



Board Report

File #: 2017-0479, **File Type:** Policy

Agenda Number: 49

**REGULAR BOARD MEETING
JULY 27, 2017**

SUBJECT: CRENSHAW/LAX TRANSIT CORRIDOR PROJECT

ACTION: ADOPT RESOLUTION OF NECESSITY TO ACQUIRE PROPERTY INTEREST IN PORTIONS OF PROPERTY LOCATED AT 6700 CRENSHAW BLVD, LOS ANGELES.

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 various interests in the property located at 6700 Crenshaw Blvd., Los Angeles. Metro must proceed with a condemnation action to clear various title issues and acquire the necessary property interests required for the Crenshaw/LAX Transit Corridor Project. The properties sought to be condemned are a 162 square foot permanent roadway easement (Metro Parcel CR-2901) and a 50 square foot temporary construction easement (Metro Parcel CR-2901-1) in a portion of 6700 Crenshaw Blvd., Los Angeles, California (APN 4006-025-032) (hereinafter "Property"). The Property is owned by Noel Dias and Mike Davidyan.

(REQUIRES TWO-THIRDS VOTE OF THE FULL BOARD)

BACKGROUND

Los Angeles County Metropolitan Transportation Authority ("Metro") seeks to acquire the Property (Attachment "A") for the construction and operation of the Crenshaw/LAX Transit Corridor Project ("Project") and in particular to make necessary street modifications to Crenshaw Blvd. and 67th Street. Metro's review of title records has revealed that title to the property is held by Mike H. Davidyan and Noel Dias. An initial offer was presented to Mr. Dias on July 1, 2016 and, as a result of some unresolved title issues, a subsequent written offer was presented to Mr. Davidyan and Mr. Dias ("Owner") on June 29, 2017, as required by California Government Code Section 7267.2. However, there are multiple other parties claiming an interest in the Property and/or have a lien encumbering said Property; accordingly, Metro has not been able to reach a negotiated agreement. The Property is necessary for construction of the Project and for street modification purposes; therefore, staff recommends the acquisition of the Property through eminent domain in order to maintain the Project schedule and to obtain clear title.

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), Metro has prepared and mailed notice of this hearing to each Owner informing the Owner of its 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 public good and the least private injury; (3) whether the Property is necessary for the Project; and (4) whether either the offer required by Section 7267.2 of the Government Code has been made to the Owner or Owners of Record, or the offer has not been made because the Owner cannot be located with reasonable diligence.

Attached is evidence from staff and legal counsel setting forth the required findings for acquiring the Property through the use of eminent domain (Attachment "B"). After Metro 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 Life of Project Budget (LOP) under Measure R, Project 865512 (Crenshaw/LAX Transit Corridor Project), in Cost Center Number 8510, and Account Number 53013 (Acquisition of Land). Since this is a multi-year project, the cost center manager, project manager and Executive Director, Program Management would be responsible for budgeting costs in future fiscal years.

Impact to Budget

This project is funded with a combination of Local Agency funds, Proposition C 25%, Proposition A 35%, Measure R 35%, Measure R TIFIA Loan, CMAQ and other federal funding sources. No other funds have been considered and there is no additional impact to operations.

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

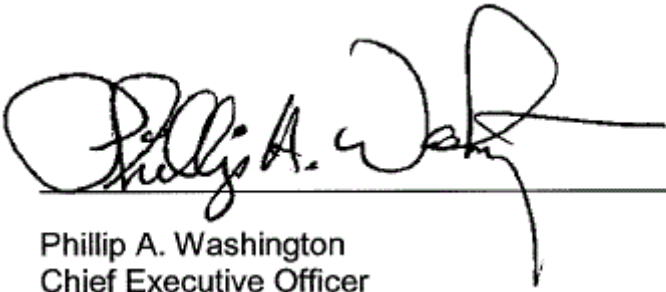
Attachment B - Staff Report

Attachment C - Resolution of Necessity

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