

Council Meeting of
June 19, 2012

Honorable Mayor and Members
of the City Council
City Hall
Torrance, California

Members of the Council:

SUBJECT: Public Works – Approve Agreement to temporarily lease 180 acre-feet of groundwater rights. Expenditure: None

RECOMMENDATION

Recommendation of the Public Works Director that City Council approve an agreement to temporarily lease 180 acre-feet of groundwater rights to the Roman Catholic Archbishop of Los Angeles, a non-profit California Corporation, at \$125 per acre-foot during the 2012-2013 fiscal year.

Funding

Not Applicable.

BACKGROUND AND ANALYSIS

The Roman Catholic Archbishop of Los Angeles (RCALA) is requesting to lease 180 acre-feet of ground water pumping rights from the City of Torrance. The City currently has an unused portion of 2012-2013 water rights available for lease in the West Coast Groundwater Basin. The RCALA has agreed to pay \$125 per acre-foot, for a total compensation of \$22,500, for the temporary use of these water rights until the end of June 2013.

In the past, City Council has approved groundwater rights lease agreements with the RCALA. Most recently, the City Council approved an agreement with the RCALA for the lease of 150 acre-feet of water rights on July 12, 2011, for fiscal 2011-2012. This lease agreement expires June 30, 2012.

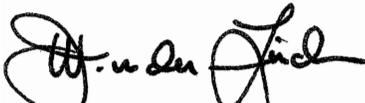
The City of Torrance has an annual allocation of 5,640 acre-feet of groundwater pumping rights in the West Coast Groundwater Basin. By the end of the fiscal year, any unused water rights will be lost along with their fair market value. Subsequently, it is projected that the City of Torrance will have unused water rights available, and therefore the Public Works Director recommends the approval of a lease agreement for 180 acre-feet of groundwater rights with the Roman Catholic Archbishop of Los Angeles.

Respectfully submitted,

ROBERT J. BESTE
Public Works Director


By: Pamela Lewis
Administrative Analyst

CONCUR:


Jack van der Linden
Deputy Public Works Director


Robert J. Beste
Public Works Director

CONCUR:


LeRoy J. Jackson
City Manager

Attachment: A) Agreement with RCALA

WATER RIGHT LICENSE AND AGREEMENT

WEST COAST BASIN

For a valuable consideration in the amount of \$ 125.00 per acre-foot, the CITY OF TORRANCE, a Municipal Corporation ("LICENSOR") hereby grants to ROMAN CATHOLIC ARCHBISHOP OF LOS ANGELES, a Non-Profit California Corporation, ("LICENSEE") a license to extract 180 acre-feet of licensor's Adjudicated Right allocated to licensor (or predecessors in interest) pursuant to a Judgment dated August 18, 1961, and entered in Los Angeles Superior Court Case No. 506806 entitled "*California Water Service Company, et al. vs.. City of Compton, et al.*" During the period commencing July 1, 2012 and continuing to and including June 30, 2013.

Said license is granted, subject to the following conditions:

- (1) Licensee shall exercise said right and extract he same on behalf of the CITY OF TORRANCE during the period above specified and put the same to beneficial use and licensee shall not by the exercise hereunder of said right acquire and right to extract water independent of the rights of Licensor.
- 2) Licensee shall pay assessments levied on the pumping of said ground waters by the Water Replenishment District of Southern California.
- 3) Licensee shall notify the District and Watermaster that said pumping was done pursuant to the license and provide the Watermaster with a copy of this document.
- 4) Licensee shall note, in any recording of water production for the period of the agreement, that said pumping was done pursuant to this license.
- 5) Licensee's Adjudicated Right shall be increased by the amount hereby leased when computing carry-over or allowable or extraction as provided by Paragraph V(1) in said Judgment.

The CITY OF TORRANCE warrants that it has 180 acre-feet of Adjudicated Right and that it has not pumped and will not pump or permit or license any other person to pump any part of said 180 acre-feet during period of July 1, 2012 through June 30, 2013.

CITY OF TORRANCE
a Municipal Corporation

ROMAN CATHOLIC ARCHBISHOP
OF LOS ANGELES
a California Non-profit Corporation

Frank Scotto, Mayor

By: _____

Dated: _____

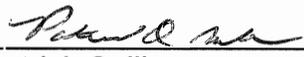
ATTEST:

Sue Herbers
City Clerk

Dated: _____

APPROVED AS TO FORM:

JOHN L. FELLOWS III
City Attorney

By: 
Patrick Sullivan
Deputy City Attorney

Dated: _____