

**Metro**Los Angeles County
Metropolitan Transportation AuthorityOne Gateway Plaza
Los Angeles, CA 90012-2952213.922.2000
metro.net**REGULAR BOARD MEETING
FEBRUARY 26, 2015****SUBJECT: REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT****ACTION: ADOPT RESOLUTION OF NECESSITY TO ACQUIRE PARCELS
RC-418, 418-1, 418-2, 418A, 418A-1, 418A-2, 418A-3, 418A-4, &
418A-5****RECOMMENDATION**

- A. Hold a public hearing on the proposed Resolution of Necessity.
- B. Adopt the Resolution of Necessity authorizing the commencement of an eminent domain action to acquire permanent tunnel easements, subsurface easements for the installation of grouting pipe, temporary construction easements for staging, sidewalk easements, tieback easements in Parcels RC-418, 418-1, 418-2, 418A, 418A-1, 418A-2, 418A-3, 418A-4, & 418A-5 (APN's 5151-014-032 and 5151-014-033); consisting of various real property interests detailed on Attachment A (hereinafter the "Property").

BACKGROUND

Acquisition of the Property is required for construction and operation of the 2nd/Hope Street Station and connecting subway tunnels and for temporary construction easements for staging and storage of materials and equipment during construction in support of the Regional Connector Transit Corridor Project ("Project"). A written offer was presented to the Owner of Record (hereinafter "Owner"), as required by California Government Code Section 7267.2. The Owner has rejected the offer and consequently, the parties have been unable to reach a negotiated agreement. Because the Property is necessary for construction of the Project, staff recommends the acquisition of the Property through eminent domain.

In accordance with the provisions of the California Eminent Domain law and Sections 30503, 130220.5 and 132610 of the California Public Utilities Code (which authorize the public acquisition of private property by eminent domain), the Los Angeles County Metropolitan Transportation Authority ("METRO") has prepared and mailed notice of this hearing to the Property Owner informing them of their right to appear at this hearing and be heard on the following issues: (1) whether the public interest and necessity require the Project; (2) whether the Project is planned or located in the manner that

will be most compatible with the greatest public good and the least private injury; (3) whether the Property is necessary for the Project; and (4) whether either the offer required by Section 7267.2 of the Government Code has been made to the Owner, or the offer has not been made because the Owner cannot be located with reasonable diligence.

Attached is evidence submitted by staff that supports adoption of the Resolution of Necessity that has been approved by counsel, and which sets forth the required findings (Attachment "B"). After all of the testimony and other evidence has been received by the METRO Board from all interested parties, the METRO Board 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 of Necessity, the METRO Board must, based upon all the evidence before it, and by a vote of two-thirds of all the members of its governing body, find and determine that the conditions stated above exist.

DETERMINATION OF SAFETY IMPACT

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

FINANCIAL IMPACT

Funding for the acquisition of the Property is included in the approved Fiscal Year 2015 project budget, under Measure R funds (35%) project 860228 (Regional Connector Transit Corridor Project), in cost center 8510, and account number 53103 (Acquisition of Land).

NEXT STEPS

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

ATTACHMENTS

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

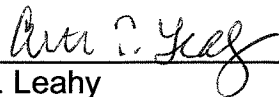
Prepared by: Velma C. Marshall, Deputy Executive Officer – Real Estate
(213) 922-2415

Dave Means, Executive Officer – Countywide Planning and
Development
(213) 922-2225

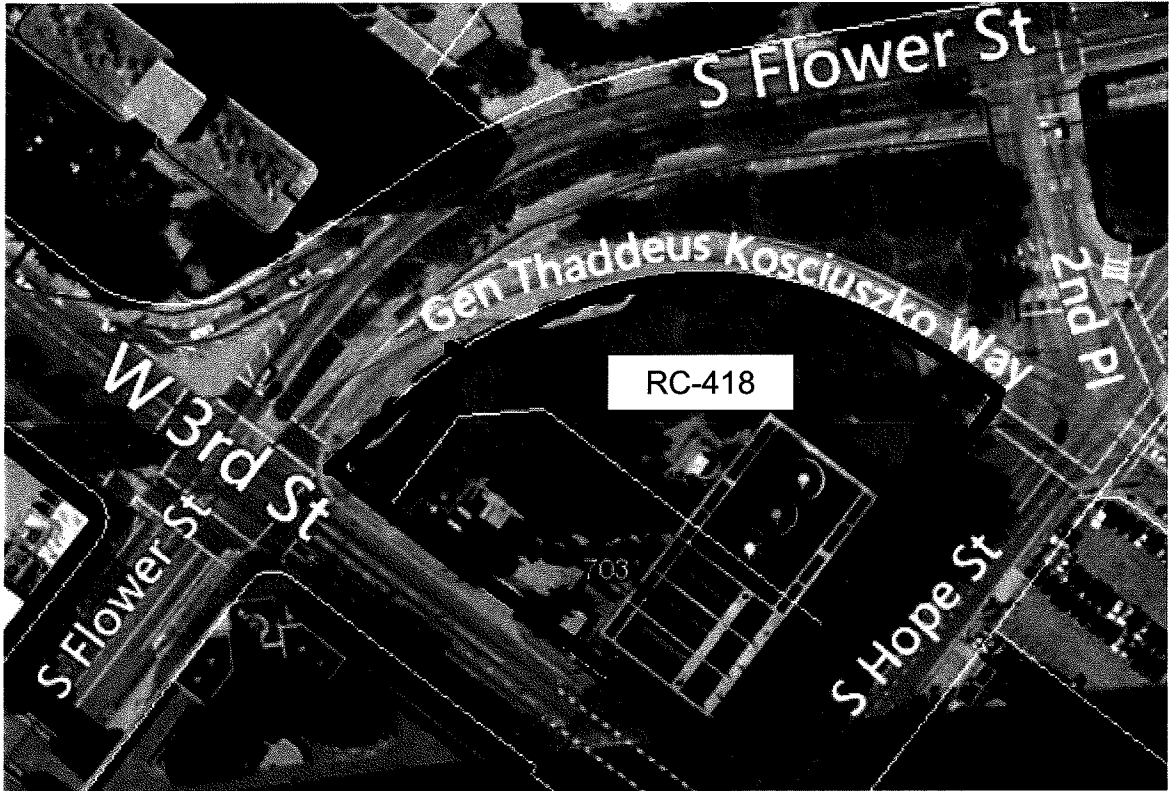
Calvin E. Hollis, Managing Executive Officer- Countywide Planning
and Development
(213) 922-7319



Martha Welborne, FAIA
Chief Planning Officer



Arthur T. Leahy
Chief Executive



Trigen-LA Energy, Inc. & Fiveplants Associates, LP Site
263 S. Hope Street, Los Angeles, CA 90012

APN's: 5151-014-032 and 5151-014-033

Parcels RC-418 & RC-418-A-1: Subsurface Easement
Parcels RC-418-1 & RC-418A-2: Temporary Construction
Easement
Parcels RC-418-2 & RC-418A-5: Grouting Easement
Parcel RC-418A: Fee Tunnel Alignment
Parcel RC-418-A-3: Tieback Easement
Parcel RC-418-A-4: Sidewalk Easement

ATTACHMENT B

STAFF REPORT REGARDING THE NECESSITY FOR THE ACQUISITION OF PARCEL NO. RC-418, 418-1, 418-2, 418A, 418A-1, 418A-2, 418A-3, 418A-4, & 418A-5 (THE "PROPERTY") FOR THE REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT.

BACKGROUND

The Property is required 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 Fidelity Title Company), physical description, and nature of the property interest sought to be acquired for the Project are summarized as follows:

Parcel/Assessor Parcel number	Parcel Address	Owners	Purpose of Acquisition	Property Interest Required
5151-014-032 & 5151-014-033 RC-418, 418-1, 418- 2, 418A, 418A-1, 418A-2, 418A-3, 418A-4, & 418A-5	703 and 715 West 3 rd Street, 263 S. Hope Street, Los Angeles, 90012	Trigen-LA Energy, Corp. and Fiveplants Associates, LP	Construction of 2 nd and Hope Street Station, connecting subway tunnels, sidewalks, and staging and storage of materials and equipment during construction	See Attachment A - list of permanent and temporary requirements

A written offer for the required property interests comprising Parcel RC-418, 418-1, 418-2, 418A, 418A-1, 418A-2, 418A-3, 418A-4, & 418A-5 (the "Property") were mailed to the Owner's attorneys by letter dated July 9, 2014. Staff has engaged in significant negotiations with the Owner's attorneys for the acquisition of the required permanent and temporary property interests. However, the offer has not been accepted, and a mutually acceptable agreement has not been reached.

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 and employment opportunities for low-income, elderly, transit-dependent persons living in the Corridor area.

2. The Project would connect the Metro Gold, Blue, Red, Purple 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 while 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. Various alternatives were presented in the DEIR/DEIS: (1) No Build, (2) Transportation Systems Management (TSM), and (3) 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 between the Gold Line 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 Place/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 is needed for the construction and operation of the 2nd and Hope Street Station Facilities ("Station") and the tunnel alignment which connects the 7th Street/ Metro Center Red/Purple Line Station and the Little Tokyo Gold Line Station. The Property interests consists of a fee acquisition for the Station and tunnel alignment, two permanent subsurface easements for the Station and tunnel alignment, two temporary construction easements for staging and laydown, two subsurface grouting easements for the installation of grouting pipes, a subsurface tie-back easement for lateral support, and a sidewalk easement for ADA purposes as described in the attached Exhibit "A" Legal Descriptions, and as depicted on the Plat Maps attached as Exhibit "B", respectively to the attached Resolution of Necessity. The Property requirements are based on the approved FEIS/FEIR for the Project. Staff recommends that the Board find that the acquisition of the Property is necessary for the Project.

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

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

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

written statement of, and summary of the basis for, the amount it established as just compensation.

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

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

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

CONCLUSION

Staff recommends that the Board approve the Resolution of Necessity.

ATTACHMENTS

- 1 – Attachment C 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 PARCELS RC-418, 418-1, 418-2, 418A,
418A-1, 418A-2, 418A-3, 418A-4, & 418A-5)**

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

Section 1.

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

Section 2.

The property 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 a fee acquisition for the Station and tunnel alignment, two permanent subsurface easements for the Station and tunnel alignment, two temporary construction easements for staging and laydown, two subsurface grouting easements for the installation of grouting pipes, a subsurface tie-back easement for lateral support, and a sidewalk easement for ADA purposes, as described in the attached Exhibit "A" Legal Descriptions, and as depicted on the Plat Maps attached hereto as 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) The offer required by Section 7267.2 of the Government Code has been made to the Owner of Record.

Section 6.

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

Section 7.

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

Section 8.

Legal Counsel is hereby authorized and directed to take all steps necessary to

commence legal proceedings, in a court of competent jurisdiction, to acquire the Property described above by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of said Property in accordance with the provisions of the eminent domain law and is directed that the total sum of probable just compensation be deposited with the State Treasurer or the Clerk of the Superior Court. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the 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, MICHELLE JACKSON, Secretary of the Los Angeles County Metropolitan Transportation Authority, do hereby certify that the foregoing Resolution was duly and regularly adopted by a vote of two-thirds of all the members of the Board of the Metropolitan Transportation Authority at a meeting held on the 26th day of February 2015.

Date: _____

MICHELLE JACKSON
METRO Secretary

ATTACHMENTS

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

EXHIBITS A

EXHIBIT "A"

LEGAL DESCRIPTION FOR SUBSURFACE EASEMENT PURPOSES
PARCEL NUMBER RC-418

A PORTION OF LOT 1 OF TRACT MAP NO. 21313, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 825 PAGES 41 AND 42 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHERLY CORNER OF SAID LOT 1, SAID CORNER ALSO BEING IN THE INTERSECTION OF THE NORTHWESTERLY LINE OF HOPE STREET, 90 FEET WIDE, AND THE NORTHEASTERLY LINE OF 3RD STREET, 95 FEET WIDE, AS SHOWN IN TRACT NO. 30780, AS PER MAP RECORDED IN BOOK 912 PAGES 39 TO 45 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE ALONG SAID NORTHWESTERLY LINE N37°50'28"E 108.50 FEET; THENCE LEAVING SAID NORTHWESTERLY LINE N52°11'33"W 226.83 FEET TO A POINT IN THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 567.00 FEET, A RADIAL LINE THROUGH SAID POINT BEARS N12°43'24"W, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE WESTERLY ALONG SAID CURVE AN ARC LENGTH OF 118.31 FEET THROUGH A CENTRAL ANGLE OF 11°57'17"; THENCE N37°48'07"E 58.47 FEET; THENCE N85°14'00"E 59.15 FEET; THENCE S52°11'33"E 21.62 FEET TO THE TRUE POINT OF BEGINNING.

THE UPPER LIMIT OF THE SUBSURFACE EASEMENT HEREIN ABOVE DESCRIBED IS A HORIZONTAL PLANE HAVING AN AVERAGE ELEVATION OF +289 FEET ABOVE MEAN SEA LEVEL PER THE CITY OF LOS ANGELES BENCH MARK NO. 12-06711. THIS EASEMENT IS APPROXIMATELY +/- 35 FEET BELOW FINISH GRADE (SURFACE). THIS DEPTH ELEVATION WAS DETERMINED FROM THE L.A. METRO REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT PRELIMINARY ENGINEERING PLANS.

CONTAINS: 2,095 SQUARE FEET.

NOTE:

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

PREPARED BY:

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

March 20, 2012
DATE:



EXHIBIT "A"

LEGAL DESCRIPTION FOR TEMPORARY CONSTRUCTION EASEMENT PURPOSES
PARCEL NUMBER RC-418-1

A PORTION OF LOT 1 OF TRACT MAP NO. 21313, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 825 PAGES 41 AND 42 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHERLY CORNER OF SAID LOT 1, SAID CORNER ALSO BEING IN THE INTERSECTION OF THE NORTHWESTERLY LINE OF HOPE STREET, 90 FEET WIDE, AND THE NORTHEASTERLY LINE OF 3RD STREET, 95 FEET WIDE, AS SHOWN IN TRACT NO. 30780, AS PER MAP RECORDED IN BOOK 912 PAGES 39 TO 45 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE ALONG SAID NORTHWESTERLY LINE N37°50'28"E 108.50 FEET; THENCE N52°11'53"W 192.04 FEET TO A POINT IN THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 119.40 FEET, A RADIAL LINE THROUGH SAID POINT BEARS S05°31'50"E, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE WESTERLY ALONG SAID CURVE AN ARC LENGTH OF 28.28 FEET THROUGH A CENTRAL ANGLE OF 13°34'14" TO A POINT IN THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 141.90 FEET, A RADIAL LINE THROUGH SAID POINT BEARS N14°01'01"E; THENCE WESTERLY ALONG SAID CURVE AN ARC LENGTH OF 118.05 FEET THROUGH A CENTRAL ANGLE OF 47°40'01"; THENCE N37°48'07"E 61.51 FEET; THENCE N85°14'00"E 59.15 FEET; THENCE S52°11'33"E 56.41 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS: 2,975 SQUARE FEET.

NOTE:

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

PREPARED BY:

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

March 20, 2012
DATE:

