



Board Report

File #: 2024-0173, File Type: Policy

Agenda Number: 35.

**REGULAR BOARD MEETING
SEPTEMBER 26, 2024**

**SUBJECT: PUBLIC HEARING ON RESOLUTION OF NECESSITY FOR WESTSIDE PURPLE
LINE EXTENSION SECTION 1**

ACTION: APPROVE RECOMMENDATION

RECOMMENDATION

ADOPT the Resolution of Necessity authorizing the commencement of an eminent domain action to acquire a 10-month and 7 days Temporary Construction Easement (“Property Interest”) from the property known as 5318 Wilshire Blvd, Los Angeles, CA 90036 APN: 5089-001-028 (formerly 5089-001-026) identified in Attachment A.

(REQUIRES TWO-THIRDS VOTE OF THE FULL BOARD)

ISSUE

Acquisition of the Property Interest is required for the continued construction of the Westside Purple Line Extension Section 1 (“Project”). After testimony and evidence has been received from all interested parties at the hearing, Los Angeles County Metropolitan Transportation Authority (“LACMTA”), by a vote of two-thirds of its Board of Directors (“Board”), must make a determination as to whether to adopt the proposed Resolution of Necessity (Attachment B) to acquire the Property Interest by eminent domain. Attached is evidence submitted by staff that supports the adoption of the resolution and sets forth the required findings (Attachment A).

BACKGROUND

Acquisition of the Property Interest is required for the construction of the Project. The Larger Parcel land area is 15,028 square feet and is located at the southwest corner of Wilshire Boulevard and Detroit Street. A 1,080 square foot portion of the site adjacent to Wilshire Boulevard is encumbered by a permanent easement in favor of the LACMTA. The Property is currently vacant and is being used as a construction laydown area for the Project. LACMTA previously acquired a ten-year Temporary Construction Easement (TCE) that encumbered the Property for construction laydown which expires on July 26, 2025. LACMTA is seeking to acquire a new TCE that would extend the use

of the construction laydown area through June 1, 2026, to complete the Project.

DISCUSSION

A written offer of Just Compensation to purchase the Property Interest was delivered to the Owner of Record ("Owner") by a letter dated April 16, 2024, as required by California Government Code Section 7267.2. The Owner has not accepted the offer of Just Compensation and the parties have not reached a negotiated settlement for the acquisition. Because the Property Interest is necessary for the construction of the Project, staff recommends the acquisition of the Property Interest through eminent domain to obtain possession to maintain the Project's schedule.

In accordance with the provision of the California Eminent Domain law and Section 30503, 30600, 130051.13, 130220.5 and 132610 of the California Public Utilities Code (which authorizes the public acquisition of private property by eminent domain), LACMTA has prepared and mailed notice of this hearing to the Owners 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 good and the least private injury; 3) whether the Property Interest is necessary for the Project; 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) that any environmental review of the Project, as may be necessary, pursuant to the California Environmental Quality Act (CEQA) has occurred; 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 the testimony and evidence has been received from all interested parties at the hearing, LACMTA must make a determination as to whether to adopt the proposed Resolution of Necessity to acquire the Property by eminent domain. In order to adopt the resolution, LACMTA must, based on the evidence before it, and by vote of two-thirds of its Board, find and determine that the conditions stated in items 1 - 6 above exist.

Attached is the Staff Report prepared by staff and legal counsel setting forth the required findings for acquiring Property Interest through the use of eminent domain (Attachment A).

There are no displacements of residents or local businesses as a result of the acquisition of the Property Interest.

DETERMINATION OF SAFETY IMPACT

The Board action will not have an impact on LACMTA's safety standards.

FINANCIAL IMPACT

The funding for the acquisition of the Property is included in the Fiscal Year 2025 budget under Project 865518 Westside Purple Line Extension Section 1, in Cost Center 8510 (Construction Project Management), and Account Number 53103 (Acquisition of Land) and Fund 6012.of Land Account

53103.

Impact to Budget

The approved FY25 budget is designated for the Westside Purple Line Extension Section 1 and does not have an impact on operations funding sources. The funds were assumed in the Long-Range Transportation Plan for the Project. This Project is not eligible for Proposition A and C funding due to the proposed tunneling element of the Project. No other funds were considered.

EQUITY PLATFORM

The Property Interest is required for the completion of the Project. The project will provide greater operational safety, decrease travel time, improve air quality, and access to the corridor, especially for workers from Equity Focused Communities who work along the corridor. This public goodwill also support the fulfillment of Metro's LA County traffic Improvement Plan under measure M.

There are no displacements of residents or local businesses resulting from the acquisition of this Property Interests. An offer for the Property Interest was delivered to the Property Owners by letter dated April 16, 2024, based on appraisals of fair market value. Fair market value is defined as "the highest price on the date of valuation that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for so doing, nor obliged to sell, and a buyer, being ready, willing, and able to buy but under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available." Metro staff has been negotiating with the Owner, but an agreement has not yet been reached. Approving this action will allow staff to continue negotiations while maintaining the project schedule.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The Board action is consistent with LACMTA Vision 2028 Goal #1: Provide high quality mobility options that enable people to spend less time traveling. Adoption of the Resolution of Necessity is a required step to acquire the Property Interest for the Westside Purple Line Extension - Section 1 Project which will provide an improved mobility option.

ALTERNATIVES CONSIDERED

The Board could choose not to approve the recommendation. This is not recommended as it will result in significant delays and cost increases for the Project.

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 Interest by eminent domain and to conclude those proceedings either by settlement or jury trial. 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

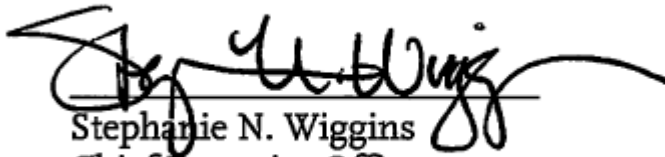
Attachment B - Resolution of Necessity

Prepared by:

Craig Justesen, Executive Officer-Real Estate, (213) 922-7051

Holly Rockwell, Senior Executive Officer, Real Estate and Transit-Oriented Communities, (213) 922-5585

Reviewed by: Ray Sosa, Chief Planning Officer, (213) 547-4274



Stephanie N. Wiggins
Chief Executive Officer

STAFF REPORT REGARDING THE NECESSITY FOR THE ACQUISITION OF THE PROPERTY INTEREST REQUIRED FOR THE WESTSIDE PURPLE LINE EXTENSION SECTION 1 (“PROJECT”)

BACKGROUND

The Property Interest is required by the Los Angeles County Metropolitan Transportation Authority (“LACMTA”) for the construction of the Westside Purple Line Extension – Section 1 (“Project”). The parcel addresses, record property owners, purpose of the acquisitions, and nature of the property interests sought to be acquired for the Project are summarized as follows:

Summary Table 1

Assessor's Parcel Number	Project Parcel Number	Parcel Address	Property Owner	Property Interest(s) Sought
5089-001-028 (formerly 5089-001-026)	W-1205 and W-1202-1	5318 Wilshire Blvd., and 5324 Wilshire Blvd., Los Angeles, CA 90036	<p>Wilshire Group, LLC, a California Limited Liability Company, as to an undivided 18.438% interest, Wilshire Nabat, LLC, a California Limited Liability Company, as to an undivided 42.00% interest, White Oak Real Estate Advisors, LLC, a California Limited Liability Company, as to an undivided 9.00% interest, and White Water Affiliates, LLC, a California Limited Liability Company, as to an undivided 4.00% interest, Detroit Holding Group, LLC, a California limited liability company, as to an undivided 10.3125% interest and ALPAPAR Holdings LLC, a California limited liability company, as to an undivided 16.2495% interest, as to Parcels 1 and 2;</p> <p>5324 Wilshire Associates, a partnership, as to Parcel 3</p>	10-month and 7 days Temporary Construction Easement

Property Requirements:

Purpose of Acquisition is for the construction of the Project.

Property Interest Sought:

Acquisition of a 10-month and 7 days Temporary Construction Easement (“Property Interest”).

A written offer of Just Compensation was delivered to the Property Owners by letter dated April 16, 2024, for acquisition of the Property Interest in APN 5089-001-028. The Property Owner has not accepted the offer of Just Compensation. Consequently, LACMTA

is seeking a Resolution of Necessity in order to ensure that it has the necessary property rights to construct the Project on schedule.

A. The public interest and necessity require the Project.

The need for the Project is based on population and employment growth, the high number of major activity centers served by the Project, high existing transit usage, and severe traffic congestion. The Project area bisects 12 large population and employment centers, all of which are served by extremely congested road networks that will deteriorate further with the projected increase in population and jobs. This anticipated growth will further affect transit travel speeds and reliability, even with a dedicated lane for express bus service on Wilshire Boulevard. The public interest and necessity require the Project for the following specific reasons:

1. The population and employment densities in the Project area are among the highest in the metropolitan region. Approximately five percent of the Los Angeles County population and 10 percent of the jobs are concentrated in the Project 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 improve transportation equity by meeting the need for improved transit service of the significant transit-dependent population within the Project area.
6. The Project will help meet Regional Transit Objectives through the Southern California Association of Governments' (SCAG's) Performance Indicators of mobility, accessibility, reliability, and safety.

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.

An Alternatives Analysis (AA) Study was initiated in 2007 to identify all reasonable, fixed-guideway, alternative alignments and transit technologies within the proposed Project Area. The fixed-guideway alternative alignments studied and analyzed during the AA process were heavy rail transit (HRT), light rail transit (LRT), bus rapid transit (BRT), and

monorail (MR). Due to its capacity to meet the anticipated ridership demand and limit the number of transfers, HRT was identified as the preferred technology for further study.

In January 2009, the LACMTA Board approved the AA Study and authorized preparation of a Draft Environmental Impact Statement/Draft Environmental Impact Report (DEIS/DEIR). A total of seven alternatives, including five heavy rail subway (HRT) Build Alternatives, a No Build Alternative, and a relatively low-cost Transportation System Management (TSM) Alternative, were presented in the DEIS/DEIR. The 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.

In October 2010, the Board approved the DEIS/DEIR and the Wilshire Boulevard to Santa Monica HRT option was selected as the Locally Preferred Alternative (LPA) for further analysis in the FEIS/FEIR. The FEIS/FEIR was released in March 2012 for public review. On April 26, 2012, the Board certified the FEIS/FEIR, and on May 24, 2012, it approved the route and station locations for the Project. A Record of Decision was received from the Federal Transit Administration in August of 2012.

In June 2017, the Federal Register published a notice indicating the release of the Draft Supplemental Environmental Impact Statement (SEIS) for a 45-day comment period for the Westside Purple Line Extension Section 2. On November 22, 2017, the Federal Transit Administration (FTA) issued the Final Supplemental Environmental Impact Statement and Section 4(f) Evaluation, and the Supplemental Record of Decision (ROD) supplementing the previously issued ROD on August 9, 2012. The FTA determined that the requirements of the National Environmental Policy Act of 1969 (NEPA) and related federal environmental statutes, regulations, and executive orders have been satisfied for the Westside Subway Extension (now called the Westside Purple Line Extension) Project located in Los Angeles County.

The approved LPA will extend HRT (as subway) approximately nine (9) miles from the existing Metro Purple Line terminus at the Wilshire/ Western Station to a new western terminus at the West Los Angeles Veterans Affairs Hospital (Westwood/ VA Hospital Station). The LPA will include seven new stations spaced in approximately one-mile intervals, as follows:

- Wilshire/La Brea
- Wilshire/Fairfax
- Wilshire/La Cienega
- Wilshire/Rodeo
- Century City
- Westwood/UCLA
- Westwood/VA Hospital

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 Interest is required for construction of the Project. The Property Interest consists of an exclusive 10-month and 7 days TCE that encumbers 13,948 square feet of the Larger Parcel. The TCE is identified as Project Parcel W-1205 and W-1202-1 as described in the legal description Exhibit A-1 and Exhibit A-2 attached hereto, and as depicted on the Plat Map attached hereto as Exhibit B-1 and Exhibit B-2. LACMTA has been using the Property since July 25, 2015, when LACMTA acquired a 10-year exclusive TCE. The Property Interest is required for the continued construction of the Project. The Property was chosen based upon the FEIS/FEIR for the Project.

Staff recommends that the Board find that the acquisition of the Property Interest 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 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 independent appraisal to determine the fair market value of the Property Interest, which included consideration existing use of the Property, highest and best use of the Property, and impact to the remainder;

2. Reviewed and approved the appraisal, and established the amount it believes to be just compensation;
3. Determined the Owner(s) of the Property by examining the county assessor's record and a preliminary title report;
4. Made a written offer to the Owner(s) for the full amount of just compensation - which was not less than the approved appraised value; and
5. Provided the Owner(s) with a written statement of, and summary of the basis for, the amount 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 the offer required by Section 7267.2 of the California Government Code has been made to the Owner.

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. LACMTA has complied with the California Environmental Quality Act.

A draft EIR/EIS was circulated for public review and comment. The FEIS/FEIR was released in March 2012 for public review. On April 26, 2012, the Board certified the FEIS/FEIR, and in May 24, 2012, it approved the route and station locations for the Project. A Record of Decision was received from the Federal Transit Administration in August of 2012. The FEIS/FEIR documents therefore comply with the California Environmental Quality Act. Since that time, none of the circumstances identified in CEQA Guidelines Section 15162 have occurred which would require the preparation of a subsequent EIR. As set forth above, LACMTA has also fulfilled the statutory prerequisites under Code of Civil Procedure § 1240.030 and Government Code § 7267.2.

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

CONCLUSION

Staff recommends that the Board approve the Resolution of Necessity.

ATTACHMENTS

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

LEGAL DESCRIPTIONS

LEGAL DESCRIPTION

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

THE NORTH HALF OF THAT PORTION OF THE ALLEY 20 FEET WIDE, AS SHOWN ON TRACT NO. 4642, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 50 PAGES 42 AND 43 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, ADJACENT TO LOTS 91 AND 92 ON THE SOUTH, AS SHOWN ON MAP OF SAID TRACT NO. 4642, BOUNDED ON THE WEST BY THE SOUTHERLY PROLONGATION OF THE WESTERLY LINE OF SAID LOT 91 OF SAID TRACT AND BOUNDED ON THE EAST BY THE SOUTHERLY PROLONGATION OF THE EASTERLY LINE OF SAID LOT 92 OF SAID TRACT.

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:

Janeen Nedlik

JANEEN NEDLIK, P.L.S. 7563

May 9, 2014
DATE



LEGAL DESCRIPTION

EXHIBIT "A-2"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

LOTS 91 AND 92 OF TRACT No. 4642, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 50, PAGES 42 AND 43 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF LOS ANGELES COUNTY, CALIFORNIA.

EXCEPTING THEREFROM THE ALLEY LYING SOUTHERLY OF WILSHIRE BOULEVARD BETWEEN DETROIT STREET AND LA BREA AVENUE, AS SHOWN ON THE MAP OF SAID TRACT No. 4642.

ALSO EXCEPTING THEREFROM THE NORTHERLY, 10.00 FEET OF SAID LOTS 91 AND 92. THE SOUTHERLY LINE OF SAID NORTHERLY, 10.00 FEET BEING PARALLEL WITH AND DISTANT SOUTHERLY, 10.00 FEET FROM THE NORTHERLY LINE OF SAID LOTS 91 AND 92.

APN: AFFECTS 5089-001-026

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:



JANEEN NEDLIK, P.L.S. 7563

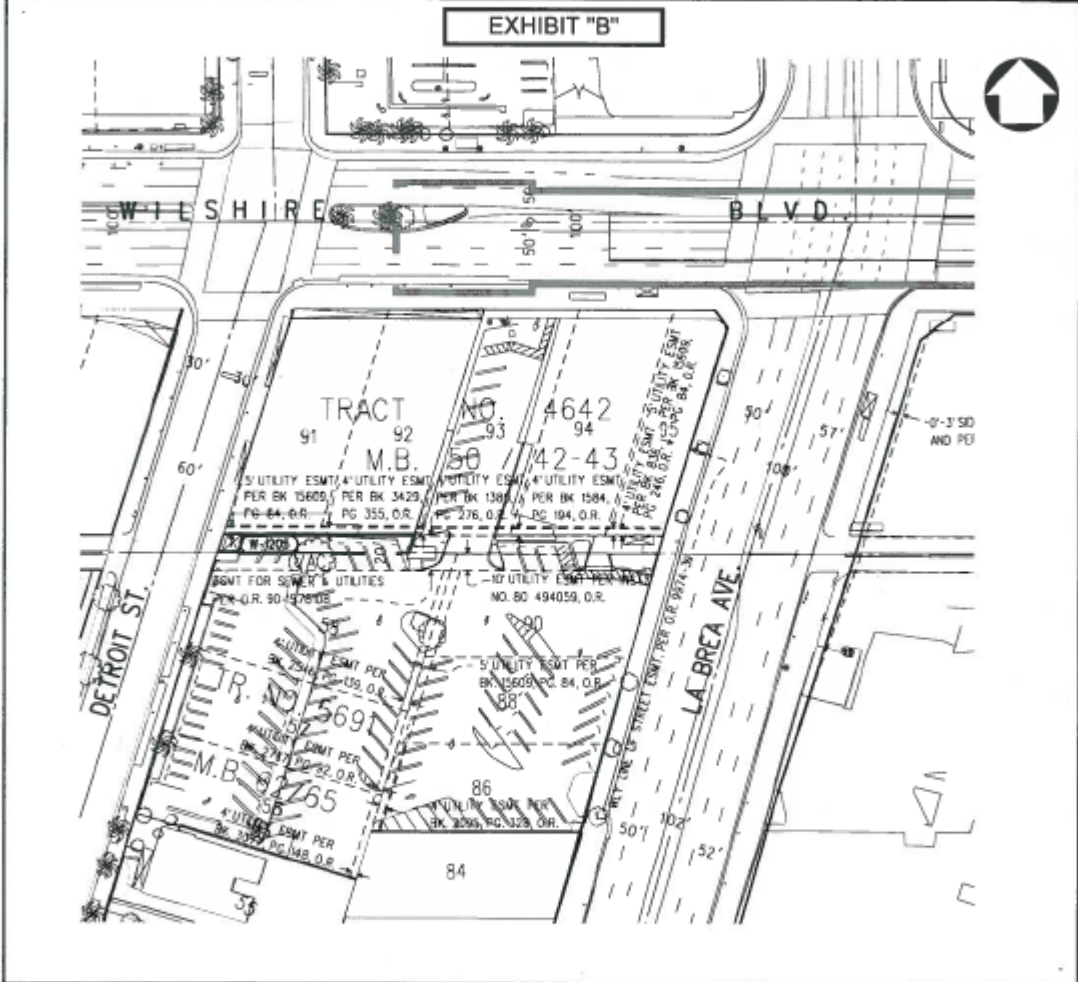
April 9, 2014
DATE



PLAT MAPS

EXHIBIT B-1

GRANTOR : 5324 WILSHIRE ASSOCIATES		The data shown on this map and/or plat are compiled from public sources and are subject to field verification.	
DESCRIPTION : PORTION OF ALLEY SOUTH OF WILSHIRE BLVD. PLY TRACT NO. 4642, M.B. 30/42-43			
BENCH MARK : N/A			
TITLE REPORT : STEWART TITLE NO. 421768	ADDRESS : (NONE)	2	05/09/2014 RE-CERTIFY PER MTA REQUEST
ASSESSOR'S REF. : 5089-001-026	R.O.W. REFERENCE : R-2012; W-1205	1	12/08/2011 REVISE BOUNDARY & GRANTOR
		NO.	DATE
		REVISION DESCRIPTION	

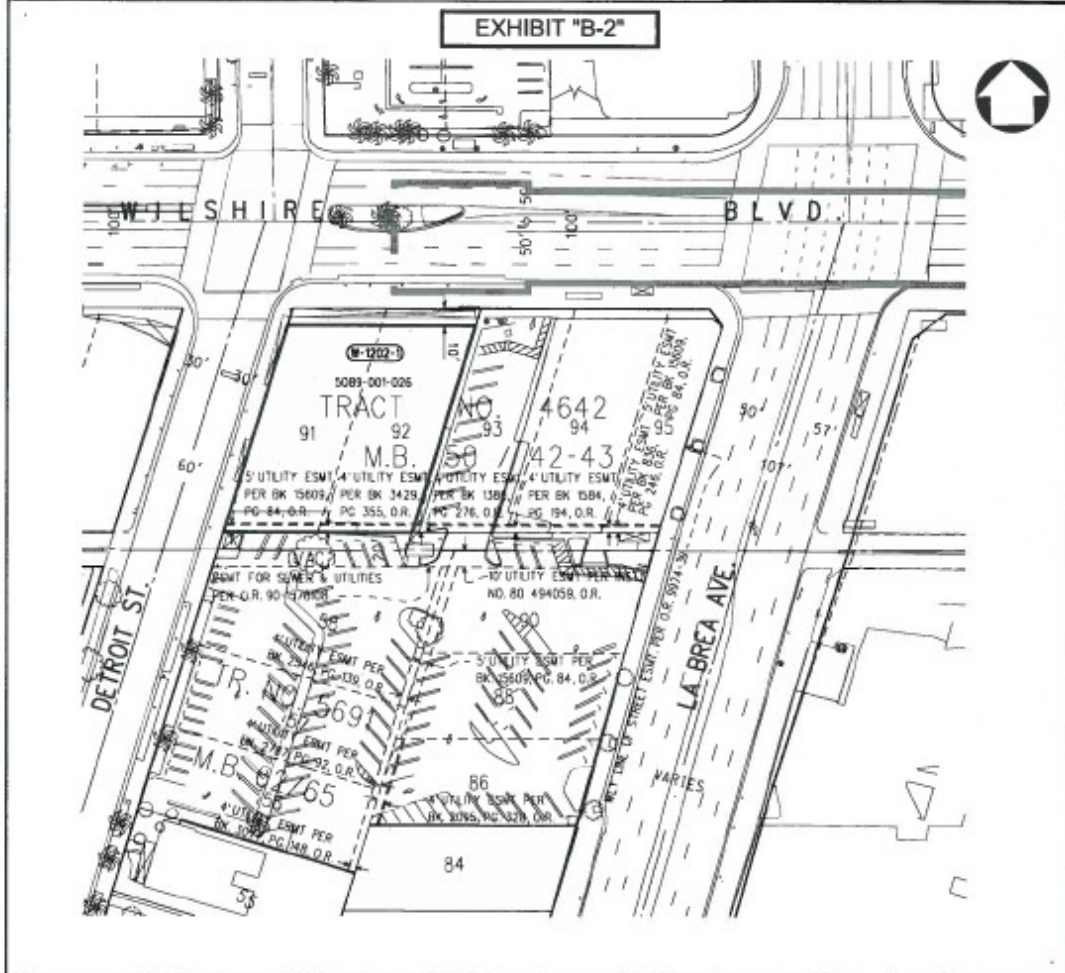


PARCEL	W-1205
AREA - SQUARE FEET	1.080

	LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY	<h2>PARCEL PLAT</h2> <h3>W-1205</h3> <p>SHEET 1 OF 1</p>	CONTRACT NO./DESIGN UNIT
	APPROVED BY: 		SCALE 1" = 80'
SUBMITTED TO: STATE OF CALIFORNIA	MTA PROJECT MANAGER	DATE	DATE 10/21/2011
			DRAWN BY T. RAINEY
			CHECKED BY J. NEDIUK
			REV. DATE REV. NO. 05/09/2014 2

EXHIBIT B-2

GRANTOR : WILSHIRE GROUP, LLC, A LIMITED LIABILITY COMPANY		The data shown on this map and/or plot are compiled from public sources and are subject to field verification.	
DESCRIPTION : PORTION LOTS 91 & 92, TRACT NO. 4642, M.B. 50/42-43			
BENCH MARK : N/A			
TITLE REPORT : FIDELITY NATIONAL TITLE NO. 11-725139031-RW	ADDRESS : 5318 WILSHIRE BLVD. LOS ANGELES 90036		
ASSESSOR'S REF. : 5089-001-026	R.O.W. REFERENCE : R-2012; W-1202-1	NO.	DATE
		REVISION DESCRIPTION	



PARCEL	TOTAL	W-1202-1	
AREA - SQUARE FEET	13,948	12,868	

APPROVED BY: *James N. Nowlis*
 MTS PROJECT MANAGER DATE

PARCEL PLAT
W-1202-1
 SHEET 1 OF 1

CONTRACT NO./DESIGN UNIT	
SCALE	1"=80'
DATE	05/09/2014
DRAWN BY	T. RAINEY
CHECKED BY	J. NEDLIK
REV. DATE	REV. NO.

**RESOLUTION OF THE
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
DECLARING CERTAIN REAL PROPERTY INTEREST NECESSARY FOR PUBLIC
PURPOSES AND AUTHORIZING THE ACQUISITION THEREOF THROUGH THE
EXERCISE OF EMINENT DOMAIN
WESTSIDE PURPLE LINE EXTENSION, SECTION 1, (“PROJECT”)
APN: 5089-001-028 (formerly 5089-001-026) W-1205 and W-1202-1**

THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY BOARD OF DIRECTORS (“BOARD”) 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 are 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 consist of the acquisition of a 10-month and 7 days exclusive Temporary Construction Easement (“TCE”) as described more specifically in the legal description Exhibit “A-1” and “A-2” and depicted in the plat map Exhibit “B-1” and “B-2” (hereinafter, the “Property Interest”).

The TCE shall be valid for a period of not more than 10-months and 7 days. The TCE shall commence on July 25, 2025, and it shall terminate on the earliest of (a) the date upon which LACMTA notifies the applicable owner that it no longer needs the TCE or (b) 10-months and 7 days from the commencement date of the TCE.

Section 4.

- (a.) The acquisition of the above-described Property Interest is necessary for the development, construction, of the Westside Purple Line Extension, Section 1 (“Project”);
- (b.) The environmental impacts of the Project were evaluated in the Final

Environmental Impact Statement/Final Environmental Impact Report (FEIS/FEIR), which was certified by the Board on April 26, 2012 and May 24, 2012. The Board found that in accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15162, no subsequent or supplemental Environmental Impact Report is required for the Project, and the FEIS/FEIR documents are consistent with CEQA; 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 Interest sought to be acquired, which has been described herein, is necessary for the proposed Project;
- (d.) The offer required by Section 7267.2 of the Government Code has been made to the Owner; and said offer was transmitted together with the accompanying statement of, and summary of the basis for, the amount established as just compensation, which offers and accompanying statements/summaries were in a form and contained all of the factual disclosures provided by Government Code Section 7267.2(a).
- (e.) Environmental review consistent with the California Environmental Quality Act (CEQA) for the Project has been previously certified by this Board.

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 and each person whose property is to be acquired by eminent domain was given an opportunity to be heard.

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 Interests described above by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of said Property Interest 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 Interest.

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 actions to complete the acquisition, including stipulations as to judgment and other matters, and causing all payments to be made. If settlement cannot be reached, Counsel is authorized to proceed to resolve the proceedings by means of jury trial. Counsel is further authorized to associate with, at its election, a private law firm for the preparation and prosecution of said proceedings.

I, COLLETTE LANGSTON, Board Clerk 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 26th day of September 2024.

COLLETTE LANGSTON
LACMTA Board Clerk

Date: _____

ATTACHMENTS

Exhibit A-1 and A-2 – Legal Description

Exhibit B-1 and B-2 – Plat Map

LEGAL DESCRIPTION

LEGAL DESCRIPTION

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

THE NORTH HALF OF THAT PORTION OF THE ALLEY 20 FEET WIDE, AS SHOWN ON TRACT NO. 4642, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 50 PAGES 42 AND 43 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, ADJACENT TO LOTS 91 AND 92 ON THE SOUTH, AS SHOWN ON MAP OF SAID TRACT NO. 4642, BOUNDED ON THE WEST BY THE SOUTHERLY PROLONGATION OF THE WESTERLY LINE OF SAID LOT 91 OF SAID TRACT AND BOUNDED ON THE EAST BY THE SOUTHERLY PROLONGATION OF THE EASTERLY LINE OF SAID LOT 92 OF SAID TRACT.

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:

Janeen Nedlik

JANEEN NEDLIK, P.L.S. 7563

May 9, 2014
DATE



LEGAL DESCRIPTION

EXHIBIT "A-2"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

LOTS 91 AND 92 OF TRACT No. 4642, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 50, PAGES 42 AND 43 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF LOS ANGELES COUNTY, CALIFORNIA.

EXCEPTING THEREFROM THE ALLEY LYING SOUTHERLY OF WILSHIRE BOULEVARD BETWEEN DETROIT STREET AND LA BREA AVENUE, AS SHOWN ON THE MAP OF SAID TRACT No. 4642.

ALSO EXCEPTING THEREFROM THE NORTHERLY, 10.00 FEET OF SAID LOTS 91 AND 92. THE SOUTHERLY LINE OF SAID NORTHERLY, 10.00 FEET BEING PARALLEL WITH AND DISTANT SOUTHERLY, 10.00 FEET FROM THE NORTHERLY LINE OF SAID LOTS 91 AND 92.

APN: AFFECTS 5089-001-026

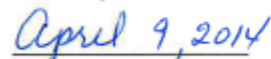
NOTE:

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:



JANEEN NEDLIK, P.L.S. 7563



DATE



PLAT MAP

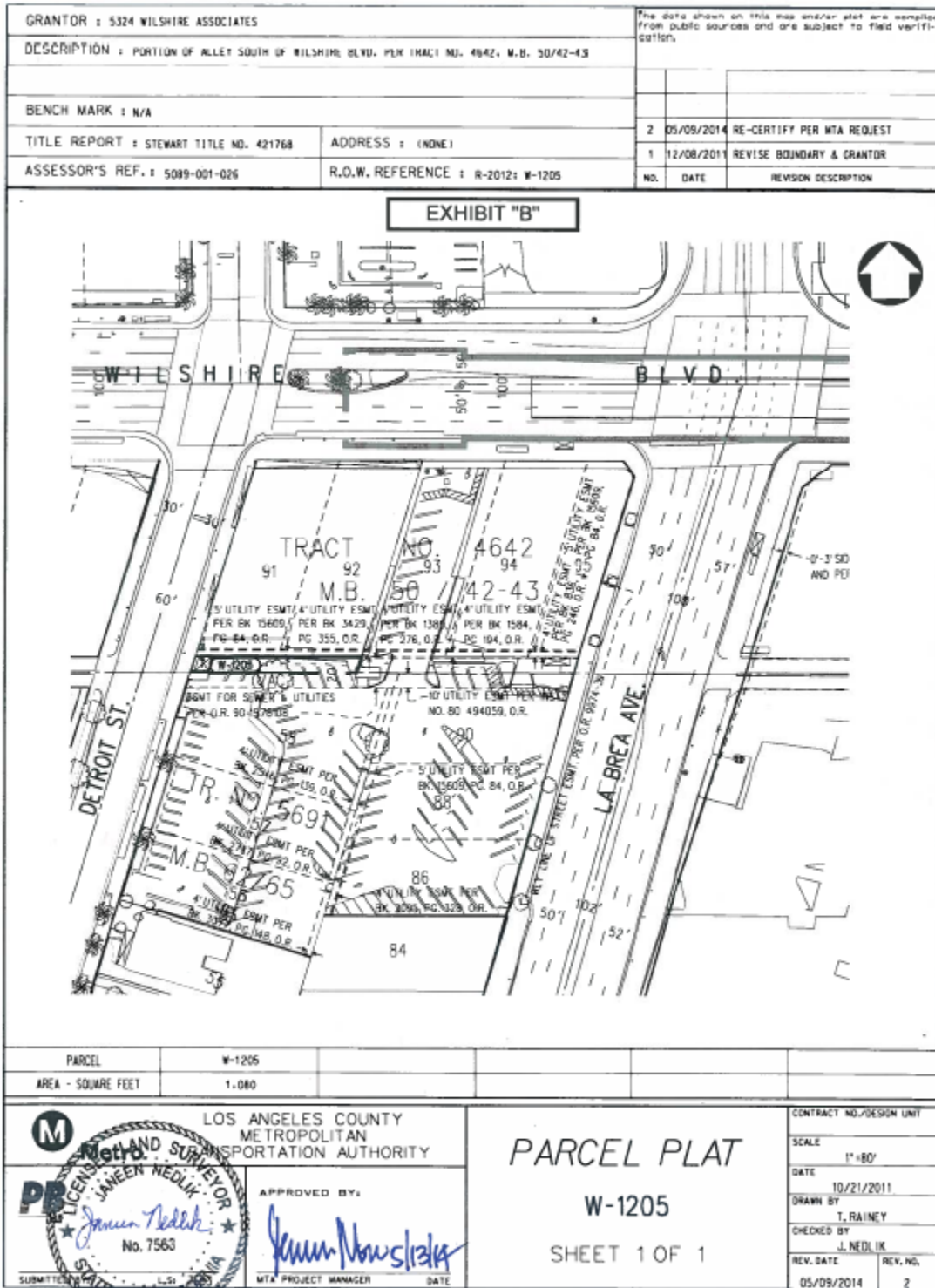


EXHIBIT "B-2"

GRANTOR : WILSHIRE GROUP, LLC, A LIMITED LIABILITY COMPANY		The data shown on this map and/or plot are compiled from public sources and are subject to field verification.	
DESCRIPTION : PORTION LOTS 91 & 92, TRACT NO. 4642, M.B. 50/42-43			
BENCH MARK : N/A			
TITLE REPORT : FIDELITY NATIONAL TITLE NO. 11-725139031-RH	ADDRESS : 5318 WILSHIRE BLVD. LOS ANGELES 90036		
ASSESSOR'S REF. : 5089-001-026	R.O.W. REFERENCE : R-2012; W-1202-1	NO.	DATE
		REVISION DESCRIPTION	

EXHIBIT "B-2"


PARCEL	TOTAL	W-1202-1
AREA - SQUARE FEET	13,948	12,868

	LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY APPROVED BY: <i>Jansen Nowinski</i>	CONTRACT NO./DESIGN UNIT SCALE 1"=80' DATE 05/09/2014 DRAWN BY T. RAINEY CHECKED BY J. NEDLIK REV. DATE REV. NO.
	SUBMITTED BY: _____ DATE _____ PROJECT MANAGER	

PARCEL PLAT

W-1202-1

SHEET 1 OF 1



Hearing to Adopt Resolutions of Necessity
Westside Purple Line Extension Section 1
Agenda Item #2024-0173

Hearing to Adopt Resolutions of Necessity Westside Purple Line Extension Section 1

Project:

The Project extends the Purple (D Line) from the existing Metro Purple Line terminus at the Wilshire/Western Station adding 3 new stations at Wilshire/La Brea, Wilshire/Fairfax, and Wilshire/La Cienega.

Property Impacts:

Acquire a 10-month and 7 days Temporary Construction Easements (TCE) covering the entire property.

Property Locations:

Wilshire Boulevard and Detroit Street in the City of Los Angeles

Relocation Impacts:

Project impacts will not create a displacement

Safety Impacts:

The Board action will not have an impact on LACMTA's safety standards

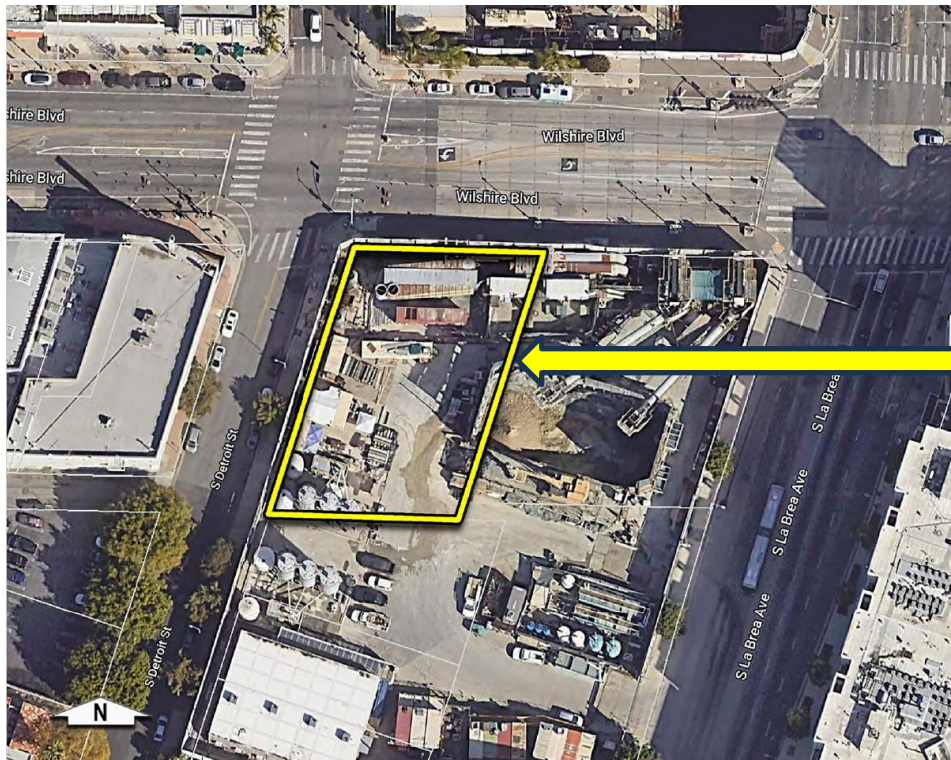


Hearing to Adopt Resolutions of Necessity Westside Purple Line Extension Section 1

Project Parcel Number	Assessor's Parcel Number	Parcel Address	Purpose of Acquisition	Property Interests Sought
W-1205 and W-1202-1	5089-001-028	5318 Wilshire Boulevard Los Angeles, CA 90036	Construction Laydown for the Project	10-Month and 7-days TCE

Hearing to Adopt Resolution of Necessity Westside Purple Line Extension Section 1

PARCEL OVERVIEW



10-Month and 7 days TCE
Begins: July 25, 2025
Expires: June 1, 2026
APN: 5089-001-028,
13,948 Square Feet

Hearing to Adopt Resolution of Necessity Westside Purple Line Extension Section 1

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
- Whether the statutory requirements necessary to acquire the property or property interest by eminent domain have been complied with by LACMTA.



Thank you



Metro