

ATTACHMENT B

STAFF REPORT REGARDING THE NECESSITY FOR THE ACQUISITION OF A PORTION OF 1725 E. FLORENCE AVENUE, LOS ANGELES, CA. FOR THE METRO BLUE LINE PEDESTRIAN SWING GATE PROJECT

BACKGROUND

Fee simple interest in a portion of private property located at 1725 Florence Avenue, Los Angeles, CA. ("Property") required for the construction and operation of the Metro Blue Line Pedestrian Swing Gate Project ("Project"). The address, record owner, physical description, and nature of the property interest 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
6009-029-059	A 211 sq. ft. portion of 1725 E. Florence Ave., Street, Los Angeles, CA	El Dorado Capital, Inc.	Metro Blue Line Pedestrian Swing Gate Project	Fee Simple	Florence NE

A written offer for the Property was presented to the Owner on May 9, 2016 and, due to the Owner's non-responsiveness, staff has been unable to reach an agreement with the owner of the property. The Owner has not accepted the offer made by the Los Angeles County Metropolitan Transportation Authority ("Metro"); consequently, a negotiated agreement has not been reached.

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 Blue Line Transit Corridor ("Corridor") are extremely high and very transit-dependent and are much 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.
2. Implementation of the Project will result in a reduction in motor and personal accidents and loss of lives. The Project will provide increased safety measures for transit-dependent persons living in the Corridor area which includes the low-income and elderly.

3. 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 May 14, 2015, a Draft Initial Study/ Mitigated Negative Declaration (“IS/MND”) was circulated and reviewed by interested and concerned parties, including private citizens, community groups, the business community, elected officials and public agencies. This pedestrian gate is located at the northeast corner of Florence and Graham Avenue, and the Union Pacific Railroad (“UPRR”) Right of Way. The area surrounding the proposed pedestrian gate is composed primarily of commercial and single family residential land uses. The nearest residential land use is approximately 100 feet from the center of the proposed construction activity. The dominant noise source at this location is the traffic traveling on Florence Avenue and the light rail and freight trains traveling on the nearby tracks. 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 projected Corridor growth. This project addresses the need of the local residents, as expressed in community meetings.

The Property under consideration as part of this Resolution will cause the least private injury and will not cause displacement or relocation of owners and users of private property. 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.

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 211 square feet portion of 1725 E. Florence Ave and is located at the northeast corner of Florence Avenue and Graham Avenue, and the UPRR Right of Way. The area surrounding the proposed pedestrian gate is composed primarily of commercial and single-family residential land uses. The installation of the pedestrian safety gates increase pedestrian safety with the addition of pedestrian-oriented crossing arms, bells and flashing lights that are activated along with the grade crossing warning systems. The barriers create queuing zones separated from the track areas and also reduce jaywalking.

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) has been non-responsive.

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 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.

E. Metro has fulfilled the necessary statutory prerequisites.

Metro is authorized to acquire property by eminent domain for the purposes contemplated by the Project under Public Utilities Code §§ 30503, 30600, 130051.13, and 130220.5; Code of Civil Procedure §§ 1230.010-1273.050; and Article I, § 19 of the California Constitution.

F. Metro has complied with the California Environmental Quality Act.

~~A draft EIR/EIS was circulated for public review and comment. The FEIS/FEIR was released in March 2012 for public review. On April 26, 2012, the Board certified the FEIS/FEIR, and in May 24, 2012, it approved the route and station locations for the Project. A Record of Decision was received from the Federal Transit Administration in August of 2012.~~ **On May 14, 2015, a Draft Initial Study/ Mitigated Negative**

Declaration (“IS/MND”) was circulated and reviewed by interested and concerned parties, including private citizens, community groups, the business community, elected officials and public agencies. The FEIS/FEIR **IS/MND** documents therefore comply with the California Environmental Quality Act. Since that time, none of the circumstances identified in CEQA Guidelines Section 15162 have occurred which would require the preparation of a subsequent EIR. As set forth above, Metro has also fulfilled the statutory prerequisites under Code of Civil Procedure § 1240.030 and Government Code § 7267.2.

Accordingly, Metro has fulfilled the necessary statutory prerequisites to acquire the Property by eminent domain.

CONCLUSION

Staff recommends that the Board approve the Resolution of Necessity.