



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

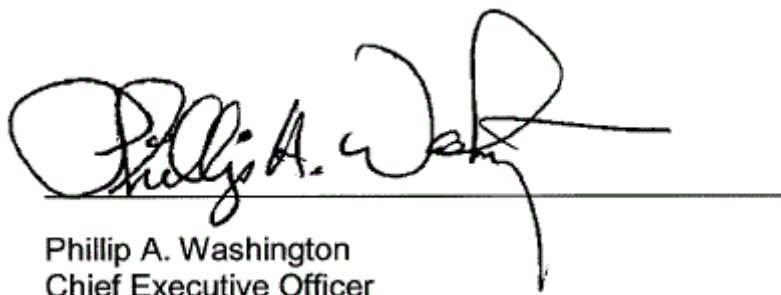
If this action is approved by the Board, LACMTA's condemnation counsel will be instructed to take all steps necessary to commence legal proceedings in a court of competent jurisdiction to acquire the Property by eminent domain. Counsel will also be directed to seek and obtain an Order of Prejudgment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

ATTACHMENTS

Attachment A - Staff Report
Attachment B - Resolution of Necessity

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



Phillip A. Washington
Chief Executive Officer

ATTACHMENT A

**STAFF REPORT REGARDING THE NECESSITY FOR THE ACQUISITION OF
PROPERTY FOR THE REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT
– RC-SPA-4**

BACKGROUND

The Property is required by the Los Angeles County Transportation Authority for the construction and operation of the Regional Connector Transit Corridor Project ("Project"). The address, record Owner (as indicated by a title report prepared by Chicago Title Company), physical description, and nature of the property interest sought to be acquired for the Project are summarized as follows:

Assessor's Parcel Number	Parcel Address	Owner	Purpose of Acquisition	Property Interest(s) Sought	LACMTA Parcel Number
Not Applicable Street Right-of-Way	Not Applicable Street Right-of-Way	Unknown	Station Site and Related Purposes	Fee simple interest	RC-SPA-4

LACMTA was unable to determine ownership of the Property. To comply with California Government Code Section 7267.2, a written offer for the real property (RC-SPA-4) was presented through publication via the Los Angeles Daily Journal for the weeks of January 10, January 17 and January 24, 2020, and was also posted on site. Staff has not received a response from the publication and no progress has been made in identifying the owner.

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 Regional Connector Transit Corridor ("Corridor") is higher than the surrounding County demographics, and is highly transit dependent. The Corridor population density is approximately two-and-a-half times higher than Los Angeles County as a whole. The Corridor has a very high concentration of low-income, minority, transit-dependent residents. More than 39 percent of all Corridor households are below the poverty threshold. 83 percent of Corridor residents are considered minorities, and 60 percent of all households in the Corridor do not have access to an automobile. 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 Corridor area.

2. The Project connects the Metro Gold, Blue, and Expo Lines through downtown Los Angeles, enabling passengers to travel the region's largest employment center on Metro's light rail transit (LRT) system without the need to transfer. By providing continuous through service between these lines, the Project will improve access to both local and regional destinations – greatly improving the connectivity of the transportation network for the region.
3. The Project will offer an alternative transportation option to congested roadways and provide significant environmental benefits, economic development, and employment opportunities throughout the Corridor and Los Angeles County as a whole.
4. The Project will enable Los Angeles County rail to operate more efficiently and attract higher ridership, thereby reducing congestion, improving air quality and lessening the regional carbon footprint. By linking several LRT systems through Downtown Los Angeles, the Project will significantly increase regional mobility.

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 3, 2010, 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 five alternatives were presented in the DEIR/DEIS: No Build, Transportation Systems Management (TSM), and three build alternatives utilizing Light Rail Transit (LRT) technology - Fully Underground, Underground Emphasis, and At-Grade Emphasis. On October 28, 2010 the Board adopted the Fully Underground LRT Alternative as the Locally Preferred Alternative (LPA), after review and consideration of the comments received from circulation of the 2010 DEIS/DEIR. The Board certified the Final Environmental Impact Statement/ Final Environmental Impact Report (FEIS/FEIR) on April 26, 2012. A Record of Decision was received from the Federal Transit Administration on June 29, 2012.

The Project is a Fully Underground LRT dual-track alignment, which will extend from the Metro Gold Line Little Tokyo/Arts District Station to the 7th Street/Metro Center Station in downtown Los Angeles, allowing passengers to transfer to the Blue, Expo, Red, and Purple Lines, bypassing Union Station. The 1.9-mile alignment will serve Little Tokyo, the Arts District, Civic Center, The Historic Core, Broadway, Grand Ave, Bunker Hill, Flower St., and the Financial District, and will benefit the City of Los Angeles and portions of unincorporated Los Angeles County. The Project includes three stations:

- 1st Street/Central Avenue
- 2nd Street/Broadway
- 2nd Street/Hope Street

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 density and future expected 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, RC-SPA-4, is a partial fee acquisition of real property located within the 2nd Street and Hope Street right-of-way. The Property is approximately 18 square feet.

The Property is needed for the construction and operation of a Station Site and Related Facilities associated with 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. Attempted to determine the Owner of the Property with reasonable diligence by examining the county assessor's record and the title report;
4. Made available through publication and posting an offer for the full amount of just compensation - which was not less than the approved appraised value;
5. Made available through publication and posting the written statements of, and summaries of the basis for, the amounts established as just compensation with respect to the foregoing offer.

It is recommended that based on the above evidence, the Board find and determine that LACMTA has complied with the requirements of Section 7267.2 of the California Government Code.

E. LACMTA has fulfilled the necessary statutory prerequisites.

LACMTA is authorized to acquire property by eminent domain for the purposes contemplated by the Project under Public Utilities Code §§ 30503, 30600, 130051.13, and 130220.5; Code of Civil Procedure §§ 1230.010-1273.050; and Article I, § 19 of the California Constitution.

F. CEQA/NEPA Compliance

On October 28, 2010 the Board adopted the Fully Underground LRT Alternative as the Locally Preferred Alternative (LPA), after review and consideration of the comments received from circulation of the 2010 DEIS/DEIR. The Board certified the Final Environmental Impact Statement/ Final Environmental Impact Report (FEIS/FEIR) on April 26, 2012. A Record of Decision was received from the Federal Transit Administration on June 29, 2012.

Accordingly, LACMTA has fulfilled the necessary statutory prerequisites to acquire the Property by eminent domain.

CONCLUSION

Staff recommends that the Board approve the Resolution of Necessity.

**RESOLUTION OF THE
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
DECLARING CERTAIN REAL PROPERTY INTERESTS NECESSARY FOR
PUBLIC
PURPOSES AND AUTHORIZING THE ACQUISITION THEREOF REGIONAL
CONNECTOR TRANSIT CORRIDOR PROJECT PARCEL RC-SPA-4**

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

Section 1.

The LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY ("LACMTA") 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 partial fee interest as described more specifically in the Legal Descriptions (Exhibit A) and depicted on the Plat Maps (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 Regional Connector 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 April 26, 2012. 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) LACMTA has complied with the requirements of Section 7267.2 of the California Government Code because no owner could be located with reasonable diligence in order to make an offer.

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 published in the Los Angeles Daily Journal for the weeks of January 10, January 17 and January 24, 2020, and was also posted on site and posted on site notifying that the 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 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. Counsel is further authorized to associate with, at its election, a private law firm for the preparation and prosecution of said proceedings.

I, MICHELE 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 27th day of February 2020.

Date: _____

MICHELE JACKSON
LACMTA Secretary

ATTACHMENTS

- 1 - Legal Descriptions (Exhibit "A")
- 2 - Plat Maps (Exhibit "B")

**LEGAL DESCRIPTION FOR STATION PLAZA AREA PURPOSES
RC-SPA-4**

THAT PORTION OF THAT PLAT OF THE CITY LANDS OF CITY OF LOS ANGELES, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON MAP RECORDED IN BOOK 2, PAGE 38 OF PATENTS, LYING WITHIN 2ND STREET, 60 FEET WIDE, AS SHOWN ON MOTT TRACT, RECORDED IN BOOK 14, PAGE 7, IN THE OFFICE OF THE COUNTY RECORDER; TOGETHER WITH THAT PORTION OF LOT 10, IN BLOCK R, AS SHOWN ON SAID MOTT TRACT DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE CENTERLINES OF SECOND STREET, 60 FEET WIDE, AND HOPE STREET, 50 FEET WIDE, AS SHOWN ON TRACT NO. 27864, FILED IN BOOK 768, PAGES 70 THROUGH 77 INCLUSIVE OF MAPS, THENCE ALONG THE NORTHWESTERLY PROLONGATION OF SAID CENTERLINE OF SECOND STREET, N52°15'58"W 40.00 FEET TO THE NORTHWESTERLY LINE OF HOPE STREET, 80 FEET WIDE AS SHOWN ON TRACT NO. 21313, FILED IN BOOK 825, PAGES 41 AND 42 OF MAPS; THENCE ALONG SAID NORTHWESTERLY LINE, S37°49'36"W 21.39 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE CONTINUING ALONG SAID NORTHWESTERLY LINE, S37°49'36"W 7.68 FEET; TO A LINE THAT IS PARALLEL WITH AND DISTANT 33.00 FEET SOUTHWESTERLY FROM SAID NORTHWESTERLY PROLONGATION OF 2ND STREET; THENCE LEAVING SAID NORTHWESTERLY LINE OF HOPE STREET AND ALONG SAID PARALLEL LINE, N52°15'58"W 4.76 FEET TO A POINT OF BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 424.00 FEET, A RADIAL LINE TO SAID POINT BEARS S19°47'32"E; THENCE EASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°13'17" AN ARC LENGTH OF 9.04 FEET TO SAID NORTHWESTERLY LINE OF HOPE STREET AND TO THE **TRUE POINT OF BEGINNING**.

CONTAINS: 18 SQUARE FEET, MORE OR LESS.

NOTE:

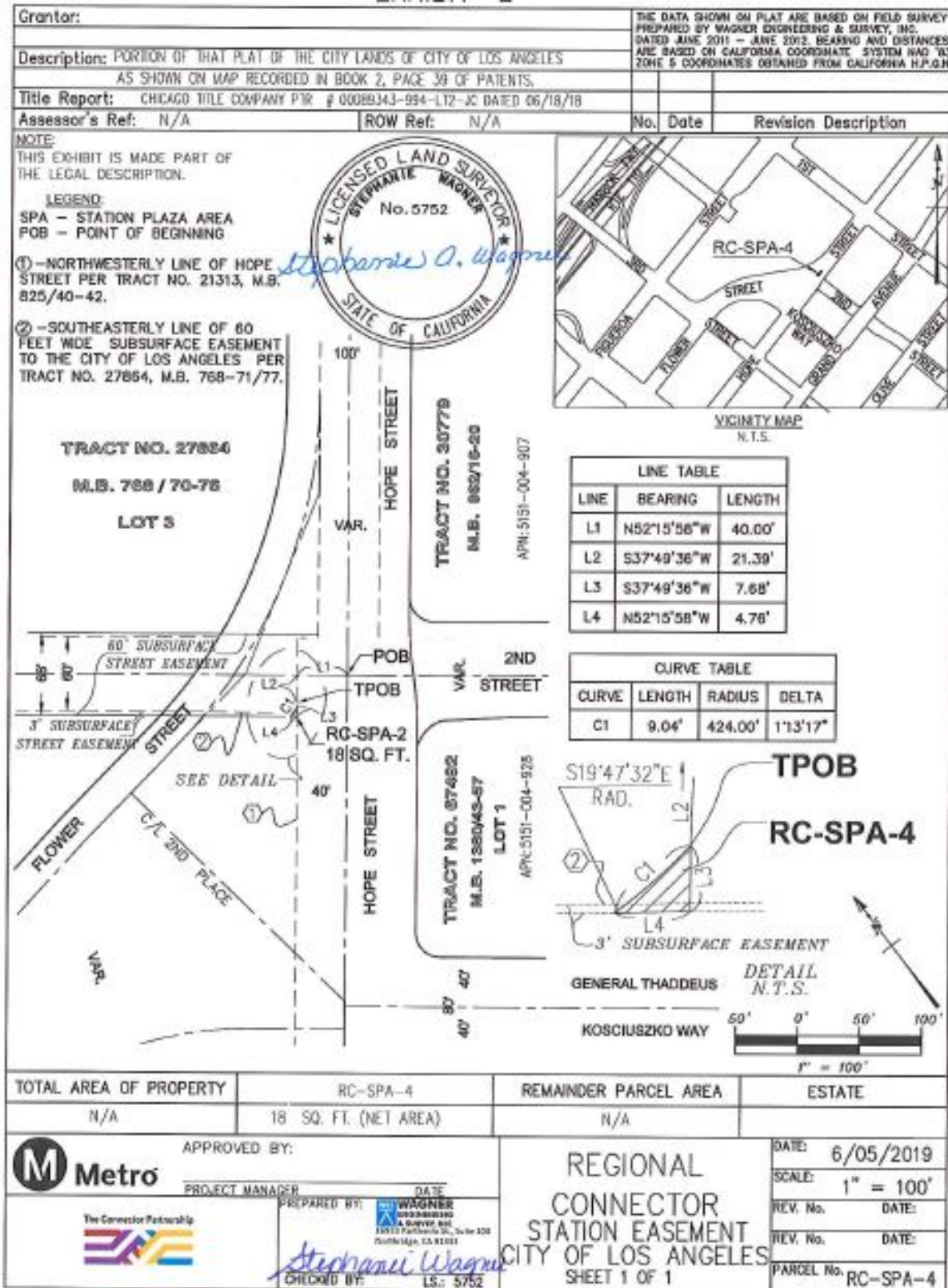
THIS LEGAL DESCRIPTION WAS NOT PREPARED FOR ANY PURPOSE THAT WOULD BE IN VIOLATION OF THE STATE OF CALIFORNIA SUBDIVISION MAP ACT OR LOCAL ORDINANCES OF THE GOVERNING BODY HAVING JURISDICTION.

PREPARED BY:

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

June 5, 2019
DATE





HEARING TO ADOPT RESOLUTION OF NECESSITY

REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT
BOARD MEETING, FEBRUARY 27, 2020

ITEM #32

HEARING TO ADOPT RESOLUTION OF NECESSITY REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT

Location:

- 2nd Street and Hope Street right-of-way, County of Los Angeles

Purpose:

- Provide significant improvements in transportation and access to economic opportunities
- Connect Metro L, A, and E Lines to improve connectivity and reduce system transfers
- Operate more efficiently and attract higher ridership

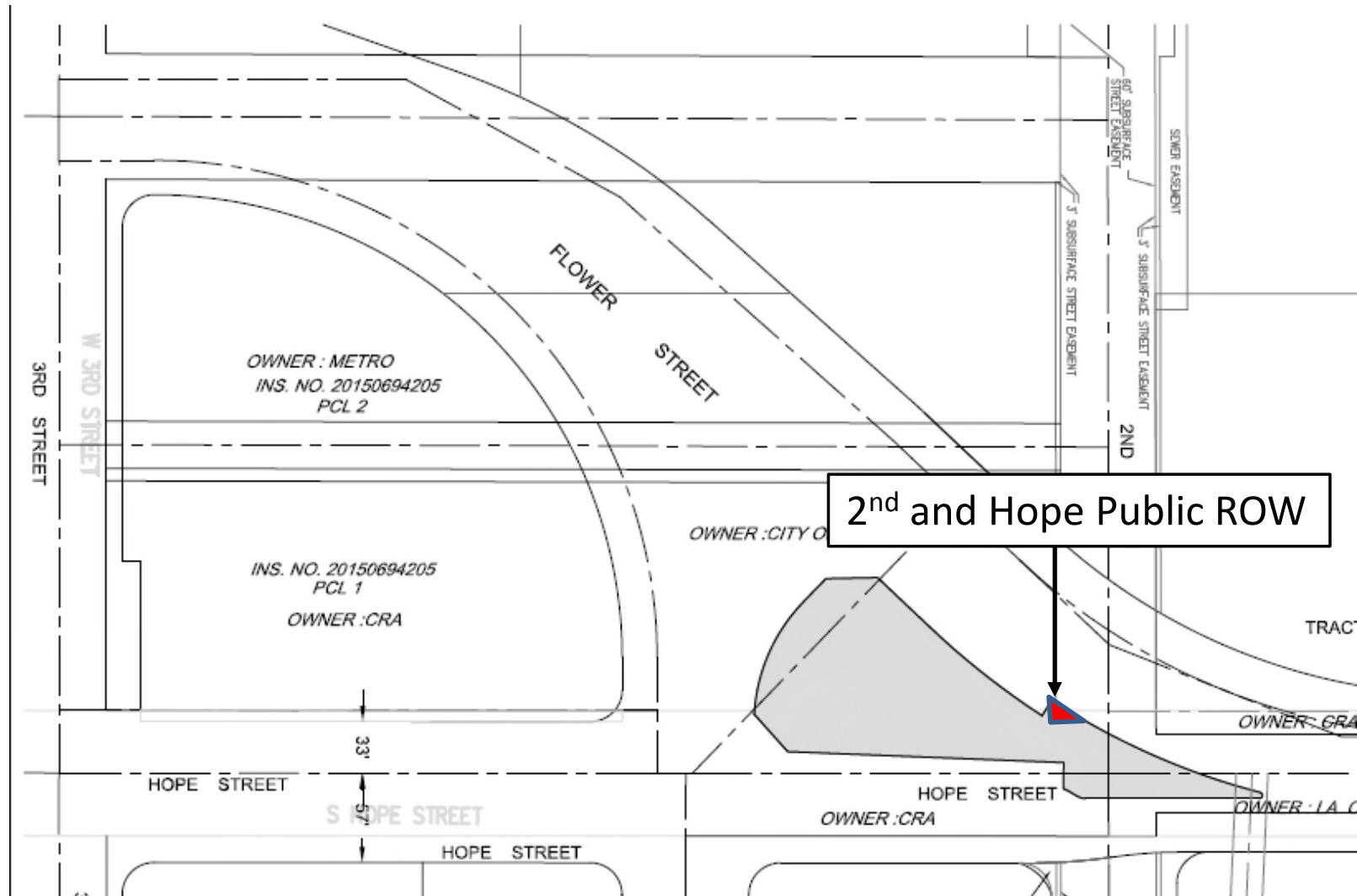
Property Impacts:

- Partial Fee Acquisition located within 2nd Street and Hope Street right-of-way
- Approximately 18 square feet
- Needed for the construction and operation of 2nd and Hope Station Plaza

HEARING TO ADOPT RESOLUTION OF NECESSITY REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT



HEARING TO ADOPT RESOLUTION OF NECESSITY REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT



HEARING TO ADOPT RESOLUTION OF NECESSITY REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT

Staff recommends the Board make the below findings and adopt the Resolution of Necessity:

- The public interest and necessity require the proposed Project;
- 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;
- The Property sought to be acquired, which has been described herein, is necessary for the proposed Project;
- The offer required by Section 7267.2 of the Government Code has been made to the Owner; and
- The statutory requirements necessary to acquire the property or property interest by eminent domain have been complied with by LACMTA.