



**Board Report**

**File #:** 2018-0331, **File Type:** Policy

**Agenda Number:** 60.

**REGULAR BOARD MEETING  
JUNE 28, 2018**

**SUBJECT: AIRPORT METRO CONNECTOR 96TH STREET  
TRANSIT STATION PROJECT (THE HERTZ CORPORATION, "OWNERS")**

**ACTION: APPROVE RECOMMENDATIONS**

**RECOMMENDATION**

CONSIDER:

- A. HOLDING a public hearing on the proposed Resolution of Necessity; and
- B. ADOPTING a Resolution of Necessity (Attachment C) authorizing the commencement of an eminent domain action to acquire the fee interest in the property located at 9225 Aviation Boulevard, Los Angeles, CA 90045 (APN 4128-001-008, the "Property").

**DISCUSSION**

Acquisition of the Property (see Attachment A) is required for the construction and operation of a multi-modal transit project. The Airport Metro Connector 96th Street Transit Station Project ("Project") will include an at-grade light rail station that is served by the Crenshaw/LAX and Metro Green Lines. Other features include a new bus plaza sized to accommodate bus terminal and layover functions for Metro buses as well as municipal bus operators that serve the LAX area; private vehicle pick-up/drop-off areas; bicycle stations, pedestrian amenities including clear signage and passenger information and a transit center/terminal building that connects the at-grade transit services with the Los Angeles World Airports (LAWA) aerial Automated People Mover (APM) Station.

A written offer was presented to the owners of record ("Owners"), as required by California Government Code Section 7267.2. The Owners have not accepted the offer from Los Angeles County Metropolitan Transportation Authority ("LACMTA"), and the parties have not at this time been able to reach a negotiated settlement. 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, 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 Owners informing them of their right to appear at this hearing and to 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; (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 LACMTA has given the notice(s) and followed the procedures that are a prerequisite to the exercise of the power of eminent domain.

After all of the testimony and other evidence has been received by LACMTA from all interested parties, LACMTA must make a determination as to whether to adopt the proposed Resolution of Necessity to acquire the Property by eminent domain. In order to adopt the resolution, LACMTA 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 in the items (1) through (4) above exist. 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).

### **DETERMINATION OF SAFETY IMPACT**

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

### **FINANCIAL IMPACT**

Funding for the acquisition of the Property is included in the approved fiscal year 2018 Project budget, under Measure M Project 860303 (Airport Metro Connector/96<sup>th</sup> Street Station/Green Line Ext. LAX Project), in Cost Center 8510, and Account Number 53103 (Acquisition of Land).

#### **Impact to the Budget**

The funding source is Measure M Transit Construction 35%. The fund is not eligible for bus and rail operating. It will not impact ongoing bus and rail operating, the Proposition A and C and TDA administration budget or the Measure R administration budget.

### **NEXT STEPS**

If this action is approved by the Board, 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.

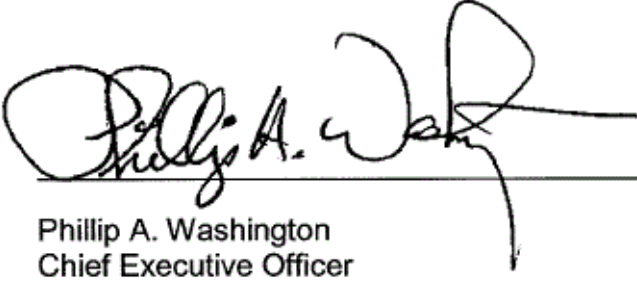
### **ATTACHMENTS**

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

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