



Board Report

File #: 2017-0039, **File Type:** Policy

Agenda Number: 44.

REVISED
REGULAR BOARD MEETING
FEBRUARY 23, 2017

SUBJECT: METRO BLUE LINE PEDESTRIAN SWING GATE PROJECT

ACTION: ADOPT RESOLUTION OF NECESSITY TO ACQUIRE A PORTION OF THE PROPERTY LOCATED AT 1725 E. FLORENCE AVENUE, LOS ANGELES, CA, APN: 6009-029-059

RECOMMENDATION

CONSIDER:

- A. HOLDING a public hearing on the proposed Resolution of Necessity.
- B. ADOPTING a Resolution of Necessity authorizing the commencement of an eminent domain action to acquire a portion of APN: 6009-029-059 in fee simple, an area of 211 sq. ft. on private property located at **1725 E. Florence Avenue, Los Angeles, CA.**

(REQUIRES TWO-THIRDS VOTE)

BACKGROUND

Acquisition of a portion of Parcel No. 6009-029-059 ("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, El Dorado Capital, Inc. ("Owner") as was required by California Government Code Section 7267.2. To date, staff has been unable to reach an agreement with the property owner due to Owner's nonresponsiveness. This portion is necessary for construction of the Project; therefore, staff recommends the acquisition of this portion through eminent domain to maintain the Project schedule.

In accordance with the provisions of the California Eminent Domain law and sections 30503, 130220.5., and 132610 of the Public Utilities Code (which authorize the public acquisition of private property by eminent domain) the Metropolitan Transportation Authority ("Metro") has prepared and mailed a notice of this hearing to the property owner of record 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 the Metro Board 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 Property is included in the approved FY 17 Project budget under Proposition C 25% cash and Proposition C 25% bond for the Metro Blue Pedestrian Swing Gate Project in Cost Center 205104, and Account Number 8510 (Acquisition of Land).

Impact to Budget

The approved FY 17 budget is designated for the Metro Blue Line Pedestrian Swing Gate Project and does not have an impact on operations funding sources. This Project is eligible for Proposition C funding as allocated above. No other funds were considered.

NEXT STEPS

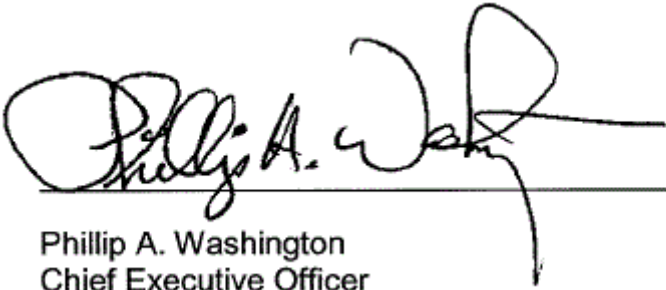
If this action is approved by the Board, Metro's condemnation counsel will be instructed to take all steps necessary to commence legal proceedings in a court of competent jurisdiction to acquire the property interest by eminent domain. Counsel will also be directed to seek and obtain an Order of Prejudgment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