



Board Report

File #: 2024-0439, File Type: Policy

Agenda Number: 43.

REGULAR BOARD MEETING JULY 25, 2024

**SUBJECT: METRO G LINE (ORANGE) BUS RAPID TRANSIT IMPROVEMENT PROJECT
RESCISSION OF RESOLUTION OF NECESSITY**
ACTION: APPROVE RECOMMENDATION

RECOMMENDATION

RESCIND the Resolutions of Necessity (“RON’s”) previously adopted on August 25, 2022, which authorized the commencement of eminent domain actions to acquire certain partial permanent and temporary property rights (“Property Interests”) in the Canoga Park properties listed along the Metro G Line in the table below as follows:

- A. Property: 21339 Saticoy St., Canoga Park, CA 91304
 - APN: 2109-031-017 (MOL-004)
 - Property Owner: Astra Holding, Inc a California Corporation
 - Property Interests: Permanent Partial Acquisition - 185 SF, TCE - 313 SF, 64 months duration
- B. Property: 21339 Sherman Way, Canoga Park, CA 91303
 - APN: 2111-030-018 (MOL-006)
 - Property Owner: Spectrum Investment Corporation, a California Corporation
 - Property Interests: Permanent Partial Acquisition - 720 SF, TCE - 400 SF, 66 months duration
- C. Property: 21400 Roscoe Blvd, Canoga Park, CA 91304
 - APN: 2110-003-036 (MOL-008)
 - Property Owner: 21400 Roscoe, LLC, a California limited liability company
 - Property Interests: Permanent Street Easement - 177 SF, TCE - 264 SF, 67 months duration

(REQUIRES TWO-THIRDS VOTE OF THE FULL BOARD)

ISSUE

Acquisition of the Property Interests is no longer required by the Metro G Line (Orange) Bus Rapid Transit Improvements Project (“Project”). Therefore, the RON’s and related eminent domain court cases are no longer necessary. For the purpose of formally abandoning the acquisition of the properties and closing out dismissal of the related eminent domain cases, staff is recommending the Board formally rescind the RON’s by approving this action.

BACKGROUND

Between April and June 2022, Metro issued written offers to the owners of the above-mentioned Properties to acquire Property Interests for the installation of railroad-style four-quadrant safety gate systems. After months of unsuccessful negotiations, on August 25, 2022, the Los Angeles County Metropolitan Transportation Authority (“LACMTA”) Board held hearings and adopted Resolutions of Necessity (“RON’s”) to acquire Property Interests required for the construction and operation of railroad-style four-quadrant safety gate systems at the properties listed above. Shortly after the RON’s were adopted condemnation counsel filed and served the eminent domain complaints.

DISCUSSION

At its November 2023, staff provided an update to the Board on the scope, schedule and budget of the Project, including exploring cost savings by installing fewer gates. A task force comprised of representatives from Metro safety, systems engineering, bus operations and LADOT determined the gates are no longer required, which eliminates the need for the Property Interests. Condemnation counsel has filed notices of abandonment and dismissal of the legal proceedings for the acquisitions. To formally close out the eminent domain cases, staff recommends the Board authorizes rescission of the RON’s. The adopted RON’s are attached for reference as follows:

- Attachment A - MOL-004 Resolution of Necessity
- Attachment B - MOL-006 Resolution of Necessity
- Attachment C - MOL-008 Resolution of Necessity

The G Line Project team has decertified the previously required property interests, and condemnation counsel has filed with the Superior Court notices of abandonment and requests for formal dismissal of the legal proceedings for those acquisitions.

DETERMINATION OF SAFETY IMPACT

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

FINANCIAL IMPACT

The funding for this action is included in the Fiscal Year 2025 (FY25) budget under Project 871405 Metro G Line (Orange) Bus Rapid Transit Improvement Project, in Cost Center 8510, Account Number 53103 (Acquisition of Land) and Fund 6003. No additional funding for this action is required.

Impact to Budget

The approved FY25 budget is designated for the Metro G Line (Orange) Bus Rapid Transit Improvement Project and does not have an impact to operations funding sources.

EQUITY PLATFORM

The Project seeks to improve transit passenger experience and pedestrian safety through the construction of grade separations, vehicle and pedestrian crossing gates, first/last mile improvements, and ADA accessible features along the entire G Line alignment. The proposed removal of Project scope has an impact on the quantity of improvements made but does not impact the quality of the portions that remain and are intended to more inclusively serve riders, including those from Equity Focus Communities. Although crossing gates may be removed, staff are exploring alternatives that will preserve end-to-end run time reductions.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The Board action is consistent with LACMTA Vision 2028 Goal #5: Provide responsive, accountable, and trustworthy governance within the Metro organization.

ALTERNATIVES CONSIDERED

The Board could choose not to approve the recommendations. This is not recommended as it may result in the court determining that LACMTA's abandonments and dismissals of the three affected matters was not valid and require acquisition of the Property.

NEXT STEPS

If this action is approved by the Board, condemnation counsel will seek to complete the formal dismissal of the eminent domain actions.

ATTACHMENTS

Attachment A - MOL-004 Signed Resolution of Necessity
Attachment B - MOL-006 Signed Resolution of Necessity
Attachment C - MOL-008 Signed 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

**RESOLUTION OF THE
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
DECLARING CERTAIN REAL PROPERTY INTERESTS NECESSARY FOR PUBLIC
PURPOSES AND AUTHORIZING THE ACQUISITION THEREOF THROUGH THE
EXERCISE OF EMINENT DOMAIN
METRO G LINE (ORANGE) BUS RAPID TRANSIT IMPROVEMENTS PROJECT,
("PROJECT") – PARCEL NO. MOL-004**

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 interests 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 Interests consist of the acquisition of a Permanent Partial Acquisition and a 64-month Temporary Construction Easement ("TCE"), as described more specifically in the legal descriptions (Exhibit "A-1" and "A-2"), respectively, and depicted in the plat maps (Exhibit "B-1" and "B-2"), respectively, attached hereto (hereinafter, the "Property Interests"). The actual construction time frame related to each property will have a duration of approximately six (6) months. Additionally, access for ingress and egress will be maintained during construction to minimize impacts to the property and/or the property occupants.

Section 4.

(d.) The acquisition of the above-described Property Interests is necessary for the development, construction, operation, and maintenance of the Metro G Line (Orange) Bus

Rapid Transit Improvement Project ("Project");

- (e.) In July 2018, the Board approved a determination that the Project is Statutorily Exempt, pursuant to CEQA Guidelines Section 15275(a) (Public Resources Code Section 21080(b)(11)) and is consistent with the intent of the legislature to facilitate "passenger and commuter services" improvements to HOV lanes already in use. In July 2018, the Board authorized the filing of a CEQA Notice of Exemption (NOE) for the Project with the Los Angeles County Clerk
- (f.) Accordingly, LACMTA has fulfilled the necessary statutory prerequisites to acquire the Property by eminent domain

Section 5.

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

- (e.) The public interest and necessity require the proposed Project;
- (f.) 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;
- (g.) The Property sought to be acquired, which has been described herein, is necessary for the proposed Project;
- (h.) 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).

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 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, and, with the concurrence and approval of LACMTA Staff, to make minor adjustments to the scope and descriptions of easements or other Property to be acquired in order to ameliorate any claims for severance damages.

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 25th day of August 2022.



COLLETTE LANGSTON
LACMTA Board Clerk

Date: JANUARY 10, 2023

ATTACHMENTS

Exhibit A-1 and A-2 – Legal Descriptions
Exhibit B-1 and B-2 – Plat Maps

Parcel MOL-004 – Legal Description

LEGAL DESCRIPTION

ACQUISITION

APN# 2109-031-017

That certain portion of land situated in the City of Los Angeles, County of Los Angeles, State of California, being that portion of Lot 8, Block 6, as per map recorded in Book 19, Page 36 of Maps, being more particularly described as follows:

BEGINNING at the northwest corner of that certain Irrevocable Offer To Dedicate Document, recorded February 8, 1967 as Recording No. 2437, in Book D3553, Page 936 of Official Records, said point being a point on the westerly line of said Lot 8; thence along said westerly line North 00°17'24" East (North 0°03' East per Book 19, Page 36 of Maps) a distance of 3.00 feet to the **TRUE POINT OF BEGINNING**; thence continuing along said line, North 00°17'24" East, a distance of 22.00 feet; thence leaving said line, South 89°47'21" West, a distance of 2.00 feet; thence South 00°17'24" West, a distance of 7.00 feet; thence South 89°47'24" East, a distance of 5.66 feet; thence South 39°32'58" East, a distance of 3.65 feet; thence South 00°17'24" West, a distance of 15.20 feet to the northerly line of said Irrevocable Offer to Dedicate Document; thence along said northerly line, North 89°47'21" West, a distance of 8.00 feet; thence leaving said line, North 00°17'24" East, a distance of 3.00 feet; thence North 89°47'21" West, a distance of 2.00 feet to the **TRUE POINT OF BEGINNING**.

Containing 184.7 square feet, more or less.

This legal description is not intended to be used in the conveyance of land in violation of the Subdivision Map Act of the State of California.

Subject to easements, covenants, conditions, restrictions, reservations, rights, rights-of-way, and other matters of record, if any.

See Exhibit 'B' attached hereto and made a part hereof.

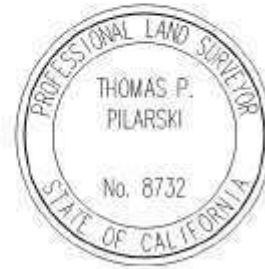
This legal description was prepared by me or under my direction.



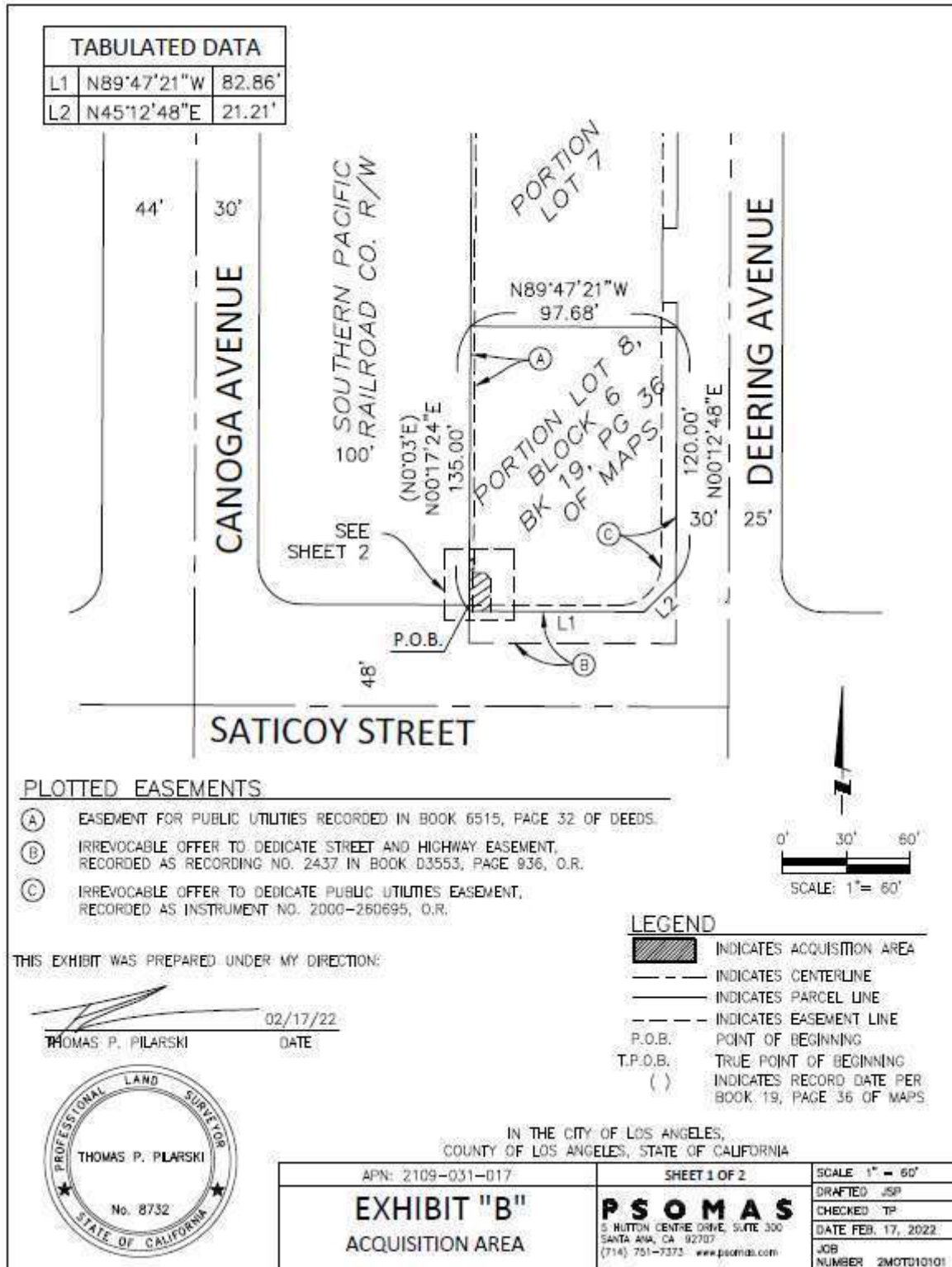
Thomas P. Pilarski, PLS 8732

2-17-22

Date



Parcel MOL-004 – Plat



Parcel MOL-004 – Legal Description (TCE)

LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT
APN# 2109-031-017

That certain portion of land, being a strip of land 5.00 feet wide, situated in the City of Los Angeles, County of Los Angeles, State of California, being that portion of Lot 8, Block 6, as per map recorded in Book 19, Page 36 of Maps, being a strip of land lying 5.00 feet northerly, northeasterly and easterly of the following described line:

BEGINNING at the northwest corner of that certain Irrevocable Offer To Dedicate Document, recorded February 8, 1967 as Recording No. 2437, in Book: D3553, Page 936 of Official Records, said point being a point on the westerly line of said Lot 8; thence along said westerly line North 00°17'24" East (North 0°03' East per Book 19, Page 36 of Maps) a distance of 25.00 feet to the **TRUE POINT OF BEGINNING**; thence leaving said line, South 89°47'21" East, a distance of 2.00 feet; thence South 00°17'24" West, a distance of 7.00; thence South 89°47'21" East, a distance of 5.66 feet; thence South 39°32'58" East, a distance of 3.65 feet; thence South 00°17'24" West, a distance of 15.20 feet to the northerly line of said Irrevocable Offer to Dedicate Document; thence along said northerly line, South 89°47'21" East, a distance of 30.00 feet.

Said strip of land shall be prolonged or shortened so as to terminate westerly in said westerly line of said Lot 8 and southerly in said northerly line of said Irrevocable Offer to Dedicate Document.

Containing 313.3 square feet, more or less.

This legal description is not intended to be used in the conveyance of land in violation of the Subdivision Map Act of the State of California.

Subject to easements, covenants, conditions, restrictions, reservations, rights, rights-of-way, and other matters of record, if any.

See Exhibit 'B' attached hereto and made a part hereof.

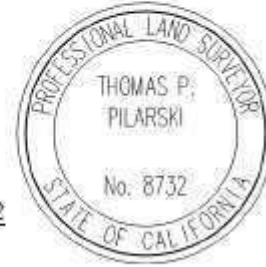
This legal description was prepared by me or under my direction.



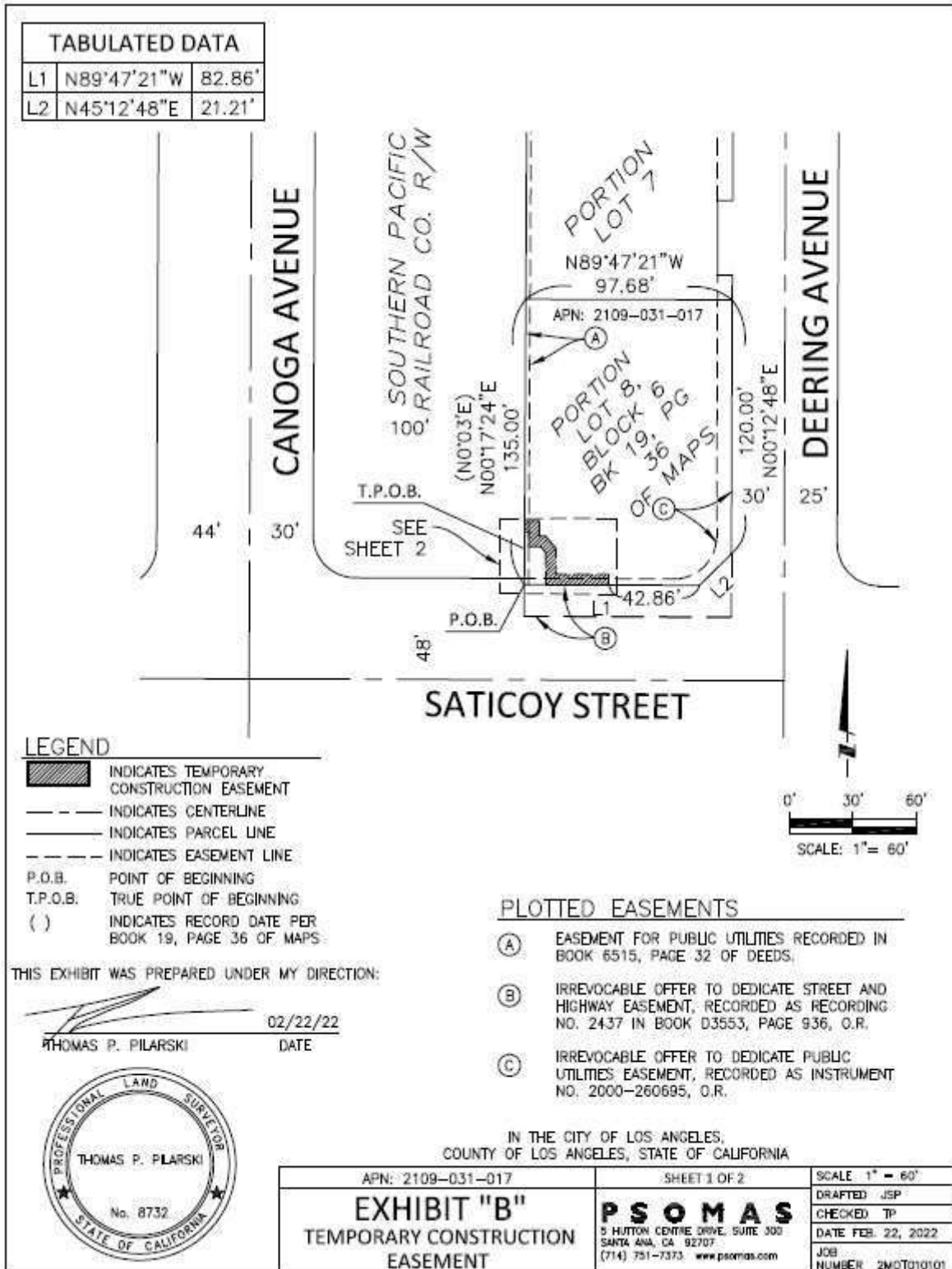
Thomas P. Pilarski, PLS 8732

02-22-22

Date



Parcel MOL-004 – Plat (TCE)



**RESOLUTION OF THE
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
DECLARING CERTAIN REAL PROPERTY INTERESTS NECESSARY FOR PUBLIC
PURPOSES AND AUTHORIZING THE ACQUISITION THEREOF THROUGH THE
EXERCISE OF EMINENT DOMAIN
METRO G LINE (ORANGE) BUS RAPID TRANSIT IMPROVEMENTS PROJECT,
("PROJECT") – PARCEL NO. MOL-006**

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 interests 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 Interests consist of the acquisition of a Permanent Partial Acquisition and a 66-month Temporary Construction Easement ("TCE"), as described more specifically in the legal descriptions (Exhibit "A-1" and "A-2"), respectively, and depicted in the plat maps (Exhibit "B-1" and "B-2"), respectively, attached hereto (hereinafter, the "Property Interests"). The actual construction time frame related to each property will have a duration of approximately six (6) months. Additionally, access for ingress and egress will be maintained during construction to minimize impacts to the property and/or the property occupants.

Section 4.

(g.) The acquisition of the above-described Property Interests is necessary for the development, construction, operation, and maintenance of the Metro G Line (Orange) Bus Rapid Transit Improvement Project ("Project");

(h.) In July 2018, the Board approved a determination that the Project is

Statutorily Exempt, pursuant to CEQA Guidelines Section 15275(a) (Public Resources Code Section 21080(b)(11)) and is consistent with the intent of the legislature to facilitate “passenger and commuter services” improvements to HOV lanes already in use. In July 2018, the Board authorized the filing of a CEQA Notice of Exemption (NOE) for the Project with the Los Angeles County Clerk

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

Section 5.

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

- (i.) The public interest and necessity require the proposed Project;
- (j.) 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;
- (k.) The Property sought to be acquired, which has been described herein, is necessary for the proposed Project;
- (l.) 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).

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 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, and, with the concurrence and approval of LACMTA Staff, to make minor adjustments to the scope and descriptions of easements or other Property to be acquired in order to ameliorate any claims for severance damages.

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 25th day of August 2022.



COLLETTE LANGSTON
LACMTA Board Clerk

Date: JANUARY 10, 2023

ATTACHMENTS

Exhibit A-1 and A-2 – Legal Descriptions
Exhibit B-1 and B-2 – Plat Maps

Parcel MOL-006 – Legal Description

LEGAL DESCRIPTION

ACQUISITION AREA

APN# 2111-030-018

That certain parcel of land situated in the City of Los Angeles, County of Los Angeles, State of California, being that portion of Lot 11 of Block 44, Owensmouth Tract, as per map recorded in Book 19, Pages 36 and 37, of Maps, in the office of the County Recorder of said County, except the North 120 feet thereof, being more particularly described as follows:

Being the northerly 24.00 feet of the southerly 34.00 feet of the westerly 30.00 feet of that portion of Lot 11 of Block 44, Owensmouth Tract, as per map recorded in Book 19, Pages 36 and 37 of Maps.

Containing 720.0 square feet, more or less.

This legal description is not intended to be used in the conveyance of land in violation of the Subdivision Map Act of the State of California.

Subject to easements, covenants, conditions, restrictions, reservations, rights, rights-of-way, and other matters of record, if any.

See Exhibit 'B' attached hereto and made a part hereof.

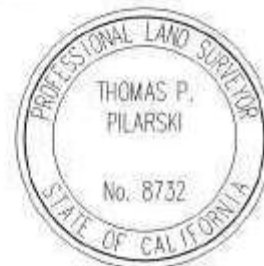
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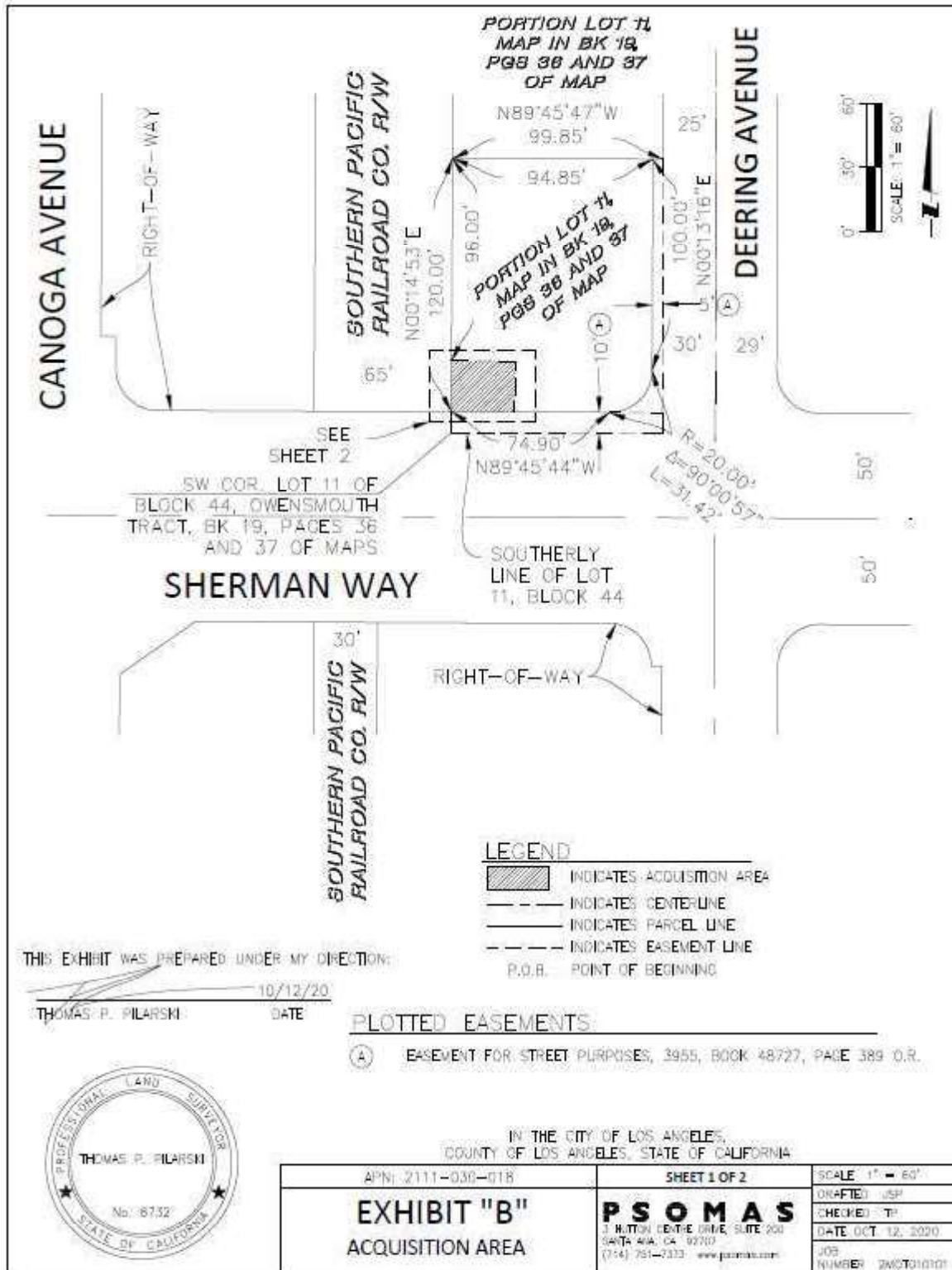
Thomas P. Pilarski, PLS 8732

10-12-20

Date



Parcel MOL-006 – Plat



Parcel MOL-006 – Legal Description (TCE)

LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT
APN# 2111-030-018

That certain parcel of land situated in the City of Los Angeles, County of Los Angeles, State of California, being that portion of Lot 11 of Block 44, Owensmouth Tract, as per map recorded in Book 19, Pages 36 and 37, of Maps, in the office of the County Recorder of said County, being a 5' wide strip, lying northerly and westerly of the following described line:

Beginning at a point on the westerly line of said Lot 11, said point being 34.00 feet northerly of the southerly line of said Lot; thence leaving said line, North 89°45'44" West, 30.00 feet; thence South 00°14'53" West, 24.00 feet to the northerly line of Sherman Way, per Street Easement recorded August 22, 1955 as Document Number 3955, Book 48727, Page 389 of Official Records; thence along said northerly line, North 89°45'44" West, 26.00 feet.

Containing 400.0 square feet, more or less.

The sidelines of said 5.00 wide easement shall be prolonged or shortened as necessary to terminate at the westerly line of said Lot, and the northerly line of Sherman Way, per said Street Easement.

This legal description is not intended to be used in the conveyance of land in violation of the Subdivision Map Act of the State of California.

Subject to easements, covenants, conditions, restrictions, reservations, rights, rights-of-way, and other matters of record, if any.

See Exhibit 'B' attached hereto and made a part hereof.

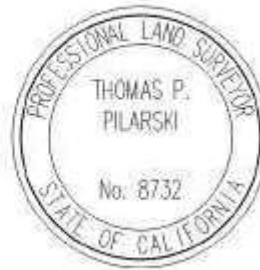
This legal description was prepared by me or under my direction.



Thomas P. Pilarski, PLS 8732

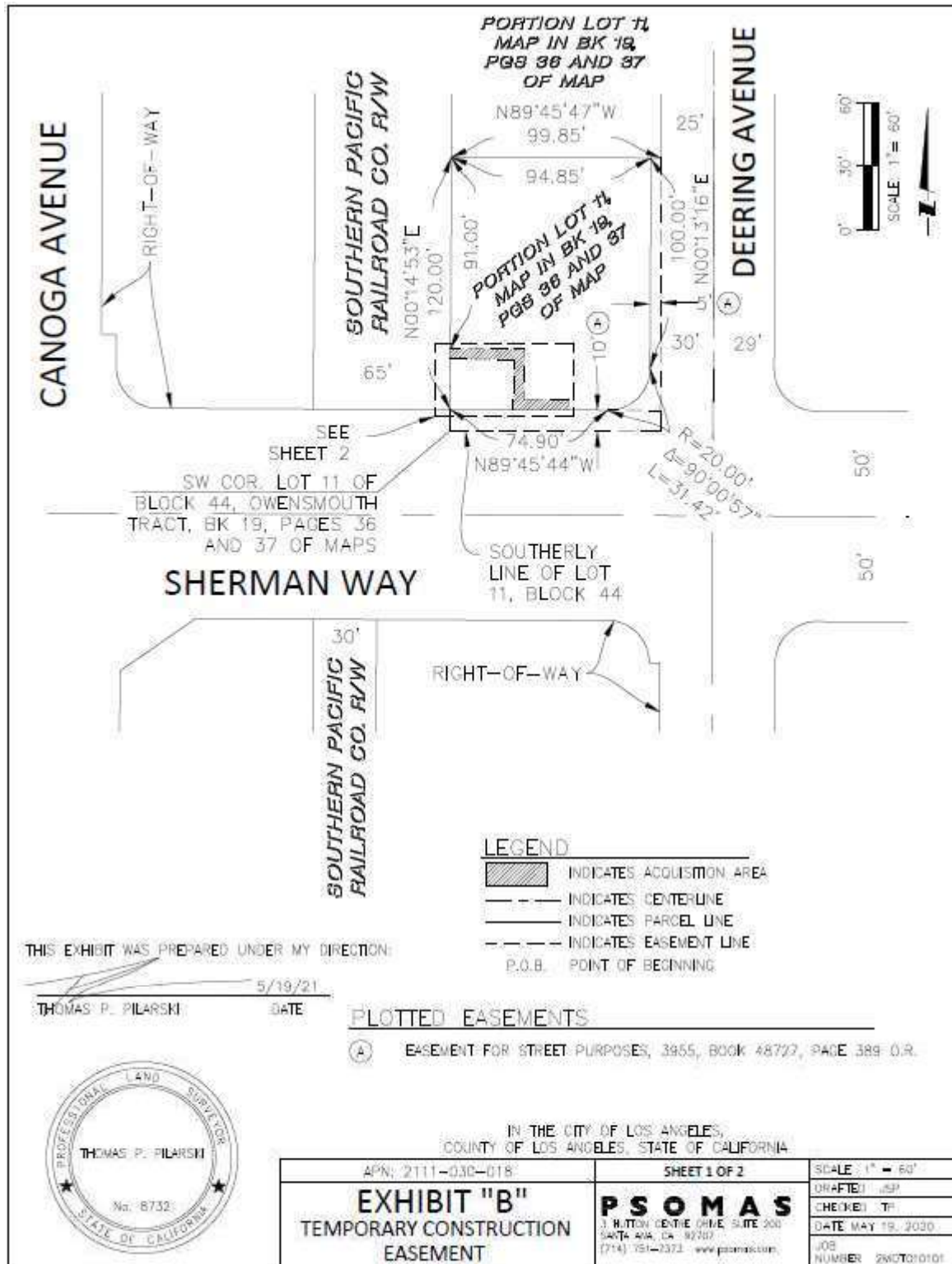
5-19-21

Date



Sheet 2 of 2

Parcel MOL-006 – Plat (TCE)



**RESOLUTION OF THE
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
DECLARING CERTAIN REAL PROPERTY INTERESTS NECESSARY FOR PUBLIC
PURPOSES AND AUTHORIZING THE ACQUISITION THEREOF THROUGH THE
EXERCISE OF EMINENT DOMAIN
METRO G LINE (ORANGE) BUS RAPID TRANSIT IMPROVEMENTS PROJECT,
("PROJECT") – PARCEL NO. MOL-008**

THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY BOARD OF DIRECTORS ("BOARD") HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

Section 1.

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Section 3.

The Property Interests consist of the acquisition of a Permanent Street Easement and a 67-month Temporary Construction Easement ("TCE"), as described more specifically in the legal descriptions (Exhibit "A-1" and "A-2"), respectively, and depicted in the plat maps (Exhibit "B-1" and "B-2"), respectively, attached hereto (hereinafter, the "Property Interests"). The actual construction time frame related to each property will have a duration of approximately six (6) months. Additionally, access for ingress and egress will be maintained during construction to minimize impacts to the property and/or the property occupants.

Section 4.

(j.) The acquisition of the above-described Property Interests is necessary for the development, construction, operation, and maintenance of the Metro G Line (Orange) Bus Rapid Transit Improvement Project ("Project");

- (k.) In July 2018, the Board approved a determination that the Project is Statutorily Exempt, pursuant to CEQA Guidelines Section 15275(a) (Public Resources Code Section 21080(b)(11)) and is consistent with the intent of the legislature to facilitate “passenger and commuter services” improvements to HOV lanes already in use. In July 2018, the Board authorized the filing of a CEQA Notice of Exemption (NOE) for the Project with the Los Angeles County Clerk
- (l.) Accordingly, LACMTA has fulfilled the necessary statutory prerequisites to acquire the Property by eminent domain

Section 5.

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

- (m.) The public interest and necessity require the proposed Project;
- (n.) 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;
- (o.) The Property sought to be acquired, which has been described herein, is necessary for the proposed Project;
- (p.) 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).

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 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, and, with the concurrence and approval of LACMTA Staff, to make minor adjustments to the scope and descriptions of easements or other Property to be acquired in order to ameliorate any claims for severance damages.

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 25th day of August 2022.



COLLETTE LANGSTON
LACMTA Board Clerk

Date: JANUARY 10, 2023

ATTACHMENTS
Exhibit A-1 and A-2 – Legal Descriptions
Exhibit B-1 and B-2 – Plat Maps

Parcel MOL-008 – Legal Description

LEGAL DESCRIPTION

ACQUISITION AREA

APN# 2110-003-036

That certain parcel of land situated in the City of Los Angeles, County of Los Angeles, State of California, being that portion of Lot 1 of Tract No. 5596, as per map recorded in Book 61, Page 44 of maps, being more particularly described as follows:

BEGINNING at the southwest corner of that certain document Granted to City of Los Angeles, recorded March 13, 1962, Instrument Number 4337 of Official Records, said point also being 30.00 feet southerly and parallel to the northerly line of Lot 1 of said Tract No. 5596; thence easterly along the southerly line of said Instrument Number 4337, North $89^{\circ}16'26''$ East, a distance of 58.63 feet to **TRUE POINT OF BEGINNING**; thence continuing along said line, North $89^{\circ}16'26''$ East, a distance of 40.00 feet to the beginning of a 20.00 foot radius curve, concave southwesterly; thence along said curve through a central angle of $90^{\circ}59'31''$, an arc length of 31.76 feet; thence leaving said line North $48^{\circ}11'29''$ West, a distance of 27.14 feet, thence North $87^{\circ}51'49''$ West, a distance of 40.05 feet to the **TRUE POINT OF BEGINNING**.

Containing 177.2 square feet, more or less.

This legal description is not intended to be used in the conveyance of land in violation of the Subdivision Map Act of the State of California.

Subject to easements, covenants, conditions, restrictions, reservations, rights, rights-of-way, and other matters of record, if any.

See Exhibit 'B' attached hereto and made a part hereof.

This legal description was prepared by me or under my direction.



Thomas P. Pilarski, PLS 8732

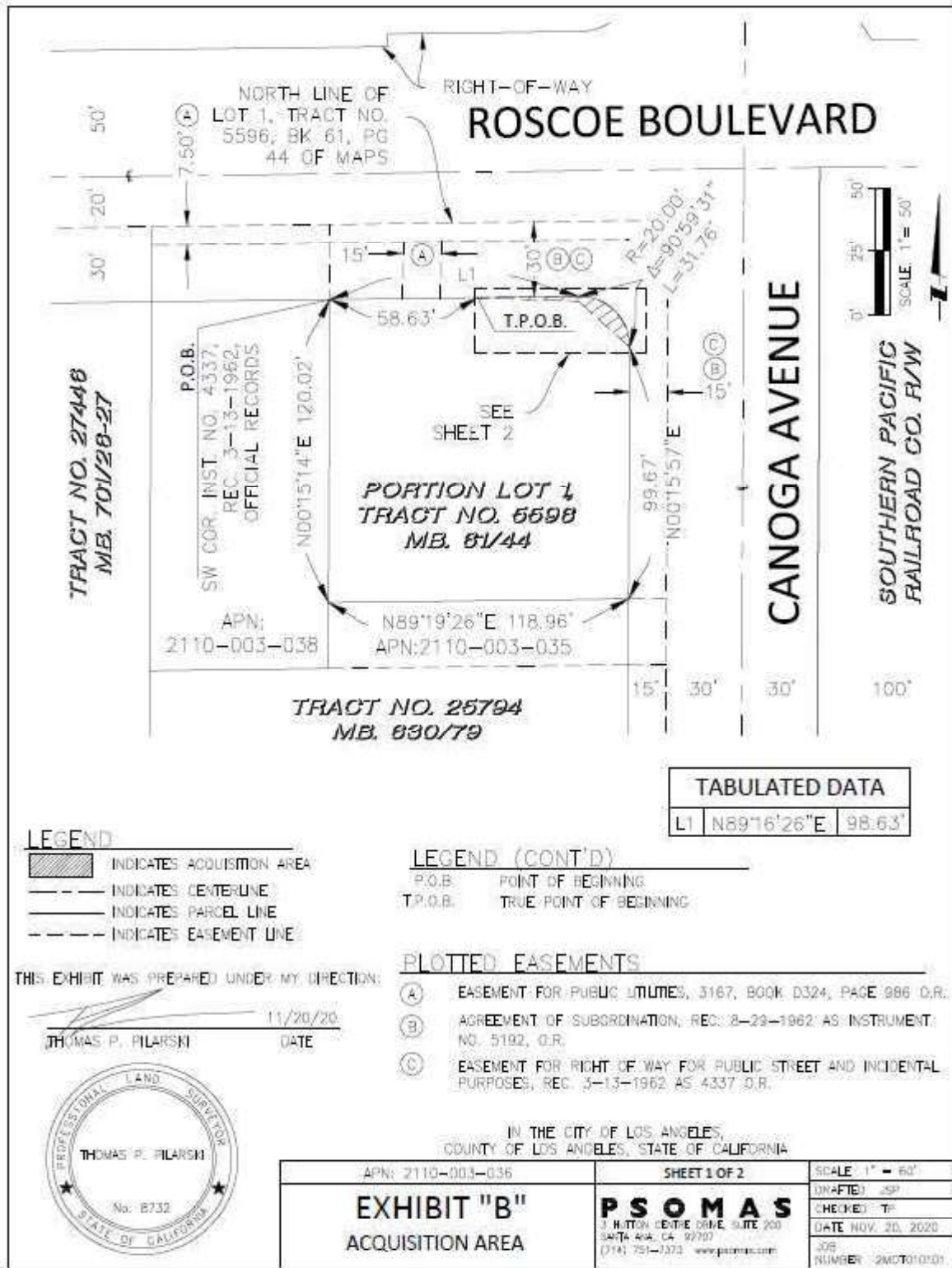
11-20-20

Date



Sheet 2 of 2

Parcel MOL-008 – Plat



Parcel MOL-008 – Legal Description (TCE)

LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT
APN# 2110-003-036

That certain parcel of land situated in the City of Los Angeles, County of Los Angeles, State of California, being that portion of Lot 1 of Tract No. 5596, as per map recorded in Book 61, Page 44 of maps, being more particularly described as follows:

BEGINNING at the southwest corner of that certain document Granted to City of Los Angeles, recorded March 13, 1962, Instrument Number 4337 of Official Records, said point also being 30.00 feet southerly and parallel to the northerly line of Lot 1 of said Tract No. 5596; thence easterly along the southerly line of said Instrument Number 4337, North 89°16'26" East, a distance of 58.63 feet to **TRUE POINT OF BEGINNING**; thence leaving said line, South 87°51'49" East, a distance of 40.05 feet; thence South 48°11'29" East, a distance of 27.14 feet to the southerly terminus of that certain 20.00 foot radius curve concave southwesterly, said curve being the westerly line of said Instrument Number 4337; thence along said west line, South 00°15'57" West, a distance of 5.01 feet; thence leaving said line, North 48°11'29" West, a distance of 30.11 feet; thence South 89°16'26" West, a distance of 37.72 feet; thence North 00°43'34" West, a distance of 5.00 feet to the **TRUE POINT OF BEGINNING**.

Containing 264.0 square feet, more or less.

This legal description is not intended to be used in the conveyance of land in violation of the Subdivision Map Act of the State of California.

Subject to easements, covenants, conditions, restrictions, reservations, rights, rights-of-way, and other matters of record, if any.

See Exhibit 'B' attached hereto and made a part hereof.

This legal description was prepared by me or under my direction.



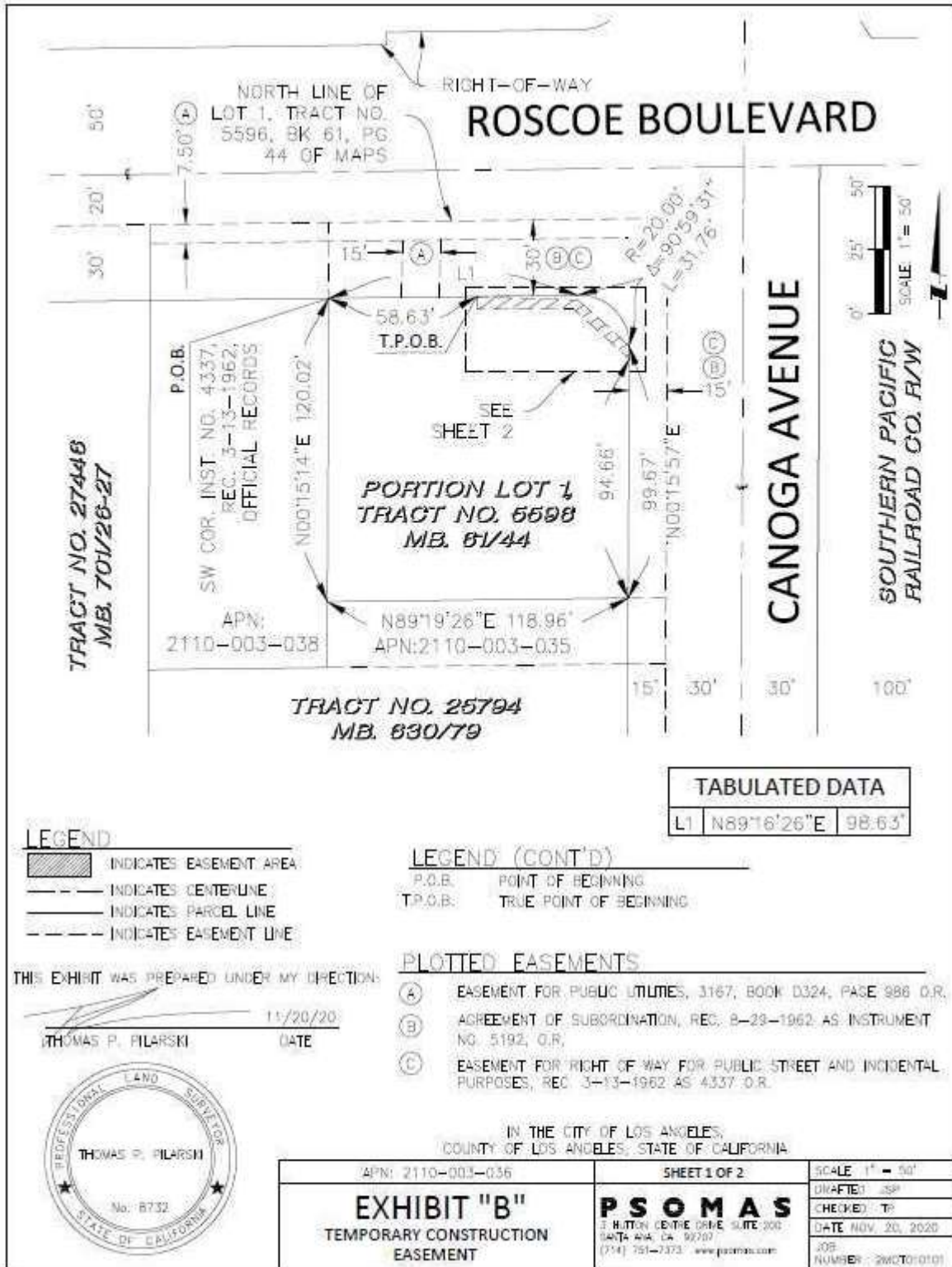
Thomas P. Pilarski, PLS 8732


11-20-20

Date



Parcel MOL-008 – Plat (TCE)



A large, stylized letter 'M' is positioned in the upper right quadrant of the slide. The 'M' is composed of several white, rectangular blocks with a slight 3D effect, set against a dark green circular background. This green circle is partially overlaid by a larger, vibrant orange circle that dominates the left and bottom portions of the slide. The overall design is modern and uses a color palette of orange, green, and black.

**Metro G-Line (Orange) Bus Rapid
Transit Improvement Project
Rescission of Resolutions of Necessity
Item #2024-0349
July 25, 2024**

Metro G Line (Orange) Bus Rapid Transit Improvement Project

Rescission of Resolutions of Necessity

Recommendation:

RESCINDING the Resolutions of Necessity's previously adopted on August 25, 2022, which authorized the commencement of eminent domain actions to acquire certain partial permanent and temporary property rights ("Property Interests")

Background

August 2022 - Resolutions of Necessity ("RON's") approved to acquire Property Interests required for the construction and operation of railroad-style four-quadrant safety gate systems

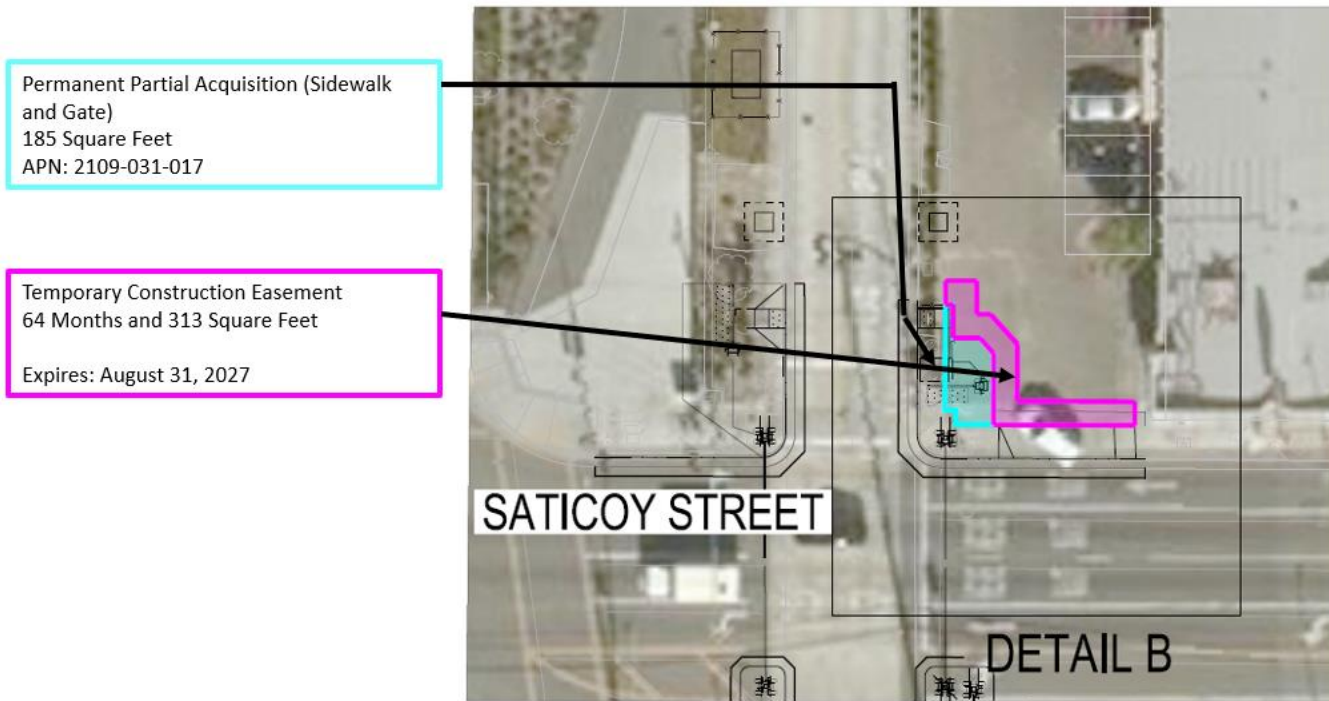
November 2023 - staff began exploring cost savings by installing fewer gates. A task force comprised of representatives from Metro safety, systems engineering, bus operations and LADOT determined the gates are no longer required, which eliminates the need for the Property Interests.



Metro G Line (Orange) Bus Rapid Transit Improvement Project

Rescission of Resolutions of Necessity

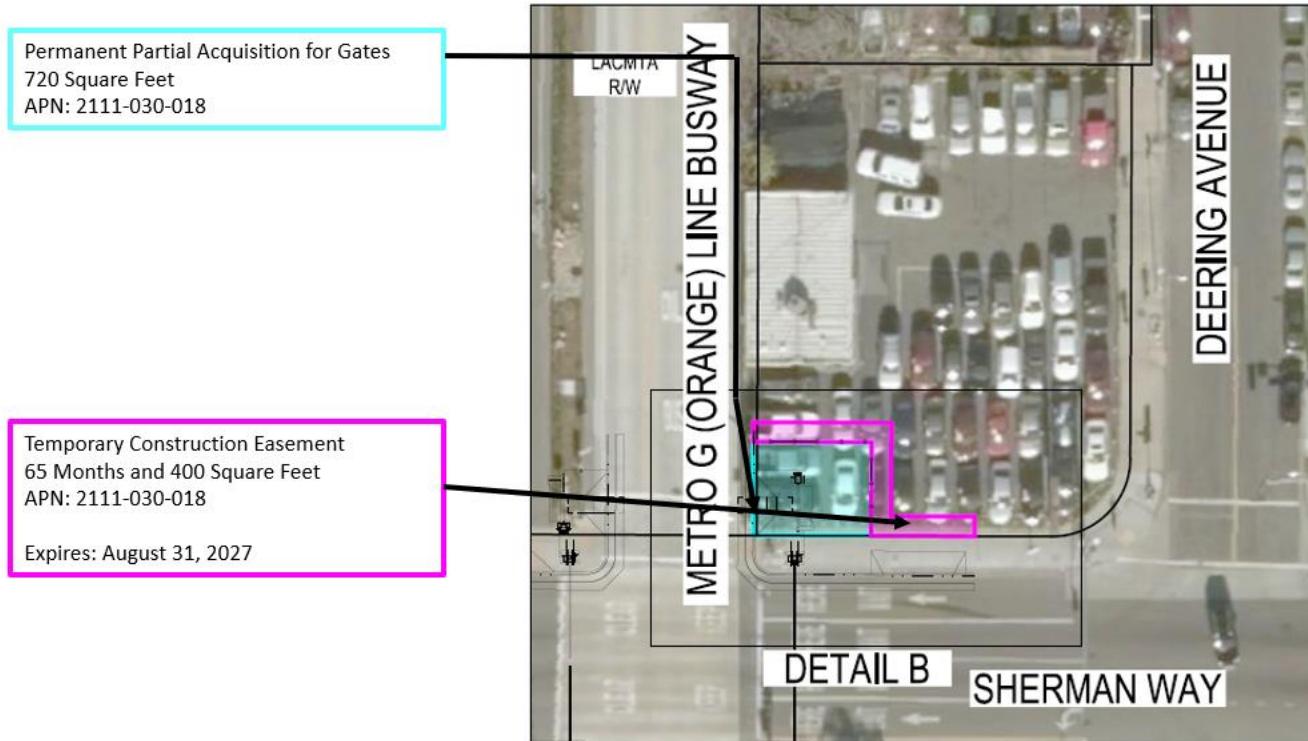
MOL-004 – 21339 Saticoy Street



Metro G Line (Orange) Bus Rapid Transit Improvement Project

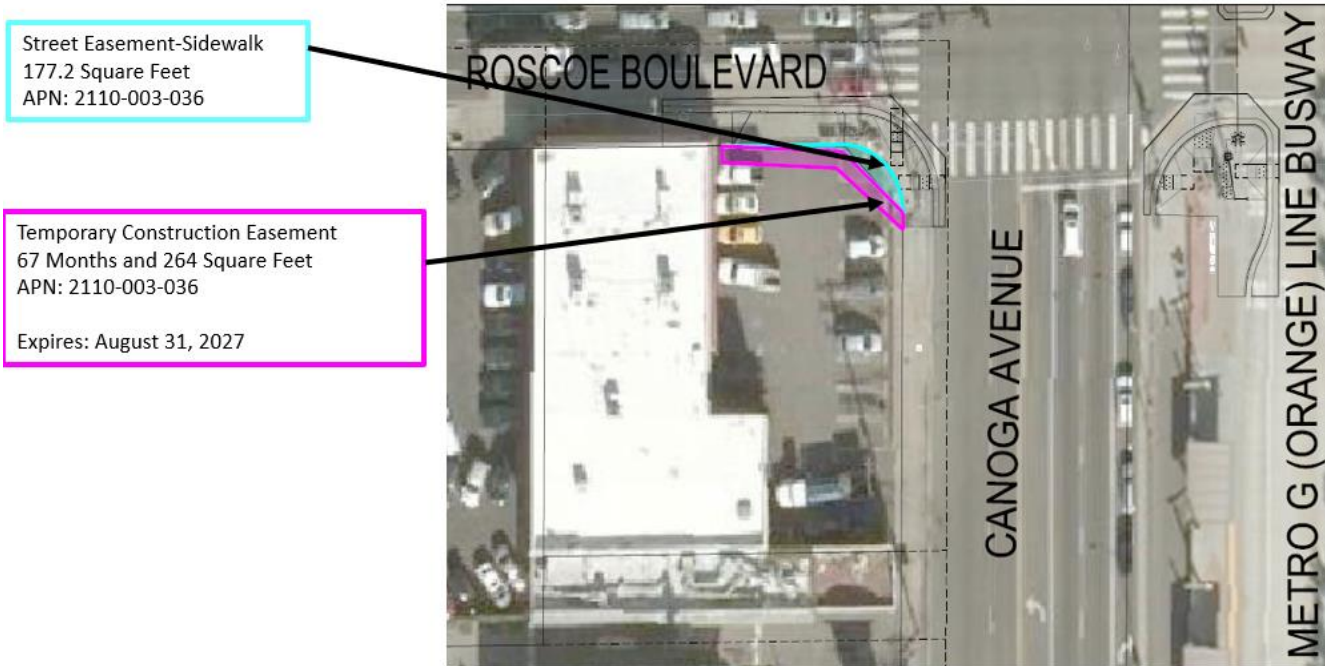
Rescission of Resolutions of Necessity

MOL-006 – 21339 Sherman Way



Metro G Line (Orange) Bus Rapid Transit Improvement Project

Rescission of Resolutions of Necessity MOL-008 – 21400 Roscoe Boulevard





Thank you



Metro