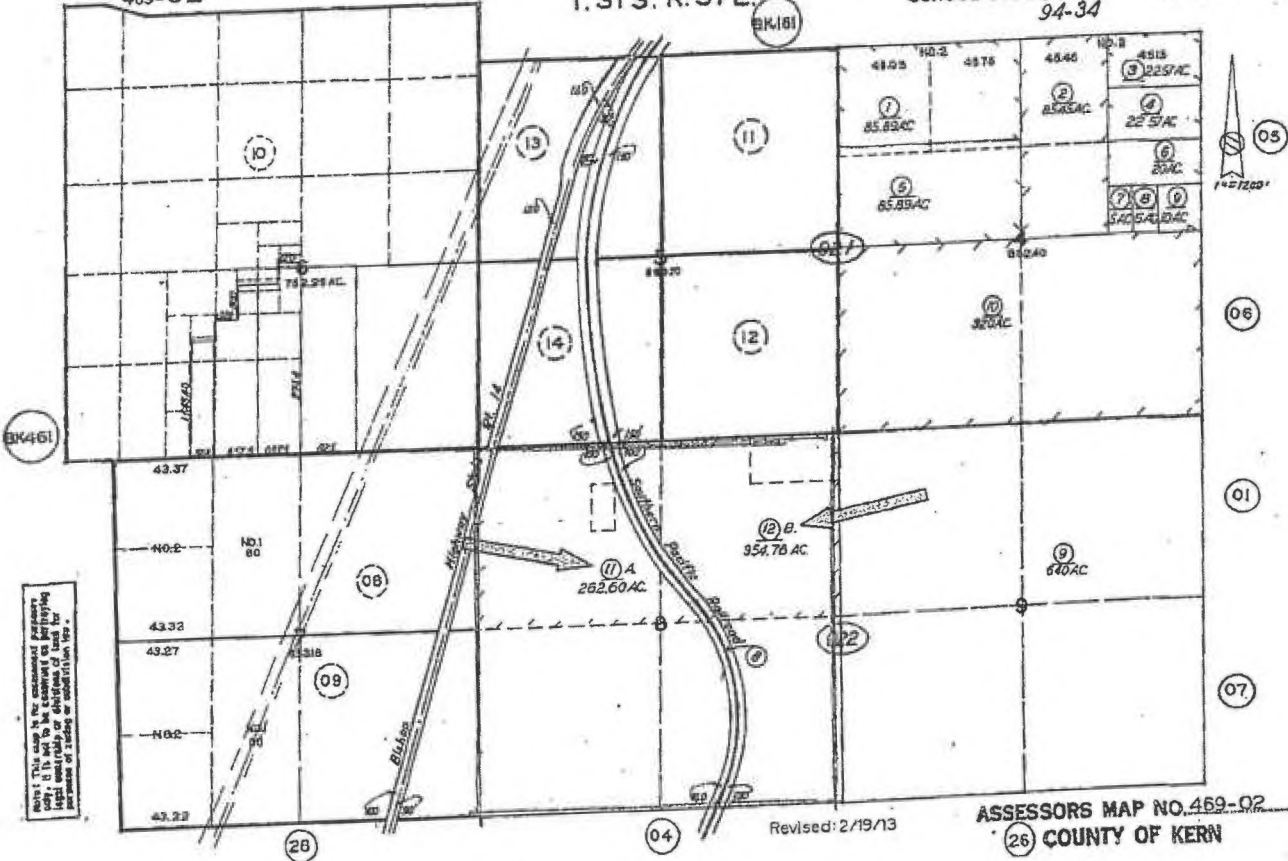


EXHIBIT B

EXHIBIT A

PARCEL 20: (APN 469-021-05)

THE SOUTH HALF OF THE NORTHWEST QUARTER OF FRACTIONAL SECTION 4,
TOWNSHIP 31 SOUTH, RANGE 37 EAST, MOUNT DIABLO MERIDIAN, IN THE
UNINCORPORATED AREA COUNTY OF KERN, STATE OF CALIFORNIA, ACCORDING TO
THE OFFICIAL PLAT THEREOF.

SAID SOUTH HALF BEING THAT PORTION OF SAID NORTHWEST LYING SOUTHERLY
OF A LINE RUNNING EAST AND WEST THROUGH SAID NORTHWEST QUARTER AND
DIVIDING EQUALLY THE ACREAGE IN THE NORTHWEST QUARTER SO THAT ½ OF THE
ACREAGE IN SAID NORTHWEST QUARTER LIES NORTH OF SAID LINE AND ½ OF THE
ACREAGE IN SAID NORTHWEST QUARTER LIES SOUTH OF SAID LINE.

INCLUDING ALL MINERALS, OIL, GAS, PETROLEUM AND OTHER
HYDROCARBONS SUBSTANCES AS RESERVED IN DEED RECORDED JANUARY 02, 1973
AS INSTRUMENT NO. 100314 IN BOOK 4763, PAGES 856 THRU 864, OF OFFICIAL
RECORDS.

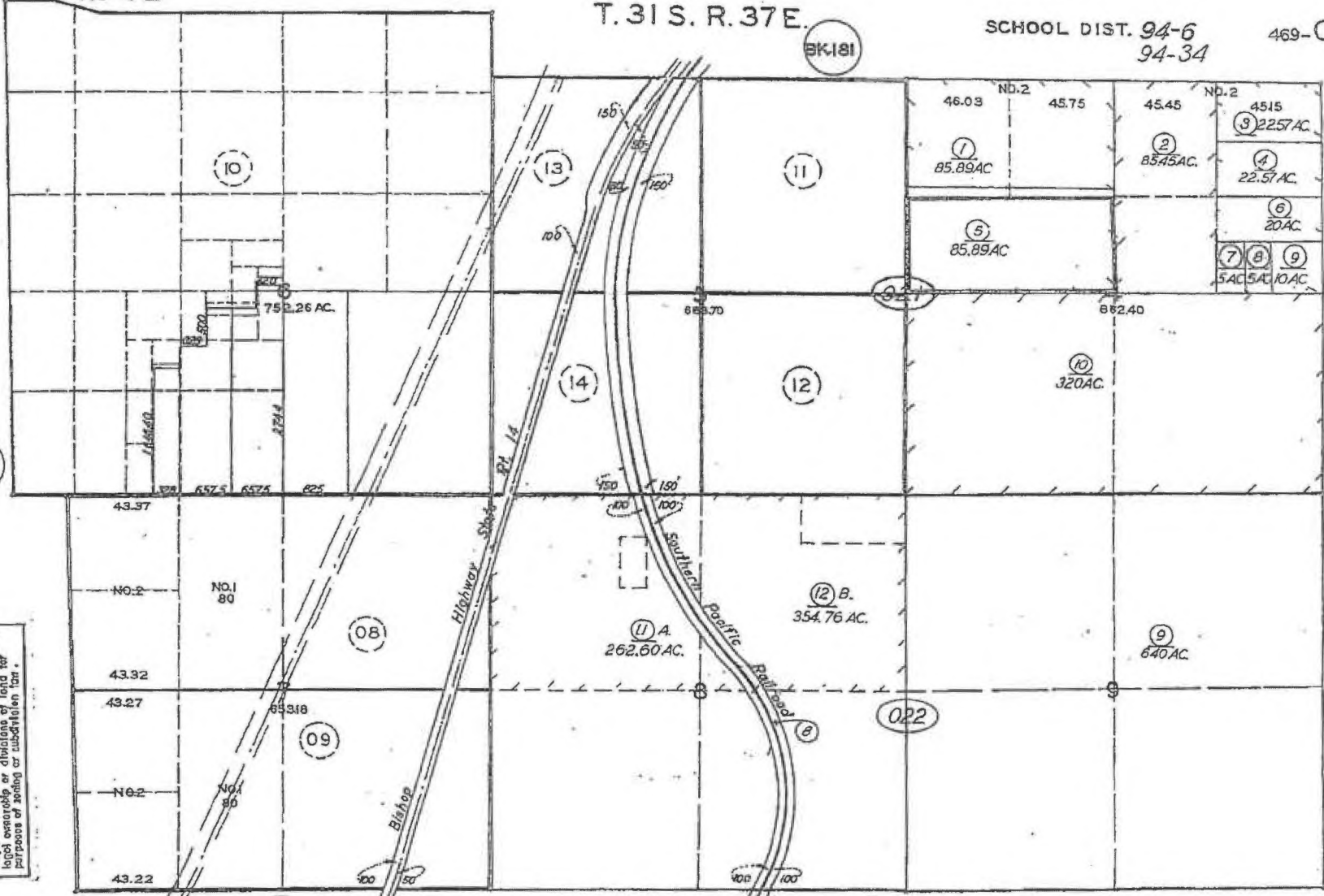
469-UZ

T. 31 S. R. 37 E.

SCHOOL DIST. 94-6
94-34

469-02

(BK181)



(BK461)

Notes: This map is for assessment purposes only. It is not to be construed as conveying legal ownership or divisions of land for purposes of zoning or subdivision law.

1" = 1200'

Revised: 2/19/13

ASSESSORS MAP NO. 469-02
(26) COUNTY OF KERN

EXHIBIT B

EXHIBIT A

PARCEL 21: (APN 469-021-01)

THE NORTH HALF OF THE NORTHWEST QUARTER OF UNINCORPORATED AREA FRACTIONAL SECTION 4, TOWNSHIP 31 SOUTH, RANGE 37 EAST, MOUNT DIABLO MERIDIAN, IN THE COUNTY OF KERN, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, SAID NORTH HALF BEING THAT PORTION OF SAID NORTHWEST QUARTER LYING NORTHERLY OF A LINE RUNNING EAST AND WEST THROUGH SAID NORTHWEST QUARTER AND DIVIDING EQUALLY THE ACREAGE IN THE NORTHWEST QUARTER SO THAT $\frac{1}{2}$ OF THE ACREAGE IN SAID NORTHWEST QUARTER LIES NORTH OF SAID LINE AND $\frac{1}{2}$ OF THE ACREAGE IN SAID NORTHWEST QUARTER LIES SOUTH OF SAID LINE.

INCLUDING ALL MINERALS, OIL, GAS, PETROLEUM AND OTHER HYDROCARBONS SUBSTANCES AS RESERVED IN DEED RECORDED JANUARY 02, 1973. AS INSTRUMENT NO. 100311 IN BOOK 4763, PAGE 801 THRU 809, OF OFFICIAL RECORDS.

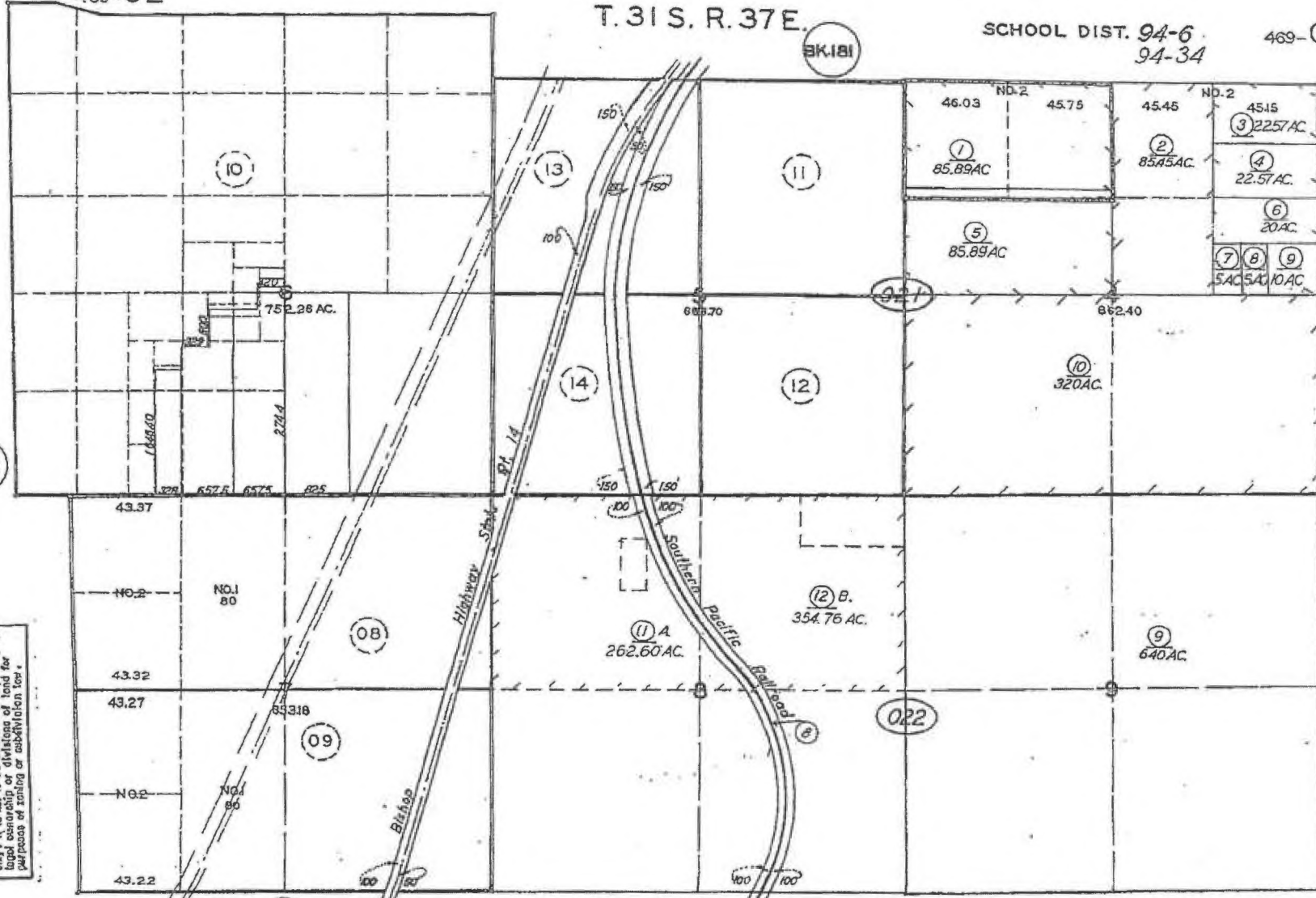
469-UC

T. 31 S. R. 37 E.

SCHOOL DIST. 94-6
94-34

469-02

EK181



EK461

Note: This map is for assessment purposes only. It is not to be construed as a legal description or a basis for purposes of zoning or subdivision laws.

28

04

Revised: 2/19/13

ASSESSORS MAP NO. 469-02

26 COUNTY OF KERN

EXHIBIT B

EXHIBIT A

TRACT 2 (527274-2)

PARCEL 22:

THE NORTH HALF OF THE EAST HALF OF LOT 1 OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 4, TOWNSHIP 31 SOUTH, RANGE 37 EAST, MOUNT DIABLO MERIDIAN, IN THE COUNTY OF KERN, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

INCLUDING AN UNDIVIDED 1/2 OF ALL OIL, GAS AND OTHER HYDROCARBONS IN AND UNDER SAID LAND AS EXCEPTED IN THE DEED FROM CORINTH SEELY RECORDED NOVEMBER 12, 1959 IN BOOK 3211 PAGE 409 OF OFFICIAL RECORDS, KERN COUNTY, CALIFORNIA.

APN: 469-021-06-00-8

TRACT 3 (527274-3):

PARCEL 23:

EAST HALF OF THE WEST HALF OF THE SOUTH HALF OF THE EAST HALF OF LOT 1 OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 4, TOWNSHIP 31 SOUTH, RANGE 37 EAST, MOUNT DIABLO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF. BEING 5 ACRES MORE OR LESS.

APN: 469-021-08-00-4

EXHIBIT A

TRACT 5 (527274-5):

PARCEL 25:

THE NORTH HALF OF THE EAST HALF OF LOT 2 OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 4, TOWNSHIP 31 SOUTH, RANGE 37 EAST, MOUNT DIABLO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF.

INCLUDING ONE-HALF OF ALL OIL, GAS AND OTHER HYDROCARBONS IN AND UNDER SAID LAND AS EXCEPTED IN DOCUMENT RECORDED NOVEMBER 12, 1959 AS INSTRUMENT NO. 66963, BOOK 3211, PAGE 409 OF OFFICIAL RECORDS OF SAID COUNTY.

APN: 469-021-03-00-9

TRACT 6 (527274-6):

PARCEL 26:

THE SOUTH HALF OF THE EAST HALF OF LOT 2 OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 4, TOWNSHIP 31 SOUTH, RANGE 37 EAST, MOUNT DIABLO MERIDIAN, IN THE COUNTY OF KERN, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

INCLUDING AN UNDIVIDED 1/2 OF ALL OIL, GAS AND OTHER HYDROCARBONS IN AND UNDER SAID LAND, AS EXCEPTED IN THE DEED FROM CORINTH SEELY, RECORDED NOVEMBER 12, 1959 IN BOOK 3211 PAGE 409 OF OFFICIAL RECORDS.

APN: 469-021-04-00-2

TRACT 7 (527274-7):

PARCEL 27:

THE SOUTH HALF OF THE EAST HALF OF LOT 1 OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 4, TOWNSHIP 31 SOUTH, RANGE 37 EAST, MOUNT DIABLO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPTING THEREFROM THE EAST HALF OF THE WEST HALF OF THE SOUTH HALF OF THE EAST HALF OF LOT 1 OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 4, TOWNSHIP 31 SOUTH, RANGE 37 EAST, MOUNT DIABLO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF.

INCLUDING ONE-HALF OF ALL OIL, GAS AND OTHER HYDROCARBONS IN AND UNDER SAID LAND AS EXCEPTED IN DOCUMENT RECORDED NOVEMBER 12, 1959 AS INSTRUMENT NO. 66963, BOOK 3211, PAGE 409 OF OFFICIAL RECORDS OF SAID COUNTY.

APN: 469-021-07-00-1 AND 469-021-09-00-7

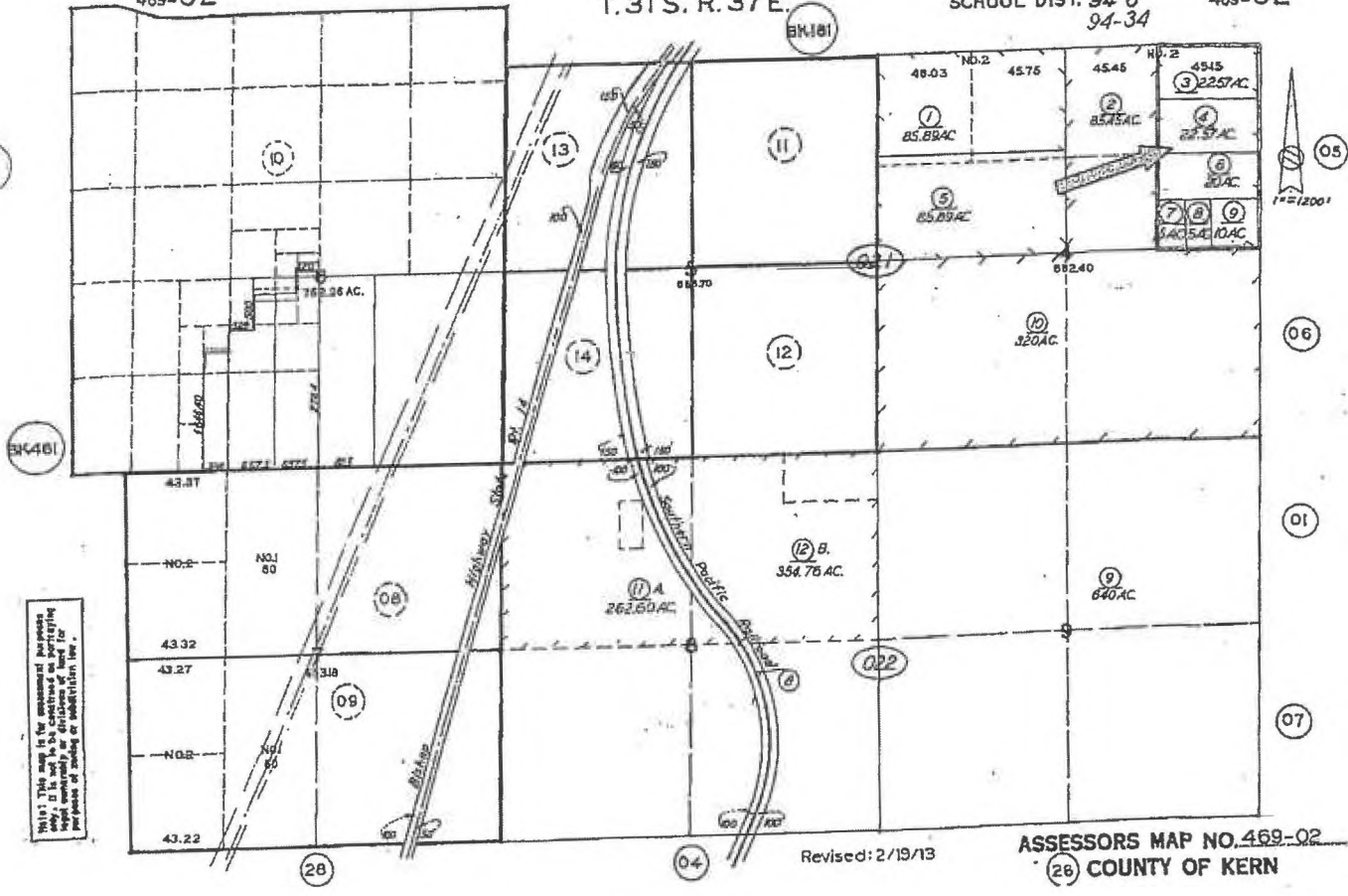


EXHIBIT B