

0150-12385-0000

T R A N S M I T T A L

TO Martin L. Adams, General Manager Los Angeles Department of Water and Power	DATE 11/03/2023	COUNCIL FILE
FROM The Mayor		COUNCIL DISTRICT

**LOS ANGELES DEPARTMENT OF WATER AND POWER PROPOSED RESOLUTION AND
PUBLIC ROADWAY EASEMENT DEED TO THE COUNTY OF INYO FOR THE CARROLL
CREEK BRIDGE REPLACEMENT PROJECT**

Transmitted for further processing and Council consideration.
See the City Administrative Officer report attached.


MAYOR
(Chris Thompson for)

MWS:PJH/BC/JVW:cmm:10240008t

REPORT FROM

OFFICE OF THE CITY ADMINISTRATIVE OFFICER

Date: August 16, 2023

CAO File No. 0150-12385-0000

Council File No.

Council District:

To: The Mayor

From: Matthew W. Szabo, City Administrative Officer

Reference: Communication from the Department of Water and Power dated March 29, 2023; referred by the Mayor for report on April 11, 2023

Subject: **LOS ANGELES DEPARTMENT OF WATER AND POWER PROPOSED RESOLUTION AND PUBLIC ROADWAY EASEMENT DEED TO THE COUNTY OF INYO FOR THE CARROLL CREEK BRIDGE REPLACEMENT PROJECT**

RECOMMENDATION

That the Mayor:

1. Approve the Los Angeles Department of Water and Power (LADWP) proposed resolution authorizing the sale of a public roadway easement under the control of LADWP identified as a portion of Assessor's Parcel Number 029-100-07, located in Inyo County, California, constituting 0.41 acres for a total of \$1,000 to realign and construct Carroll Creek Road, and to relocate and construct County Bridge No. 48C0011 (Project), over a portion of the Los Angeles Aqueduct;
2. Adopt the California Environmental Quality Act (CEQA) determinations of the Los Angeles Board of Water and Power Commissioners that the sale of the easement is exempt from CEQA pursuant to Section 15060(c)(3) and Section 15378(b)(4) that states an activity is not subject to CEQA if the activity is not a project and that the Project is in compliance with CEQA Guidelines Sections 15070-15075; and,
3. Return the proposed resolution to LADWP for further processing, including Council consideration.

BACKGROUND

The Los Angeles Department of Water and Power (LADWP) requests approval of the sale of a public roadway easement to the County of Inyo (County). The County has a public improvement project, the Carroll Creek Bridge Replacement Project (Project), which involves the rerouting of the Carroll Creek Road and replacement of County Bridge No. 48C0011 over the Los Angeles Aqueduct (Aqueduct). The sale of an easement deed will be used to convey the easement to the County and the sale of the easement will total \$1,000. LADWP had determined that conveying an easement to the County for the Project will not interfere with LADWP's operational purpose of

generating water and power, and the protection or conservation of water and power resources.

To complete the Project, the County needs to purchase a roadway easement from LADWP and the City for rerouting Carroll Creek Road to the new bridge crossing. In addition, the County also needs to obtain LADWP consent to build a new bridge within and over the Aqueduct right-of-way. LADWP's consent to build a new bridge within and over the Aqueduct right-of-way, located on property owned in fee by the United States of America, will be given using a non-objection letter agreement between LADWP and the County. The easement deed discussed below, will be used to convey the easement to the County.

Project – The Project consists of rerouting Carroll Creek Road and the replacement of County Bridge No. 48C011 that spans the Aqueduct. The current bridge, has been deemed by the California Department of Transportation to be functionally obsolete per national bridge standards. A new bridge will be built over the Aqueduct approximately 200 feet south of the existing bridge. Carroll Creek Road will be rerouted so that it will align with the new bridge in both directions.

Easement Deed – The County has requested to purchase a public roadway easement over the LADWP property to realign the Carroll Creek Road with the new bridge crossing for its Project. The roadway easement is on a portion of Assessor's Parcel Number 029-100-07, located in Inyo, County, California. The County has an existing roadway easement that routes to the current bridge. Once the Project is completed, the County no longer has a use for the existing road and has agreed to abandon and quitclaim its interest to the City and LADWP.

Sale Price – LADWP and the County have negotiated a total sale price of the easement in the amount of \$1,000.

Alternatives Considered – LADWP considered selling the property in fees. However, the easement better protects the City's interest. LADWP also considered a license agreement. However, this type of agreement can be revoked at any time and is not appropriate given the permanent nature of a public roadway. Lastly, LADWP considered not selling an easement due to an encumbrance to an LADWP facility. Potential impacts to the facility were mitigated in the design phase through consultation with the County.

Our office has reviewed the request and recommends approval.

CITY COMPLIANCE

The proposed agreement has been reviewed and approved as to form by the City Attorney. Pursuant to Charter Section 675(d)(2), the sale of real property rights requires written approval of the City Council approval.

California Environmental Quality Act (CEQA) – The Los Angeles Board of Water and Power Commissioners determined that the item is exempt from CEQA pursuant to Section 15060(c)(3) that states an activity is not subject to CEQA if the activity is not a project. Section 15378(b)(4) states government fiscal activities which do not involve any commitment to any specific project

which may result in a potentially significant physical impact on the environment does not meet the definition of a project. Therefore, the sale of an easement is not subject to CEQA.

The Board also determined that the project was in compliance with CEQA Guidelines Sections 15070-15075. In Accordance with CEQA, a Mitigated Negative Declaration (MND) was prepared to analyze the impacts associated with the construction and operation of the Project. On February 27, 2019, the Inyo County Planning Department approved the project, adopted the MND, and filed a Notice of Determination.

FISCAL IMPACT STATEMENT

There is no impact on the City General Fund.

MWS:PJH/JVW:cmm:10240008

Attachments - LADWP April 3, 2023 Report; March 29, 2023 Board Correspondence, Resolution, and Easement Deed