

MOTION

I HEREBY MOVE that the Council ADOPT the following recommendations of the City Attorney in order to effect settlement in the case entitled Bulwer Drive LLC v. City of Los Angeles, Los Angeles Superior Court Case No. BC567318 (lawsuit concerning 8041 and 8045 Bulwer Drive in Council District Four; this case is an inverse condemnation action against the City arising out of Plaintiff’s claim of impairment of access to two homes on Bulwer Drive), **SUBJECT TO THE APPROVAL OF THE MAYOR:**

1. APPROVE settlement of the above-entitled matter on the following terms:
 - a. The City agrees to pay the Plaintiff \$1.7 million.
 - b. The Plaintiff will pay the Public Works Bureau of Engineering (BOE) \$50,000 to reimburse the BOE for its past and anticipated future costs related to the Plaintiff’s improvement of Bulwer Drive.
 - c. The Plaintiff will transfer ten of its lots to the Santa Monica Mountains Conservancy and deed restrict them as open space to ensure that the improvements to Bulwer Drive do not lead to further development of Plaintiff’s lots. The Santa Monica Mountains Conservancy will pay the City \$250,000 for the acquisition of these lots after January 1, 2018.
 - d. The City will dismiss its appeal of the California Environmental Quality Act (CEQA) action.
2. AUTHORIZE the City Attorney to execute a settlement agreement and other documents necessary to implement the settlement.
3. AUTHORIZE the City Attorney to draw a demand in the amount of \$1.7 million from Fund No. 100/59, Account No. 009798, Miscellaneous Liability Payouts, made payable to: Bulwer Drive LLC.
4. AUTHORIZE the City Attorney, or designee, to make necessary technical adjustments, subject to the approval of the City Administrative Officer; and, AUTHORIZE the Controller to implement the instructions.

This matter was recommended for approval by the Budget and Finance Committee (Krekorian – Koretz – Blumenfield – Bonin: “Yes”) at its meeting on July 24, 2017, in Closed Session as permitted by Government Code Section 54956.9(d)(1).

(Public Works and Gang Reduction Committee waived consideration of the above matter)

PRESENTED BY _____
PAUL KREKORIAN
Councilmember, 2nd District

SECONDED BY _____
Paul Koretz
Councilmember, 5th District