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CITY ATTORNEY

REPORT NO. R 17 . 0 0 9 7
MAR 3 1 2017

REPORT RE:

**DRAFT ORDINANCE TO APPROVE A RESOLUTION AUTHORIZING
THE GRANT OF EASEMENT TO THE COUNTY OF INYO FOR
THE WHITNEY PORTAL ROAD REHABILITATION PROJECT
LOCATED IN LONE PINE, INYO COUNTY, CALIFORNIA**

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. 017-195, dated March 21, 2017, authorizing the grant of easement (Easement) for public roadway purposes over a 14.34 acre portion of City of Los Angeles (City) property located in Lone Pine, Inyo County, California, to the County of Inyo (Inyo County).

Background

Federal Highway Administration (FHWA), Inyo County, Inyo National Forest, and Bureau of Land Management have jointly implemented a public works project (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 existing road from 40 to 60 feet.

Whitney Portal Road was originally constructed by Inyo County on City property in the early 1930s without an official dedication or grant of right-of-way. On March 1, 1948, Inyo County adopted the road into the Inyo County Road Register as County Road S4018 through Resolution No. 48-8. Although Los Angeles Department of Water and Power (LADWP) acknowledges the adoption of Whitney Portal Road into the Inyo County Road Register, the City has never dedicated or conveyed an easement over its property for Whitney Portal Road.

To correct this situation of not having a dedicated or conveyed a right-of-way, LADWP negotiated with Inyo 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 Inyo County an additional 20-foot wide easement (4.76 acres) for the shoulder area expansion. The Easement 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.

The following are important land attributes relating to the Easement:

- 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)

The Dore Group, Lance W. Dore, MAI, FRICS (Certificate No. AG002464) performed an appraisal dated October 26, 2015, and determined the fair market value for 20 additional feet in width (4.76 acres) to be \$10,118. Inyo County has agreed to pay \$10,118 for the Easement. The City will not incur any expenses other than an administrative cost to process the Easement.

On March 21, 2017, the Board of Water and Power Commissioners of the Department of Water and Power adopted Resolution No. 017-195 authorizing execution of an instrument in writing conveying the Easement to Inyo County.

Charter Requirements

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

CEQA Findings

In accordance with the California Environmental Quality Act (CEQA), Inyo County prepared an environmental document, Mitigated Negative Declaration (MND), evaluating and disclosing the potential environmental impacts associated with the

construction and operation of Project and approved a Notice of Determination (NOD) on June 1, 2015. NOD included mitigation measures and a mitigation reporting and monitoring program which were made as conditions of approval of 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 Inyo 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.

Recommendation

Based on the foregoing, it is requested that the City Council adopt the enclosed draft ordinance. A copy of the Board Resolution is included in the Council File.

Council Rule 38 Referral

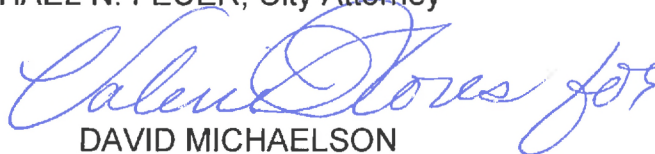
This draft ordinance has been presented to the Board of Water and Power Commissioners of the Department of Water and Power pursuant to Council Rule 38.

If you have any questions regarding this matter, please contact Deputy City Attorney John O. BeNUM at (213) 367-4535. 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

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Transmittal