



Board Report

File #: 2017-0087, File Type: Policy

Agenda Number: 27.

**REGULAR BOARD MEETING
MARCH 23, 2017**

SUBJECT: CRENSHAW/LAX TRANSIT CORRIDOR PROJECT

ACTION: ADOPT RESOLUTION OF NECESSITY TO ACQUIRE PARCELS HS-2701 AND HS-2701-1

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 Parcels HS-2701 (APN 4013-008-008) and HS-2701-1 (APN 4013-007-32, 022, 021 and 029)**, consisting of the real property and site improvements (hereinafter the "Property").

(REQUIRES TWO-THIRDS VOTE)

BACKGROUND

Acquisition of the Property (Attachment "A") located at 1119-1137 E. Redondo Blvd., and the parking lot on the south side of Redondo Blvd, west of West Blvd, City of Inglewood, is required for the construction and operation of a light rail transit alignment, roadway modifications, station, station amenities, parking and park & ride facilities, a traction power sub-station (TPSS), and related purposes for the Crenshaw/LAX Transit Corridor Project ("Project").

The Property to be acquired is an expansion of a previously adopted Resolution of Necessity (adopted on September 26, 2013) to acquire only Parcel HS-2701. At that time, Parcel HS-2701 was acquired to accommodate all of the station parking, station amenities and attendant portions of the Project, and was also to be used as a vital laydown yard for construction. Just prior to the adoption of the September 2013 Resolution of Necessity, Metro was made aware of a written parking lot covenant obligating 65 spaces within Parcel HS-2701 to one of the tenants of the Property. As the Project's schedule dictated a need for the possession of Parcel HS-2701 by a date certain, and the Project's design was complete, Metro moved forward with the condemnation of Parcel HS-2701, and filed an eminent domain action in Los Angeles Superior Court (LASC Case No. BC562344, "Eminent Domain Action") which is ongoing. The obligation of spaces within Parcel HS-2701 to the tenant of

the Property per the covenant required Metro to agree to work with the tenants to find both a temporary and permanent parking solution. Despite securing an agreement with the County of Los Angeles to provide temporary parking for the commercial properties at a nearby facility as well as the creation of on-street parking on Redondo, a long-term solution was unavailable due to the physical constraints of the surrounding area.

Thus, a permanent and workable solution was unattainable and, as a result, Parcel HS-2701 alone could not provide the necessary parking for the transit riders while also meeting all of the station and Project needs.

Metro determined that expanding the acquisition to include both Parcels HS-2701 and HS-2701-1 allowed for the necessary station parking (to include disabled access spaces), a bicycle parking area with lockers and racks, a wider sidewalk on Redondo Boulevard, additional landscaping and also removed the parking covenant. Therefore, based upon a written stipulation with the C.T., Inc. et al ("Owner") of Parcel HS-2701 in the Eminent Domain Action, the scope of the acquisition was expanded to include Parcel HS-2701-1, following tenant outreach and environmental analysis.

A written offer for the acquisition of the Property was presented to the Owner, as required by California Government Code Section 7267.2. The Owner has rejected Metro's offer, and the parties have not been able to reach a negotiated settlement. Because the Property is necessary for construction of the Project, staff recommends the acquisition of the Property through eminent domain.

Written offers were also presented to the eligible tenants at the Property for the appraised value of their immovable fixtures and equipment.

In accordance with the provisions of the California Eminent Domain law and Sections 30503, 30600, 130051.13, 130220.5 and 132610 of the California Public Utilities Code (which authorize the public acquisition of private property by eminent domain), the Los Angeles County Metropolitan Transportation Authority ("Metro") has prepared and mailed notice of this hearing to the Owner and tenants/occupants of the Property 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 public good and the least private injury; (3) whether the Property is necessary for the Project; and (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.

After all of the testimony and other evidence has been received by Metro from all interested parties, Metro must make a determination as to whether to adopt the proposed Resolution of Necessity (Attachment "C") to acquire the Property by eminent domain. In order to adopt the resolution, Metro must, based upon all the evidence before it, and by a vote of two-thirds of all the members of its governing body, find and determine that the conditions stated above exist. Attached is the Staff Report that supports adoption of the Resolution that has been approved by counsel, and which sets forth the required findings (Attachment "B").

DETERMINATION OF SAFETY IMPACT

This Board action will not have an impact on safety standards for Metro.

FINANCIAL IMPACT

Funding for the acquisition of the Property is included in the adopted fiscal year 2017 budget, under Project 865512 (Crenshaw/LAX Transit Corridor Project), in Cost Center 8510, and Account Number 53103 (Acquisition of Land).

Impact to Budget

The FY17 Measure R 35% funding is designed for the Metro Crenshaw/LAX Transit Corridor Project and does not have an impact on operations funding sources. This Project is eligible for Measure R funding as allocated above. No other funds were considered.

NEXT STEPS

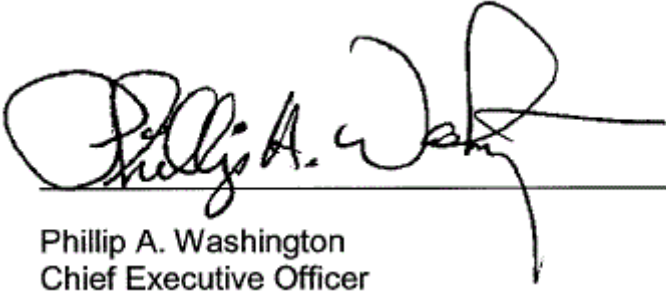
If this action is approved by the Board, Metro's condemnation counsel will be instructed to take all steps necessary to continue and complete legal proceedings in a court of competent jurisdiction to acquire the Property interest by eminent domain. Counsel will also be directed to maintain the Order of Prejudgment Possession for Parcel HS-2701 in accordance with the provisions of the eminent domain law for the ongoing construction of the Project.

ATTACHMENTS

Attachment A - Site Plan
Attachment B - Staff Report
Attachment C - Resolution of Necessity

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