



Los Angeles
Department of
Water & Power

RESOLUTION NO. _____

BOARD LETTER APPROVAL

A blue ink signature of Richard F. Harasick, written in a cursive style.

RICHARD F. HARASICK
Senior Assistant General Manager
Water System

A blue ink signature of Martin L. Adams, written in a cursive style.

MARTIN L. ADAMS
Chief Operating Officer

A blue ink signature of David H. Wright, written in a cursive style.

DAVID H. WRIGHT
General Manager

DATE: February 16, 2017

SUBJECT: Grant of Easement to the County of Inyo for the Whitney Portal Road Rehabilitation Project Located in Lone Pine, Inyo County, California

SUMMARY

The grant of easement over certain real property owned by the City of Los Angeles (City) and under the management and control of LADWP was requested by the County of Inyo (County) for public roadway purposes to allow further construction of the Whitney Portal Road Rehabilitation Project (Project) located in Lone Pine, Inyo County, California. The easement conveyance will acknowledge the historical public use of the existing road and grant an additional 20 feet in width for the Project, totaling an easement area of 60 feet in width.

There is no expense to the City other than an administrative cost of processing the easement.

City Council approval is required according to Charter Section 675(d)(2).

RECOMMENDATION

It is requested that the Board of Water and Power Commissioners (Board) adopt the attached Resolution approving and recommending City Council's approval of the grant of easement to the County as required in Charter Section 675(d)(2).

ALTERNATIVES CONSIDERED

Alternatives considered included:

1. Granting an easement directly to the County versus competitive bidding will give support to the Project of improving transportation safety.
2. Granting a right-of-way in fee versus an easement creates potential remnant parcels that do not have access to established water systems. Easement provides reversion rights if the road is abandoned or relocated to help protect LADWP's watershed.
3. Not conveying an easement will contest the public benefits of improved safety and road conditions that would otherwise result from the Project.

FINANCIAL INFORMATION

A value of \$10,118 for 4.76 acres was established as the fair market value of the easement in an appraisal performed by The Dore Group, Lance W. Dore, MAI, FRICS (Certificate No. AG002464), dated October 26, 2015.

There is no expense to the City other than an administrative cost of processing the easement.

BACKGROUND

Federal Highway Administration (FHWA), County, Inyo National Forest, and Bureau of Land Management have jointly implemented a public works project to rehabilitate 11.2 miles of Whitney Portal Road by pulverizing and reclaiming the existing road, widening the shoulder area, and installing new asphalt. The expanded shoulder area is needed for car pullouts, cyclists, and future maintenance of the road surface, culverts, and drainage, which requires widening the road from 40 to 60 feet in width. Right-of-way rights need to be certified and conveyed as a condition of the Project.

Whitney Portal Road was originally constructed by the County on City property in the early 1930s without an official dedication or grant of right-of-way. On March 1, 1948, the County adopted the road into the County Road Register as County road S4018 through Resolution No. 48-8. Although LADWP acknowledges the adoption of Whitney Portal Road into the County Road Register, the City has never dedicated or conveyed an easement over its property for Whitney Portal Road with an official boundary described by legal description.

To correct this situation of not having a right-of-way with an official boundary described by legal description, LADWP negotiated with the County to recognize the existing 40-foot width of Whitney Portal Road based on the historic and continuous public use of the road, and to sell to the County an additional 20-foot wide easement (4.76 acres) for the shoulder expansion. The easement deed will convey both the existing 40-foot

roadway and the additional 20-foot roadway expansion, for a total of 14.34 acres of City property. Compensation is based only on the 20-foot roadway expansion.

LADWP entered into a right-of-entry with FHWA to keep construction of the Project on schedule while the County obtained its Board of Supervisor's approval to make the offer to LADWP to purchase a permanent road easement over 4.76 acres of City property in the amount of \$10,118. The County's offer was received on April 4, 2016. The right-of-entry will terminate upon recordation of the easement deed. Conveyance of easement will not impact LADWP's operational needs or purposes.

Important land attributes include:

- Easement size is 14.34 acres
- Easement compensation is \$10,118 for 20 additional feet in width (4.76 acres)
- Land use is zoned OS-40 (Open Space 40 acres minimum)

In accordance with the Mayor's Executive Directive No. 4, the City Administrative Officer's (CAO) Report was approved on February 1, 2017.

ENVIRONMENTAL DETERMINATION

In accordance with the California Environmental Quality Act (CEQA), the County prepared an environmental document, Mitigated Negative Declaration (MND), evaluating and disclosing the potential environmental impacts associated with the construction and operation of the Project and approved a Notice of Determination (NOD) on June 1, 2015. The NOD included mitigation measures and a mitigation reporting and monitoring program which were made as conditions of approval of the Project. Under CEQA, LADWP is the responsible agency whose discretionary approval to convey both the existing 40-foot roadway and the additional 20-foot roadway expansion (14.34 acres in total) to the County is needed in order to carry out the Project. LADWP's Board has reviewed and considered the information contained in the MND, pursuant to Section 15050 (b) of the CEQA guidelines.

CITY ATTORNEY

The Office of the City Attorney reviewed and approved the Resolution as to form and legality.

ATTACHMENTS

- Resolution
- Ordinance
- Easement Deed
- CAO Report