



Board Report

File #: 2020-0057, **File Type:** Policy

Agenda Number:

**REGULAR BOARD MEETING
FEBRUARY 27, 2020**

SUBJECT: REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT

**ACTION: ADOPT RESOLUTION OF NECESSITY TO ACQUIRE
PARCEL RC-SPA-04**

RECOMMENDATION

CONSIDER:

- A. Holding a hearing on the proposed Resolution of Necessity; and
- B. Adopting a Resolution of Necessity authorizing the commencement of an eminent domain action to acquire Parcel RC-SPA-4 (APN Not Applicable), consisting of real property located within the 2nd Street and Hope Street right-of-way (hereinafter the "Property").

REQUIRES 2/3 VOTE

BACKGROUND

Acquisition of the Property (See Attachment A) is required for construction and operation of the Regional Connector Transit Corridor Project ("Project"). As required by California Government Code Section 7267.2, a written offer must be presented to the Owner or Owners of Record (hereinafter "Owner"). Los Angeles County Metropolitan Transportation Authority ("LACMTA") contracted with Chicago Title Company and Wagner Engineering to determine ownership of the property. However, due to a convoluted ownership history, several street realignments, and revised parcel mapping, neither subcontractor could identify the Owner. In order to comply with California Government Code Section 7267.2, LACMTA contracted with eminent domain counsel Burke, William & Sorensen, LLP, to serve the written offer through publication. The offer was published in the Los Angeles Daily Journal newspaper for the weeks of January 10, January 17 and January 24, 2020, and was also posted on-site. To date, there has not been a response to the written offer publication or posting. Because the Property is necessary for construction of the Project, staff recommends the acquisition of the Property through eminent domain.

In accordance with the provisions of the California Eminent Domain law and Sections 30503, 130220.5 and 132610 of the California Public Utilities Code (which authorize the public acquisition of private property by eminent domain), LACMTA has prepared and published the notice of this hearing

informing the Owner 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; (5) whether environmental review of the Project has complied with the California Environmental Quality Act (CEQA) 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 other evidence has been received by LACMTA from all interested parties, LACMTA 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, LACMTA 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 in the items 1 - 6 above exist. Attached is evidence submitted by staff that supports adoption of the Resolution that has been approved by counsel, and which sets forth the required findings (Attachment A).

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 approved Fiscal Year 2020 project budget, under Measure R Project 860228 (Regional Connector Transit Corridor Project), in Cost Center 8510, and Account Number 53103 (Acquisition of Land).

Impact to Budget

The FY2020 budget is designated for the Regional Connector Transit Corridor Project and is funded with Measure R funds. The FY20 funds were planned and designated for this project. Design and construction of this project does not have an impact to operations funding sources.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

Equity Platform Framework Consistency

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 recommended Board action is consistent with LACMTA Vision 2028 Goal #1: Provide high quality mobility options that enable people to spend less time traveling. Acquisition of property is a

required step for the ultimate construction and operation of the Regional Connector Transit Corridor Project which will provide an additional mobility option.

NEXT STEPS

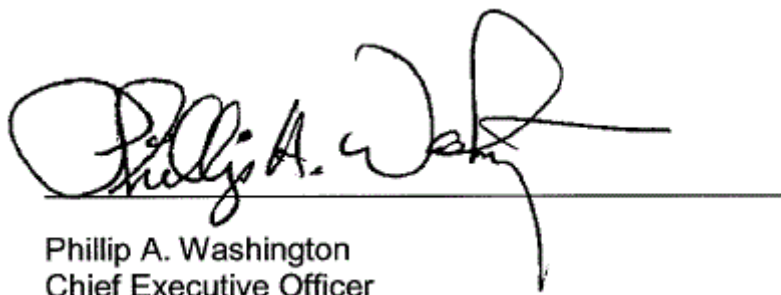
If this action is approved by the Board, LACMTA's condemnation counsel will be instructed to take all steps necessary to commence legal proceedings in a court of competent jurisdiction to acquire the Property by eminent domain. Counsel will also be directed to seek and obtain an Order of Prejudgment Possession in accordance with the provisions of the eminent domain law.

ATTACHMENTS

Attachment A - Staff Report
Attachment B - Resolution of Necessity

Prepared by: Craig Justesen Director of Real Property Management &
Development, (213) 922-7051
Velma C. Marshall, Deputy Executive Officer - Real Estate
(213) 922-2415
Holly Rockwell, Senior Executive Officer, Real Property
Management & Development, (213) 922-5585

Reviewed by: James de la Loza, Chief Planning Officer (213) 922-2920



Phillip A. Washington
Chief Executive Officer