



**Metro**

Los Angeles County  
Metropolitan Transportation Authority

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Los Angeles, CA 90012-2952

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metro.net

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**REGULAR BOARD MEETING  
FEBRUARY 26, 2015**

**SUBJECT: REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT**

**ACTION: ADOPT RESOLUTION OF NECESSITY TO ACQUIRE A SUBSURFACE  
EASEMENT AND A GROUTING EASEMENT ON PROJECT PARCELS  
RC-449 AND RC-449-1**

**RECOMMENDATION**

- A. Hold a public hearing on the proposed Resolution of Necessity.
- B. Adopt a Resolution of Necessity authorizing the commencement of an eminent domain action to acquire a subsurface easement and a grouting easement in Project Parcels RC-449 and RC-449-1 (Assessor Parcel No. 5161-017-009); consisting of the real property (hereinafter the "Property").

**BACKGROUND**

Acquisition of the Property (Attachment "A") is required for the construction and operation of the Regional Connector Transit Corridor ("Project"). A written offer was presented to the Owners of Record ("Owners"), as required by California Government Code Section 7267.2. The Owners have not accepted the offer made by the Los Angeles County Metropolitan Transportation Authority ("METRO") or presented a counter offer; and consequently a negotiated agreement has not been reached. 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, 30600, 130051.13, 130220.5 and 132610 of the California Public Utilities Code (which authorize the public acquisition of private property by eminent domain), METRO 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 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 Owners, or the offer has not been made because the Owners 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 for acquiring the Property through the use of eminent domain (Attachment "B"). After all

of the testimony and other evidence has been received by METRO 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 number 8510, and account number 53013 (Acquisition of Land).

### **NEXT STEPS**

If this action is approved by the Board, 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.

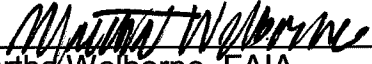
### **ATTACHMENTS**

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

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

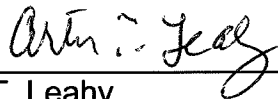
Dave Means, Executive Officer – Countywide Planning and  
Development  
(213) 922-2225

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



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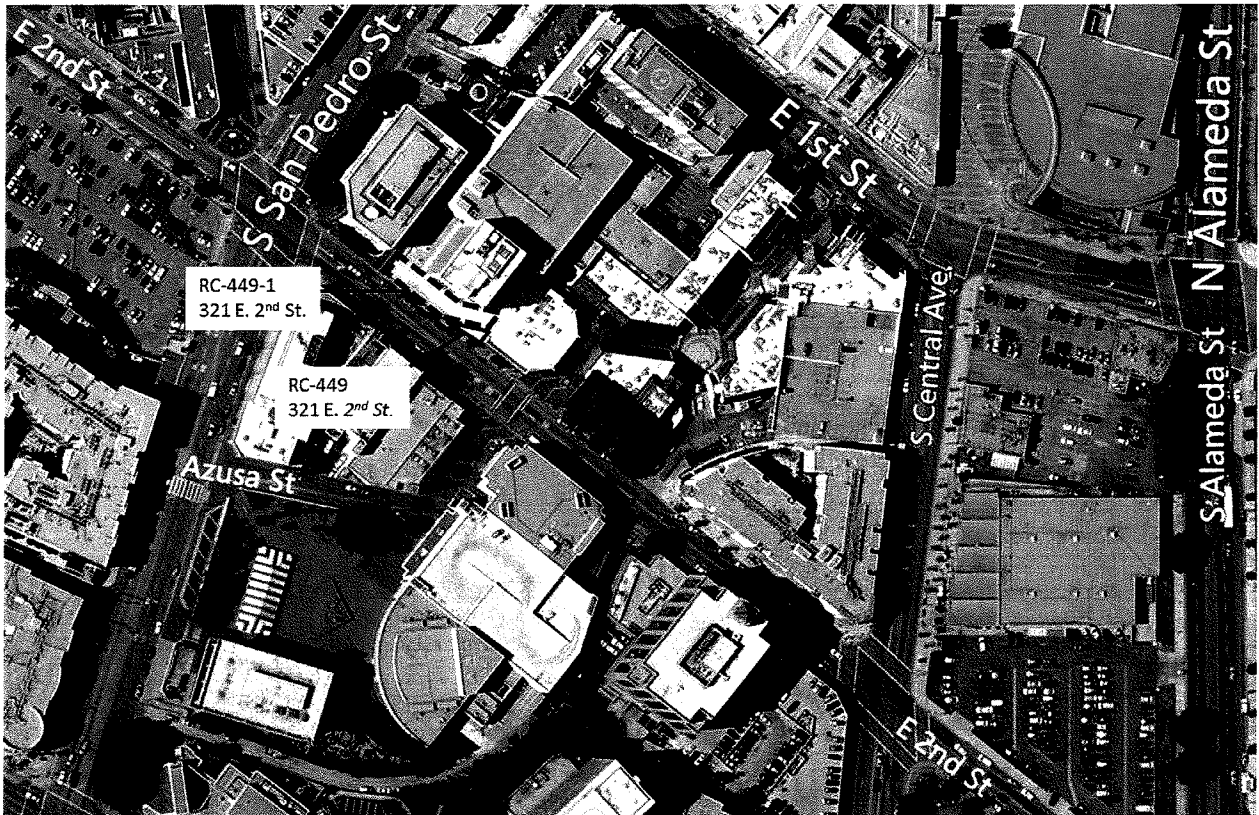
Martha Welborne, FAIA  
Chief Planning Officer



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Arthur T. Leahy  
Chief Executive Officer

ATTACHMENT A



Owners: Birnbaum 321, LLC, Catherine Diane, The Stavrum Family Trust, Donald Mahaffey, Elaine Allison, Edward & Dena Bless, Hull's Hope LLC, EMatli, LLC, Larry Parker, MBBJ Investments LLC, Moylan Family Trust LLC, Peter Wernecke & Renee DeForest, Read C 321, LLC- Kathleen Koski Read, Vijay K. Pavuluri & Padmaja Akkineni, and Neoteric Alpha, LLC

321 East 2nd Street, Los Angeles, CA

APN: 5161-017-009

RC-449: Subsurface Easement

RC-449-1: Grouting Easement

**STAFF REPORT REGARDING THE NECESSITY FOR THE ACQUISITION OF PROJECT PARCEL NOS. RC-449 AND RC-449-1 (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"). The address, owners of record ("Owners") as indicated by a title report prepared by Chicago Title Company, physical description, and nature of the property interests sought to be acquired for the Project are summarized as follows:

<b>Assessor Parcel Number</b>	<b>Parcel Address</b>	<b>Property Owners</b>	<b>Purpose of Acquisition</b>	<b>Property Interest(s) Sought</b>	<b>METRO Project Parcel #s</b>
5161-017-009	321 East 2nd Street, Los Angeles, CA	Birnbaum 321, LLC, Catherine Diane - The Stavrum Family Trust, Donald Mahaffey, Elaine Allison, Edward & Dena Bless, Hull's Hope LLC, EMatli, LLC, Larry Parker, MBJJ Investments LLC, Moylan Family Trust LLC, Peter Wernecke & Renee DeForest, Read C 321, LLC- Kathleen Koski Read, Vijay K. Pavuluri & Padmaja Akkineni, and Neoteric Alpha, LLC	Construction and Operation of the tunnel	Subsurface easement and grouting easement	RC-449 and 449-1

A written offer for the property interests comprising Project Parcels RC-449 and 449-1 was mailed to the Owners by letter dated November 5, 2014. Staff has engaged in negotiations with the Owner's representative. However, only five (5) of the fourteen (14) Owners have responded to the offer. To date, this offer has not been accepted by all the Owners, consequently, a negotiated 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 specific 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 will 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 and 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) 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 consists of a subsurface easement and a grouting easement. The subsurface easement (RC-449) is required for the tunnel alignment as described in the Legal Description attached hereto as Exhibit "A-1" and as depicted on the Plat Map attached hereto as Exhibit "B-1". The grouting easement (RC-449-1) is required for the installation of permanent grout underground between building foundations and the top of the tunnel excavations to reduce ground movements that may be caused by the tunneling (as described in the Legal Description attached hereto as Exhibit "A-2" and as depicted on the Plat Map attached hereto as Exhibit "B-2"). The Property is needed for the construction and operation the tunnel alignment which connects the 7<sup>th</sup> Street/Metro Center Red/Purple Line Station and the Little Tokyo Gold Line Station Site. 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 Owners, or the offer has not been made because the Owners cannot be located with reasonable diligence.

California Government Code Section 7267.2 requires that an offer be made to the Owners 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 Owners with a written statement of, and summary of the basis for, the amount it established as just compensation.

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

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

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 Owners.

**CONCLUSION**

Staff recommends that the Board approve the Resolution of Necessity.

**ATTACHMENTS**

- 1 - Exhibit "A-1" Legal Description (RC-449)
- 2 - Exhibit "B-1" Plat Map (RC-449)
- 3 - Exhibit "A-2" Legal Description (RC-449-1)
- 4 - Exhibit "B-2" Plat Map (RC-449-1)



EXHIBIT "A-1"

LEGAL DESCRIPTION FOR SUBSURFACE EASEMENT PURPOSES  
PARCEL NUMBER RC-449

THOSE PORTIONS OF LOTS 9 THROUGH 13 OF THE WOODWORTH TRACT, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 12 PAGE 92 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOW:

COMMENCING AT THE MOST SOUTHERLY CORNER OF SAID LOT 13, SAID CORNER ALSO BEING IN THE NORTHWESTERLY LINE OF 2ND STREET, 60.00 FEET WIDE, AS SHOWN IN SAID TRACT; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 13 N38°27'38"E 13.00 FEET TO A LINE PARALLEL WITH AND DISTANT NORTHEASTERLY 13.00 FEET FROM THE SOUTHWESTERLY LINE OF SAID LOTS 12 AND 13 AND THE **TRUE POINT OF BEGINNING**; THENCE ALONG SAID PARALLEL LINE N51°33'13"W 30.11 FEET; THENCE LEAVING SAID PARALLEL LINE S55°48'40"E 8.05 FEET TO A POINT IN THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 584.00 FEET, A RADIAL LINE THROUGH SAID POINT BEARS S30°59'42"W; THENCE SOUTHEASTERLY ALONG SAID CURVE AN ARC LENGTH OF 22.34 FEET THROUGH A CENTRAL ANGLE OF 02°11'31" TO THE SOUTHEASTERLY LINE OF SAID LOT 13; THENCE ALONG SAID SOUTHEASTERLY LINE S38°27'38"W 3.92 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 +252 FEET ABOVE MEAN SEA LEVEL PER THE CITY OF LOS ANGELES BENCH MARK NO. 12-03189. THIS EASEMENT IS APPROXIMATELY +/-15 FEET BELOW FINISH GRADE (SURFACE ELEVATION). THIS DEPTH ELEVATION WAS DETERMINED FROM THE L.A. METRO REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT PRELIMINARY ENGINEERING PLANS.

CONTAINS: 51 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

*June 12, 2012*  
DATE:



EXHIBIT "B-1"

Grantor: <b>SEE BELOW</b>		THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARINGS AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.																			
Description: <b>WOODWORTH TRACT, BOOK 12 PAGE 92</b>																					
PORTIONS OF LOTS 9 TO 13																					
Title Report: <b>CHICAGO TITLE COMPANY ORD. # 116740332-X02</b>																					
Assessor's Ref: <b>5161-017-009</b>	ROW Ref: <b>R-106 &amp; RC-107</b>	No. <b>Date</b>	Revision <b>Description</b>																		
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="3">LINE TABLE</th> </tr> <tr> <th>LINE</th> <th>BEARING</th> <th>LENGTH</th> </tr> </thead> <tbody> <tr> <td>L1</td> <td>S38°27'38"W</td> <td>13.00'</td> </tr> <tr> <td>L2</td> <td>N51°33'13"W</td> <td>30.11'</td> </tr> <tr> <td>L3</td> <td>S55°48'40"E</td> <td>8.05'</td> </tr> <tr> <td>L4</td> <td>S38°27'38"W</td> <td>3.92'</td> </tr> </tbody> </table>		LINE TABLE			LINE	BEARING	LENGTH	L1	S38°27'38"W	13.00'	L2	N51°33'13"W	30.11'	L3	S55°48'40"E	8.05'	L4	S38°27'38"W	3.92'	<b>GRANTOR:</b> DANIEL AND SHAWNE MOYLAN, TRUSTEES FOR THE MOYLAN FAMILY TRUST A MOYLAN FAMILY TRUST LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 2.840% INTEREST; VIJAY PAVULURI AND PADMAJA AKKINENI, HUSBAND AND WIFE AS JOINT TENANTS, AS TO AN UNDIVIDED 5.458% INTEREST; NEOTERIC ALPHA LLC, AN ILLINOIS, LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED .852% INTEREST; LARRY PARKER, AS TO AN UNDIVIDED 2.74% INTEREST; BIRNBAUM 321, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 3.090% INTEREST; READ C 321, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 3.400% INTEREST; EDWARD BLESS AND DENA BLESS, TRUSTEES OF THE BLESS FAMILY TRUST DATED MAY 4, 2001, OR ANY SUCCESSOR TRUSTEE THEREUNDER, AS TO AN UNDIVIDED 4.530% INTEREST; EMATLI, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 5.600% INTEREST; EMATLI, LLC, LLC, AS TO AN UNDIVIDED 3.340% INTEREST; THE STAVRUM FAMILY TRUST DATED OCTOBER 11, 1991, AS TO AN UNDIVIDED 4.262% INTEREST, SUBJECT TO ITEM NO. 8 OF SCHEDULE B; PETER WERNECKE AND RENEE DEFOREST, HUSBAND AND WIFE AS JOINT TENANTS, AS TO AN UNDIVIDED 10.580% INTEREST; DONALD MAHAFFEY AND ELAINE MAHAFFEY, AS TO AN UNDIVIDED 6.045% INTEREST; AND EDWARD H. OWENS, TRUSTEE OF THE EDWARD H. OWENS DECLARATION OF TRUST DATED APRIL 2, 2002, AS TO AN UNDIVIDED 47.263% INTEREST.	
LINE TABLE																					
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C1	584.00'	22.34'	2°11'31"																		
		<p>APN: 5161-022-023</p> <p>30' 0' 30' 60'</p> <p>LEGEND:            POC - POINT OF COMMENCEMENT            TPOB - TRUE POINT OF BEGINNING            SSE - SUBSURFACE EASEMENT</p>																			
<p>THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.</p>																					
TOTAL AREA OF PROPERTY	RC-449	REMAINDER PARCEL AREA	ESTATE																		
10,834 SQ. FT. (NET AREA)	51 SQ. FT. (NET AREA)	10,783 SQ. FT. (NET AREA)	SSE																		
		<p>REGIONAL CONNECTOR</p>																			
<p>APPROVED BY: <i>Kevin Ray</i> 9/25/12</p> <p>PROJECT MANAGER DATE</p>		<p>DATE: 12/16/11</p> <p>SCALE: 1" = 60'</p>																			
<p>PREPARED BY: <i>Stephanie Wagner</i></p> <p>WAGNER ENGINEERING &amp; SURVEY, INC. 10000 PATTISON ST., Suite 100 Redwood City, CA 94061</p>		<p>REV. No. 1 DATE: 06/12/12</p> <p>REV. No. DATE:</p>																			
<p>CHECKED BY: <i>Stephanie Wagner</i> LS: 5752</p>		<p>PARCEL No. RC-449</p>																			
<p>CITY OF LOS ANGELES</p>																					