

Board Report

Los Angeles County
Metropolitan Transportation
Authority
One Gateway Plaza
3rd Floor Board Room
Los Angeles, CA

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

File #: 2017-0087, File Type: Policy

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

File #: 2017-0087, File Type: Policy Agenda Number: 27.

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

Prepared by: Carol A. Chiodo, Director of Real Property Management & Development,

(213) 922-2404

Calvin E. Hollis, Senior Executive Officer, Countywide Planning &

Development, (213) 922-7319

Reviewed by: Therese W. McMillian, Chief Planning Officer, (213) 922-7077

ATTACHMENT A



Metro Parcels HS-2701 and HS-2701-1

RESOLUTION OF THE

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
DECLARING CERTAIN REAL PROPERTY INTERESTS NECESSARY FOR PUBLIC
PURPOSES AND AUTHORIZING THE ACQUISITION THEREOF
(CRENSHAW/LAX PARCELS NO. HS-2701 AND HS-2701-1)

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 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 property interest consists of the acquisition of a fee interest, along with the immovable fixtures and equipment located thereon, as described more specifically in the legal description (Exhibits "A" and "A-1") and depicted on the Plat Maps (Exhibits "B" and "B-1"), 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;

- (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; and
- (d) Metro has received approval from the Federal Transit Administration to acquire the Property without the need for any subsequent environmental report or study following the necessary analyses set forth above along with the analysis of the acquisition of both Parcels HS-2701 and HS-2701-1.

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 offer required by Section 7267.2 of the Government Code has been made to the Owner.

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 and continue legal proceedings, in a court of competent jurisdiction, to acquire the Property described above by eminent domain. Counsel is also authorized and directed to maintain the existing Order for Prejudgment Possession for Parcel HS-2701 of said Property in accordance with the provisions of the eminent domain law and is further directed that the total sum of probable just compensation required for HS-2701-1 and related costs 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 if necessary. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real 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.

I, I	MICHELLE JACKSON, Secretary of the Los Angeles Count	y Metropolitan
Transpor	tation Authority, do hereby certify that the foregoing Resolution	n was duly and
regularly	adopted by a vote of two-thirds of all the members of the	e Board of the
Metropol	itan Transportation Authority at a meeting held on the 23rd d	ay of March,
2017		•

	Date:	
MICHELLE JACKSON		

ATTACHMENTS

LACMTA Secretary

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

EXHIBIT "A" LEGAL DESCRIPTION

LEGAL DESCRIPTION FOR FEE PURPOSES PARCEL NUMBER HS-2701

THAT PORTION OF LOT 6 IN THE SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 14 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF INGLEWOOD, AS SAID LOT IS SHOWN ON THE RANCHO SAUSAL REDONDO MAP FILED IN BOOK 507 PAGE 508, OF PATENT MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHEASTERLY PROLONGATION OF THE SOUTHEASTERLY LINE OF LONG STREET, 50 FEET WIDE, AS SHOWN ON TRACT NO 4476, RECORDED IN BOOK 49, PAGES 58 AND 59 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, WITH THE SOUTHWESTERLY LINE OF REDONDO BOULEVARD, 65 FEET WIDE, SHOWN AS "LOS ANGELES STREET" ON SAID TRACT NO. 4476; THENCE ALONG SAID SOUTHEASTERLY PROLONGATION \$29°11'34"E 50.00 FEET TO A POINT ON THE NORTHERLY LINE OF THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY RIGHT OF WAY, 50 FEET WIDE, SHOWN AS A.T.& S.F. RR ON SAID TRACT NO. 4476; THENCE ALONG SAID NORTHERLY LINE N60°48'26"E 468.62 FEET TO THE EASTERLY LINE OF WEST BOULEVARD, 67 FEET WIDE; THENCE ALONG SAID BOULEVARD; THENCE ALONG SAID SOUTHWESTERLY LINE OF REDONDO BOULEVARD; THENCE ALONG SAID SOUTHWESTERLY LINE OF REDONDO BOULEVARD; THENCE ALONG SAID SOUTHWESTERLY LINE S60°48'26"W 497.00 FEET TO THE POINT OF BEGINNING.

CONTAINS: 24,141 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:

Stephanie a. Wagner STEPHANIE A. WAGNER, P.L.S. \$752

July 27, 2011

LEGAL DESCRIPTION FOR PARTIAL ACQUISITION PURPOSES PARCEL NUMBER HS-2701-1 (SHEET 1 OF 3)

PARCEL NUMBER HS-2701-1A

LOTS 375, 376, AND 377 OF TRACT NO. 4476, IN THE CITY OF INGLEWOOD, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 49, PAGES 58 AND 59 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM ALL OIL, NAPHTHA, GAS AND OTHER MINERAL SUBSTANCES DEPOSITED IN, LYING UNDER, OR FLOWING THROUGHT SAID LAND, AS RESERVED TO THE GRANTOR THEREIN IN DEEDS EXECUTED BY LOS ANGELES INVESTMENT COMPANY, A CORPORATION, RECORDED IN BOOK 1162, PAGE 79, OFFICIAL RECORDS, AS TO LOT 375; IN BOOK 1035, PAGE 296, OFFICIAL RECORDS, AS TO LOT 376; IN BOOK 1554, PAGE 171, OFFICIAL RECORDS, AS TO LOT 377, BY DEED RECORDED APRIL 7, 1965, LOS ANGELES INVESTMENT COMPANY, A CORPORATION, QUITCLAIMED TO THE RECORD OWNERS OF SAID LAND ALL RIGHT WHICH IT NOW HAS OR OWNS TO ENTER UPON THE SURFACE OF SAID LAND.

PROVIDED, HOWEVER, AND ON CONDITION THAT THIS RELEASE SHALL APPLY SOLELY AND ONLY TO RIGHTS OF ENTRY UPON THE SURFACE OF SAID PROPERTY FOR THE PURPOSE OF DRILLING FOR OIL, GAS OR ANY OTHER HYDROCARBON SUBSTANCES, AS EXTRACTING ANY MINERALS ON SAID PROPERTY, BUT NOTHING HEREIN CONTAINED SHALL BE DEEMED TO PREVENT SAID LOS ANGELES INVESTMENT COMPANY, ITS SUCCESSORS OR ASSIGNS, FROM EXTRACTING OR CAPTURING SAID MINERALS BY DRILLING OR CONDUCTING SUBSURFACE DRILLING OPERATIONS AT DEPTHS BELOW 500 FEET FROM THE SURFACE OF THE GROUND FROM SURFACE LOCATIONS ON ADJACENT OR NEIGHBORING LANDS AND IN SUCH A MANNER AS NOT TO DISTURB THE SURFACE OF THE PROPERTY HEREBY QUITCLAIMED OR ANY IMPROVEMENTS LOCATED UPON THE SURFACE THEREOF.

CONTAINS: 12,600 SQUARE FEET.

PARCEL NUMBER HS-2701-1B

LOTS 373 AND 374 OF TRACT NO. 4476, IN THE CITY OF INGLEWOOD, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 49, PAGES 58 AND 59 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM ALL OIL, NAPTHA, GAS, AND OTHER MINERAL SUBSTANCES DEPOSITED IN, LYING UNDER, OR FLOWING THROUGH SAID LAND, AS RESERVED TO THE GRANTOR THEREIN, IN DEEDS EXECUTED BY LOS ANGELES INVESTMENT

LEGAL DESCRIPTION FOR PARTIAL ACQUISITION PURPOSES PARCEL NUMBER HS-2701-1 (SHEET 2 OF 3)

COMPANY, A CORPORATION, RECORDED IN BOOK 1554 PAGE 3 AND IN BOOK 1621 PAGE 282, BOTH OF OFFICIAL RECORDS.

CONTAINS: 8,400 SQUARE FEET.

PARCEL NUMBER HS-2701-1C

LOTS 370, 371 AND 372 OF TRACT NO. 4476, IN THE CITY OF INGLEWOOD, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 49 PAGES 58 AND 59 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM ALL OIL, NAPHTHA, GAS, AND OTHER MINERAL SUBSTANCES DEPOSITED IN, LYING UNDER, OR FLOWING THROUGH SAID LAND, AS RESERVED TO THE GRANTOR THEREIN IN DEEDS EXECUTED BY LOS ANGELES INVESTMENT COMPANY, A CORPORATION RECORDED IN BOOK 1816 PAGE 2, OFFICIAL RECORDS, AS TO LOT 370; IN BOOK 1742 PAGE 112, OFFICIAL RECORDS, AS TO LOT 371; IN BOOK 878 PAGE 373, OFFICIAL RECORDS, AS TO LOT 372.

BY DEED RECORDED APRIL 7, 1965, LOS ANGELES INVESTMENT COMPANY, A CORPORATION, QUITCLAIMED TO THE RECORD OWNER OF SAID LAND ALL RIGHT WHICH IT NOW HAS OR OWNS TO ENTER UPON THE SURFACE OF SAID LAND.

PROVIDED, HOWEVER, AND ON CONDITION THAT THIS RELEASE SHALL APPLY SOLELY AND ONLY TO RIGHTS OF ENTRY UPON THE SURFACE OF SAID PROPERTY FOR THE PURPOSE OF DRILLING FOR OIL, GAS OR ANY OTHER HYDROCARBON SUBSTANCES, OR EXTRACTING ANY MINERALS ON SAID PROPERTY, BUT NOTHING HEREIN CONTAINED SHALL BE DEEMED TO PREVENT SAID LOS ANGELES INVESTMENT COMPANY, ITS SUCCESSORS OR ASSIGNS, FROM EXTRACTING OR CAPTURING SAID MINERALS BY DRILLING OR CONDUCTING SUBSURFACE DRILLING OPERATIONS AT DEPTHS BELOW 500 FEET FROM THE SURFACE OF THE GROUND FROM SURFACE LOCATIONS ON ADJACENT OR NEIGHBORING LANDS AND IN SUCH A MANNER AS NOT TO DISTURB THE SURFACE OF THE PROPERTY HEREBY QUITCLAIMED OR ANY IMPROVEMENTS LOCATED UPON THE SURFACE THEREOF.

CONTAINS: 12,600 SQUARE FEET.

PARCEL NUMBER HS-2701-1D

LOTS 368 AND 369 OF TRACT NO. 4476, IN THE CITY OF INGLEWOOD, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 49, PAGES 58 AND 59 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

LEGAL DESCRIPTION FOR PARTIAL ACQUISITION PURPOSES PARCEL NUMBER HS-2701-1 (SHEET 3 OF 3)

EXCEPT THEREFROM THAT PORTION OF SAID LAND AS DESCRIBED IN THAT FINAL ORDER OF CONDEMNATION NO. 301-927, RECORDED APRIL 5, 1938 IN BOOK 11478, PAGE 276 OF OFFICIAL RECORDS.

EXCEPT THEREFROM ALL OIL, NAPHTHA, GAS AND OTHER MINERAL SUBSTANCES DEPOSITED IN, LYING UNDER, OR FLOWING THROUGH SAID LAND,

AS RESERVED TO THE GRANTOR THEREIN IN DEEDS EXECUTED BY LOS ANGELES INVESTMENT COMPANY, A CORPORATION, RECORDED IN BOOK 1728, PAGE 284, OFFICIAL RECORDS, BY DEED RECORDED APRIL 7, 1965, LOS ANGELES INVESTMENT COMPANY, A CORPORATION, QUITCLAIMED TO THE RECORD OWNERS OF SAID LAND ALL RIGHT WHICH IT NOW HAS OR OWNS TO ENTER UPON THE SURFACE OF SAID LAND.

PROVIDED, HOWEVER, AND ON CONDITION THAT THIS RELEASE SHALL APPLY SOLELY AND ONLY TO RIGHTS OF ENTRY UPON THE SURFACE OF SAID PROPERTY FOR THE PURPOSE OF DRILLING FOR OIL, GAS OR ANY OTHER HYDROCARBON SUBSTANCES, AS EXTRACTING ANY MINERALS ON SAID PROPERTY, BUT NOTHING HEREIN CONTAINED SHALL BE DEEMED TO PREVENT SAID LOS ANGELES INVESTMENT COMPANY, ITS SUCCESSORS OR ASSIGNS, FROM EXTRACTING OR CAPTURING SAID MINERALS BY DRILLING OR CONDUCTING SUBSURFACE DRILLING OPERATIONS AT DEPTHS BELOW 500 FEET FROM THE SURFACE OF THE GROUND FROM SURFACE LOCATIONS ON ADJACENT OR NEIGHBORING LANDS AND IN SUCH A MANNER AS NOT TO DISTURB THE SURFACE OF THE PROPERTY HEREBY QUITCLAIMED OR ANY IMPROVEMENTS LOCATED UPON THE SURFACE THEREOF,

CONTAINS: 8,832 SQUARE FEET.

NOTE:

THESE LEGAL DESCRIPTIONS WERE 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.

SED LAND SUR

No. 5752

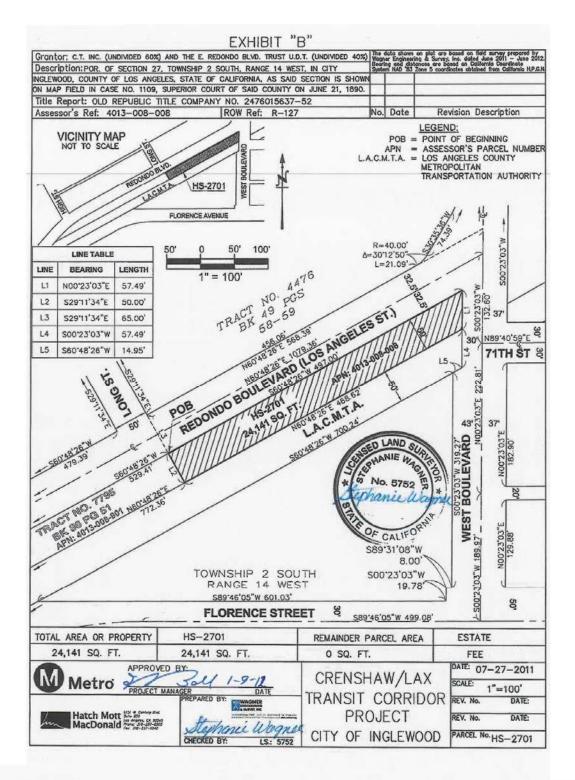
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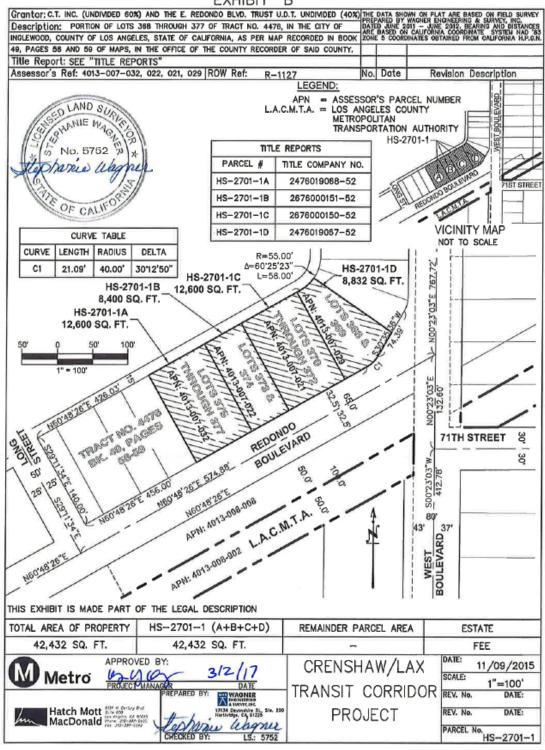
PREPARED BY:

Stephanie A. WAGNER, P.L.S. 5752

Wovernous 9, 2015

DATE:





STAFF REPORT REGARDING THE NECESSITY FOR THE ACQUISITION OF PARCEL NOS. HS-2701 AND HS-2701-1 (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, physical description, and nature of the property interest sought to be acquired for the Project are summarized as follows:

Assessor's Parcel Numbers	Parcel Address	Owner	Purpose of Acquisition	Property Interest(s) Sought	LACMTA Parcel #s
4013-008-008	1119-1137 E.	C.T. Inc.,	0	•	HS-2701
	Redondo Blvd.,	et al	Alignment,	interest	HS-2701-1
	Inglewood, Ca		Roadway		
	and Paved		Modifications,		
	Parking on E		Station/Park &		
	Redondo Blvd,		Ride Facilities,		
	Inglewood, CA		Bicycle Racks, a		
	90302 (south		TPSS and related		
	side)		purposes		

A written offer for the real property and site improvements comprising Parcels HS-2701 and HS-2701-1(the "Property") was presented to the Property Owner on March 6, 2017. The offer has not been accepted and the Owner requested that Metro proceed immediately with a Resolution of Necessity. Written offers for the tenants' immovable fixtures and equipment were also presented based upon appraisals; these offers have not been accepted.

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.

The purpose of the Crenshaw/LAX Transit Corridor Project is to provide for the implementation of transit improvements that addresses the identified transportation needs in the corridor. The project would address the needs by expanding transit capacity in the corridor to accommodate existing and future travel demand and by providing a higher speed and reliable transit alternative that improves mobility in the corridor by connecting with or extending existing lines, such as Metro's Green and Expo Lines.

- 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.

E 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 FEIR on September 22, 2011. A Record of Decision was received from the Federal Transit Administration on December 30, 2011.

Metro sought the Federal Transit Administration's (FTA) concurrence on the lack of significant environmental impacts following an environmental analysis on HS-2701-1, community outreach and related activities requested by FTA. Metro received written confirmation from FTA on May 26, 2016 that the inclusion of Parcel HS 2701-1 to the existing acquisition of Parcel HS-2701 will not cause significant environmental impacts that were not already evaluated and addressed in the Final EIR. Therefore, the preparation of a supplemental environmental analysis was not necessary for the expansion of the acquisition to include both Parcel HS-2701 and HS-2701-1.

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 consists of a fee acquisition of the entirety of Parcels HS-2701 and HS-2701-1, which contain 66,573 square feet in total (Parcel HS-2701 is 24,141 s/f and Parcel HS-2701-1 is 42,432 s/f in size) as described in Exhibits "A" and "A-1" attached hereto, and is depicted on the Plat Maps attached hereto as Exhibits "B" and "B-1". The Property is needed for the construction and operation of a Light Rail Transit Alignment, Roadway Modifications, Station and Park & Ride Facilities, a TPSS and related purposes, in conjunction with the Project. The Property was chosen based upon the FEIS/FEIR for the Project and the subsequent environmental analysis approved by FTA on May 26, 2016.

The Project is already under construction and scheduled to open for service in 2019. The acquisition of the Property is required to construct and operate Project station located near the intersection of Florence Avenue and West Boulevard in the City of Inglewood. At the Florence/West Station, a park-and-ride facility with approximately 120 parking spaces was originally envisioned between the Metro right of way and Redondo Boulevard, extending from West Boulevard to just east of High Street. However, once it was determined that a tenant on Parcel HS-2701-1 had a covenant that committed 65 spaces for parking on Parcel HS-2701, that did not allow for adequate parking for both the remaining businesses and the required 120 parking spaces envisioned for the Project at this station it became necessary to include HS-2701-1 as part of the Project.

Taking into account all of the physical constraints and requirements to successfully operate a park-and-ride facility to serve the station, Metro determined that expanding the acquisition to also include Parcel HS-2701-1 would provide the greatest benefit and least overall harm. HS-2701-1 consists of four parcels: APN 4013-007-029, APN 4013-007-021, APN 4013-007-032, and APN 4013-007-022.

With the expansion of the acquisition to the entirety of the Property (which includes HS-2701 and HS-2701-1), the total parking spaces to be provided at the Florence/West Station will be 163 spaces, including 10 handicap spaces.

Staff recommends that the Board find that the acquisition of the Property is necessary for the Project.

D. <u>Offers were made in compliance with Government Code Section 7267.2.</u>

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 appraisals to determine the fair market value of the Property, which included consideration of the immovable fixtures and equipment;
- 2. Reviewed and approved the appraisals, 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 Property Owner for the full amount of just compensation which was not less than the approved appraised value;
- 5. With respect to those tenants on the Property that provided evidence of ownership of immovable fixtures and equipment, made written offers to the tenant and the Owner with respect to such immovable fixtures and equipment, which offers were not less than the approved appraised value of the immovable fixtures and equipment; and
- 6. Provided the Owner and the tenants with written statements of, and summaries of the basis for, the amounts established as just compensation with respect to each of the foregoing offers.

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. The approval of the Resolution of Necessity for the Property will allow Metro's legal counsel to file a First Amended Complaint to include all necessary parties as a result of the expansion of the acquisition to include both Parcels HS-2701 and HS-2701-1 in the Eminent Domain action and to conclude the same to acquire the Property for the Project.

<u>ATTACHMENTS</u>

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

EXHIBIT "A" LEGAL DESCRIPTION

LEGAL DESCRIPTION FOR FEE PURPOSES PARCEL NUMBER HS-2701

THAT PORTION OF LOT 6 IN THE SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 14 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF INGLEWOOD, AS SAID LOT IS SHOWN ON THE RANCHO SAUSAL REDONDO MAP FILED IN BOOK 507 PAGE 508, OF PATENT MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHEASTERLY PROLONGATION OF THE SOUTHEASTERLY LINE OF LONG STREET, 50 FEET WIDE, AS SHOWN ON TRACT NO 4476, RECORDED IN BOOK 49, PAGES 58 AND 59 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, WITH THE SOUTHWESTERLY LINE OF REDONDO BOULEVARD, 65 FEET WIDE, SHOWN AS "LOS ANGELES STREET" ON SAID TRACT NO. 4476; THENCE ALONG SAID SOUTHEASTERLY PROLONGATION \$29°11'34"E 50.00 FEET TO A POINT ON THE NORTHERLY LINE OF THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY RIGHT OF WAY, 50 FEET WIDE, SHOWN AS A.T.& S.F. RR ON SAID TRACT NO. 4476; THENCE ALONG SAID NORTHERLY LINE N60°48'26"E 468.62 FEET TO THE EASTERLY LINE OF WEST BOULEVARD, 67 FEET WIDE; THENCE ALONG SAID EASTERLY LINE N00°23'03"E 57.49 FEET TO THE SAID SOUTHWESTERLY LINE OF REDONDO BOULEVARD: THENCE ALONG SAID SOUTHWESTERLY LINE \$60°48'26"W 497.00 FEET TO THE POINT OF BEGINNING.

CONTAINS: 24,141 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:

STEPHANIE A. WAGNER, P.L.S. 5752

July 27, 2011

LEGAL DESCRIPTION FOR PARTIAL ACQUISITION PURPOSES PARCEL NUMBER HS-2701-1 (SHEET 1 OF 3)

PARCEL NUMBER HS-2701-1A

LOTS 375, 376, AND 377 OF TRACT NO. 4476, IN THE CITY OF INGLEWOOD, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 49, PAGES 58 AND 59 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM ALL OIL, NAPHTHA, GAS AND OTHER MINERAL SUBSTANCES DEPOSITED IN, LYING UNDER, OR FLOWING THROUGHT SAID LAND, AS RESERVED TO THE GRANTOR THEREIN IN DEEDS EXECUTED BY LOS ANGELES INVESTMENT COMPANY, A CORPORATION, RECORDED IN BOOK 1162, PAGE 79, OFFICIAL RECORDS, AS TO LOT 375; IN BOOK 1035, PAGE 296, OFFICIAL RECORDS, AS TO LOT 376; IN BOOK 1554, PAGE 171, OFFICIAL RECORDS, AS TO LOT 377, BY DEED RECORDED APRIL 7, 1965, LOS ANGELES INVESTMENT COMPANY, A CORPORATION, QUITCLAIMED TO THE RECORD OWNERS OF SAID LAND ALL RIGHT WHICH IT NOW HAS OR OWNS TO ENTER UPON THE SURFACE OF SAID LAND.

PROVIDED, HOWEVER, AND ON CONDITION THAT THIS RELEASE SHALL APPLY SOLELY AND ONLY TO RIGHTS OF ENTRY UPON THE SURFACE OF SAID PROPERTY FOR THE PURPOSE OF DRILLING FOR OIL, GAS OR ANY OTHER HYDROCARBON SUBSTANCES, AS EXTRACTING ANY MINERALS ON SAID PROPERTY, BUT NOTHING HEREIN CONTAINED SHALL BE DEEMED TO PREVENT SAID LOS ANGELES INVESTMENT COMPANY, ITS SUCCESSORS OR ASSIGNS, FROM EXTRACTING OR CAPTURING SAID MINERALS BY DRILLING OR CONDUCTING SUBSURFACE DRILLING OPERATIONS AT DEPTHS BELOW 500 FEET FROM THE SURFACE OF THE GROUND FROM SURFACE LOCATIONS ON ADJACENT OR NEIGHBORING LANDS AND IN SUCH A MANNER AS NOT TO DISTURB THE SURFACE OF THE PROPERTY HEREBY QUITCLAIMED OR ANY IMPROVEMENTS LOCATED UPON THE SURFACE THEREOF.

CONTAINS: 12,600 SQUARE FEET.

PARCEL NUMBER HS-2701-1B

LOTS 373 AND 374 OF TRACT NO. 4476, IN THE CITY OF INGLEWOOD, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 49, PAGES 58 AND 59 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM ALL OIL, NAPTHA, GAS, AND OTHER MINERAL SUBSTANCES DEPOSITED IN, LYING UNDER, OR FLOWING THROUGH SAID LAND, AS RESERVED TO THE GRANTOR THEREIN, IN DEEDS EXECUTED BY LOS ANGELES INVESTMENT

LEGAL DESCRIPTION FOR PARTIAL ACQUISITION PURPOSES PARCEL NUMBER HS-2701-1 (SHEET 2 OF 3)

COMPANY, A CORPORATION, RECORDED IN BOOK 1554 PAGE 3 AND IN BOOK 1621 PAGE 282, BOTH OF OFFICIAL RECORDS.

CONTAINS: 8,400 SQUARE FEET.

PARCEL NUMBER HS-2701-1C

LOTS 370, 371 AND 372 OF TRACT NO. 4476, IN THE CITY OF INGLEWOOD, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 49 PAGES 58 AND 59 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM ALL OIL, NAPHTHA, GAS, AND OTHER MINERAL SUBSTANCES DEPOSITED IN, LYING UNDER, OR FLOWING THROUGH SAID LAND, AS RESERVED TO THE GRANTOR THEREIN IN DEEDS EXECUTED BY LOS ANGELES INVESTMENT COMPANY, A CORPORATION RECORDED IN BOOK 1816 PAGE 2, OFFICIAL RECORDS, AS TO LOT 370; IN BOOK 1742 PAGE 112, OFFICIAL RECORDS, AS TO LOT 371; IN BOOK 878 PAGE 373, OFFICIAL RECORDS, AS TO LOT 372.

BY DEED RECORDED APRIL 7, 1965, LOS ANGELES INVESTMENT COMPANY, A CORPORATION, QUITCLAIMED TO THE RECORD OWNER OF SAID LAND ALL RIGHT WHICH IT NOW HAS OR OWNS TO ENTER UPON THE SURFACE OF SAID LAND.

PROVIDED, HOWEVER, AND ON CONDITION THAT THIS RELEASE SHALL APPLY SOLELY AND ONLY TO RIGHTS OF ENTRY UPON THE SURFACE OF SAID PROPERTY FOR THE PURPOSE OF DRILLING FOR OIL, GAS OR ANY OTHER HYDROCARBON SUBSTANCES, OR EXTRACTING ANY MINERALS ON SAID PROPERTY, BUT NOTHING HEREIN CONTAINED SHALL BE DEEMED TO PREVENT SAID LOS ANGELES INVESTMENT COMPANY, ITS SUCCESSORS OR ASSIGNS, FROM EXTRACTING OR CAPTURING SAID MINERALS BY DRILLING OR CONDUCTING SUBSURFACE DRILLING OPERATIONS AT DEPTHS BELOW 500 FEET FROM THE SURFACE OF THE GROUND FROM SURFACE LOCATIONS ON ADJACENT OR NEIGHBORING LANDS AND IN SUCH A MANNER AS NOT TO DISTURB THE SURFACE OF THE PROPERTY HEREBY QUITCLAIMED OR ANY IMPROVEMENTS LOCATED UPON THE SURFACE THEREOF.

CONTAINS: 12,600 SQUARE FEET.

PARCEL NUMBER HS-2701-1D

LOTS 368 AND 369 OF TRACT NO. 4476, IN THE CITY OF INGLEWOOD, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 49, PAGES 58 AND 59 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

LEGAL DESCRIPTION FOR PARTIAL ACQUISITION PURPOSES PARCEL NUMBER HS-2701-1 (SHEET 3 OF 3)

EXCEPT THEREFROM THAT PORTION OF SAID LAND AS DESCRIBED IN THAT FINAL ORDER OF CONDEMNATION NO. 301-927, RECORDED APRIL 5, 1938 IN BOOK 11478, PAGE 276 OF OFFICIAL RECORDS.

EXCEPT THEREFROM ALL OIL, NAPHTHA, GAS AND OTHER MINERAL SUBSTANCES DEPOSITED IN, LYING UNDER, OR FLOWING THROUGH SAID LAND.

AS RESERVED TO THE GRANTOR THEREIN IN DEEDS EXECUTED BY LOS ANGELES INVESTMENT COMPANY, A CORPORATION, RECORDED IN BOOK 1728, PAGE 284, OFFICIAL RECORDS, BY DEED RECORDED APRIL 7, 1965, LOS ANGELES INVESTMENT COMPANY, A CORPORATION, QUITCLAIMED TO THE RECORD OWNERS OF SAID LAND ALL RIGHT WHICH IT NOW HAS OR OWNS TO ENTER UPON THE SURFACE OF SAID LAND.

PROVIDED, HOWEVER, AND ON CONDITION THAT THIS RELEASE SHALL APPLY SOLELY AND ONLY TO RIGHTS OF ENTRY UPON THE SURFACE OF SAID PROPERTY FOR THE PURPOSE OF DRILLING FOR OIL, GAS OR ANY OTHER HYDROCARBON SUBSTANCES, AS EXTRACTING ANY MINERALS ON SAID PROPERTY, BUT NOTHING HEREIN CONTAINED SHALL BE DEEMED TO PREVENT SAID LOS ANGELES INVESTMENT COMPANY, ITS SUCCESSORS OR ASSIGNS, FROM EXTRACTING OR CAPTURING SAID MINERALS BY DRILLING OR CONDUCTING SUBSURFACE DRILLING OPERATIONS AT DEPTHS BELOW 500 FEET FROM THE SURFACE OF THE GROUND FROM SURFACE LOCATIONS ON ADJACENT OR NEIGHBORING LANDS AND IN SUCH A MANNER AS NOT TO DISTURB THE SURFACE OF THE PROPERTY HEREBY QUITCLAIMED OR ANY IMPROVEMENTS LOCATED UPON THE SURFACE THEREOF.

CONTAINS: 8,832 SQUARE FEET.

NOTE:

THESE LEGAL DESCRIPTIONS WERE 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.

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PREPARED BY:

STEPHANIE A. WAGNER, P.L.S. 5752

DATE:

