



Board Report

File #: 2015-1658, File Type: Public Hearing

Agenda Number: 53.

**REGULAR BOARD MEETING
DECEMBER 3, 2015**

SUBJECT: CRENSHAW/LAX TRANSIT CORRIDOR PROJECT

ACTION: ADOPT A RESOLUTION OF NECESSITY TO ACQUIRE A FEE INTEREST IN REAL PROPERTY UNDERLYING A PORTION OF BRONSON AVENUE NORTH OF RODEO ROAD AND SOUTH OF EXPOSITION BOULEVARD IN THE CITY OF LOS ANGELES.

RECOMMENDATION

CONSIDER:

- A. HOLDING a public hearing on the proposed Resolution of Necessity; and
- B. ADOPTING a **Resolution of Necessity authorizing the commencement of an eminent domain action to acquire a fee interest in the real property underlying a portion of Bronson Avenue**, described above and shown on Attachment "A" (hereinafter the "Property").

(REQUIRES 2/3 VOTE OF THE BOARD)

BACKGROUND

Acquisition of the Property is required to complete the vacation of Bronson Avenue in connection with the construction and operation of the Expo/Crenshaw Station Site and Plaza in support of the Crenshaw/LAX Transit Corridor Project (hereinafter the "Project"). A written offer was presented to the Owner of Record (hereinafter "Owner"), as required by California Government Code Section 7267.2. The Owner has rejected the offer, and to date the parties have been unable to reach a negotiated agreement. 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), the Los Angeles County Metropolitan Transportation Authority ("Metro") has prepared and mailed notice of this hearing to the Owner 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.

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 "B"). After all of the testimony and other evidence has been received by the 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.

DETERMINATION OF SAFETY IMPACT

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

FINANCIAL IMPACT

Funding for the acquisition of the Property is included in the approved fiscal year 2016 Project budget, under Measure R project 865512 (Crenshaw/LAX Transit Corridor Project), in cost center 8510, and account number 53103 (Acquisition of Land).

NEXT STEPS

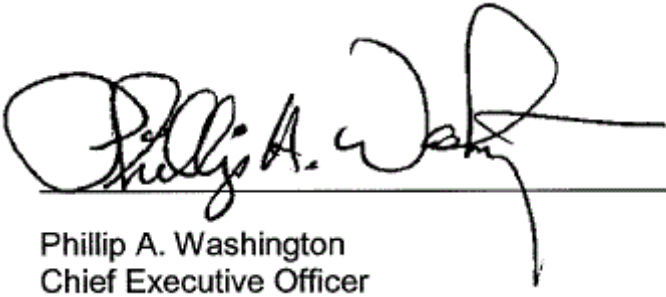
If this action is approved by the Board, Metro's condemnation counsel will be instructed to take all steps necessary to commence legal proceedings in a court of competent jurisdiction to acquire the Property by eminent domain. Counsel will also be directed to seek and obtain an Order of Prejudgment Possession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

ATTACHMENTS

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

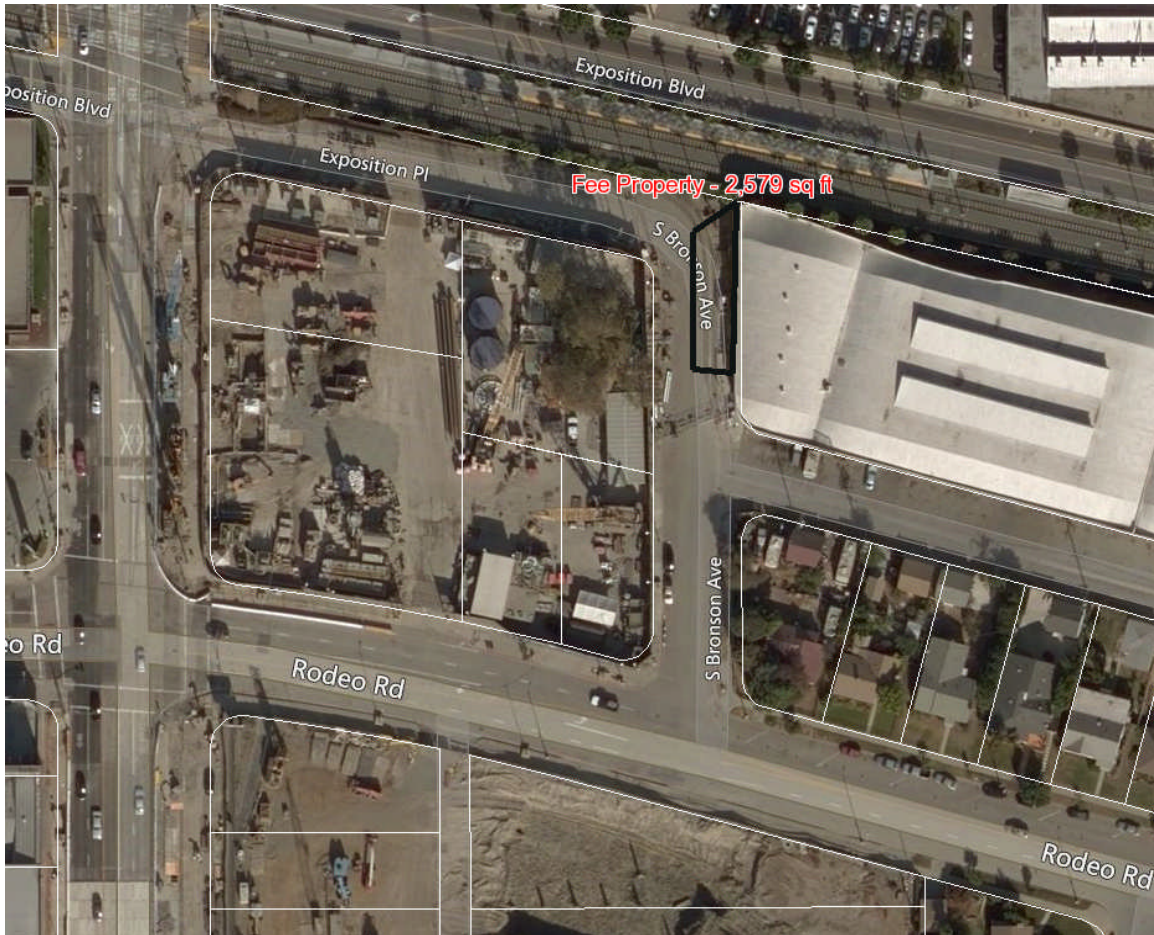
Prepared by: Velma C. Marshall, Deputy Executive Officer - Real Estate (213) 922-2415
Calvin E. Hollis, Managing Executive Officer, (213) 922-7319

Reviewed by: Martha Welborne, FAIA, Chief Planning Officer, (213) 922-7267



Phillip A. Washington
Chief Executive Officer

ATTACHMENT A



Owner: 3339 Exposition Place, LP, a California Limited Partnership

Property: Real property underlying a portion of Bronson Avenue north of Rodeo Road and south Exposition Boulevard in the City of Los Angeles

STAFF REPORT REGARDING THE NECESSITY FOR THE ACQUISITION OF REAL PROPERTY UNDERLYING A PORTION OF BRONSON AVENUE NORTH OF RODEO ROAD AND SOUTH EXPOSITION BOULEVARD IN THE CITY OF LOS ANGELES (THE “PROPERTY”) FOR THE CRENSHAW/LAX TRANSIT CORRIDOR PROJECT

BACKGROUND

The Property is required for the construction and operation of the Crenshaw/LAX Transit Corridor Project ("Project"). The address, record owner (as indicated by a title report prepared by Stewart Title Company), physical description, and nature of the property interest sought to be acquired for the Project is summarized as follows:

Assessor's Parcel Number	Parcel Address	Owner	Purpose of Acquisition	Property Interest(s) Sought
N/A	Real property underlying a portion of Bronson Avenue north of Rodeo Road and south Exposition Boulevard in the City of Los Angeles	3339 Exposition Place, LP	Light Rail Transit Alignment, Station Plaza, park & ride facilities, and related purposes	Fee simple interest of 2,579 square feet in the real property underlying a portion of Bronson Avenue north of Rodeo Road and south Exposition Boulevard in the City of Los Angeles

A written offer for the fee simple property interest was presented to the Owner on September 20, 2013. To date, the offer has not been accepted, and negotiations have not resulted in a settlement agreement.

A. The public interest and necessity require the Project.

The public interest and necessity require the Project for the following reasons:

1. The existing population and employment density in the Crenshaw/LAX Transit Corridor ("Corridor") is extremely high and very transit dependent. The Corridor population and employment densities are four times higher than Los Angeles County as a whole. The Corridor has a high concentration of low-income, minority, transit-dependent residents. More than 49 percent of all Corridor households are designated as low income. In addition, 16 percent of all households in the Corridor do not have access to an automobile, compared to 8 percent in the County's urbanized area. Forecasts show a growing transit-dependent population, with a projected 55 percent increase in Corridor residents that rely on, or will rely on the area's transit system. The Project will provide significant improvements in transportation and attendant access to economic (employment) opportunities for low-

income, elderly, transit-dependent persons living in the Crenshaw/LAX Transit Corridor area.

2. Implementation of the Project will result in a reduction of vehicle miles per day and reduction of auto air pollutants.
3. The Project will relieve congestion on the already over capacity 1-405 San Diego and the 1-10 Santa Monica Freeways and surrounding major thoroughfares. In addition, it will reduce the parking demands in the Westside area by providing an alternative means of transportation, competitive in rush-hour travel times with the automobile.
4. The Project will be a major link in the existing county-wide rail transit system, and will thereby provide alternative means of transportation during fuel crises and increased future traffic congestion.
5. The Project will meet the need for improved transit service of the significant transit-dependent population within the Project area.

It is recommended that based on the above evidence, the Board find and determine that the public interest and necessity require the Project.

B The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury.

On September 11, 2009, a Draft Environmental Impact Statement/ Draft Environmental Impact Report (DEIS/DEIR) was circulated and reviewed by interested and concerned parties, including private citizens, community groups, the business community, elected officials and public agencies. Public hearings were held to solicit citizen and agency comments. A total of four alternatives, including two build alternatives, were presented in the September 2009 DEIS/DEIR. On December 20, 2009 the Board adopted the Light Rail Transit (LRT) Alternative as the Locally Preferred Alternative (LPA), after review and consideration of the comments received from circulation of the 2009 DEIS/DEIR. The Board certified the Final Environmental Impact Report (FEIR) on September 22, 2011. A Record of Decision was received from the Federal Transit Administration on December 30, 2011.

The Project is a LRT dual-track alignment, which will extend from the existing Metro Exposition Line at Crenshaw and Exposition Boulevards. The LRT line will travel 8.5 miles to the Metro Green Line Aviation/LAX Station and will serve the cities of Los Angeles, Inglewood, Hawthorne, and El Segundo, and portions of unincorporated Los Angeles County. The Project includes eight approved stations:

- Crenshaw/ Exposition
- Crenshaw/ Martin Luther King Jr. Bl.
- Crenshaw/Vernon (Leimert Park)
- Crenshaw/Slauson
- Florence/West
- Florence/La Brea

- Florence/Hindry
- Aviation/Century

The Corridor has some of the highest population and employment density in the Southern California region, as well as the highest proportion of transit ridership. No significant expansion of existing freeway and street networks is planned to accommodate this growth. During various community meetings, the residents of the Corridor area expressed their need for improved transit service because many are transit -dependent and need better access to the region's educational, employment, and cultural opportunities. The Locally Preferred Alternative (LPA) addresses those needs and moves more people in a way that is energy efficient and with the least environmental impact.

The Project will cause private injury, including the displacement or relocation of certain owners and users of private property. However, no other alternative locations for the Project provide greater public good with less private injury. Therefore, the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

Due to its bulk, the FEIS/FEIR is not physically included in the Board's agenda packet for this public hearing. However, the FEIS/FEIR documents should be considered in connection with this matter. It is recommended that, based upon the foregoing, the Board find and determine that the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

C. The Property is necessary for the Project.

The Property is needed for the construction and operation of the Expo/Crenshaw Light Rail Transit Alignment, Station, and Park & Ride Facilities in conjunction with the Project. The Property requirements are based on the approved FEIS/FEIR for the Project. Staff recommends that the Board find that the acquisition of the Property is necessary for the Project.

D. Offers were made in compliance with Government Code Section 7267.2.

California Code of Civil Procedure Section 1245.230 requires that a Resolution of Necessity contain a declaration that the governing body has found and determined that either the offer required by Section 7267.2 of the California Government Code has been made to the Owner, or the offer has not been made because the Owner cannot be located with reasonable diligence.

California Government Code Section 7267.2 requires that an offer be made to the Owner and in an amount which the agency believes to be just compensation. The amount must not be less than the agency's approved appraisal of the fair market value of the Property. In addition, the agency is required to provide the Owner with a written statement of, and summary of the basis for, the amount it established as just compensation.

Staff has taken the following actions as required by California law for the acquisition

of the Property:

1. Obtained an appraisal to determine the fair market value of the Property;
2. Reviewed and approved the appraisal, and established the amount it believes to be just compensation;
3. Determined the Owner of the Property by examining the county assessor's record and the title report;
4. Made a written offer to the Owner for the full amount of just compensation - which was not less than the approved appraised value; and
5. Provided the Owner with a written statement of the basis for, the amount established as just compensation.

It is recommended that the based on the above Evidence, the Board find and determine that the offer required by Section 7267.2 of the California Government Code has been made to the Owner.

CONCLUSION

Staff recommends that the Board approve the Resolution of Necessity.

**RESOLUTION OF THE
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
DECLARING A CERTAIN REAL PROPERTY INTEREST NECESSARY FOR PUBLIC
PURPOSES AND AUTHORIZING THE ACQUISITION THEREOF
(REAL PROPERTY UNDERLYING A PORTION OF BRONSON AVENUE NORTH OF
RODEO ROAD AND SOUTH EXPOSITION BOULEVARD IN THE CITY OF LOS
ANGELES)**

THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

Section 1.

The LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY ("METRO") is a public entity organized and existing pursuant to Chapter 2 of Division 12 of the California Public Utilities Code (commencing with Section 130050).

Section 2.

The real property interest described hereinafter is to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Board to acquire property by eminent domain by California Public Utilities Code Sections 30000-33027, inclusive, and particularly Section 30503 and 30600, Sections 130000-132650, inclusive, and particularly Sections 130051.13 and 130220.5, Code of Civil Procedure Sections 1230.010-1273.050, inclusive, and particularly Sections 1240.510 and 1240.610, and Article I, Section 19 of the California Constitution.

Section 3.

The real property interest consists of the acquisition of a fee interest underlying a portion of Bronson Avenue north of Rodeo Road and south Exposition Boulevard in the City of Los Angeles, as described more specifically in the legal description (Exhibit A), and depicted on the plat map (Exhibit B), attached hereto (hereinafter, the "Property"), all of which are incorporated herein by this reference.

Section 4

(a) The acquisition of the above-described Property is necessary for the development, construction, operation, and maintenance of the Crenshaw/LAX Transit Corridor Project ("Project");

(b) The environmental impacts of the Project were evaluated in the Final Environmental Impact Statement/Final Environmental Impact Report (FEIS/FEIR) for this Project which was certified by the Board on September 22, 2011. The Board found that in accordance with the California Environmental Quality Act Guidelines, Section 15162, no subsequent or supplemental Environmental Impact Report is required for the Project; and

(c) The Board has reviewed and considered the FEIS/FEIR, before and as part of the process of determining whether to acquire the above-referenced Property.

Section 5.

The Board hereby declares that it has found and determined each of the following:

(a) The public interest and necessity require the proposed Project;

(b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;

(c) The Property sought to be acquired, which has been described herein, is necessary for the proposed Project; and

(d) The offers required by Section 7267.2 of the Government Code have been made to the Property Owners.

Section 6.

Pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property is already devoted.

Section 7.

That notice of intention to adopt this resolution was given by first class mail to each person whose Property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Board on the matters contained herein.

Section 8.

Legal Counsel is hereby authorized and directed to take all steps necessary to commence legal proceedings, in a court of competent jurisdiction, to acquire the Property described above by eminent domain. Counsel is also authorized and directed

to seek and obtain an Order for Prejudgment Possession of said Property in accordance with the provisions of the eminent domain law and is directed that the total sum of probable just compensation be deposited with the State Treasurer or the Clerk of the Superior Court. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the Property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property.

Counsel is further authorized to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including stipulations as to judgment and other matters, and causing all payments to be made. Counsel is further authorized to associate with, at its election, a private law firm for the preparation and prosecution of said proceedings.

I, MICHELLE JACKSON, Secretary of the Los Angeles County Metropolitan Transportation Authority, do hereby certify that the foregoing Resolution was duly and regularly adopted by a vote of two-thirds of all the members of the Board of the Metropolitan Transportation Authority at a meeting held on the 3rd day of December, 2015.

Date: _____

MICHELLE JACKSON
METRO Secretary

ATTACHMENTS

- 1 - Legal Description (Exhibit "A")
- 2 - Plat Map (Exhibit "B")

EXHIBIT "A"

**LEGAL DESCRIPTION FOR STREET VACATION PURPOSES
BRONSON AVENUE**

THAT PORTION OF BRONSON AVENUE, 58 FEET WIDE, AS SHOWN ON TRACT NO. 12244, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 259, PAGES 27 AND 28 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EASTERLY LINE OF SAID BRONSON AVENUE WITH THE SOUTHERLY LINE OF THE SOUTHERN PACIFIC RAILROAD COMPANY RIGHT OF WAY, OF VARIABLE WIDTH, AS SHOWN ON SAID TRACT; THENCE LEAVING SAID RIGHT OF WAY AND ALONG SAID EASTERLY LINE, S00°10'33"W 98.63 FEET; THENCE LEAVING SAID EASTERLY LINE, N89°53'24"W 29.00 FEET TO THE CENTERLINE OF SAID BRONSON AVENUE; THENCE ALONG SAID CENTERLINE, N00°10'33"E 79.24 FEET TO THE INTERSECTION OF SAID CENTERLINE WITH THE CENTERLINE OF EXPOSITION BOULEVARD, OF VARIABLE WIDTH, AS SHOWN ON SAID TRACT; THENCE LEAVING SAID INTERSECTION, N56°22'14"E 34.90 FEET TO THE **POINT OF BEGINNING**.

CONTAINS: 2,579 SQUARE FEET.

NOTE:

THIS LEGAL DESCRIPTION WAS NOT PREPARED FOR ANY PURPOSE THAT WOULD BE IN VIOLATION OF THE STATE OF CALIFORNIA SUBDIVISION MAP ACT OR LOCAL ORDINANCES OF THE GOVERNING BODY HAVING JURISDICTION.

PREPARED BY:
WAGNER ENGINEERING & SURVEY, INC.


ARMANDO V. ABAD, P.L.S. 8445

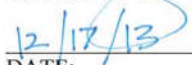

DATE:



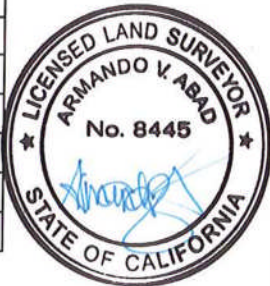
EXHIBIT "B"

Grantor: _____
 Description: BRONSON AVENUE
 TRACT NO. 12244, BK. 259, PAGES 27 & 28 OF MAPS.
 CITY OF LOS ANGELES, COUNTY OF LOS ANGELES
 Title Report: N/A

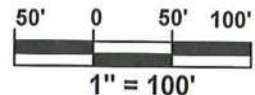
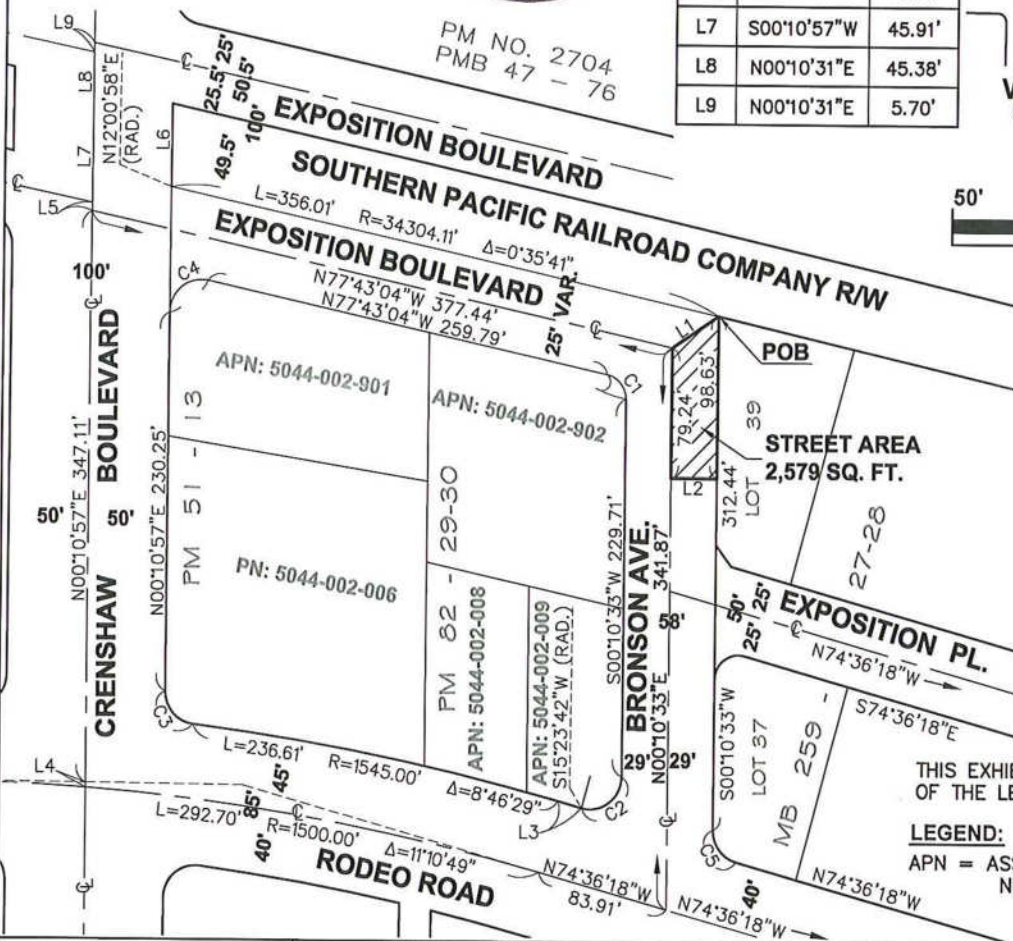
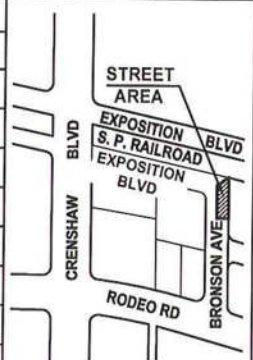
THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD 83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.

Assessor's Ref: N/A ROW Ref: _____ No. Date _____ Revision Description _____

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	20.39'	15.00'	77°53'37"
C2	36.73'	20.00'	105°13'09"
C3	29.17'	20.00'	83°33'45"
C4	35.64'	20.00'	102°05'58"
C5	26.10'	20.00'	74°46'53"



LINE TABLE		
LINE	BEARING	LENGTH
L1	N56°22'14"E	34.90'
L2	N89°53'24"W	29.00'
L3	N74°36'18"W	15.45'
L4	N00°10'57"E	3.01'
L5	S00°10'57"W	5.17'
L6	S00°10'31"W	50.57'
L7	S00°10'57"W	45.91'
L8	N00°10'31"E	45.38'
L9	N00°10'31"E	5.70'



THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION
LEGEND:
 APN = ASSESSOR'S PARCEL NUMBER

TOTAL AREA OF PROPERTY	STREET AREA	REMAINDER PARCEL AREA	ESTATE
	2,579 SQ. FT.		

APPROVED BY: **Metro**

PROJECT MANAGER: _____ DATE: _____

PREPARED BY: **WAGNER ENGINEERING & SURVEY, INC.**
 17134 Devonshire St., Ste. 200
 Northridge, CA 91325

CHECKED BY: *[Signature]* LS.: 8445

CRENSHAW/LAX
 TRANSIT CORRIDOR
 PROJECT

DATE: 12-17-2013
 SCALE: 1"=100'
 REV. No. DATE:
 REV. No. DATE:
 PARCEL No. N/A