



Board Report

File #: 2024-0173, File Type: Policy

Agenda Number: 35.

**REGULAR BOARD MEETING  
SEPTEMBER 26, 2024**

**SUBJECT: PUBLIC HEARING ON RESOLUTION OF NECESSITY FOR WESTSIDE PURPLE  
LINE EXTENSION SECTION 1**

**ACTION: APPROVE RECOMMENDATION**

**RECOMMENDATION**

ADOPT the Resolution of Necessity authorizing the commencement of an eminent domain action to acquire a 10-month and 7 days Temporary Construction Easement (“Property Interest”) from the property known as 5318 Wilshire Blvd, Los Angeles, CA 90036 APN: 5089-001-028 (formerly 5089-001-026) identified in Attachment A.

(REQUIRES TWO-THIRDS VOTE OF THE FULL BOARD)

**ISSUE**

Acquisition of the Property Interest is required for the continued construction of the Westside Purple Line Extension Section 1 (“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 Resolution of Necessity (Attachment B) to acquire the Property Interest by eminent domain. Attached is evidence submitted by staff that supports the adoption of the resolution and sets forth the required findings (Attachment A).

**BACKGROUND**

Acquisition of the Property Interest is required for the construction of the Project. The Larger Parcel land area is 15,028 square feet and is located at the southwest corner of Wilshire Boulevard and Detroit Street. A 1,080 square foot portion of the site adjacent to Wilshire Boulevard is encumbered by a permanent easement in favor of the LACMTA. The Property is currently vacant and is being used as a construction laydown area for the Project. LACMTA previously acquired a ten-year Temporary Construction Easement (TCE) that encumbered the Property for construction laydown which expires on July 26, 2025. LACMTA is seeking to acquire a new TCE that would extend the use

of the construction laydown area through June 1, 2026, to complete the Project.

## **DISCUSSION**

A written offer of Just Compensation to purchase the Property Interest was delivered to the Owner of Record ("Owner") by a letter dated April 16, 2024, as required by California Government Code Section 7267.2. The Owner has not accepted the offer of Just Compensation and the parties have not reached a negotiated settlement for the acquisition. Because the Property Interest is necessary for the construction of the Project, staff recommends the acquisition of the Property Interest through eminent domain to obtain possession to maintain the Project's schedule.

In accordance with the provision of the California Eminent Domain law and Section 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 their 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 Interest 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; 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 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 Resolution of Necessity to acquire the Property by eminent domain. In order to adopt the resolution, 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 items 1 - 6 above exist.

Attached is the Staff Report prepared by staff and legal counsel setting forth the required findings for acquiring Property Interest through the use of eminent domain (Attachment A).

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

## **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 is included in the Fiscal Year 2025 budget under Project 865518 Westside Purple Line Extension Section 1, in Cost Center 8510 (Construction Project Management), and Account Number 53103 (Acquisition of Land) and Fund 6012.of Land Account

53103.

### Impact to Budget

The approved FY25 budget is designated for the Westside Purple Line Extension Section 1 and does not have an impact on operations funding sources. The 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.

### EQUITY PLATFORM

The Property Interest is required for the completion of the Project. The project will provide greater operational safety, decrease travel time, improve air quality, and access to the corridor, especially for workers from Equity Focused Communities who work along the corridor. This public goodwill also support the fulfillment of Metro'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 Interests. An offer for the Property Interest was delivered to the Property Owners by letter dated April 16, 2024, based on 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 Owner, 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 Resolution of Necessity is a required step to acquire the Property Interest for the Westside Purple Line Extension - Section 1 Project which will provide an improved mobility option.

### ALTERNATIVES CONSIDERED

The Board could choose not to approve the recommendation. 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

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Property Interest 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

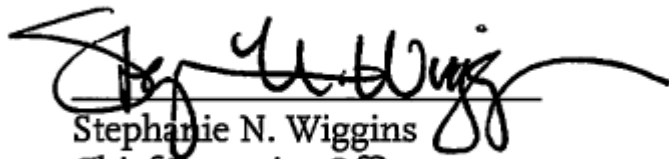
Attachment B - Resolution of Necessity

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