

ORDINANCE NO. _____

An ordinance approving Resolution No. 021-050 of the Board of Water and Power Commissioners authorizing the sale of two easements to the State of California, Department of Transportation.

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

Section 1. It is found and determined that the easements described in this ordinance, over property owned by the City of Los Angeles and under the management and control of the Los Angeles Department of Water and Power (LADWP), should be granted to the State of California, Department of Transportation. The Board of Water and Power Commissioners (Board) has adopted a resolution approving a Right of Way Contract-State Highway (Agreement) and the sale of easements, and requesting the City Council to approve and authorize, by ordinance, the execution of the Agreement and the execution, acknowledgment, and delivery of instruments, in writing, on behalf of the City of Los Angeles, as provided in Section 675(d)(2) of the Los Angeles City Charter, in order to complete this transaction.

Sec. 2. The easements are described more particularly in the attached Exhibit A.

Sec. 3. The Agreement and the grant of easements are hereby approved, authorized and ordered. The President or Vice President of the Board, or the General Manager of LADWP, 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 the Agreement, and, in the name of the City of Los Angeles, instruments in writing, approved as to form and legality by the City Attorney, conveying said easements to the State of California, Department of Transportation.

Sec. 4. This ordinance shall be effective upon its publication as provided in Section 252(j) of the Los Angeles Charter.

EXHIBIT A

DISTRICT 9	COUNTY Inyo	ROUTE 395	POSTMILE 36.0	EXP AUTH 09-21340 PROJECT 0900000030
, California			DATE	
GRANTOR(S) The City of Los Angeles, Department of Water and Power				

Document Nos. 4037-1 and 4037-2 in the form of **Easement Deeds attached hereto as Exhibit 1**, covering the property particularly described in the above instruments, have or will be executed and delivered to Tanya Chytka, Right of Way Agent for the State of California.

In consideration of which, and the other considerations hereinafter set forth, it is mutually agreed as follows:

- (A) The parties have herein set forth the whole of their agreement. The performance of this Agreement constitutes the entire consideration for **Document Nos. 4037-1 and 4037-2** and shall relieve the State of all further obligation or claims for consideration on account of its proposed public improvement project (Olancho-Cartago Four-Lane Expressway Project).

(B) Grantee requires said property described in **Document Nos. 4037-1 and 4037-2** for State highway purposes, a public use for which Grantee has the authority to exercise the power of eminent domain. Grantor is compelled to sell, and Grantee is compelled to acquire the property.

(C) Both Grantor and Grantee recognize the expense, time, effort, and risk to both parties in determining the compensation for the property by eminent domain litigation. The compensation set forth herein for the property is in compromise and settlement in lieu of such litigation.
- The State shall pay the undersigned Grantor the sum of **\$38,000.00** for the property rights conveyed in this transaction.
- The State shall pay all escrow and recording fees incurred in this transaction and, if title insurance is desired by the State, the premium charged therefor. The escrow and recording charges shall not, however, include documentary transfer taxes (as the State is exempt from such taxes). This transaction shall be handled through an external escrow with Inyo-Mono Title Company, 873 North Main Street, Bishop, CA 93514, their File Nos. IMT-00007612-I, IMT-00007613-I, IMT-00007614-I.
- It is agreed and confirmed by the parties hereto that notwithstanding other provisions in this Agreement, the right of possession and use of **Parcels 4037-1 and 4037-2** by the State, including the right to remove, dispose of, or relocate improvements, as the case may be, shall commence on the date the amount of funds as specified in Clause 2 herein are deposited into the escrow controlling this transaction. The amount shown in Clause 2 herein includes, but is not limited to, full payment for such possession and use and all rights granted within the Easement Deeds, including severance damages, if any, from said date.
- It is understood and agreed to by and between the parties that the property is encumbered by Ranch Lease No.: RLI-490 between Scott T. Kemp and Grantor, dated March 7, 2017 (the "Kemp Ranch Lease"). It is further understood and agreed to by and between the parties that, pursuant to the Kemp Ranch Lease, Grantor shall terminate the Kemp Ranch Lease as to the portion of property more particularly described in **Document Nos. 4037-1 and 4037-2** at least 30 days prior to the date that State has the right of possession and use of the property as described in Clause 4 above. Grantor shall provide

evidence of said termination to State at least five (5) days prior to the date that State has the right of possession and use of the property. Grantor warrants that there are no other oral or written leases on all or any portion of the property exceeding a period of one month.

6. The acquisition price of the property being acquired in this transaction reflects the fair market value of the property without the presence of contamination. If the property being acquired is found to be contaminated by the presence of hazardous waste which requires mitigation by the State under Federal or State law, the State may elect to recover its cleanup costs from those who caused or contributed to the contamination pursuant to Federal or State law.
7. It is understood and agreed by and between the parties hereto that this Agreement inures to the benefit of, and is binding on, the parties, their respective heirs, personal representatives, successors and assigns.
8. This Contract may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.
9. It is understood and agreed by and between the parties that this Agreement does not cover costs for the relocation of any of Grantor's utilities, facilities, or improvements located within the Olancho-Cartago Four-Lane Expressway Project area as a whole.
10. It is further understood and agreed by and between the parties that costs for the relocation of Grantor's utilities, facilities, or improvements located within the Olancho-Cartago Four-Lane Expressway Project area will be addressed in a future Utility Agreement between the State and Grantor. Under that Utility Agreement, relocation of Grantor's rights that are superior to those of the State will be relocated at the State's expense.
11. It is further understood and agreed by and between the parties that Grantor has other real property interests and/or rights, including but not limited to those related to the Los Angeles Aqueduct and the Owen Lake Main Pipeline, that may be affected by the Olancho-Cartago Four-Lane Expressway Project. Insofar as these interests and/or rights are not addressed by this Agreement or by the future Utility Agreement referenced in Clause 10, it is understood and agreed by and between the parties that the State and Grantor will enter into a future Memorandum of Understanding to address protection of these interests and/or rights if affected by Olancho-Cartago Four-Lane Expressway Project.

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12. The State agrees to install two gates within the State's right of way (**Parcel 4037-1**) pursuant to the map attached hereto as Exhibit 2. It is understood and agreed by and among the parties hereto that this map shows the best approximation of the proposed location of the two gates. State reserves the right to alter the location of each gate as needed based on its standard specifications and project plans.

Each gate will be approximately sixteen (16) feet wide, four (4) feet three (3) inches in height and constructed of tubular steel.

Following installation, both gates will be locked with access limited to the State and those holding an encroachment permit. Grantor agrees that they will not access, use, or otherwise encroach on these gates unless and until Grantor has applied for and the State has issued an encroachment permit for such purposes. The State's issuance of Grantor's encroachment permit for this purpose will not be unreasonably withheld. Should such an encroachment permit issue to Grantors for this purpose, it is understood and agreed by and between the parties that maintenance and repairs of each gate will be performed by the State.

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In Witness Whereof, the parties have executed this Agreement the day and year first above written.

Grantor:

DEPARTMENT OF WATER AND POWER
OF THE CITY OF LOS ANGELES BY
BOARD OF WATER AND POWER COMMISSIONERS

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

BY APR 14 2020
John Bealum
JOHN BEALUM
DEPUTY CITY ATTORNEY

By: _____
MARTIN L. ADAMS
General Manager and Chief Engineer

Date: _____

And: _____
SUSAN A. RODRIGUEZ
Board Secretary

AUTHORIZED BY:

Resolution No. _____
Adopted _____
Approved by Council on _____
Council File No. _____

Recommended for Approval:

By _____
TANYA CHYTKA
Right of Way Agent

STATE OF CALIFORNIA
Department of Transportation

By _____
TANISHA BARFIELD
Office Chief - District 9
Right of Way

By _____
NICHOLAS G. DUMAS
Assistant Central Region Chief
Right of Way

NO OBLIGATION OTHER THAN THOSE SET FORTH HEREIN WILL BE RECOGNIZED

ADA Notice

For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

Exhibit 1

RECORDING REQUESTED BY:
State of California

WHEN RECORDED, MAIL TO:
Department of Transportation
District 9 Right of Way Office
500 South Main Street
Bishop, CA 93514

OFFICIAL STATE BUSINESS

Exempt from recording fees pursuant to
Government Code 27383
Government Code 27388.1(a)(2)
Documentary Transfer Tax \$0.00 pursuant to
Revenue and Taxation Code 11922

THE AREA ABOVE THIS LINE IS FOR RECORDER'S USE

EASEMENT DEED	Grantee: State of California
	Project: Olancha-Cartago Four-Lane Expressway Project
	Location: Por. of APNs 033-020-06, 033-020-07, and 033-020-18

As authorized by the Board of Water and Power Commissioners by Resolution No. ____ adopted on ____, 20__, and approved by the Los Angeles City Council on ____, 20__, for valuable consideration, receipt of which is hereby acknowledged, the CITY OF LOS ANGELES, a municipal corporation, grants to the STATE OF CALIFORNIA, an easement for highway purposes over and across that certain real property owned by the City of Los Angeles and under the management and control of the Los Angeles Department of Water and Power, in the County of Inyo, State of California, described more particularly in *Exhibit A*, attached hereto and made a part thereof.

SUBJECT TO all outstanding taxes and assessments, if any.

SUBJECT TO any and all agreements, covenants, conditions, restrictions, easements, reservations, rights and rights-of-way of record, and other matters of record.

SUBJECT TO any rights-of-way which may be apparent if a visual inspection is made of said real property.

EXCEPTING AND RESERVING TO 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 City of Los Angeles all oil, gas,

Exhibit 1

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.

Exhibit 1

DEPARTMENT OF WATER AND POWER
OF THE CITY OF LOS ANGELES BY
BOARD OF WATER AND POWER COMMISSIONERS

By: _____
MARTIN L. ADAMS
General Manager and Chief Engineer

Date: _____

And: _____
SUSAN A. RODRIGUEZ
Board Secretary

AUTHORIZED BY:

Resolution No.
Adopted.....
Approved by Council on
Council File No.....

Exhibit 1

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of _____

On

DATE _____

before me,

Here Insert Name and Title of the Officer

personally appeared

NAME(S) OF SIGNER(S)

Who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

SIGNATURE OF NOTARY PUBLIC

Place Notary Seal Above

[illegible]

Exhibit 1

This is to certify that the State of California, acting by and through the Department of Transportation (according to Section 27281 of the Government Code), accepts for public purposes the easement rights describe in this deed and consents to its recordation.

STATE OF CALIFORNIA
DIRECTOR OF TRANSPORTATION

By:

TANISHA BARFIELD
Attorney in Fact

Date:

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

County of

Here Insert Name and Title of the Officer

NAME(S) OF SIGNER(S)

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Signature

SIGNATURE OF NOTARY PUBLIC



Exhibit A

PARCEL 4037-1 HIGHWAY EASEMENT

An easement for highway purposes over that portion of the east half of Section 12, Township 19 South, Range 36 East, M.D.B. & M. according to the official plat thereof, located in an unincorporated area of County of Inyo, State of California, more particularly described as follows:

Commencing at a 3/4 inch rebar with 2 inch diameter aluminum cap stamped "T19S R36E 1/4 S12 S13 LS 7002" set to mark the south quarter corner of said Section 12 per Record of Survey Map Book 15, Pages 23 thru 25 as recorded September 25, 2001 of the Official Records of said County;

Thence easterly along the south line of said section 12, N 88°59'52" E, 176.17 feet to the TRUE POINT OF BEGINNING;

Thence the following courses;

Course #1, continuing along said south line, N 88°59'52" E, 350.01 feet to a point from which a 2 1/2 inch iron pipe set to mark the east one sixteenth corner of said Section 12, per said Record of Survey Map Book 15, Pages 23 thru 25, bears N 88° 59' 52" E, 767.11 feet;

Course #2, leaving said south line, N 0°30'45" W, 4,447.78 feet;

Course #3, N 00°48'38" W, 158.27 feet;

Course #4, N 59°11'23" E, 45.01 feet;

Course #5, N 00°48'38" W, 200.00 feet;

Course #6, N 60°48'22" W, 45.00 feet;

Course #7, N 00°48'38" W, 434.39 feet to the north line of said Section 12;

Course #8, along the north line of said Section 12, S 89°01'16" W, 350.00 feet, from which a 2 1/2 inch outside diameter iron pipe with tag stamped RCE 10467 set to mark

Exhibit A

the north quarter corner of said Section 12 per Record of Survey Map Book 10 Page 75 as recorded in said Inyo County recorder's office bears S 89°01'16" W, 135.34 feet; Course #9, leaving said north line of Section 12, S 00°48'38" E, along a line parallel to and 350.00 feet distant from course #7, 835.99 feet; Course #10, S 00°30'45" E along a line parallel with and 350.00 feet distant from Course #2, 4,449.61 feet to the true point of beginning.

Lands abutting the highway shall have no right or easement of access except the right of access to the highway over and across the southerly 80 feet of the northerly 140 feet of course #5 described above as N 00°48'38" W, 200.00 feet, the southerly 30 feet of the northerly 833.70 feet of Course #10 as described above and the southerly 30 feet of the northerly 834.75 feet of Course #2 as described above.

EXCEPTING AND RESERVING TO 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 City of Los Angeles 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.

The bearings and distances used in the above description are on the California Coordinate System of 1983 (epoch 1991.35), Zone 4. Divide the above distances by 0.9997828 to obtain ground level distances.

Exhibit A

This real property description was prepared by me, or under my direction in
conformance with the Professional Land Surveyors Act of California.

Prepared by:

Raymond Warburton, LS 8007 Exp. 12/31/2020

Date

Exhibit 1

RECORDING REQUESTED BY:
State of California

WHEN RECORDED, MAIL TO:
Department of Transportation
District 9 Right of Way Office
500 South Main Street
Bishop, CA 93514

OFFICIAL STATE BUSINESS

Exempt from recording fees pursuant to
Government Code 27383
Government Code 27388.1(a)(2)
Documentary Transfer Tax \$0.00 pursuant to
Revenue and Taxation Code 11922

THE AREA ABOVE THIS LINE IS FOR RECORDER'S USE

EASEMENT DEED	Grantee: State of California
	Project: Olancho-Cartago Four-Lane Expressway Project
	Location: Por. of APN 033-020-06

As authorized by the Board of Water and Power Commissioners by Resolution No. _____ adopted on _____, 20____, and approved by the Los Angeles City Council on _____, 20____, for valuable consideration, receipt of which is hereby acknowledged, the CITY OF LOS ANGELES, a municipal corporation, grants to the STATE OF CALIFORNIA, an easement for road purposes over and across that certain real property owned by the City of Los Angeles and under the management and control of the Los Angeles Department of Water and Power, in the County of Inyo, State of California, described more particularly in *Exhibit A*, attached hereto and made a part thereof.

SUBJECT TO all outstanding taxes and assessments, if any.

SUBJECT TO any and all agreements, covenants, conditions, restrictions, easements, reservations, rights and rights-of-way of record, and other matters of record.

SUBJECT TO any rights-of-way which may be apparent if a visual inspection is made of said real property.

EXCEPTING AND RESERVING TO 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 City of Los Angeles all oil, gas,

Exhibit 1

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.

Exhibit 1

DEPARTMENT OF WATER AND POWER
OF THE CITY OF LOS ANGELES BY
BOARD OF WATER AND POWER COMMISSIONERS

By: _____
MARTIN L. ADAMS
General Manager and Chief Engineer

Date: _____

And: _____
SUSAN A. RODRIGUEZ
Board Secretary

AUTHORIZED BY:

Resolution No. _____
Adopted..... _____
Approved by Council on _____
Council File No..... _____

1

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

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Who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
SIGNATURE OF NOTARY PUBLIC

[illegible]

Exhibit 1

This is to certify that the State of California, acting by and through the Department of Transportation (according to Section 27281 of the Government Code), accepts for public purposes the easement rights describe in this deed and consents to its recordation.

STATE OF CALIFORNIA
DIRECTOR OF TRANSPORTATION

By: _____
TANISHA BARFIELD
Attorney in Fact

Date: _____

Exhibit 1

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State of California

County of _____ }

On _____ before me,

DATE

Here Insert Name and Title of the Officer

personally appeared _____

NAME(S) OF SIGNER(S)

Who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

SIGNATURE OF NOTARY PUBLIC

Place Notary Seal Above

Exhibit A

PARCEL 4037-2 ROAD EASEMENT

An easement for road purposes over that portion of the northwest quarter of the northeast quarter of Section 12, Township 19 South, Range 36 East, M.D.B. & M. According to the official plat thereof, located in an unincorporated area of County of Inyo, State of California, more particularly described as follows:

Commencing at a 3/4 inch rebar with aluminum cap stamped "T19S R36E 1/4 S12 S13 LS 7002" set to mark the south quarter corner of said Section 12 per Record of Survey Map Book 15 pages 23 thru 25 as recorded in September 25, 2001 of the Official Records of said County;

Thence easterly along the south line of said Section 12, N 88°59'52" E, 176.17 feet;

Thence continuing along said south line, N 88°59'52" E, 350.01 feet to a point from which a 2 1/2 inch iron pipe set to mark the east one sixteenth corner of said Section 12, per said Record of Survey Map Book 15, Pages 23 thru 25, bears

N 88° 59' 52" E, 767.11 feet;

Thence leaving said south line, N 0°30'45" W, 4,447.78 feet;

Thence N 00°48'38" W, 158.27 feet;

Thence N 59°11'23" E, 45.01 feet to the TRUE POINT OF BEGINNING;

Thence N 00°48'38" W, 200.00 feet;

Thence N 89°11'22" E, 237.78 feet to the beginning of a curve concave to the north, having a radius of 900.00 feet;

Thence easterly along said curve 306.25 feet through a central angle of 19°29'48";

Thence N 69°41'34" E, 269.02 feet to the east line of the northwest quarter of the northeast quarter of said Section 12, from which a 2 1/2 inch outside diameter iron pipe with brass tag stamped "RCE 10467" per Parcel Map Book 2 pages 37 and 38 recorded

Exhibit A

April 25, 1979 in said Inyo County Recorder's office, set to mark the east sixteenth corner of said Section 12 bears N 00°01'24" W, 317.99 feet;

Thence S 00°01'24" E along the east line of the northwest quarter of the northeast quarter of said Section 12, 213.22 feet;

Thence leaving said east line, S 69°41'34" W, 195.10 feet to the beginning of a curve concave to the north, having a radius of 1100.00 feet;

Thence westerly along said curve 374.31 feet, through a central angle of 19°29'48";

Thence S 89°11'22" W, 237.78 feet to the POINT OF BEGINNING;

EXCEPTING AND RESERVING TO 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 City of Los Angeles 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.

The bearings and distances used in the above description are on the California Coordinate System of 1983 (epoch 1991.35), Zone 4. Divide the above distances by 0.9997828 to obtain ground level distances.

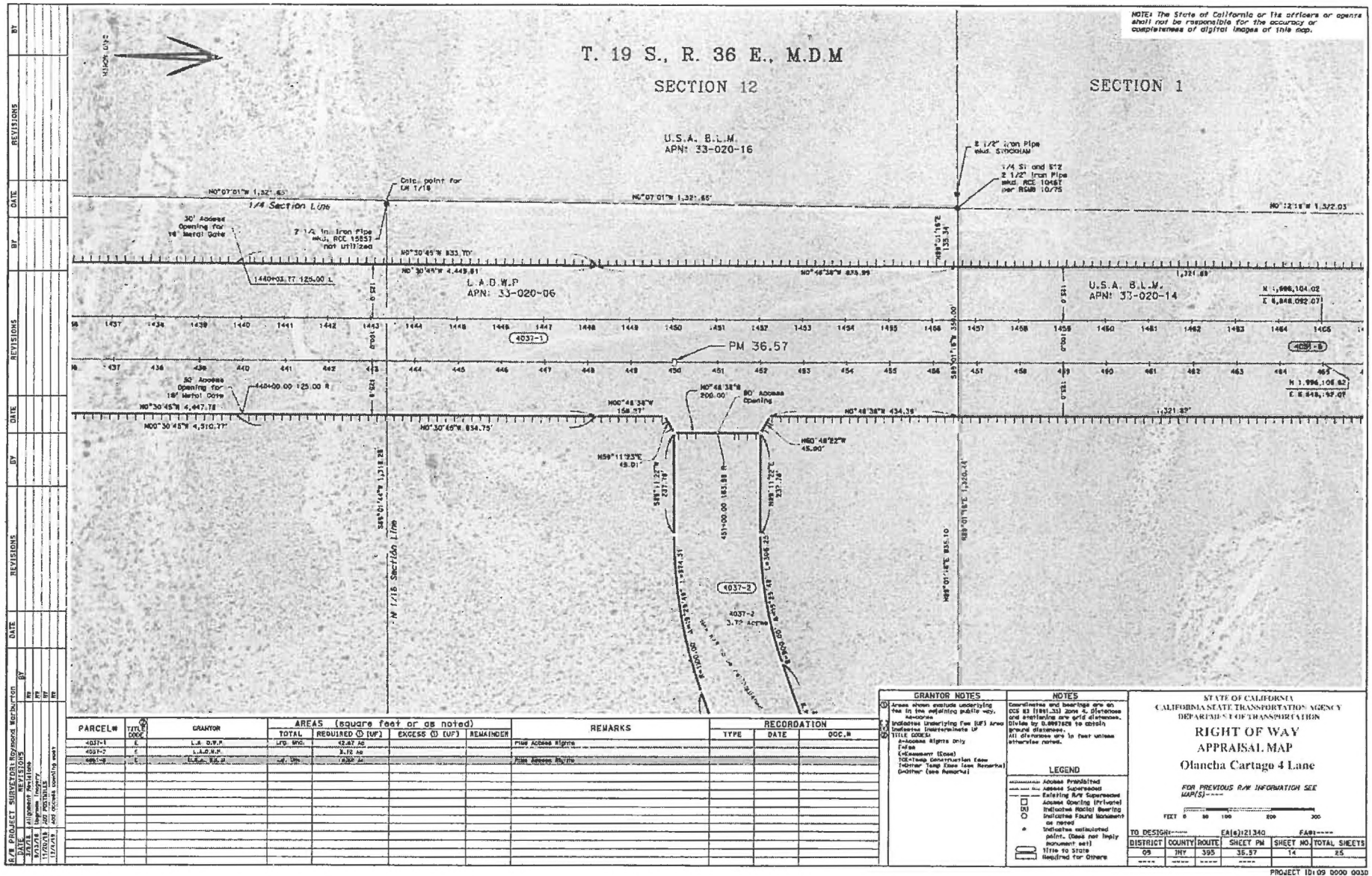
This real property description was prepared by me, or under my direction in conformance with the Professional Land Surveyors Act of California.

Prepared by:

Raymond Warburton, LS 8007 Exp. 12/31/2020

Date

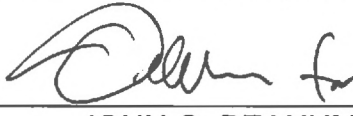
Exhibit 2



Sec. 5. 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.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By 
JOHN O. BEANUM
Deputy City Attorney

Date 10-26-20

File No. 20-1324

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The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____