

ORDINANCE NO. _____

An ordinance finding that the public interest and necessity require the acquisition by eminent domain of 5 parcels of real property located in the vicinity southwest of the intersection of Rosamond Boulevard and 100th Street West, in unincorporated Kern County, California for the Rosamond Switching Station Project.

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

Section 1. The City Council of the City of Los Angeles hereby approves, ratifies and makes the findings and authorizations set forth in Resolution No. _____ (Resolution) adopted by the Board of Water and Power Commissioners (Board) of the Department of Water and Power of the City of Los Angeles (LADWP).

Sec. 2. The City Council finds and determines that:

- (a) LADWP is a proprietary department of the City of Los Angeles, a charter city and municipal corporation.
- (b) The property to be acquired consists of parcels of property described in the attached Exhibit A-1 through A-5 and depicted on maps in Exhibit B-1 through B-5, which are located in the vicinity southwest of the intersection of Rosamond Boulevard and 100th Street West, in unincorporated Kern County, State of California. The properties to be acquired are collectively referred to as the "Subject Properties."
- (c) The public use for which the Subject Properties are being acquired is the Rosamond Switching Station Project, a public project designed to facilitate management of renewable energy transfer along existing high voltage transmission lines and to increase overall reliability of the electric supply system (Project).
- (d) Pursuant to Code of Civil Procedure sections 1240.610 and 1240.510, to the extent that the Subject Properties are already devoted to a public use, the use to which the Subject Properties are to be acquired under the Resolution is a more necessary public use than the use to which the Subject Properties are already devoted; or, in the alternative, is a compatible public use that will not unreasonably interfere with or impair the continuance of the public use to which the Subject Properties are already devoted.
- (e) The City, acting by and through LADWP, has the authority to acquire the Subject Properties by eminent domain for public use.

This authority applies to properties both within and outside the City's jurisdictional boundaries in accordance with Code of Civil Procedure sections 1240.050 and 1240.125. The Subject Properties are being acquired for electric supply purposes, and are necessary and essential to the Project for these purposes.

(f) The notice of intention to consider adoption of the Resolution was given by first class mail to the persons whose property is to be acquired by eminent domain in accordance with Code of Civil Procedure section 1245.235, and a hearing was conducted by the City Council on the matters contained herein.

Sec. 3. The City Council further finds and determines that:

(a) The environmental impacts of the Project were evaluated in the Mitigated Negative Declaration (MND) adopted and certified by the Board on August 11, 2020. The acquisition of the Subject Properties complies with the requirements of the California Environmental Quality Act (CEQA) Guidelines sections 15070-15075.

(b) The taking of the Subject Properties is authorized by, inter alia, Section 19, Article 1 of the California Constitution; Section 37350.5 of the California Government Code; Section 10001 through 10004 of the California Public Utilities Code; Los Angeles City Charter section 675; California Code of Civil Procedure sections 1230.010, et seq.; and all other applicable law as set forth herein.

Sec. 4. The City Council further finds and determines that:

(a) The public interest and necessity require the Project.

(b) The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

(c) Each of the Subject Properties described in this ordinance (Exhibit A) are necessary for the proposed Project.

The offer required by Section 7267.2 of the Government Code has been made to each owner or owners of record.

Sec. 5. The City Attorney is hereby authorized and directed to do the following:

1. Take all steps necessary to commence legal proceedings, in a court of competent jurisdiction, to acquire the Subject Properties by eminent domain.

2. Seek and obtain Orders for Prejudgment Possession of said Subject Properties in accordance with the Eminent Domain law.
3. Enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession.
4. Correct any errors or to make or agree to any non-material changes to the legal description of the Subject Properties that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Subject Properties.
5. Subject to the concurrence and approval of LADWP management, reduce or modify the extent of the interests or property to be acquired so as to reduce the compensation payable in the action where such change would not substantially impair the construction and operation for the project for which the real property is being acquired.
6. Compromise and settle eminent domain proceedings, subject to the approval of the Board when required, if such negotiated settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including entering into stipulations as to judgment and other matters, and to cause all such payments to be made.

Sec. 6. The Chief Accounting Officer of LADWP, upon proper certification and instruction from the Director of Real Estate and City Attorney, is authorized and directed to draw demands on the Power Revenue Fund, in the amounts necessary to make deposits of just compensation with the California State Treasurer's Office in connection with the eminent domain proceedings and/or pay the purchase price for the acquisition of the Subject Properties through negotiated settlement or court judgment.

Sec. 7. 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

HYDEE FELDSTEIN SOTO, City Attorney

By _____
John O. Beanum
Deputy City Attorney

Date _____

File No. _____

[Document file path]

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, **by a vote of not less than two-thirds** of all its members.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____