

ATTACHMENT B

STAFF REPORT REGARDING THE NECESSITY FOR THE ACQUISITION OF A PERMANENT EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT IN A PORTION OF 6700 CRENSHAW BLVD., LOS ANGELES (THE "PROPERTY") FOR THE CRENSHAW/LAX TRANSIT CORRIDOR PROJECT

BACKGROUND

A 162 square foot permanent easement and a 50 square foot temporary construction easement in the Property are required for the construction and operation of the Crenshaw/LAX Transit Corridor Project ("Project"). The Property sought is a portion of 6700 Crenshaw Blvd., Los Angeles, CA (APN 4006-025-032). No complete parcels are sought to be acquired and no residences or businesses will be displaced by acquisition of the Property. The address, record owner, physical description, and nature of the property interests sought to be acquired for the Project are summarized as follows:

Assessor's Parcel Number	Parcel Address	Property Owner	Purpose of Acquisition	Property Interest(s) Sought	METRO Parcel Number
4006-025-032	6700 Crenshaw Blvd., Los Angeles, CA	Noel Dias, Michael Davidyan	Street realignment/modifications	Permanent Easement and Temporary Construction Easement	CR-2901 & CR-2901-1

A written offer for the Property was presented to the Owner; however, there are multiple other parties claiming an interest in the Property and/or have a lien encumbering said Property and as such, the Los Angeles County Metropolitan Transportation Authority ("METRO") has not been able to reach a negotiated agreement.

A. The public interest and necessity require the Project.

The public interest and necessity require the Project for the following specific reasons:

1. The population and employment densities in the Crenshaw/LAX Transit Corridor are extremely high and very transit-dependent. The population and employment densities are four times higher than Los Angeles County as a whole. The Corridor has a high concentration of low-income, minority, transit-dependent residents. More than 49 percent of all Corridor households are designated as low income. In addition, 16 percent of all Corridor households do not have access to an automobile, compared to 8 percent in the County's urbanized area. Forecasts show a growing transit-dependent population, with a projected 55 percent increase in Corridor residents that rely on, or will rely on the area's transit system. The Project will provide significant improvements for low-income, elderly and transit-dependent persons living in the Corridor area.

2. Implementation of the Project will result in a reduction of vehicle miles per day and reduction of auto air pollutants.
3. The Project will relieve congestion on the already over capacity I-405 San Diego and the I-10 Santa Monica Freeways and surrounding major thoroughfares. In addition, it will reduce the parking demands in the Westside area by providing an alternative means of transportation, competitive in rush-hour travel times with the automobile.
4. The Project will be a major link in the existing county-wide rail transit system, and will thereby provide alternative means of transportation during fuel crises and increased future traffic congestion.
5. The Project will meet the need for improved transit service of the significant transit-dependent population within the Project area.

It is recommended that based on the above evidence, the Board find and determine that the public interest and necessity require the Project.

B The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury.

On September 11, 2009, a Draft Environmental Impact Statement / Draft Environmental Impact Report (DEIS/DEIR) was circulated and reviewed by interested and concerned parties, including private citizens, community groups, the business community, elected officials and public agencies. Public hearings were held to solicit citizen and agency comments. A total of four alternatives, including two build alternatives, were presented in the September 2009 DEIS/DEIR. On December 20, 2009, the Board adopted the Light Rail Transit (LRT) Alternative as the Locally Preferred Alternative (LPA), after review and consideration of the comments received from circulation of the 2009 DEIS/DEIR. The Board certified the FEIR on September 22, 2011. A Record of Decision was received from the Federal Transit Administration on December 30, 2011.

The Corridor has some of the highest population and employment density in the Southern California region, as well as the highest proportion of transit ridership. No significant expansion of existing freeway and street networks is planned to accommodate this growth. During various community meetings, the residents of the Corridor area expressed their need for improved transit service because many are transit-dependent and need better access to the region's educational, employment, and cultural opportunities. The LPA addresses those needs and moves more people in a way that is energy efficient and with the least environmental impact.

The Project is a LRT dual-track alignment, which will extend from the existing Metro Exposition Line at Crenshaw and Exposition Boulevards. The LRT line will travel 8.5 miles to the Metro Green Line Aviation/LAX Station and will serve the cities of Los Angeles, Inglewood, Hawthorne and El Segundo and portions of unincorporated Los Angeles County. The project includes six stations and two optional stations:

- Crenshaw / Exposition
- Crenshaw / Martin Luther King Jr.
- Leimert Park (optional)
- Crenshaw / Slauson
- Florence / West
- Hindry (optional)
- Aviation / Century

The overall Project will cause private injury, including the displacement or relocation of certain owners and users of private property. The Property under consideration as part of this Resolution of Necessity will not cause such displacement. Moreover, no other alternative locations for the Project provide greater public good with less private injury. Therefore, the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

Due to its bulk, the FEIS/FEIR is not physically included in the Board's agenda packet for this public hearing. However, the FEIS/FEIR documents should be considered in connection with this matter. It is recommended that, based upon the foregoing, the Board find and determine that the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

C. The Property is necessary for the Project.

The Property consists of a 162 square foot permanent easement and a 50 square foot temporary construction easement in a portion of property commonly known as 6700 Crenshaw Blvd., in the city of Los Angeles. The Property is necessary to make street modifications to the intersection of Crenshaw Blvd. and 67th Street. Because there are multiple other parties claiming an interest in the Property and/or have a lien encumbering said Property, METRO has not been able to reach a negotiated agreement. Therefore, acquisition of the Property through eminent domain is necessary in order to maintain the Project schedule and to obtain clear title. The property interest is depicted in the legal description and plat map attached as exhibits to the Proposed Resolution of Necessity.

Staff recommends that the Board find that the acquisition of the Property is necessary for the Project.

D. Offers were made in compliance with Government Code Section 7267.2.

California Code of Civil Procedure Section 1245.230 requires that a Resolution of Necessity contain a declaration that the governing body has found and determined that either the offer required by Section 7267.2 of the California Government Code has been made to the owner(s) of record, or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

California Government Code Section 7267.2 requires that an offer be made to the owner or to the owner(s) of record and in an amount which the agency believes to be just compensation. The amount must not be less than the agency's approved appraisal of the fair market value of the property. In addition, the agency is required to provide the owner(s) with a written statement of, and summary of the basis for, the amount it established as just compensation.

Staff has taken the following actions as required by California law for the acquisition of the Property:

1. Obtained an appraisal to determine the fair market value of the Property, which included consideration of any immovable fixtures and equipment as appropriate;
2. Reviewed and approved the appraisal, and established the amount it believes to be just compensation;
3. Determined the owner(s) of the Property by examining the county assessor's record and the title report;
4. Made a written offer to the owner(s) for the full amount of just compensation - which was not less than the approved appraised value; and
5. Provided the Owner with a written statement of, and summary of the basis for, the amount established as just compensation with respect to the foregoing offer.

It is recommended that the based on the above evidence, the Board find and determine that the offer required by Section 7267.2 of the California Government Code has been made to the owner(s) of record.

E. The environmental review is consistent with the California Environmental Quality Act.

The required environmental review of the Project was completed and certified by the Board. On September 22, 2011, the Board certified the FEIS/FEIR. A Record of Decision was received from the Federal Transit Administration in December of 2011. The FEIS/FEIR documents were consistent with the California Environmental Quality Act Guidelines.

CONCLUSION

Staff recommends that the Board approve the Resolution of Necessity.