

182440

ORDINANCE NO. \_\_\_\_\_

An ordinance approving a Resolution of the Board of Water and Power Commissioners for the sale of surplus real property.

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

Section 1. The action of the Board of Water and Power Commissioners of the City of Los Angeles on the 18th day of September, 2012, approving the sale of surplus City-owned property is hereby ratified, confirmed, and approved. The approved Resolution reads:

RESOLUTION NO. 013 062

W-79914

BE IT RESOLVED:

Section 1. The Board finds and determines that the real property listed below, owned by the City of Los Angeles and under the control of the Los Angeles Department of Water and Power, is no longer required for the use of the City of Los Angeles or its Department of Water and Power, and it is in the best interest of the Los Angeles Department of Water and Power that said property be sold at public auction for not less than the minimum bid of \$528,000; provided, however, that pursuant to Charter Section 675, the sale of said property and the written instrument conveying title on the terms and conditions set forth herein shall first be duly approved by the Los Angeles City Council, whose approval is hereby requested.

Section 2. The real property is located in the city of Bishop, county of Inyo, state of California, and further described as follows:

That portion of Lot 25 of the Sierra Tract, in the northwest quarter of Section 6, Township 7 South, Range 33 East, Mt. Diablo Meridian, in the City of Bishop, County of Inyo, State of California, as per map recorded in Map Book 1, page 52-2, on file in the office of the County Recorder of said County, described as follows:

BEGINNING at the southwesterly corner of said Lot 25; thence North 00°51'53" West, 254.92 feet, along the westerly line of said Lot 25, to the southwesterly corner of that real property described in Deed to the Roman Catholic Bishop of Fresno, a corporation sole, recorded in Document

No. 87-4038, of Official Records, in said Recorder's office; thence North 87°35'38" East, 670.61 feet, along the southerly line of said real property, to the easterly line of said Lot 25; thence South 00°19'37" East, 277.98 feet to the southeasterly corner of said Lot 25; thence South 89°33'55" West, 667.77 feet to the POINT OF BEGINNING.

EXCEPTING therefrom "Portion A": the southerly 170.00 feet of the easterly 280.00 feet of said Lot 25; and "Portion B": the southerly 20.00 feet of said Lot 25.

Containing 2.822 acres, more or less.

### END OF DESCRIPTION

RESERVING unto that real property described in the above, EXCEPTING "Portion A", a Utility Easement and Right-of-Way to set power poles and guy wires; to construct, maintain, and repair power lines, underground conduit, appurtenant fixtures, and equipment; and the right to trim trees at any time in such a manner as to prevent interference with the same; together with the right of ingress and egress, all in, over, under, and across that portion of the real property conveyed herein, described as:

The northerly 10.00 feet of the southerly 46.50 feet of the above-described portion of said Lot 25.

SUBJECT TO all outstanding taxes and assessments, if any.

SUBJECT TO any and all easements, covenants, conditions, restrictions, and other matters of record.

EXCEPTING AND RESERVING unto the City of Los Angeles all water and water rights, whether surface, subsurface, or of any other kind, and all water and water rights appurtenant or in anywise incident to the real property herein described, or used thereon or in connection therewith, together with the right to develop, take, transport, control, regulate, and use all such water; and reserving unto the Grantor all oil, gas, petroleum, or other mineral or hydrocarbon substances in and under said land, without the right to enter upon the surface of said land for such use.

Section 3. The terms and conditions of the public auction, which shall be held in Bishop, California, shall be as specified herein and in the Notice of Sale pursuant to the authority granted herein and in the Ordinance submitted herewith.

Section 4. Prior to the auction, the General Manager of the Los Angeles Department of Water and Power is authorized to have the appraisal upon which the minimum bid set forth in this Resolution updated. Should the updated appraisal demonstrate an appraised value different from that set forth herein and in the notice of sale, the General Manager is authorized to replace the minimum bid with the updated value reflected in the updated appraisal.

Section 5. The Aqueduct Manager of the Los Angeles Department of Water and Power is hereby authorized and directed to cause said Notice of Sale to be given inviting oral bids for the sale of said excess real property at public auction; said Notice of Sale shall be given by publishing the same for three successive days in a newspaper of general circulation, printed and published in the city of Los Angeles, California; and further, said Notice of Sale shall be given by publishing the same for three consecutive days in a newspaper of general circulation in the county of Inyo, California, as the General Manager or his designees may direct.

Section 6. The Chief Accounting Employee of the Los Angeles Department of Water and Power, upon proper certification, is authorized and directed to draw demands on the Water Revenue Fund in payment of the publication of the aforesaid Notice of Sale and associated cost at the established legal rate and outreach advertising costs.

Section 7. After holding the auction, should no acceptable bid be received or should the sale not be completed for the property described herein, the General Manager of the Los Angeles Department of Water and Power or his designee, is hereby authorized to:

1. Re-offer said property for sale to the second highest bidder, and if second highest bidder fails to complete the sale and/or comply with the conditions of the sale, to the third then fourth highest bidders, upon the same terms and conditions specified in the Notice of Sale without further order or permission of the Los Angeles City Council, or
2. Declare the present Notice of Sale immediately invalid and, pursuant to Division 7, Chapter I, Article 4, Section 7.32 of the Los Angeles Administrative Code, cause one or more other notices of sale to be published and to conduct one or more other sale auctions under the terms and conditions of the new Notice of Sale until said property authorized for sale herein is sold or otherwise disposed.

The provisions of this section shall be effective for a period of two (2) years from the effective date of the Ordinance approving this Resolution.

Section 8. The General Manager of the Los Angeles Department of Water and Power is hereby authorized to confirm the sale of the property to the highest bidder or its successor or assigns according to the terms set forth above and for not less than the minimum bid described herein, subject to the right of the City Council, the Board, or the General Manager to reject any and all bids or to withdraw any of the real property from sale.

Section 9. Upon approval by City Council of this Resolution, the President or Vice President of this Board, or the General Manager, or such person as he shall designate in writing as his designee, and the Secretary, Assistant Secretary, or the Acting Secretary of this Board are hereby authorized, empowered, and directed to execute an instrument in writing, approved as to form and legality by the City Attorney, conveying title to the property, sold at public auction as provided herein, upon confirmation of the sale and acceptance by the Board of the successful bid for said property, for and on behalf of the City of Los Angeles and the Los Angeles Department of Water and Power.

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

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Secretary

Sec. 2. Pursuant to Section 7.23 of the Los Angeles Administrative Code, the Los Angeles Department of Water and Power is hereby directed to take the following actions:

- a. Publish the Notice of Sale for three days in a newspaper of general circulation, printed and published in the City; and
- b. Post the Notice of Sale in a prominent and visible location on the real property to be sold not less than 30 days prior to the sale.

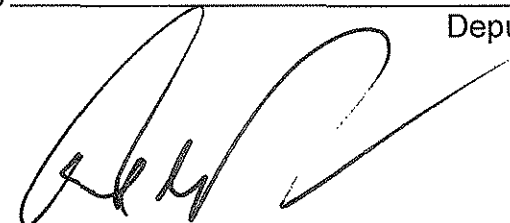
Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board 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, at its meeting of FEB 0 6 2013.

JUNE LAGMAY, City Clerk

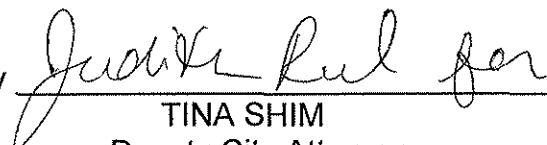
By   
\_\_\_\_\_ Deputy

Approved FEB 1 2 2013

  
\_\_\_\_\_ Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By   
\_\_\_\_\_ TINA SHIM  
Deputy City Attorney

Date January 3, 2013

File No. CF 12-1514