



Board Report

File #: 2016-0723, **File Type:** Policy

Agenda Number: 38.

**REGULAR BOARD MEETING
SEPTEMBER 22, 2016**

SUBJECT: METRO BLUE LINE TRACK IMPROVEMENT PROJECT

ACTION: ADOPT A RESOLUTION OF NECESSITY TO ACQUIRE A FEE INTEREST IN REAL PROPERTY IDENTIFIED AS ASSESSOR'S PARCEL NO. 5106-026-017 IN THE CITY OF LOS ANGELES

RECOMMENDATION

CONSIDER:

- A. Holding a public hearing on the proposed **Resolution of Necessity**; and
- B. **ADOPTING** a Resolution of Necessity authorizing the commencement of an eminent domain action to acquire a fee interest in the real property identified as portions of **Assessor's Parcel No. 5106-026-017**, described above and shown on Attachment "A" (hereinafter the "Property").

(REQUIRES 2/3 VOTE OF THE BOARD)

BACKGROUND

Acquisition of the Property is required in connection with the construction and operation of the Metro Blue Line Track Improvement Project (hereinafter the "Project"). A written offer was presented to the Owner of Record, Residential Holdings & Investment, LLC (hereinafter "Owner"), as required by California Government Code Section 7267.2. The Owner has rejected the offer, and to date the parties have been unable to reach a negotiated agreement. Because the Property is necessary for construction of the Project, staff recommends the acquisition of the Property through eminent domain.

In accordance with the provisions of the California Eminent Domain law and Sections 30503, 130220.5 and 132610 of the California Public Utilities Code (which authorize the public acquisition of private property by eminent domain), the Los Angeles County Metropolitan Transportation Authority ("Metro") has prepared and mailed notice of this hearing to the Owner informing them of their 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 public good and the least private injury; (3) whether the Property is necessary for the Project; and (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.

Attached is evidence submitted by staff that supports adoption of the Resolution that has been approved by counsel, and which sets forth the required findings (Attachment "B"). After all of the testimony and other evidence has been received by the Metro from all interested parties, Metro must make a determination as to whether to adopt the proposed Resolution of Necessity (Attachment "C") to acquire the Property by eminent domain. In order to adopt the Resolution, Metro must, based upon all the evidence before it, and by a vote of two-thirds of all the members of its governing body, find and determine that the conditions stated above exist.

DETERMINATION OF SAFETY IMPACT

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

FINANCIAL IMPACT

Funding for the acquisition of the property is included in the FY17 budget, in Construction Cost Center 8510, Project 211005 - Metro Blue Line Track Improvement, account number 53103 - Acquisition of Land.

Impact to Budget

The source of funds for this procurement will come from Prop A 35% funding, which eligible for Rail Capital Projects. This funding source will maximize the use of funds for these activities.

NEXT STEPS

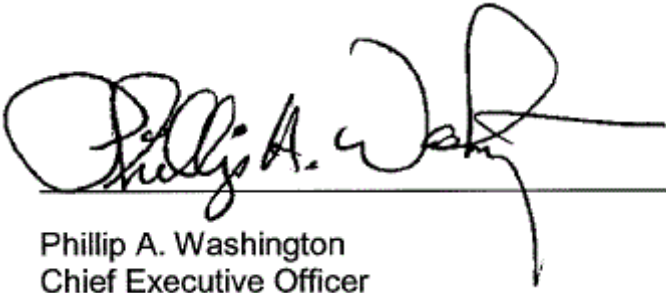
If this action is approved by the Board, Metro's condemnation counsel will be instructed to take all steps necessary to commence legal proceedings in a court of competent jurisdiction to acquire the Property by eminent domain. Counsel will also be directed to seek and obtain an Order of Prejudgment Possession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

ATTACHMENTS

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

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