



Board Report

File #: 2022-0428, File Type: Policy

Agenda Number:

**REGULAR BOARD MEETING
AUGUST 25, 2022**

**SUBJECT: METRO G (ORANGE) LINE BUS RAPID TRANSIT IMPROVEMENT PROJECT
RESOLUTIONS OF NECESSITY**

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATIONS

CONSIDER:

- A. HOLDING a public hearing on the proposed Resolutions of Necessity; and
- B. ADOPTING the Resolutions of Necessity authorizing the commencement of an eminent domain action to acquire certain property interests in parcels MOL-001, MOL-004, MOL-006 & MOL-008 as listed in List of Parcels Included in the Resolutions of Necessity (Attachment A). The properties listed are herein referred to as “the Property Interests.”

(REQUIRES 2/3 VOTE OF THE BOARD)

ISSUE

Acquisition of the Property Interests is required for the construction and operation of the Metro G (Orange) Line Bus Rapid Transit Improvements Project (“Project”). After testimony and evidence has been received from all interested parties at the hearing, Los Angeles County Metropolitan Transportation Authority (“LACMTA”), by a vote of two-thirds of its Board of Directors (“Board”), must make a determination as to whether to adopt the proposed Resolutions of Necessity (Attachment B) to acquire the Property Interests by eminent domain. Attached is evidence submitted by staff that supports adoption of the resolutions and which sets forth the required findings (Attachment A).

..Background

BACKGROUND

Acquisition of the Property Interests are required for the construction and operation of the Project. The Property Interests are required for the installation of railroad-style four-quadrant safety gate systems at several at-grade roadway crossings along the G Line between the North Hollywood and Chatsworth Stations.

DISCUSSION

Written offers of Just Compensation to purchase the Property Interests were presented to the Owners of Record ("Owners") of the Property Interests as required by California Government Code Section 7267.2. The Owners have not accepted the offer of Just Compensation made by LACMTA, and the parties have not at this time reached a negotiated settlement for the acquisition. Because the Property Interests are necessary for the construction and operation of the Project, staff recommends the acquisition of the Property Interests through eminent domain in order to maintain the Project's schedule.

In accordance with the provision of the California Eminent Domain law and Sections 30503, 30600, 130051.13, 130220.5 and 132610 of the California Public Utilities Code (which authorizes the public acquisition of private property by eminent domain), LACMTA has prepared and mailed notice of this hearing to the Owners informing them of the 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 Interests are necessary for the Project; (4) whether either the offer required by Section 7267.2 of the Government Code has been made to the Owners, or the offer has not been made because the Owners cannot be located with reasonable diligence; (5) that any environmental review of the Project, as may be necessary, pursuant to the California Environmental Quality Act (CEQA) has occurred and (6) whether LACMTA has given the notice(s) and followed the procedures that are a prerequisite to the exercise of the power of eminent domain.

After all of the testimony and evidence has been received from all interested parties at the hearing, LACMTA must make a determination as to whether to adopt the proposed Resolutions of Necessity to acquire the Easements by eminent domain. In order to adopt the resolutions, LACMTA must, based on the evidence before it, and by vote of two-thirds of its Board, find and determine that the conditions stated in the items 1 - 6 above exist.

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).

There are no displacements of residents or local businesses as a result of the acquisition of the Property Interests.

DETERMINATION OF SAFETY IMPACT

The 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 2023 (FY23) budget under Project 871405 Metro G (Orange) Line Bus Rapid Transit Improvement Project, in Cost Center 8510, Account Number 53103 (Acquisition of Land) and Fund 6003.

Impact to Budget

The Adopted FY23 budget includes Measure M 35% funding designated for the Metro G (Orange) Line Bus Rapid Transit Improvement Project and does not impact Metro operations funding sources.

EQUITY PLATFORM

No other alternative locations for the Project provide greater operational safety, decreasing travel time, improving air quality, and enhancing access to the corridor. This public good will also support the fulfillment of LACMTA's LA County traffic Improvement Plan under measure M. There are no displacements of residents or local businesses resulting from the acquisition of this Property Interest. Offers for the various Property Interests were made from March to June 2022 based on the appraisals of fair market value. Fair market value is defined as "the highest price on the date of valuation that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for so doing, nor obliged to sell, and a buyer, being ready, willing, and able to buy but under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available." Metro staff has been negotiating with the various Owners, but an agreement has not yet been reached. Approving this action will allow staff to continue negotiations while maintaining the project schedule.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

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 Resolutions of Necessity is a required step to acquire these Property Interests for the Metro G Line (Orange) Bus Rapid Transit Improvement 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 result in significant delays and cost increases for the Project.

NEXT STEPS

If this action is approved by the Board, 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

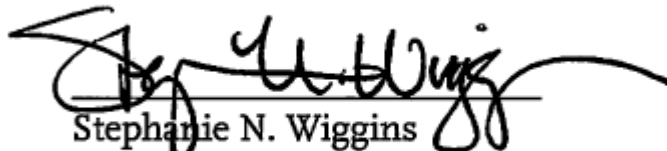
- Attachment A - Staff Report
- Attachment B - Resolutions of Necessity

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