



**Board Report**

**File #:** 2019-0477, **File Type:** Policy

**Agenda Number:** 45.

**REGULAR BOARD MEETING  
JULY 25, 2019**

**SUBJECT: I-710 SOUNDWALL PACKAGE 3 PROJECT**

**ACTION: APPROVE RECOMMENDATIONS**

**RECOMMENDATION**

CONSIDER:

- A. HOLDING a public hearing on the proposed Resolution of Necessity; and
- B. ADOPTING a Resolution of Necessity (Attachment B) authorizing the commencement of an eminent domain action to acquire a Temporary Construction Easement (TCE) and site improvements within the TCE area from the property identified as 3128 Gale Avenue, Long Beach, CA 90810, CPN-80964 (APN: 7312-021-009).

(REQUIRES TWO-THIRDS VOTE OF THE BOARD)

**BACKGROUND**

Acquisition of the TCE and site improvements within the TCE area, referred to herein as Property, is required for the construction of and operation of the I-710 Soundwall Package 3 Project (Project). The TCE is required to construct new soundwalls that will improve the noise levels of the residents living next to the I-710 freeway and will be built in the ultimate location of the I-710 South Project.

A written offer to purchase was delivered to the Owner of Record (Owner) as required by California Government Code Section 7267.2. The Owner has not accepted the offer of just compensation made by the Los Angeles County Metropolitan Transportation Authority (LACMTA), and the parties have not reached a negotiated settlement as of this date. Because the Property is necessary for construction of the Project, staff recommends the acquisition of the Property through eminent domain 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 timely prepared and mailed notice of this hearing to the Owners 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

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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; (5) whether environmental review of the Project has complied with the California Environmental Quality Act (CEQA); and (6) 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 evidence has been received by LACMTA's Board from all interested parties at the hearing, LACMTA's Board 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 resolutions, LACMTA's Board must, based on the evidence before it, and by a vote of two-thirds of all of its members, find and determine that the conditions stated in the items 1 - 6 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 A).

### **DETERMINATION OF SAFETY IMPACT**

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

### **FINANCIAL IMPACT**

For FY19, \$2,234,000 is budgeted in Highway Program Cost Center 4720, in the I-710 Soundwall Package 3 Project 463516, Tasks 5.3.100 and 5.4.100, Professional Services Account 50316.

Since this is a multi-year project, the Project Manager, the Cost Center Manager, and the Senior Executive Officer, Program Management - Highway Program will be responsible for budgeting the remaining costs of the project in future fiscal years.

#### **Impact to Budget**

The source of funds for this effort will be Measure R Highway Capital (20%) Funds. These funds are not eligible for bus and rail operations and/or capital expenditures.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

#### **Equity Platform Framework Consistency**

Equity is afforded to property owners to engage and have a voice in the decision-making process with regards to the acquisition of their property.

#### **Strategic Plan Consistency**

The recommended Board action is consistent with Metro Vision 2028 Goal #3: Enhancing communities and lives. Acquisition of property is a required step for the ultimate construction of the I-710 Soundwall Package 3 Project which will provide noise attenuation benefits to the residents living

next to the I-710 freeway as part of this segment.

### **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 by eminent domain. Counsel will also be directed to seek and obtain Orders of Prejudgment Possession in accordance with the provisions of California Eminent Domain Law, as necessary.

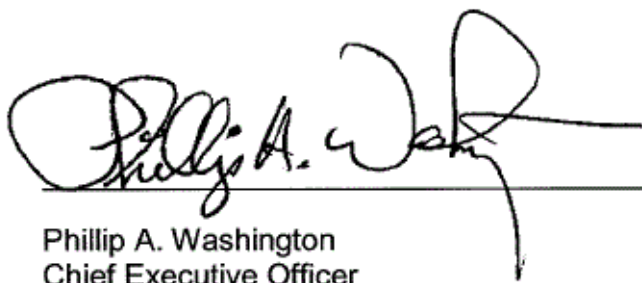
### **ATTACHMENTS**

Attachment A - Staff Report

Attachment B - Resolution of Necessity

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Chief Executive Officer