

0150-12316-0000

TRANSMITTAL

TO Martin L. Adams, General Manager Los Angeles Department of Water and Power	DATE 08/31/2023	COUNCIL FILE
FROM The Mayor	COUNCIL DISTRICT	

**LOS ANGELES DEPARTMENT OF WATER AND POWER (LADWP) PROPOSED
RESOLUTION AND RIGHT OF WAY CONTRACT – STATE HIGHWAY NO. 4607/4068 WITH
THE STATE OF CALIFORNIA FOR THE SALE OF REAL PROPERTY INTERESTS FOR THE
LADWP NORTH SEE VEE SIGNAL PROJECT**

Transmitted for further processing and Council consideration.
See the City Administrative Officer report attached.



MAYOR
(Chris Thompson for)

MWS:PJH/BC/JVW:cm:10230190t

OFFICE OF THE CITY ADMINISTRATIVE OFFICER

Date: June 27, 2023

CAO File No. 0150-12316-0000

Council File No.

Council District:

To: The Mayor

From: Matthew W. Szabo, City Administrative Officer

  for

Reference: Communication from the Department of Water and Power dated March 14, 2023; referred by the Mayor for report on April 3, 2023

Subject: **LOS ANGELES DEPARTMENT OF WATER AND POWER (LADWP) PROPOSED RESOLUTION AND RIGHT OF WAY CONTRACT – STATE HIGHWAY NO. 4607/4068 WITH THE STATE OF CALIFORNIA FOR THE SALE OF REAL PROPERTY INTERESTS FOR THE LADWP NORTH SEE VEE SIGNAL PROJECT**

RECOMMENDATION

That the Mayor:

1. Approve the Los Angeles Department of Water and Power (LADWP) proposed resolution authorizing approval of the Right of Way Contract – State Highway Agreement No. 4067/4068 with the State of California, Department of Transportation for the sale of real property interests owned and under the control of LADWP totaling \$54,551.73 for the North See Vee Signal Project to improve public safety along U.S. Route 395;
2. Adopt the California Environmental Quality Act (CEQA) determinations of the Los Angeles Board of Water and Power Commissioners that the item is exempt from CEQA pursuant to Section 15060(c)(3) and Section 15378(b)(4) that states an activity is not subject to CEQA if the activity is not a project; and
3. Return the proposed Resolution to LADWP for further processing, including Council consideration.

SUMMARY

The Los Angeles Department of Water and Power (LADWP) requests approval of the sale of real property interests to the State of California, Department of Transportation (State). The State has a public improvement project, North See Vee Signal Project (Project), to install a traffic signal and sidewalks at the intersection of North See Vee Lane and U.S. Route 395, in the City of Bishop, Inyo County, California. The State has requested to purchase real property interests from LADWP for property the State deems necessary for the Project. As a result, LADWP and the State have negotiated a Right of Way Contract – State Highway for the purchase and sale of the real property interests to the State in the amount of \$54,551.73.

The proposed agreement has been reviewed and approved as to form by the City Attorney. Pursuant to Charter Section 675(d)(2), the sale of real property rights requires written approval of the City Council approval. Our office has reviewed the request and recommends approval.

BACKGROUND

The State requested to purchase fee and easement interests from the LADWP for its Project. LADWP and the State negotiated a Right of Way Contract – State Highway Document No. 4067/4068 (Agreement) for the sale of the real property interests to the State for its Project. LADWP reports that the proposed sale of real property interests will not impact LADWP's operation of generating water and power nor the protection or conservation of water and power resources.

Project – The Project is to install a traffic signal and sidewalks at the intersection of North See Vee Lane and U.S. Route 395 in the City of Bishop. The State prepared a Mitigated Negative Declaration (MND) to analyze the impacts associated with the construction and operation of the Project and a Notice of Determination was filed on April 4, 2017. The Los Angeles Board of Water and Power Commissioners reviewed and considered the information contained in the MND, pursuant to Section 15050(b) of the California Environmental Quality Act (CEQA) Guidelines.

Right of Entry Contract – On May 4, 2017, LADWP and the State entered into the Right of Entry Contract which allowed the State temporary access for construction and staging purposes on Parcels Nos. 4067-3, 4067-4, and 4068-2. This prior agreement allowed a working room; construction of a driveway and sidewalks; and relocation of an irrigation ditch. The term was for 22 months and terminated on March 4, 2019. This agreement allowed the State to commence the Project with the understanding that LADWP may convey real property interests only with the express written permission of the Board and the Los Angeles City Council.

Proposed Right of Way Contract – Approval of the Agreement will allow the State to proceed with the Project. It will result in the State acquiring fee interest in: Parcel Nos. 4067-1, 4067-2 and 4068-1; an underlying fee interest in an existing right-of-way easement; an aerial easement over Parcel 4067-5; and temporary access for construction laydown and staging purposes on Parcels Nos. 4067-3, 4067-4, and 4068-2.

Sale Price - The State offered \$17,800 as the market value. However, LADWP hired a real estate appraiser who subsequently estimated the market value at \$67,400. LADWP and the State settled on a value of \$54,551.73.

Alternatives Considered – LADWP considered not selling the real property interests for the parcels but not doing so would prevent the State from proceeding with its public safety and improvement Project and could result in the State attempting to acquire the property through eminent domain. Considering the public safety goal of the Project, our Office agrees with the recommendation to sell the property to the State for the public benefit.