



RESOLUTION NO. \_\_\_\_\_

BOARD LETTER APPROVAL

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**RICHARD F. HARASICK**  
Senior Assistant General Manager  
Water System

A handwritten signature in blue ink, appearing to read 'M. Adams', written over a horizontal line.

**MARTIN L. ADAMS**  
General Manager and Chief Engineer

**DATE:** October 19, 2020

**SUBJECT:** Grant of Easement to the County of Inyo for Public Roadway Purposes

**SUMMARY**

The grant of easement for public roadway purposes over certain real property owned by the City of Los Angeles (City), and under management and control of LADWP, was requested by the County of Inyo (County) as part of LADWP's plan to construct the new North Haiwee Dam No. 2 (Project) over a portion of Cactus Flats Road, an existing County road located at Haiwee Reservoir, Inyo County.

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 recommending City Council's approval of the grant of easement for Cactus Flats Road to the County as required in Charter Section 675(d)(2).

**ALTERNATIVES CONSIDERED**

Alternatives considered included:

1. Making an Irrevocable Offer of Dedication will hold LADWP responsible for the maintenance, operation, and liability of the road until the County accepts the dedication.
2. Not granting an easement will obstruct LADWP's ability to construct the Project in a timely manner.

## **FINANCIAL INFORMATION**

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

## **BACKGROUND**

LADWP has determined that the existing North Haiwee Dam needs to be replaced because it does not meet current design standards and is seismically deficient. The California Department of Water Resources – Division of Safety of Dams has also imposed temporary operating restrictions on permitted water elevations until a new dam is constructed. One component of the Project requires the realignment of a portion of Cactus Flats Road as the new dam will be constructed over the current road alignment.

On July 24, 2018, the Board by Resolution No. 019 007 approved CEQA for the Project. Additional Board approval is required for the conveyance of an easement to the County as a condition of the Project. LADWP has negotiated with the County Public Works Department to realign a portion of the County road under the following conditions:

1. LADWP will realign a portion of Cactus Flats Road by constructing a new road on City property located outside the Project area.
2. LADWP will grant to the County an easement for the new road alignment and the County will quitclaim any interest in the old road alignment to LADWP.

The grant of easement will cover a total area of 17.04 acres (14.81 acres of new road and 2.23 acres of existing road). The County will abandon and quitclaim approximately 2.0 acres of road, as shown on the attached survey drawing S-737-D.

Cactus Flats Road was originally constructed by the County on the City's property without an official dedication or grant of right-of-way. The County adopted Cactus Flats Road into the County Road Register on March 1, 1948, as County road S5024. Although LADWP acknowledges the adoption of Cactus Flats Road into the County Road Register, the City has never dedicated or conveyed an easement for Cactus Flats Road with an official boundary described by legal description. The easement will officially recognize the historic and continuous public use of Cactus Flats Road. In accordance with the Mayor's Executive Directive No. 4, the City Administrative Officer's Report was approved on October 7, 2020.

## **ENVIRONMENTAL DETERMINATION**

Determine item is exempt pursuant to California Environmental Quality Act (CEQA) Guidelines 15060 (c)(3). In accordance with Section 15060 (c)(3) of the CEQA Guidelines, an activity is not subject to CEQA if it does not meet the definition of a project. Section 15378 (b)(5) states that organizational or administrative activities that will not result in direct or indirect physical changes in the environment do not meet that definition. Therefore, the action of granting an easement of Cactus Flats Road over

certain real property owned by the City and under the management and control of LADWP tho the County is not subject CEQA.

In compliance with CEQA Guidelines Sections 15080-15097 (EIR previously adopted), an Environmental Impact Report (EIR) was prepared to analyze the impacts associated with the construction and operation of the North Haiwee Dam No. 2 Seismic Improvement Project, including the realignment of Cactus Flats Road. On July 24, 2018, the Board of Water and Power Commissioners certified the EIR, adopted the Mitigation Monitoring and Reporting Program, Findings of Fact and Statement of Overriding Considerations, and approved the project.

### **CITY ATTORNEY**

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

### **ATTACHMENTS**

- Survey Drawing S-737-D
- Resolution
- Ordinance
- Easement Deed
- Quitclaim Deed
- CAO Report