



Office of the Los Angeles City Attorney
Hydee Feldstein Soto

REPORT NO. R26-0184
APR 01 2026

REPORT RE:

**DRAFT ORDINANCE FINDING THAT THE PUBLIC INTEREST AND NECESSITY
REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF 5 PARCELS
OF REAL PROPERTY SOUTHWEST OF THE INTERSECTION OF ROSAMOND
BOULEVARD AND 100TH STREET WEST, IN UNINCORPORATED KERN COUNTY,
CALIFORNIA FOR THE ROSAMOND SWITCHING STATION PROJECT**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 26-0446

Honorable Members:

This Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. This draft ordinance would approve Resolution No. 026 181, dated March 24, 2026 (Resolution of Necessity), authorizing the Los Angeles Department of Water and Power (LADWP) to acquire, by eminent domain, 5 parcels of real property (Properties) in the vicinity southwest of the intersection of Rosamond Boulevard and 100th 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, in an effort to keep the Project on schedule, LADWP recommends acquisition of the necessary Properties by Eminent Domain Proceeding (EDP).

The Resolution of Necessity, once adopted, will allow LADWP to commence EDP. LADWP 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. The adoption of this draft ordinance will require a hearing with an opportunity for the public to be heard and an affirmative vote of at least two-thirds of the members of the full City Council.

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 are 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 where negotiations have reached an impasse.

Adoption of the Resolution of Necessity by the Board of Water and Power Commissioners of the Department of Water and Power (Board), and its approval by the City Council by ordinance 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.

The draft ordinance provides that each person whose property is to be acquired has been given notice of the City Council's intent to adopt the draft ordinance, and that each of these persons was given an opportunity to appear and be heard on the following matters:

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).

Pursuant to Code of Civil Procedure Section 1245.235, the City Council is to set a date for the hearing, and notice of the hearing is to be sent to each person whose property is to be acquired at least 15 days prior to the hearing. That required notice has been sent to the owners who could be located.

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, LADWP 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: LADWP 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 of 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, and 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.

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 th 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 th 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 of 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, LADWP recommends that the City Council 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 has 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.

The hearing on the proposed resolution relates only to the findings set forth above as they may apply to the property sought to be acquired. ***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.***

The Board adopted Resolution No. 026 181 authorizing LADWP to acquire the Properties by eminent domain at its meeting held on March 24, 2026.

Charter Requirements

The enclosed draft ordinance is transmitted for your approval pursuant to Charter Section 675(d)(2), after approval by the Board of Water and Power Commissioners of the Department of Water and Power

CEQA Findings

The 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.

Recommendation

Based on the foregoing, it is requested that the City Council adopt the enclosed draft ordinance. A copy of the Board Resolution is included in the Council file.

Council Rule 38 Referral

This draft ordinance has been presented to the Board of Water and Power Commissioners of the Department of Water and Power pursuant to Council Rule 38.

If you have any questions regarding this matter, please contact Deputy City Attorney John O. Benum at (213) 367-4535. A member of this Office will be available when you consider this matter to answer questions you may have.

Sincerely,

HYDEE FELDSTEIN SOTO, City Attorney

By



MICHAEL J. DUNDAS
Chief Assistant City Attorney

MJD:JOB:ld
Transmittal