



Board Report

File #: 2016-0273, **File Type:** Public Hearing

Agenda Number: 41

**REGULAR BOARD MEETING
APRIL 28, 2016**

SUBJECT: PURPLE LINE WESTSIDE SUBWAY EXTENSION TRANSIT PROJECT SECTION 2

ACTION: ADOPT RESOLUTION OF NECESSITY TO ACQUIRE PARCEL W-3603

RECOMMENDATION

CONSIDER:

- A. HOLDING a public hearing on the proposed Resolution of Necessity.
- B. ADOPTING the **Resolution of Necessity** authorizing the commencement of an eminent domain action to acquire **Project Parcel W-3603 (APN: 4319-001-007)**, consisting of the real property and the Improvements Pertaining to the Realty (hereinafter the "Property" as identified in Attachment A).

(REQUIRES TWO-THIRDS VOTE)

DISCUSSION

Acquisition of the Property is required for the construction of and operation of the Purple Line Westside Subway Extension Project, Section 2 ("Project"). A written offer was presented to the Owner of Record ("Owner"), as required by California Government Code Section 7267.2. The Owner has rejected the offer made by the Los Angeles County Metropolitan Transportation Authority ("LACMTA"), and requested that we initiate the eminent domain process to determine the value of the property. The Property is necessary for construction of the Project; therefore, staff recommends the acquisition of the Property through eminent domain to determine the value of the Property and to maintain the Project schedule.

In accordance with the provisions of the California Eminent Domain law and Sections 30503, 30600, 130051.13, 130220.5 and 132610 of the California Public Utilities Code (which authorize the public acquisition of private property by eminent domain), LACMTA has prepared and mailed notice of this hearing to the Owner with information about the right to appear at this hearing and be heard on the following issues: (1) whether the public interest and necessity require the Project; (2) whether the Project is planned or located in the manner that will be most compatible with the greatest good and the least private injury; (3) whether the Property is necessary for the Project; (4) whether either the offer required by Section 7267.2 of the Government Code has been made to the Owner, or the offer

has not been made because the Owner cannot be located with reasonable diligence; and (5) whether environmental review of the Project has complied with the California Environmental Quality Act (CEQA).

Attached is the Staff Report prepared by staff and legal counsel setting forth the required findings for acquiring the Property through the use of eminent domain (Attachment B). After LACMTA receives testimony and evidence from all interested parties, the LACMTA must make a determination as to whether to acquire the Property by eminent domain and adopt the proposed Resolution of Necessity (Attachment C). The Board must find and determine that based upon all the evidence and the existence of the above stated conditions, acquisition by eminent domain is necessary; and a two-thirds vote of all the members of its governing body is required to adopt the Resolution of Necessity.

DETERMINATION OF SAFETY IMPACT

This Board action will not have an impact on LACMTA's safety standards.

FINANCIAL IMPACT

The funding for the acquisition of the Property is included in the approved fiscal year 2016 Project budget under Measure R Project 865522 (Purple Line Westside Subway Extension Project, Section 2), in Cost Center 8510, and Account Number 53103 (Acquisition of Land).

Impact to Budget

The approved Measure R 35% funding included in the FY16 budget is designated for the Purple Line (Westside) Extension, Section 2 and does not have an impact to operations funding sources. These funds are not eligible for Metro Operations and were assumed in the Long Range Transportation Plan for the Project. This Project is not eligible for Proposition A and C funding due to the proposed tunneling element of the Project. No other funds were considered.

NEXT STEPS


If this action is approved by the Board, the LACMTA's condemnation counsel will be instructed to take all steps necessary to commence legal proceedings in a court of competent jurisdiction to acquire the Property interest by eminent domain. Counsel will also be directed to seek and obtain an Order of Prejudgment Possession in accordance with the provisions of the eminent domain law.

ATTACHMENTS

Attachment A - Site Plan
Attachment B - Staff Report
Attachment C - Resolution of Necessity

Prepared by: Velma C. Marshall, Deputy Executive Officer - Real Estate
(213) 922-2415

Reviewed by: Calvin E. Hollis, Interim Chief Planning Officer, (213) 922-7319



Phillip A. Washington
Chief Executive Officer