



Board Report

File #: 2021-0331, **File Type:** Policy

Agenda Number: 54.

**REGULAR BOARD MEETING
JUNE 24, 2021**

SUBJECT: LINK UNION STATION PROJECT

ACTION: APPROVE RECOMMENDATIONS

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 APN: 5173-019-006 in fee simple and the non-movable assets, otherwise known as improvements pertaining to the realty or fixtures and equipment, located at 801 East Commercial Street, Los Angeles, CA 90012 (hereinafter called the "Property Interests" as shown in Attachment A).

(REQUIRES 2/3 VOTE OF THE BOARD)

ISSUE

Acquisition of the Property is required for the construction and operation of the Link Union Station Project ("Project"). To date, staff has been unable to reach an agreement with the owner or tenants for the acquisition of the Property Interests.

BACKGROUND

The Link Union Station Project ("Project") requires the fee simple acquisition of the property identified as APN 5173-019-006 for the construction of the Project. The acquisitions 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) is required to appraise and make an offer to acquire the Property Interests. A written offer to acquire the fee simple interest was presented to the owner ("Property Owner") and written offers to acquire the non-movable assets including improvements pertaining to the realty ("Improvements Pertaining to Realty"), were presented to the Property Owner and to the leasehold interests ("Tenants") 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 acquisition of the Property Interests.

DISCUSSION

Findings

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 A). 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 B). 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.

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 460089 Link Union Station Project, in Cost Center 2415 (Regional Rail), and Account Number 53103 (Acquisition of Land) and Fund 3711.

Impact to Budget

The approved FY21 budget is designated for the Link Union Station Project and does not have an impact to operations funding sources. These funds were assumed in the Long-Range Transportation Plan for the Project.

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 LACMTA 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 Link Union Station Project which will provide an additional mobility option.

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.

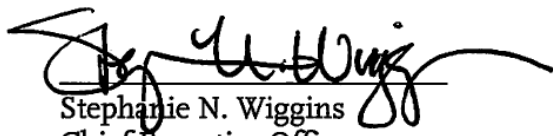
ATTACHMENTS

Attachment A - Staff Report

Attachment B - Resolution of Necessity

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