



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 16 - 0137
APR 26 2016

REPORT RE:

**DRAFT ORDINANCE TO APPROVE DEPARTMENT OF WATER AND POWER
RESOLUTION NO. 016-226 AUTHORIZING THE GRANT OF AN EASEMENT OVER
1.39 ACRES OF THE FORMER AND DECOMMISSIONED MOHAVE STEAM
GENERATING STATION PROJECT SITE TO ELECTRIC LIGHTWAVE, LLC**

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 would approve Resolution No. 016-226, dated April 5, 2016, authorizing the Los Angeles Department of Water and Power (LADWP) to grant an easement over 1.39 acres (Easement) of the former and decommissioned Mohave Steam Generating Station Project (MSGS Project) site to Electric Lightwave, LLC.

Background

LADWP, along with Southern California Edison Company (SCE), Nevada Power Company (NV Energy), and the Salt River Project Agricultural Improvement and Power District (collectively, the Owners), jointly owns and manages the decommissioned MSGS Project assets. LADWP owns a 10% interest in the MSGS Project.

The MSGS Project was taken out of service and fully demolished in 2012. The Owners continue to own approximately 2,500 acres of MSGS Project lands in Clark County, Nevada. SCE operates and manages the MSGS Project on behalf of the Owners.

The Owners agreed to grant Electric Lightwave, LLC the Easement for communications purposes. The proposed communications easement will support the Laughlin community that has developed along the perimeter of the MSGS Project site. Electric Lightwave, LLC will pay the Owners \$52,000 for the Easement. LADWP's share of the compensation will be \$5,200.

On April 5, 2016, the Board of Water and Power Commissioners adopted Resolution No. 016-226 approving and authorizing the execution of the Easement to Electric Lightwave, LLC.

Charter Requirements

This draft ordinance is transmitted for your approval pursuant to Charter Section 675, after approval by the Board of Water and Power Commissioners.

CEQA Findings

In accordance with the California Environmental Quality Act (CEQA), it has been determined that the grant of Easement is not subject to CEQA requirements as described in CEQA Guidelines Section 15060(c)(2), since this action will not result in a direct or reasonably foreseeable indirect physical change in the environment.

Recommendation

Based on the foregoing, it is requested that the City Council adopt the draft ordinance, which has been provided for your consideration and action. A copy of the Board of Water Commissioners' Resolution is included in the Council File.

Council Rule 38 Referral

Pursuant to Council Rule 38, the Board of Water and Power Commissioners recommends approval of the draft ordinance authorizing this transaction.

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 MICHAELSON
Chief Assistant City Attorney

DM/TJC:pj
Transmittal