



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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ROBERT E. KALUNIAN
Acting County Counsel

November 17, 2009

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

13 NOVEMBER 17, 2009

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

Dear Supervisors:

**SETTLEMENT OF TWO CONDEMNATION CASES
COUNTY SANITATION DISTRICT NO. 14 OF LOS ANGELES COUNTY v. CESAR VALENTINO
CHUA KATO, ET AL., LOS ANGELES SUPERIOR COURT CASE NUMBER BC 393469;
COUNTY SANITATION DISTRICT NO. 14 OF LOS ANGELES COUNTY v. CATHERIN JOSEPH,
ET AL., LOS ANGELES SUPERIOR COURT
CASE NUMBER BC 393556**

SUBJECT

This pertains to settlement of two condemnation actions filed by the Los Angeles County Sanitation District No. 14 ("District") against the County of Los Angeles ("County") and others, to acquire real properties in the unincorporated Antelope Valley area of the County to implement the District's Water Reclamation Plant 2020 Facilities Plan.

IT IS RECOMMENDED THAT YOUR BOARD:

Authorize the County Counsel's Office to settle the two referenced eminent domain lawsuits by stipulating to a judgment, as described herein.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Approval of the recommended action will settle two eminent domain actions by the District against the County to acquire fee simple title in parcels located in the unincorporated Antelope Valley area of the County. The County holds various easements for public road purposes and offers of dedication of road rights of way in

54 of the 105 parcels involved in the actions.

The parties have reached a proposed settlement of these condemnation cases in which they will stipulate to judgment as follows: The County will retain all of its easements for public road purposes, and disclaim its right to accept the offers of dedication of road rights of way. The District will acquire the underlying fee title to the properties subject to the County's road easements, and agrees not to construct any improvements on or interfere with the County's use of those easements in any way.

The offers of dedication of road rights of way were never accepted by the County or used for the purpose for which they were dedicated or acquired. Furthermore, the County has no plans to improve or develop the offered rights of way, now or in the future. Therefore, Department of Public Works has determined that the offers of dedication have only nominal value.

The Department of Public Works concurs with the County Counsel that the proposed settlement is appropriate and reasonable.

Implementation of Strategic Plan Goals

Approval of the recommended action is consistent with the Strategic Plan goal of Fiscal Responsibility. The recommended settlements will avoid litigation costs that would be incurred should the cases proceed to trial.

Strategic Asset Management Principles Compliance

Not applicable.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund as a result of the proposed settlement.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The District filed the eminent domain actions to acquire fee simple title in approximately 105 parcels located in the unincorporated Antelope Valley area of the County, between 60th Street East on the west, 90th Street East on the east, Avenue E on the north, and Avenue G on the south.

The District is acquiring these parcels to implement its Water Reclamation Plant 2020 Facilities Plan, a multi-stage project that will upgrade the level of treatment at the existing Lancaster Water Reclamation Plant, and will add new storage reservoirs, a pump station and pipelines for the storage and distribution of recycled water to reuse sites.

Legal descriptions of the offers of dedication of road rights of way are set forth in the attached Exhibit A, as to both cases. The parcels in which these interests are located are depicted in Exhibit B, separately as to each case. In addition, the County's easements for public road purposes, and the parcels in which they are located are also depicted in Exhibit B, separately as to each case.

ENVIRONMENTAL DOCUMENTATION

Since it can be seen with certainty that the County's disclaimer of the right to accept the dedications of road rights of way, and the stipulation to the judgment in condemnation, will not have a significant effect on the environment, the recommended action is exempt from CEQA under section 15061(b)(3) of the State CEQA Guidelines.

CONTRACTING PROCESS

not applicable

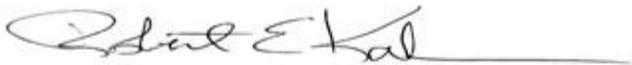
IMPACT ON CURRENT SERVICES (OR PROJECTS)

There will be no impact to County's services as a result of the proposed settlement.

CONCLUSION

The proposed settlement is reasonable to both parties and is in the best interest of the County. It is requested that the Executive Officer of the Board of Supervisors return one conformed copy of this letter to the Office of the County Counsel and two copies to the Department of Public Works, Survey/Mapping & Property Management Division.

Respectfully submitted,



ROBERT E. KALUNIAN
Acting County Counsel

REK:TH:gm

Enclosures

c: William T Fujioka
Chief Executive Officer

Sachi A. Hamai, Executive Officer
Board of Supervisors

Gail Farber, Director
Department of Public Works

EXHIBIT A

CSD V. JOSEPH, ET AL.
BC 393-556
A.I.N. 3307-019-003 & 007
T.G. 1 (62nd Ed)
I.M. 384-277
R.D. 555
S.D. 5

LEGAL DESCRIPTION

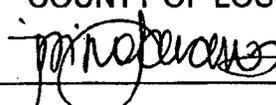
(Private and Future Streets to be disclaimed)

PART 1:

Those portions of Lots 3 and 7 of Tract No. 40824, as shown on map filed in Book 1101, pages 16 and 17, of Maps, in the office of the Registrar-Recorder/County Clerk of the County of Los Angeles, designated as "AVENUE F-4 (Private & Future Street)" on said map.

PART 2:

Those portions of Lots 3 and 7 of above-mentioned tract, designated as "82ND STREET EAST (Private & Future Street)" on said map.

APPROVED AS TO DESCRIPTION	
October 27, 2009	
COUNTY OF LOS ANGELES	
By	
SUPERVISING CADASTRAL ENGINEER III	
Mapping and Property Management Division	

This real property description has been prepared in conformance with the Professional Land Surveyors Act. The signatory herein is exempt pursuant to Section 8726 of the California Business and Professions Code.

EXHIBIT A

CSD V. KATO, ET AL.
BC 393-469
A.I.N. 3302-026 & 027
T.G. 1 (62nd Ed)
I.M. 384-277
R.D. 555
S.D. 5

LEGAL DESCRIPTION

(Private and Future Streets to be disclaimed)

PART 1:

Those portions of Lots 8 and 18 of Tract No. 30078, as shown on map filed in Book 1143, pages 52 through 59, inclusive, of Maps in the office of the Registrar-Recorder/County Clerk of the County of Los Angeles, designated as "AVENUE E-6 (PRIVATE AND FUTURE STREET)" on said map.

PART 2:

Those portions of Lots 18, 26, 27 and 37 of of above-mentioned tract, designated as "AVENUE E-8 (PRIVATE AND FUTURE STREET)" on said map.

PART 3:

Those portions of Lots 26, 27, 37, 39, 47, 53 and 54 of above-mentioned tract, designated as "AVENUE E-10 (PRIVATE AND FUTURE STREET)" on said map.

PART 4:

Those portions of Lots 41, 47, 53 and 55 of above-mentioned tract, designated as "AVENUE E-12 (PRIVATE AND FUTURE STREET)" on said map.

PART 5:

That portion of Lot 27 of above-mentioned tract, designated as "72ND STREET EAST (PRIVATE AND FUTURE STREET)" on said map.

PART 6:

Those portions of Lots 8 and 47 of above-mentioned tract, designated as "75TH STREET (PRIVATE AND FUTURE STREET) EAST" on said map.

PART 7:

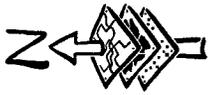
Those portions of Lots 37 and 39 of above-mentioned tract, designated as "78TH STREET EAST (PRIVATE AND FUTURE STREET)" on said map.

PART 8:

Those portions of Lots 39 and 41 of above-mentioned tract, designated as "80TH STREET EAST (PRIVATE AND FUTURE STREET)" on said map.

APPROVED AS TO DESCRIPTION
<u>October 27, 2009</u>
COUNTY OF LOS ANGELES
By <u>[Signature]</u>
SUPERVISING CADASTRAL ENGINEER III Mapping and Property Management Division

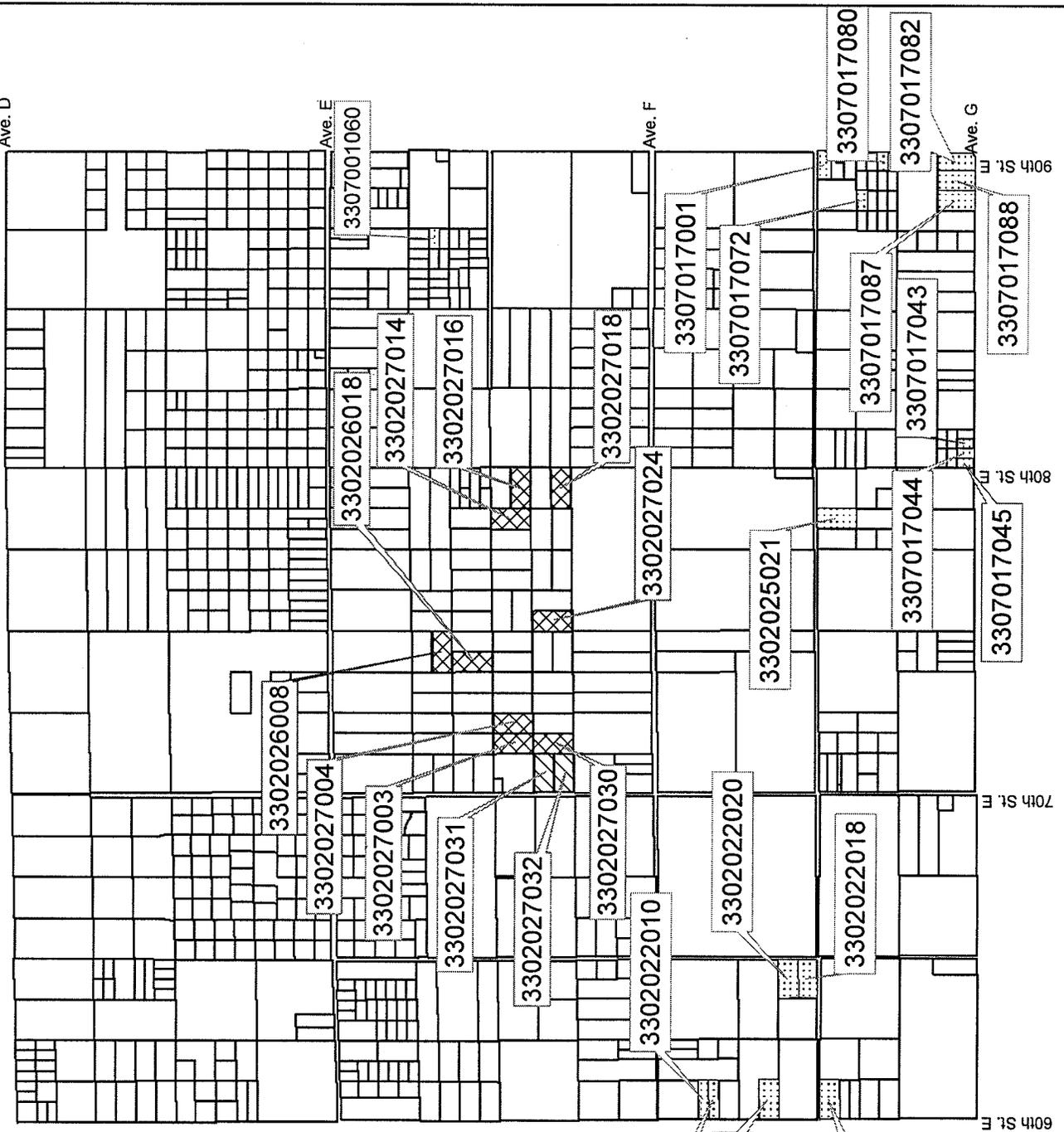
This real property description has been prepared in conformance with the Professional Land Surveyors Act. The signatory herein is exempt pursuant to Section 8726 of the California Business and Professions Code.



COUNTY SANITATION DISTRICT NO.14 VS KATO, ET AL.



Ave. D



Ave. F

Ave. G

60th St. E

70th St. E

80th St. E

90th St. E

LEGEND

 PROPERTY WITH ROAD RIGHTS OF WAY TO BE RETAINED

 PROPERTY WITH ROAD RIGHTS OF WAY TO BE DISCLAIMED

 PROPERTY WITH PORTIONS OF ROAD RIGHTS OF WAY TO BE RETAINED & PORTIONS TO BE DISCLAIMED

EXHIBIT B

COUNTY SANITATION DISTRICT NO.14 VS JOSEPH, ET AL.

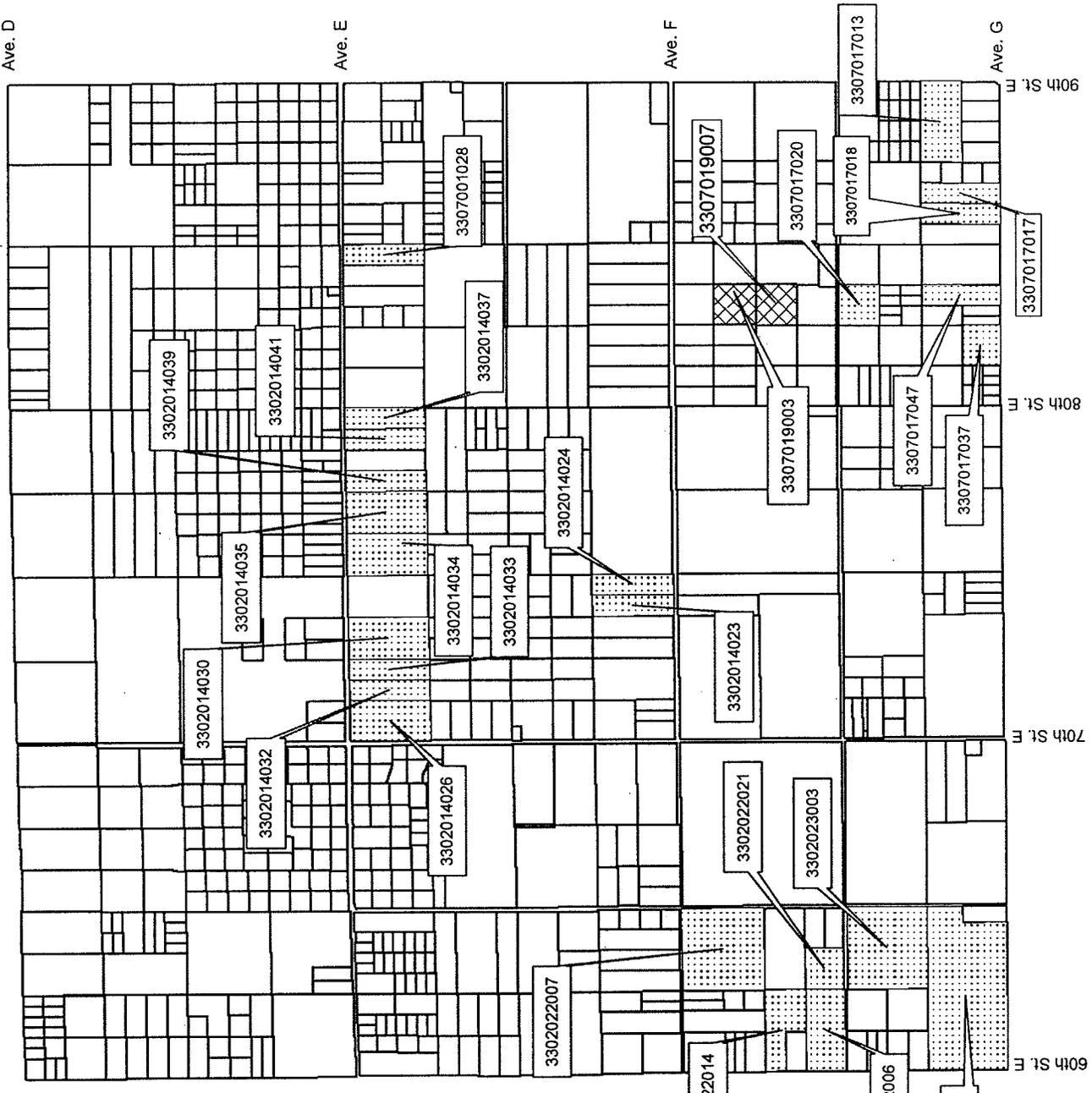


Ave. D

Ave. E

Ave. F

Ave. G



LEGEND

-  PROPERTY WITH ROAD RIGHTS OF WAY TO BE RETAINED
-  PROPERTY WITH ROAD RIGHTS OF WAY TO BE DISCLAIMED

EXHIBIT B

90th St. N

80th St. N

70th St. N

60th St. N