



Board Report

File #: 2021-0240, **File Type:** Policy

Agenda Number: 50.

**REGULAR BOARD MEETING
MAY 27, 2021**

SUBJECT: WESTSIDE PURPLE LINE EXTENSION SECTION 3 PROJECT

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

CONSIDER:

- A. HOLDING a public hearing on the proposed Resolution of Necessity.
- B. ADOPTING the Resolution of Necessity authorizing the commencement of an eminent domain action to acquire a portion of the leasehold interests, related leasehold improvements, and related improvements pertaining to APN: 4363-023-032 (hereinafter called the "Property Interests") as shown in Attachment C.

REQUIRES 2/3 VOTE

ISSUE

Acquisition of the Property Interests is required for the construction and operation of the Westside Purple Line Extension Section 3 Project ("Project"). To date, staff has been unable to reach an agreement with the owner or tenants for the Property Interests.

BACKGROUND

The Westside Purple Line Extension Section 3 Project ("Project") requires acquisition of a portion of the property identified as APN 4363-023-032 (Attachment A) for the construction of the project. The acquisition will result in the displacement of tenants from portions of the property. As a result of the acquisition and displacement, the Los Angeles County Metropolitan Transportation Authority (LACMTA) was required to appraise and make an offer to acquire the Property Interests. A written offer for the non-movable assets including Improvements Pertaining to the Realty and the Leasehold Improvements ("Improvements Pertaining to Realty") was presented to the owners of the leasehold interests ("Tenants") and the underlying real property owner ("Property Owner"), as required by California Government Code Section 7267.2. To date, staff has been unable to reach an agreement with the Property Owner or Tenants for the Property Interests.

DISCUSSION

Findings

In light of the lack of agreement with the Tenants, the Property Owner asserts its right to receive compensation for its interest in the Improvements Pertaining to Realty. The Property Interests are necessary for construction of the Project; therefore, staff recommends the acquisition of the Property Interests through eminent domain to maintain the Project schedule.

Considerations

Attached is the Staff Report prepared by staff and legal counsel setting forth the required findings for acquiring the Property Interests through the use of eminent domain (Attachment B). After LACMTA receives testimony and evidence from all interested parties, the LACMTA must make a determination as to whether to acquire the Property Interests by eminent domain and adopt the proposed Resolution of Necessity (Attachment C). The Board must find and determine that based upon all the evidence and the existence of the above stated conditions, acquisition by eminent domain is necessary; and a two-thirds vote of all the members of its governing body is required to adopt the Resolution of Necessity.

Equity Platform

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.

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 Property Interests is included in the Fiscal Year 2021 (FY21) budget under Project 865523 Westside Purple Line Extension Section 3, in 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. These 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

Recommendation supports strategic plan goals:

1. Provide high-quality mobility options that enable people to spend less time traveling;
2. Deliver outstanding trip experiences for all users of the transportation system;
3. Enhance communities and lives through mobility and access to opportunity;

4. Transform LA County through regional collaboration and national leadership; and
5. Provide responsive, accountable, and trustworthy governance within the LACMTA organization.

ALTERNATIVES CONSIDERED

The Board could choose not to approve the recommendations. This is not recommended as it will hamper the Real Estate division's ability to respond quickly to the project's needs resulting in significant delays and cost increases for the project.

NEXT STEPS

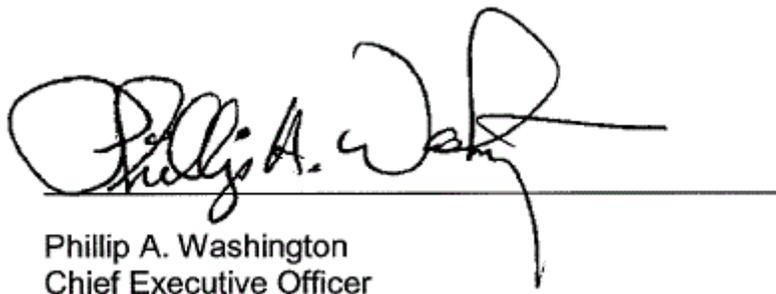
If this action is approved by the Board, the LACMTA's condemnation counsel will be instructed to take all steps necessary to commence legal proceedings in a court of competent jurisdiction to acquire the Property interests by eminent domain and to conclude those proceedings either by settlement or jury trial. 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 - Site Plan
Attachment B - Staff Report
Attachment C - Resolution of Necessity

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