



Board Report

File #: 2024-0439, File Type: Policy

Agenda Number: 43.

REGULAR BOARD MEETING JULY 25, 2024

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

ACTION: APPROVE RECOMMENDATION

RECOMMENDATION

RESCIND the Resolutions of Necessity (“RON’s”) previously adopted on August 25, 2022, which authorized the commencement of eminent domain actions to acquire certain partial permanent and temporary property rights (“Property Interests”) in the Canoga Park properties listed along the Metro G Line in the table below as follows:

- A. Property: 21339 Saticoy St., Canoga Park, CA 91304
 - APN: 2109-031-017 (MOL-004)
 - Property Owner: Astra Holding, Inc a California Corporation
 - Property Interests: Permanent Partial Acquisition - 185 SF, TCE - 313 SF, 64 months duration
- B. Property: 21339 Sherman Way, Canoga Park, CA 91303
 - APN: 2111-030-018 (MOL-006)
 - Property Owner: Spectrum Investment Corporation, a California Corporation
 - Property Interests: Permanent Partial Acquisition - 720 SF, TCE - 400 SF, 66 months duration
- C. Property: 21400 Roscoe Blvd, Canoga Park, CA 91304
 - APN: 2110-003-036 (MOL-008)
 - Property Owner: 21400 Roscoe, LLC, a California limited liability company
 - Property Interests: Permanent Street Easement - 177 SF, TCE - 264 SF, 67 months duration

(REQUIRES TWO-THIRDS VOTE OF THE FULL BOARD)

ISSUE

Acquisition of the Property Interests is no longer required by the Metro G Line (Orange) Bus Rapid Transit Improvements Project (“Project”). Therefore, the RON’s and related eminent domain court cases are no longer necessary. For the purpose of formally abandoning the acquisition of the properties and closing out dismissal of the related eminent domain cases, staff is recommending the Board formally rescind the RON’s by approving this action.

BACKGROUND

Between April and June 2022, Metro issued written offers to the owners of the above-mentioned Properties to acquire Property Interests for the installation of railroad-style four-quadrant safety gate systems. After months of unsuccessful negotiations, on August 25, 2022, the Los Angeles County Metropolitan Transportation Authority (“LACMTA”) Board held hearings and adopted Resolutions of Necessity (“RON’s”) to acquire Property Interests required for the construction and operation of railroad-style four-quadrant safety gate systems at the properties listed above. Shortly after the RON’s were adopted condemnation counsel filed and served the eminent domain complaints.

DISCUSSION

At its November 2023, staff provided an update to the Board on the scope, schedule and budget of the Project, including exploring cost savings by installing fewer gates. A task force comprised of representatives from Metro safety, systems engineering, bus operations and LADOT determined the gates are no longer required, which eliminates the need for the Property Interests. Condemnation counsel has filed notices of abandonment and dismissal of the legal proceedings for the acquisitions. To formally close out the eminent domain cases, staff recommends the Board authorizes rescission of the RON’s. The adopted RON’s are attached for reference as follows:

- Attachment A - MOL-004 Resolution of Necessity
- Attachment B - MOL-006 Resolution of Necessity
- Attachment C - MOL-008 Resolution of Necessity

The G Line Project team has decertified the previously required property interests, and condemnation counsel has filed with the Superior Court notices of abandonment and requests for formal dismissal of the legal proceedings for those acquisitions.

DETERMINATION OF SAFETY IMPACT

The Board action will not have an impact on LACMTA’s safety standards.

FINANCIAL IMPACT

The funding for this action is included in the Fiscal Year 2025 (FY25) budget under Project 871405 Metro G Line (Orange) Bus Rapid Transit Improvement Project, in Cost Center 8510, Account Number 53103 (Acquisition of Land) and Fund 6003. No additional funding for this action is required.

Impact to Budget

The approved FY25 budget is designated for the Metro G Line (Orange) Bus Rapid Transit Improvement Project and does not have an impact to operations funding sources.

EQUITY PLATFORM

The Project seeks to improve transit passenger experience and pedestrian safety through the construction of grade separations, vehicle and pedestrian crossing gates, first/last mile improvements, and ADA accessible features along the entire G Line alignment. The proposed removal of Project scope has an impact on the quantity of improvements made but does not impact the quality of the portions that remain and are intended to more inclusively serve riders, including those from Equity Focus Communities. Although crossing gates may be removed, staff are exploring alternatives that will preserve end-to-end run time reductions.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The Board action is consistent with LACMTA Vision 2028 Goal #5: Provide responsive, accountable, and trustworthy governance within the Metro organization.

ALTERNATIVES CONSIDERED

The Board could choose not to approve the recommendations. This is not recommended as it may result in the court determining that LACMTA's abandonments and dismissals of the three affected matters was not valid and require acquisition of the Property.

NEXT STEPS

If this action is approved by the Board, condemnation counsel will seek to complete the formal dismissal of the eminent domain actions.

ATTACHMENTS

Attachment A - MOL-004 Signed Resolution of Necessity
Attachment B - MOL-006 Signed Resolution of Necessity
Attachment C - MOL-008 Signed Resolution of Necessity

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