



**Board Report**

**File #:** 2016-0908, **File Type:** Policy

**Agenda Number:** 47.

**REGULAR BOARD MEETING  
DECEMBER 1, 2016**

**SUBJECT: METRO BLUE LINE PEDESTRIAN SWING GATES PROJECT**

**ACTION: ADOPT RESOLUTION OF NECESSITY TO ACQUIRE A FEE INTEREST IN A PORTION OF THE PROPERTY LOCATED AT 1657 NADEAU STREET (APN 6021-018-020)**

**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 to 91 square feet of the private property located at 1657 Nadeau Street, Los Angeles (APN 6021-018-020).** This acquisition is for the Metro Blue Line Pedestrian Swing Gates Project.

(REQUIRES TWO-THIRDS VOTE)

**BACKGROUND**

Acquisition of a portion of Parcel No. 6021-018-020 (Property - See Attachment A) is required for the construction of the Metro Blue Line Pedestrian Swing Gate Project (Project). A written offer was presented to the owner of record, Fox Holdings, LLC (Owner) as is required by California Government Code Section 7267.2. To date, staff has been unable to reach an agreement with the Owner due to an unrelated legal case pending against the Owner. The property interest is necessary for construction of the Project; therefore, staff recommends the acquisition through eminent domain to maintain the Project schedule.

In accordance with the provisions of the California Eminent Domain Law and Sections 30503, 13022.5, and 132610 of the Public Utilities Code (which authorize the public acquisition of private property by eminent domain) the Los Angeles Metropolitan Transportation Authority (Metro) has prepared and mailed a notice of this hearing to the Owner informing him of his 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 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) that any environmental review of the Project, as may be necessary, pursuant to the

California Environmental Quality Act (CEQA), has occurred.

Attached is the staff report setting forth the required findings for acquiring the Property through the use of eminent domain (Attachment B). After receiving 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 Property is included in the Board-approved FY 17 budget under Proposition C 25% cash and Proposition C 25% bond for the Metro Blue Pedestrian Swing Gate Project in Cost Center 211005, and Account Number 8510 (Acquisition of Land).

### **Impact to Budget**

The source of the funds for this action is from Props C 25% Cash and/or Bonds funds. These funds are eligible to be used for transit capital improvement to the existing right-of-way. No other sources of funds were considered for this project. This action will not impact on-going operating expenses.

### **NEXT STEPS**

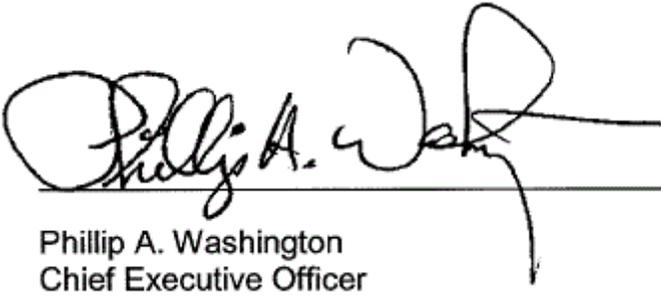
If this action is approved by the Board, Metro's condemnation counsel will be instructed to take all steps necessary to commence legal proceedings in a court of competent jurisdiction to acquire the Property interest by eminent domain. Counsel will also be directed to seek and obtain an Order of Prejudgment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