



**BOARD LETTER APPROVAL**

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**DATE:** March 10, 2026

**SUBJECT:** Rosamond Switching Station Project Public Hearing to Consider Adoption of Resolution of Necessity Authorizing Commencement of Eminent Domain Proceedings to Acquire 5 Parcels of Real Property Southwest of the Intersection of Rosamond Boulevard and 100<sup>th</sup> Street West, in Unincorporated Kern County, California

**SUMMARY**

The Los Angeles Department of Water and Power (LADWP) Board of Water and Power Commissioners (Board) is being asked to consider at a public hearing, adoption of the attached proposed Resolution of Necessity needed to authorize LADWP to acquire, by eminent domain, 5 parcels of real property (Properties) in the vicinity southwest of the intersection of Rosamond Boulevard and 100<sup>th</sup> Street West, in unincorporated Kern County, California. The Properties are necessary for the construction of the Rosamond Switching Station (Project), which will facilitate LADWP's control in managing renewable energy transfer along the existing high voltage transmission lines and increase overall reliability. The Project will support LADWP's Renewable Portfolio Standard (RPS) goals and provide LADWP with a more reliable and robust transmission system configuration in the region, as well as facilitate the interconnection process for existing and planned renewable developers in the Project area.

The power of eminent domain is used by LADWP only as a last resort to obtain property interests necessary for the Project. As such, LADWP presented purchase offers to the owners of the Properties (Owners) in amounts not less than the appraised fair market values and has negotiated in good faith since September 9, 2021. However, LADWP

has not been able to reach negotiated purchases of the Properties. Accordingly, to keep the Project on schedule, staff recommends acquisition of the necessary Properties by Eminent Domain Proceeding (EDP).

The Resolution of Necessity, once adopted, will allow LADWP to commence EDP. Staff will continue negotiations with the Owners during EDP. Properties that are acquired by negotiated purchase prior to completion of EDP will be removed from the EDP or disposed of accordingly.

City Council approval is required according to Charter Section 675(d)(1).

## **RECOMMENDATION**

It is recommended that the Board do the following:

1. Hold a public hearing on the proposed Resolution of Necessity authorizing the commencement of acquisition of the Properties by EDP.
2. Make the necessary findings to adopt the Resolution of Necessity.
3. Request the Los Angeles City Council to approve by ordinance the Resolution of Necessity and to immediately start EDP to acquire the Properties.

## **ALTERNATIVES CONSIDERED**

The only other alternative is to purchase the Properties by voluntary negotiated acquisition as required by law and based on appraised fair market values. LADWP has already attempted to purchase the Properties by negotiation. However, the Owners are either not receptive or have countered seeking values which are not supported by the market.

## **FINANCIAL INFORMATION**

The budget for purchasing all the Properties necessary for the Project, including legal and transaction costs, is included within the overall Project budget.

## **BACKGROUND**

### A. Overview of the Project

LADWP proposes to construct and operate a new 230 kilovolt (kV) Rosamond Switching Station on approximately 120 acres. The Project will be adjacent to LADWP's Right-of-Way for the Barren Ridge – Haskell Canyon 230 kV Transmission Lines 1, 2, and 3, approximately 30 miles south of the Barren Ridge Switching Station.

The Project would be constructed in phases with the first phase (Phase I) consisting of the construction of the switching station and associated facilities.

The Project's two additional phases (Phase II and Phase III) will also be located within the approximate 120-acre site. Phase II construction is the installation of a Battery Energy Storage System (BESS) and Phase III construction would add a Flexible Alternating Current Transmission System (FACTS).

The Project, once constructed, allows LADWP greater control managing renewable energy transfer along the existing high voltage transmission lines, increases flexibility and reliability, and provides for flexible energy storage. The Project also accommodates the interconnection process for planned renewable energy projects in the Project vicinity and would support LADWP's RPS, Clean Grid Los Angeles (Clean GridLA) Initiative, and LADWP's 100 Percent Renewable Energy Study (LA100) goals.

The California Renewable Energy Resources Act (SB 2[1X]) and its implementing regulations set LADWP's RPS goals for procurement of electricity from renewable resources. The Project supports the RPS and LA100 goals as it would incorporate additional renewable resources into LADWP's electric portfolio and allows it to achieve a 100 percent renewable energy supply. The Clean GridLA initiative is also supported as the Project will allow additional sources of energy to be connected to the power grid to replace the loss of the Once Through Cooling generating units located within the Los Angeles basin.

#### B. Eminent Domain Process

The City of Los Angeles (City), acting by and through LADWP, has the authority to acquire property by eminent domain for public use. This authority applies to both within and outside the City's jurisdictional boundaries in accordance with California Government Code Section 37350.5, Code of Civil Procedure Sections 1240.010 and 1240.125; Public Utilities Code Sections 10001 and 10004, and Los Angeles City Charter Section 675.

Per Government Code Section 7267.2, LADWP has presented appraisal-based written offers to the Owners. There are 12 parcels needed for the Project. Seven Owners have negotiated with LADWP reasonable prices, and their respective properties have been purchased through the acquisition process. However, five Owners were either non-responsive or have presented counter offers unsupported by an appraisal or current market values. LADWP presented revised written offers based on updated appraisals to the remaining five Owners, who have continued to be non-responsive. In order to timely acquire the properties needed for the Project, LADWP will need to exercise EDP authority to acquire those Properties from the five remaining Owners where negotiations have reached an impasse.

In accordance with California Eminent Domain Law, LADWP is required to mail a notice of the public hearing to consider adoption of the Resolution of Necessity (Public Hearing) to Owners. Notice of this hearing was sent by United States Mail

to the Owners and their representatives, if any, as prescribed by law. Pursuant to Code of Civil Procedure section 1245.230, the notices are to inform Owners of their right to appear and to be heard on the following items which the Board must find and determine:

1. The public interest and necessity require the Project (sub-heading C below).
2. The Project is planned or located in the manner that is most compatible with the greatest public good and the least private injury (sub-heading D below).
3. The Properties to be acquired are necessary for the Project (sub-heading E below).
4. The purchase offers as required by Section 7267.2 of the Government Code have been made to the owners of record, or the offers cannot be made because the owners cannot be located with reasonable diligence (sub-heading F below).

Upon completion of the Public Hearing, the Board must make the decision on whether to adopt the Resolution of Necessity. The decision shall be based on the testimony and evidence presented at the hearing, including all documents and information the Board has previously relied upon related to the Project. The resolution shall be adopted if two-thirds of all the members of the Board find and determine the factors in items 1 through 4 above.

Adoption of the Resolution of Necessity by the Board, and its approval by the City Council shall authorize LADWP legal counsel to pursue legal action necessary to acquire the Properties by EDP, including seeking prejudgment possession of the Properties through a court order.

- C. Public Interest and Necessity require the Project, BESS and FACTS to facilitate LADWP's control in managing renewable energy transfer along the existing high voltage transmission lines and increase overall reliability. This includes increasing the use of sustainable renewable energy sources while decreasing the production of greenhouse gases and air pollutant emissions as requested by LADWP, State and City mandates.
- D. The Project is planned and located in the manner that is most compatible with the greatest public good and the least private injury. Current land uses in the vicinity of the site include undeveloped land, industrial uses (solar and wind generation), agriculture, and rural residential. Existing LADWP and Southern California Edison easements, along with associated transmission lines, traverse the site diagonally from northeast-to-southwest. To minimize private injury, a thorough analysis regarding the need for each property interest was conducted in the Project's planning stages, which included public outreach meetings and other efforts to determine if modifications to the Project site or location were necessary to minimize impacts.

- E. The Properties to be acquired are necessary for the Project to accommodate the proposed switching station footprint (approximately 15 acres), two access roads (approximately 25 feet wide and 1200 feet long), the BESS footprint (approximately 10 acres), the FACTS facility footprint (approximately 2 acres), the Maintenance building footprint (approximately 2 acres) and all future Renewable Interconnections Transmission towers and monopoles.

All Properties sought were analyzed, giving full consideration to whether a feasible design alternative exists that would alleviate the need for each of the Properties. Based on the location of current LADWP facilities and after analysis of design and alignment alternatives, the current Project location was selected, which requires acquisition of the Properties.

Accordingly, staff has determined that the Properties are necessary for the construction of the Project and related improvements.

- F. The purchase offers as required by Section 7267.2 of the Government Code have been made to the Owners of record.

The following required actions were performed for each of the Properties:

1. Appraisal: An original appraisal in April 2021, as well as a revised appraisal in April 2025 were performed by The Dore Group, a California Licensed General Real Estate Appraiser to determine the Fair Market Value of the Properties.
2. Appraisal Review: Staff reviewed and approved the appraisals establishing the just compensation for offers.
3. Owners Search: Title search was performed by Chicago Title to determine the Properties' owners of record and their interests therein.
4. Written Offers to Owners: Written offers to purchase property (Offers) were sent via certified mail to each Owner in September 2021. More recently in June 2025, updated revised Offers were sent via certified mail to each Owner. Included in the Offers were a) Property Appraisal Summary, and b) Legal Description of the Property. All the Offers represent just compensation and were based on each Properties' appraised value. Appraisal summaries and other information required by Section 7267.2 of the California Government Code were provided to the Owners. In accordance with State law, each Owner was also offered up to \$5,000 as reimbursement for the cost to have its own appraisal prepared.

A summary of the Properties is listed in the table below. The Properties are identified by the Assessor's Parcel Number (APN), owner of record, approximate size, and approximate location. The Offer amount and Offer date are also included in the table. While the offer amounts to the Owner are set forth in the table below, they are there for the convenience of staff and the Board only, as the fair market value of the Properties is not at issue, nor is the amount of LADWP's offer a matter for consideration at the time of the hearing.

NO.	APN	OWNER	APPROX. SIZE (ACRES)	APPROX. LOCATION	ORIGINAL OFFER DATE & OFFER AMOUNT	REVISED OFFER DATE & OFFER AMOUNT
1	359-051-11	ADVM Investments LLC	5	SW of the intersection of Rosamond Boulevard and 100 <sup>th</sup> Street West	September 9, 2021 \$14,000.00	June 16, 2025 \$33,000
2	359-051-13	AEK Global Investments LLC	4.99		September 9, 2021 \$14,000.00	June 16, 2025 \$33,000
3	359-051-17	Gordon C. Davies and Muriel M. Davies	4.99		September 9, 2021 \$16,000.00	June 16, 2025 \$36,000
4	359-051-18	Donna Dongli Li	4.99		September 9, 2021 \$16,000.00	June 16, 2025 \$36,000
5	359-051-47	105 <sup>th</sup> Street West Partners, a California Limited Partnership	7.34		September 9, 2021 \$14,000.00	June 16, 2025 \$38,000

**G. The Project is a More Necessary Public Use Than Any Existing Public Use**

Under California Code of Civil Procedure section 1240.510 and 1240.610, to the extent any portion of the Project site is currently utilized for public use, LADWP may only acquire that interest to the extent the Project is a more necessary public use, or in the alternative, the Project is a compatible public use which will not unreasonably interfere with or impair the continuance of the existing public use. Some or all the Properties may be devoted to other public uses or easements and rights-of-way appropriated to existing public uses. As set forth previously, the Project is critical and will allow LADWP greater control managing renewable energy transfer along the existing high voltage transmission lines, increases flexibility and reliability, and provides for flexible energy storage. Therefore, to the extent the Properties or any portion thereof are already devoted to a public use that will interfere with the Project, staff recommends that LADWP Commissioners find that the Project is a more necessary public use than any existing public uses, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Properties are already devoted.

LADWP's acquisition consultants and staff have attempted to negotiate and will continue to engage in negotiations with the Owners to acquire the Properties by voluntary purchase. Any Property, where acquisition is completed at any time during EDP, shall be removed from EDP.

In accordance with the Mayor's Executive Directive No. 4, the City Administrative Officer's (CAO) Report was approved on December 15, 2023.

The hearing on the proposed Resolution of Necessity relates only to the findings set forth above as they may apply to the property sought to be acquired. As a reminder, the fair market value of the Properties is not at issue, nor is the amount of LADWP's offer a matter for consideration at the time of the hearing.

### **ENVIRONMENTAL DETERMINATION**

Determine item is in compliance with California Environmental Quality Act (CEQA) Guidelines Sections 15070-15075 (MND adopted on August 11, 2020). In accordance with CEQA, a Mitigated Negative Declaration (MND) was prepared to analyze the impacts associated with the construction and operation of the Rosamond Switching Station Project. On August 11, 2020, the Board adopted MND and Mitigation Monitoring and Reporting Program and approved the Project.

### **CITY ATTORNEY**

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

### **ATTACHMENTS**

- Resolution
- Ordinance
- Legal Description and Survey Maps
- CAO Report