



Board Report

File #: 2021-0221, **File Type:** Policy

Agenda Number: 49.

**REGULAR BOARD MEETING
MAY 27, 2021**

SUBJECT: WESTSIDE PURPLE LINE EXTENSION SECTION 3 PROJECT

**ACTION: ADOPT RESOLUTION OF NECESSITY TO ACQUIRE AN EXCLUSIVE
SUBSURFACE EASEMENTS W-4001-1, W-4001-2, W-4001-3, W-4002-1, and 6-
MONTH TEMPORARY CONSTRUCTION EASEMENT W-4001-7 and 12-MONTH
ACCESS AREA**

RECOMMENDATION

CONSIDER:

- A. Holding a public hearing on the proposed Resolution of Necessity; and
- B. Adopting the Resolution of Necessity authorizing the commencement of an eminent domain action to acquire the exclusive subsurface easements from the properties identified as Parcels W-4001-1, W-4001-2, W-4001-3 (APN: 4319-003-066) and W-4002-1 (APN: 4319-003-063), acquire a 6-month temporary construction easement from the property identified as Parcel W-4001-7, and acquire a 12-month access area for installation and monitoring of liquid level gauge devices (APN: 4319-003-066). The properties listed above are herein referred to as “the Property.”

REQUIRES 2/3 VOTE

BACKGROUND

Acquisition of the above-referenced exclusive subsurface easements and 6-month temporary construction easement (“Easements”) and 12-month access area for the temporary installation and monitoring of liquid level gauge devices (“Access Area”) are required for the construction and operation of the Westside Purple Line Extension Section 3 Project (“Project”). The Easements and Access Area are required for the tunnel alignment that will connect the Century City Constellation Station with the Westwood/UCLA Station.

Written offer to purchase the Easements and Access Area were mailed to the Owner of Record (“Owner”) of the Property 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 at this time reached a negotiated

settlement on the contemplated acquisition. Since the Easements and Access Area are necessary for construction of the Project, staff recommends the acquisition of the Easements and Access Area through eminent domain to determine the value of the Easements and Access Area, and to obtain possession thereof in order to maintain the Project's 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 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 good and the least private injury; (3) whether the Easement is necessary for the Project; (4) whether either the offer required by Section 7267.2 of the California 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 have been received from all interested parties, LACMTA must make a determination as to whether to adopt the proposed Resolution of Necessity to acquire the Easements by eminent domain. In order to adopt the resolutions, LACMTA must, based on the evidence before it, and by vote of two-thirds of all the members of its governing body, 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 Resolutions that have been approved by counsel, and which set forth the required findings (Attachment B).

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 Easements is included in the fiscal year 2021 budget under Project 865523 (Westside Purple Line Extension Section 3), Cost Center 8510 (Construction Project Management), and Account Number 53103 (Acquisition of Land) and Fund 6012.

Impact to Budget

The approved FY21 budget is designated for the Westside Purple Line Extension Section 3 and does not have an impact to operations funding sources. The funds 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.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

Equity Platform Framework Consistency

Implementation of the State's eminent domain laws assures that 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 Board action is consistent with Metro Vision 2028 Goal #1: Provide high quality mobility options that enable people to spend less time traveling. Adoption of the Resolution of Necessity is a required step to acquire these properties for the Westside Purple Line Extension which will provide an additional mobility option.

NEXT STEPS

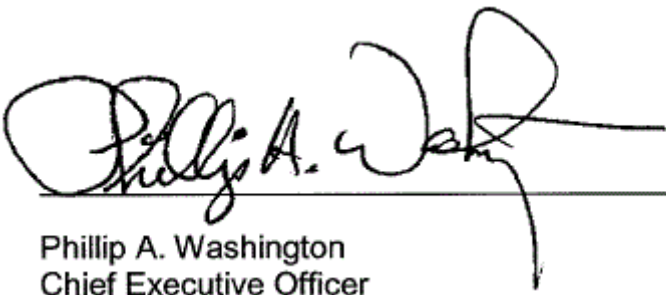
If this action is approved by the Board, the LACMTA's condemnation counsel will be instructed to take all steps necessary to commence legal proceedings in a court of competent jurisdiction to acquire the property interest by eminent domain. Counsel will also be directed to seek and obtain an Order of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

ATTACHMENTS

Attachment A - Staff Report
Attachment B - Resolution of Necessity

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