



## Board Report

File #: 2016-0724, File Type: Policy

Agenda Number: 39.

REGULAR BOARD MEETING  
SEPTEMBER 22, 2016**SUBJECT: CRENSHAW/LAX TRANSIT CORRIDOR PROJECT PROPERTY ACQUISITION****ACTION: ADOPT RESOLUTION OF NECESSITY TO ACQUIRE PROPERTY INTERESTS IN PORTIONS OF EUCALYPTUS AVENUE****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 in fee simple, a portion of Eucalyptus Avenue. Metro must proceed with a condemnation action to clear various title issues and vacate the street as part of the Crenshaw/LAX Transit Corridor Project. The property sought to be condemned is a **765 square foot portion of Eucalyptus Avenue**, located adjacent to 320 N. Eucalyptus Avenue, north of W. Florence Avenue, in the City of Inglewood (hereinafter the "Property"). The Property is owned by Daniel Freeman, and is encumbered by a public street operated by the City of Inglewood.

(REQUIRES 2/3 VOTE OF THE BOARD)

**BACKGROUND**

Los Angeles County Metropolitan Transportation Authority ("METRO") seeks to acquire the Property set forth in (Attachment "A") for the construction and operation of the Crenshaw/LAX Transit Corridor Project ("Project") and in particular as part of realignment of Eucalyptus Avenue, adjacent driveways, and for parking mitigation purposes. Metro's review of title records has revealed that title to the property is held by Daniel Freeman. Mr. Freeman has been deceased since 1908. A written offer was presented to Christie M. Bourdet on July 18, 2016, the only known living heir of Daniel Freeman ("Owners"), as required by California Government Code Section 7267.2. The Owners have not accepted the offer made by METRO or presented counter offers; and consequently, negotiated agreements have not been reached. The Property is necessary for construction of the Project, and for mitigation and realignment of driveways and streets; therefore, staff recommends the acquisition of the Property through eminent domain in order to maintain the Project schedule.

In accordance with the provisions of the California Eminent Domain Law and Sections 30503, 30600,

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130051.13, 130220.5 and 132610 of the California Public Utilities Code (which authorize the public acquisition of private property by eminent domain), METRO has prepared and mailed notice of this hearing to each Owner informing the Owner of its 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 Owners of Record, or the offer has not been made because the Owner cannot be located with reasonable diligence. In addition, notice of this hearing was published in the Los Angeles Daily Journal for four consecutive weeks beginning August 30, 2016.

Attached is evidence from staff and legal counsel setting forth the required findings for acquiring the Property through the use of eminent domain (Attachment "B"). After METRO receives all of the testimony and other evidence from all interested parties, the METRO Board 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, the METRO Board must find and determine, based upon all the evidence before it and by a two-thirds vote of all the members of its governing body 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**

The funding for the acquisition of the Properties is included in the LOP budget under Measure R project 865512 (Crenshaw/LAX Transit Corridor Project), in cost center number 8510, and account number 53013 (Acquisition of Land).

#### **Impact to Budget**

The source of funds for this action is Measure R 35%. These funds are not eligible for transit operations.

### **NEXT STEPS**

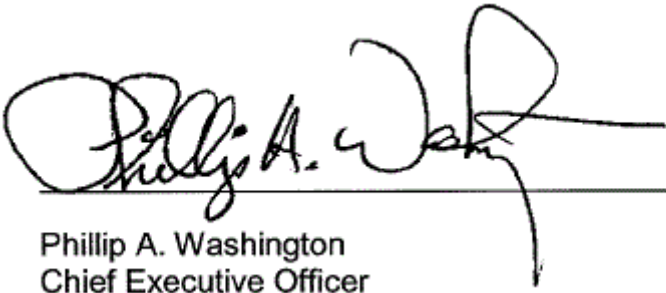
If this action is approved by the Board, METRO's condemnation counsel will be instructed to take all steps necessary to commence legal proceedings in a court of competent jurisdiction to acquire the Property interest by eminent domain. Counsel will also be directed to seek and obtain an Order of Prejudgment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

### **ATTACHMENTS**

Attachment A - Property Information  
Attachment B - Staff Report  
Attachment C - Resolution of Necessity

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