

WHEREAS, Great Basin Unified Air Pollution Control District (Great Basin) has mandated the Los Angeles Department of Water and Power (LADWP) to mitigate dust from certain areas of private property surrounding Owens Lake under the 2011 Supplemental Control Requirements Determination; and

WHEREAS, Great Basin identified areas of land emitting dust on real property owned by CG Roxane, LLC (CG Roxane) located in Olancho, Inyo County, California, more particularly identified as a portion of Assessor's Parcel Nos. 033-050-01 and 033-050-04 (Property); and

WHEREAS, LADWP has requested and CG Roxane has agreed to the purchase of an easement to mitigate dust over a 17.958 acre portion of said Property for and in consideration of the price of \$18,000; and

WHEREAS, LADWP and CG Roxane have negotiated an Agreement of Purchase and Sale and Escrow Instructions (Purchase Agreement) that includes a long-term indemnification of CG Roxane against claims caused by LADWP's activities on said Property. The indemnification provision has been approved by LADWP's Risk Manager, and requires approval by the Board of Water and Power Commissioners (Board) and the Los Angeles City Council; and

WHEREAS, an Environmental Impact Report, prepared in compliance with the California Environmental Quality Act and certified by the Board on June 2, 2015, analyzed the impacts associated with the construction and operation of the Owens Lake Dust Mitigation Program Phase 9/10 Project (Project), and said easement is a part of the Project.

NOW, THEREFORE, BE IT RESOLVED that the Project will be furthered by the purchase of an easement from CG Roxane to mitigate dust on said Property, further described as:

That portion of fractional Section 6, Township 19 South, Range 37 East, Mt. Diablo Meridian, in the unincorporated territory of the County of Inyo, State of California, as described in Grant Deed from Eagle Packaging, Inc. to GC Roxane LLC, recorded in Document No. 2009-0003895-00, in the office of the County Recorder of said County, and more particularly described as follows:

COMMENCING at the northwesterly corner of said Section 6, monumented with a Capped 2-inch Iron Pipe as shown on Record of Survey filed in Map Book 12, page 31, recorded in said Recorder's office; THENCE, South 45°37'14" East, along the Meander Line of Owens Lake, 3697.34 feet to Point "A" and the TRUE POINT OF BEGINNING, where said Point "A" is North 45°37'17" West, 1185.79 feet from Capped 1-inch Iron Pipe monumenting an angle point in said Meander Line in said Section 6;

THENCE, leaving said Meander Line South 55°07'39" West, 29.70 feet; THENCE, South 1°57'01" East, 44.75 feet; THENCE, South 38°33'33" West, 44.16 feet; THENCE, South 53°41'47" West, 18.65 feet; THENCE, South 42°10'57" West, 102.65 feet; THENCE, South 14°22'47" West, 56.29 feet; THENCE, South 21°48'34" East, 113.77 feet; THENCE, South 34°50'13" East, 67.94 feet; THENCE, South 10°09'14" East, 61.55 feet; THENCE, South 32°36'16" West, 106.44 feet; THENCE, South 43°17'02" West, 69.07 feet; THENCE, South 30°21'26" West, 70.94 feet; THENCE, South 3°58'05" West, 45.50 feet; THENCE, South 24°10'46" East, 66.70 feet; THENCE, North 84°16'29" East, 155.25 feet; THENCE, North 66°10'44" East, 206.07 feet; THENCE, North 44°50'30" East, 134.39 feet; THENCE, North 65°28'14" East, 140.93 feet; THENCE, North 18°47'29" East, 102.99 feet to said Meander Line; THENCE, North 45°37'14" West along said Meander Line, 596.55 feet to the TRUE POINT OF BEGINNING.

Containing 5.970 acres (grid), more or less.

TOGETHER WITH that portion of fractional Section 6, Township 19 South, Range 37 East, Mt. Diablo Meridian, in the unincorporated territory of the County of Inyo, State of California, as described in Grant Deed from Eagle Packaging, Inc. to GC Roxane LLC, recorded in Document No. 2009-0003895-00, in the office of the County Recorder of said County, and more particularly described as follows:

COMMENCING at the northwesterly corner of said Section 6, monumented with a Capped 2-inch Iron Pipe as shown on Record of Survey filed in Map Book 12, page 31, recorded in said Recorder's office; THENCE, South 45°37'14" East, along the Meander Line of Owens Lake, 4883.12 feet to a Capped 1-inch Iron Pipe monumenting an angle point in said Meander Line, as shown on said Record of Survey and as shown on the May 1, 2003, unrecorded Survey Map prepared by Triad/Holmes Associates for Dirty Socks Duck Club LLC; THENCE, South 77°38'54" East along said Meander Line, 33.17 feet to Point "B", and the TRUE POINT OF BEGINNING; THENCE, South 10°45'14" East leaving said Meander Line, 56.03 feet; THENCE, South 16°45'40" East, 265.88 feet; THENCE, South 16°11'52" East, 144.93 feet; THENCE, South 8°40'57" East, 64.35 feet to the northerly line of the southwest quarter of the southeast quarter, of said Section 6; THENCE, continuing South 8°40'57" East, 15.07 feet; THENCE, South 30°30'26" East, 62.83 feet; THENCE, South 80°04'13" East, 103.47 feet; THENCE, South 65°51'17" East, 95.81 feet to the easterly line of said southwest quarter of the southeast quarter; THENCE, North 0°25'18" West, 128.17 feet to the northeast corner of said southwest quarter of the southeast quarter, which is North 89°27'27" East, 1312.63 feet from a 2-inch Iron Pipe with Tag RCE 10467 monumenting the northwest

corner of said southwest quarter of the southeast quarter; THENCE, North 89°27'27" East, 1312.63 feet to a point on the east line of said Section 6, where said point is North 0°36'27" West, 1319.77 feet from a 2-inch Iron Pipe with Tag RCE 15557 monumenting the southeast corner of said Section 6; THENCE, North 0°36'27" West along said east line of Section 6, 131.97 feet to a 1-inch Iron Pipe with Tag LS 4428 monumenting said Meander Line; THENCE, North 77°38'54" West, 1710.61 feet to the TRUE POINT OF BEGINNING.

Containing 11.988 acres (grid), more or less.

The Bearings used in these descriptions are on the California Coordinate System, NAD83, (CCS83/92), Zone 4. The Coordinate values, in U.S. Survey Feet, of said Mineral Monument No. 58, also known as Triangulation Station "Keeler" are: Northing 2,064,076.37, Easting 6,890,187.91. All distances shown herein are grid distances in U.S. Survey Feet. To obtain ground surface distances, multiply the distances shown by 1.000228742.

Said Triangulation Station "Keeler" is North 29°18'10" East, 75,767.45 feet from said Point "A" in the aforesaid description.

Said Triangulation Station "Keeler" is North 28°24'59" East, 76,075.30 feet from said Point "B" in the aforesaid description.

END OF DESCRIPTION

BE IT FURTHER RESOLVED that the Board hereby approves and recommends that the Los Angeles City Council approve the Purchase Agreement that includes a long-term indemnification provision, as provided in Los Angeles City Charter Section 373 and Administrative Code Section 10.5.

BE IT FURTHER RESOLVED, that the Chief Accounting Employee of the LADWP, upon proper certification, is authorized and directed to draw demands on the Water Revenue Fund, in accordance with the terms of the Purchase Agreement.

BE IT FURTHER RESOLVED, that upon approval by the Los Angeles City Council, the President or Vice President, or the General Manager, or such person as the General Manager shall designate in writing, and the Secretary, Assistant Secretary, or the Acting Secretary of the Board are hereby authorized and directed to execute said Purchase Agreement, approved as to form and legality by the City Attorney, for and on behalf of LADWP, and perform all other actions necessary to complete the transaction, in accordance with Los Angeles City Charter Section 373 and Administrative Code Section 10.5.

I HEREBY CERTIFY that the foregoing is a full, true, and correct copy of a Resolution adopted by the Board of Water and Power Commissioners of the City of Los Angeles at its meeting held

MAY 02 2017

Bonnie E. Rosales
Secretary

APPROVED AS TO FORM AND LEGALITY
MICHAEL N. FEUER, CITY ATTORNEY

BY John BeNUM
FEB 13 2017
JOHN BEANUM
DEPUTY CITY ATTORNEY