



- Board of Directors
Real Property and Asset Management Committee

7/13/2021 Board Meeting

7-5

Subject

Authorize the General Manager to grant a permanent easement to the State of California Department of Transportation (Caltrans) on Metropolitan fee-owned property in the city of Los Angeles; Metropolitan previously reviewed and considered Caltrans' Environmental Impact Report/Environmental Impact Statement and took related CEQA actions

Executive Summary

This action authorizes the General Manager to grant a permanent highway and sight easement to Caltrans. The easement will be located over portions of the Sepulveda Feeder, which is a pipeline aligned between Sepulveda Boulevard and Interstate 405 (I-405) just north of Mountaingate Drive in the city of Los Angeles (**Attachment 1**). Board authorization to grant this permanent easement is required as the real property interest exceeds five years.

Details

Background

In 2009, the Los Angeles County Metropolitan Transportation Authority funded the I-405 Sepulveda Pass Improvements Project (Project) as a design-build project costing \$1.6 billion. Caltrans took over the responsibilities for the operations and maintenance of constructed public work improvements and to accept easements and other interests in right of ways, once the project was completed. The I-405 Project included the improvement of supporting infrastructures such as on/off-ramps, bridges, and sound walls along the I-405 and was completed in four segments. The Mulholland Segment of the project impacted a portion of Metropolitan's fee-owned property through the construction of the new Skirball Center Drive/Mulholland Drive on/off-ramps (ramps) supporting the southbound alignment of I-405. Metropolitan's 96-inch Sepulveda Feeder pipeline and tunnel access portal are located within this property and are protected in place. The total area of Metropolitan's fee simple holding in this area is 1.07 acres. The proposed easement to Caltrans for the ramps would encompass much of this space and total 0.75 acres.

In 2010, Metropolitan granted an entry permit to help facilitate the design-build project and to protect Metropolitan's Sepulveda Feeder pipeline. The entry permit allowed for the construction of the ramps, completed in 2015, and also required any real property conveyances after the completion of the permitted public works in their as-built alignments to be done in a manner that preserved Metropolitan's ability to operate, maintain, and conduct any future work on the Sepulveda Feeder pipeline, in addition to minimizing highway liability and operational conflicts.

Granting the proposed highway and sight easement will convey highway travel and clear sightline rights to Caltrans, contingent upon the recognition of the primacy of water-related uses in the area and the release of Metropolitan from highway traffic-related liability and the minimization of agency conflicts.

In this regard, the permanent highway and sight easement will have the following key provisions:

- Public agency cooperation and mutual compatible public use obligations, with prior rights provisions for Metropolitan.
- Caltrans will have the right to construct, reconstruct, improve, repair, operate, and maintain the ramps.

- All plans for construction, significant repair, maintenance, or eventual replacement of highway facilities shall be reviewed and approved by Metropolitan prior to commencement in order to ensure the protection of regional water facilities and improvements.
- Caltrans shall, at its sole cost and expense, keep the easement area free of trespass, noxious weeds, and trash.
- In the event of Metropolitan work or activity in the easement area, Caltrans, at its expense, shall take all reasonable measures, including but not limited to the posting of cautionary and directional signage, on the I-405 leading up to the easement area.

The fair market value for the proposed easement is \$139,000. Metropolitan will also receive a one-time processing fee of \$6,500.

Policy

Metropolitan Water District Administrative Code Section 8230: Grants of Real Property Interests

Metropolitan Water District Administrative Code Section 8231: Appraisal of Real Property Interests

Metropolitan Water District Administrative Code Section 8232: Terms and Conditions of Management

Metropolitan Water District Administrative Code Section 11100: Environmental Matters

By Minute Item 48766, dated August 16, 2011, the Board adopted fair market value policies for managing Metropolitan's real property assets.

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

Pursuant to the provisions of CEQA and the State CEQA Guidelines, the State of California Department of Transportation (Caltrans) and the Federal Highway Administration, acting as Co-Lead Agencies, prepared and processed a Final Environmental Impact Report and Environmental Impact Statement (Final EIR/EIS) for the proposed project. The Final EIR/EIS was certified, and the project was approved by the Lead Agency on May 1, 2008. The Lead Agency also approved the Findings of Fact, the Statement of Overriding Considerations (SOC), and the Mitigation Monitoring and Reporting Program (MMRP). Metropolitan, as a Responsible Agency under CEQA, is required to certify that it has reviewed and considered the information in the certified Final EIR and adopt the Lead Agency's findings, SOC, and MMRP prior to approval of the formal terms and conditions for the annexation and water standby charges. On September 13, 2010, Metropolitan acting as a Responsible Agency, filed a Notice of Determination for an Entry Permit for construction of the proposed project. Hence, the previous environmental documentation acted on by the Metropolitan in conjunction with the proposed action fully complies with CEQA and the State CEQA Guidelines. Accordingly, no further CEQA documentation is necessary for the Board to act on the proposed action.

CEQA determination for Option #2:

None required

Board Options

Option #1

Authorize the General Manager to grant a permanent highway and sight easement to Caltrans.

Fiscal Impact: Metropolitan will receive positive revenue in the form of a one-time processing fee of \$6,500 and \$139,000 as the fair market value for the proposed easement.

Business Analysis: The easement will establish the necessary rights for highway use activities to Caltrans and release Metropolitan of any traffic-related liability.

Option #2

Do not authorize the permanent easement.

Fiscal Impact: Metropolitan will forego the one-time transaction and conveyance fees of \$145,500.

Business Analysis: Caltrans will not be permitted to operate the ramps and has indicated they will use eminent domain action to obtain the necessary easement.

Staff Recommendation

Option #1



Lilly L. Shraibati
Group Manager
Real Property Group
6/23/2021
Date



Jeffrey Lightlinger
General Manager
6/28/2021
Date

Attachment 1 – Site Map

Ref# rpam12669604

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