



**SUBJECT: PUBLIC HEARING RE: RESOLUTION OF NECESSITY FOR THE ACQUISITION OF PARCEL ES-652 FOR THE GOLD LINE EASTSIDE EXTENSION PROJECT**

**ACTION: ADOPT RESOLUTION OF NECESSITY**

**RECOMMENDATION**

- A. Hold a public hearing on the resolution of necessity.
- B. Adopt the attached Resolution of Necessity authorizing the commencement of an eminent domain action to acquire Parcel No. ES-652.

**RATIONALE**

Acquisition of Project Parcel No. ES-652 is required for the project enhancements for the West Portal to the subway segment of the Eastside Light Rail Project, including the widening of 1<sup>st</sup> Street, the construction of a sidewalk of variable width, and new retaining walls in the vicinity of First Street and the 101 Freeway ramp.

A written offer to purchase a partial fee interest and a temporary construction easement in the subject property was presented to the owner of record, as required by California Government Code Section 7267.2. To date, the offer has not been accepted and the owner is unwilling to negotiate. Because this parcel is needed to proceed with construction of the Project, staff recommends the acquisition of this parcel through eminent domain.

In accordance with the provisions of the California Code of Civil Procedure Section 1245.210, et seq. and Sections 30503, 30660 and 130220.5 of the California Public Utilities Code (which authorize the MTA to acquire property by eminent domain), the MTA has prepared and mailed notice of this hearing to the address of the record owner that appears on the last equalized county assessment roll and the City Clerk of the City of Los Angeles, 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 proposed Project; (2) Whether the proposed Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury; (3) Whether the subject parcel, is necessary for the proposed Project; and (4) Whether an offer was made in compliance with Government Code Section 7267.2.

After all of the testimony and other evidence has been received by the MTA from all interested parties, the MTA must make a determination as to whether to adopt the proposed resolution of necessity to acquire the subject parcel by eminent domain. In order to adopt the resolution, the Resolution of Necessity

MTA must, based upon all the evidence before it, find and determine that the conditions stated above exist. Attached is evidence (Attachment 1) submitted by staff that supports adoption of the attached Resolution that has been approved by counsel, and which sets forth the required findings.

### **FINANCIAL IMPACT**

The acquisition of Parcel ES-652 is included in the approved Gold Line Eastside Extension Project Budget, and funds are available to proceed with the acquisition.

### **ALTERNATIVE CONSIDERED**

The subject property is required for the project enhancements for the West Portal of the Project, between Gless Street and U.S. Highway 101, including the widening of 1<sup>st</sup> Street, the construction of a sidewalk of variable width and the construction of new retaining walls. The Board has the option to withhold adoption of the Resolution of Necessity. This would result in an additional delay in obtaining possession of the required property, and thereby cause delays and increased costs to the Eastside Light Rail Project.

### **ATTACHMENTS**

Attachment 1 - Staff Report

Attachment 2 - Resolution of Necessity

**Prepared by: Velma C. Marshall**  
**Director of Real Estate**



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Don Ott, Executive Officer  
Administration



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Roger Snoble  
Chief Executive Officer

## Attachment 1

### STAFFS REPORT REGARDING THE NECESSITY FOR THE ACQUISITION OF PARCEL NO. ES-652 FOR THE GOLD LINE EASTSIDE EXTENSION PROJECT.

#### BACKGROUND

The subject parcel is required for the construction and operation of the Gold Line Eastside Extension Project – West Portal project enhancements. The parcel number, address, record owner (as indicated by title reports prepared by Orange Coast Title Company), purpose for taking, and the nature of the property interest to be acquired (based upon the Final Modified Initial Study/Addendum for the Proposed Project Enhancements to the Los Angeles Eastside Light Rail Project), are as follows:

| <b>Parcel No.</b> | <b>Parcel Address</b>                    | <b>Owner(s)</b> | <b>Purpose for Acquisition</b> | <b>Property Interests</b>                                       |
|-------------------|--|-----------------|--------------------------------|---|
| ES-652            | 1611 E. 1 <sup>st</sup> St., Los Angeles | Steven Olguin   | Residential Duplex             | Partial Fee Simple Interest and Temporary Construction Easement |

A written offer was made to the property owner on July 18, 2003 for the required property interests. Staff has engaged in several conversations with the property owner regarding the offer in an attempt to reach a mutually acceptable agreement regarding the value of the property. As of this date, the owner has not accepted the offer and has been unwilling to negotiate a settlement.

Following is an analysis as to why the attached Resolution of Necessity should be adopted. Additional information justifying the adoption of the Resolution is contained in the Final Modified Initial Study/Addendum for the Proposed Project Enhancements to the Los Angeles Eastside Light Rail Transit Project, which was certified by the Board on July 24, 2003, and the Final Environmental Impact Report and Environmental Impact Study for this project which was certified by the Board on February 28, 2002 and the other environmental documents and analyses referenced therein.

In the spring of 2001 a Draft Environmental Impact Report and Environmental Impact Study (DEIR/EIS) was circulated and reviewed by interested and concerned parties, including private citizens, community groups, the business community, elected officials and public agencies. Public hearings were held to solicit citizen and agency comments. A No-Build Alternative and three Locally Preferred Alternatives (“LPA”) were presented in the DEIR/EIS. On May 24, 2001 the MTA Board formally adopted the LPA for the East Side Corridor to be the Light Rail Transit

Project after review and consideration of the comments received from circulation of the DEIR/EIS. In October 2001, a Final Environmental Impact Report and Environmental Impact Study (FEIR/EIS) was circulated to present the Locally Preferred Alternative for the Eastside Corridor Project. On July 24, 2003, the Board adopted an Addendum to the FEIR/EIS to evaluate the environmental impacts associated with proposed "Project Enhancements" to the previously adopted Los Angeles Eastside Corridor.

The Eastside Light Rail project is a six-mile easterly extension of the Pasadena Gold Line that terminates at Union Station. The Eastside Light Rail project will begin at Union Station and cross over US 101 on an aerial structure and then gradually become an at-grade segment near the intersection of Alameda Street and Ducommon Street. The alignment continues south along the east side of Alameda Street and turns east at the center of 1<sup>st</sup> Street and continues at grade to Clarence Street in Boyle Heights and then becomes a subway segment. The subway segment traverses underneath or adjacent to 1<sup>st</sup> Street for about 1.7 miles east to just west of Lorena Street in Boyle Heights. The alignment continues as an at-grade segment traversing 1<sup>st</sup> Street east from Lorena Street to Indiana Street where it turns south and continues along the east side of Indiana Street to 3<sup>rd</sup> Street. At 3<sup>rd</sup> Street, the alignment turns eastward and continues at grade to Pomona Boulevard where it terminates at Atlantic Boulevard. The proposed eight stations of the LPA are located at 1<sup>st</sup>/Alameda, 1<sup>st</sup>/Utah, 1<sup>st</sup>/Boyle, 1<sup>st</sup> Soto, Indiana Street (off street location), 3<sup>rd</sup>/Ford, 3<sup>RD</sup>/Mednik and Pomona/Atlantic.

The parcel included in this action is required to implement the project enhancements for the West Portal to the subway segment. The project alignment proceeds easterly, at grade, in the middle of 1<sup>st</sup> Street. The alignment then continues to proceed east into the 1.7-mile tunnel. Approximately 20 feet of roadway remains on either side of the U-Section. Parking is restricted on either side. Additional property takings are required to provide an 8-foot sidewalk.

A. The public interest and necessity require the Project.

The public interest and necessity require the project for the following reasons:

1. The Eastside Corridor communities of Boyle Heights and East Los Angeles are characterized by a large and growing population (over 212,000 according to the 1990 census, 275,000 expected by 2020) of predominately Latino ethnic origin, a high percentage of low-income households and relatively high rates of transit use and transit dependence. In these communities, nearly 20 percent of workers use the bus system on their journey to work (as compared to 6.5 percent for Los Angeles County as a whole), and rates of carpooling and walking to work are also higher than the County average. Employment densities are six times higher within the Eastside Corridor than Los Angeles County as a whole. The corridor is growing (20 percent population and 30 percent employment growth between now and 2020), and a new transportation investment would make the Corridor attractive for other types of urban investment in the future. All major freeways serving the Eastside Corridor area are currently operating above their design capacities during peak period, and for significant durations during off-peak periods. No major improvements to existing freeways in the study area are identified in any adopted transportation plans. Residents of the Eastside Corridor have expressed their desire for improved transit service because many are

transit dependent and need improved access to the region's educational, employment and cultural opportunities. This project will further these goals and contribute to an improved overall transportation system for the Los Angeles region and for the Eastside Corridor specifically.

2. Implementation of the Project will improve access and mobility for residents, employees and visitors to the Eastside Corridor and result in a reduction of vehicle miles per day and reduction of auto air pollutants.
3. The Project will support land use and development goals as stated in the City of Los Angeles and County of Los Angeles plans for joint development opportunities, and increased land use intensity in transit station areas.
4. The Project will provide convenient access and improve connectivity to the regional transit system and will thereby provide alternative means of transportation during fuel crises.
5. The Project will meet the need for improved transit service of the many transit-dependent people within the Eastside Corridor area.

It is recommended that based on the above evidence, the MTA find and determine that the public interest and necessity require the Project.

- B. The proposed Project is planned and located in the manner that will be the most compatible with the greatest public good and least private injury.

In the case of the Eastside Light Rail Project, 1st Street is one of four major streets with high levels of commuting traffic as well as high transit usage that move in an east-west direction primarily. It runs through the dense community of Boyle Heights. In addition to the high levels of commuting traffic, a station is located at 1<sup>st</sup> and Boyle due to the density of the area and the location of major job producers being the White Memorial Medical Center and Hollenbeck Police Station down the street. First (1<sup>st</sup>) Street in this area is currently 56 feet wide with a 12-foot right of way on either side. It has four lanes, two in each direction, and parking lanes on both sides. The area is residential in nature with the Pecan Street Playground being located between Gless and Pecan Streets, south of 1<sup>st</sup> Street. The proposed improvements to 1<sup>st</sup> Street will reduce the traffic lanes to one (1) lane of traffic in each direction. The sidewalks will be reduced to 5 ft (clear of obstacles), with a tapered transition to 8 feet.

It is recommended that, based upon the foregoing, the MTA find and determine that the project enhancements at the West Portal are located in the manner that will be most compatible with the greatest public good and the least private injury.

- C. The subject property interests are necessary for the proposed Project.

Parcel ES-652 requires a partial fee taking and a temporary construction easement for the construction and operation of the enhancements at the West Portal, including the improvements to 1st Street and the 101 Freeway Ramp. This parcel was identified based upon the Final Modified

Initial Study/Addendum for the Proposed Project Enhancements to the Eastside Light Rail Project. Parcel ES-652 is legally described more specifically in Exhibit "A" of the attached Resolution of Necessity and is generally depicted in the parcel plat map attached hereto as Exhibit "B" to the Resolution of Necessity, both of which are incorporated herein by this reference.

D. An offer was made in compliance with Government Code Section 7267.2.

California Code of Civil Procedures 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(s) of record, or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

California Government Code Section 7267.2 requires that an offer be made to the owner or to the owners of record 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(s) with a written statement of, and summary of the basis for, the amount it established as just compensation.

The MTA staff has taken the following actions as required by California law for the acquisition of the subject property interest:

1. Obtained an appraisal to determine the fair market value of the property interest.
2. Reviewed and approved the appraisal, and established just compensation,
3. Determined the owner of the subject property interest by examining the county assessor's records and title report, and
4. Made a written offer to the property owner for the full amount of just compensation, which was not less than the approved appraised amount.

For the foregoing reasons, Staff recommends that the MTA Board adopt the resolution of necessity submitted concurrently herewith.

## ATTACHMENT

1 - Resolution of Necessity

**RESOLUTION OF THE  
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY  
RE THE ACQUISITION OF PROPERTY NECESSARY FOR THE EASTSIDE LIGHT  
RAIL PROJECT – WEST PORTAL ENHANCEMENTS**

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

Section 1.

The Los Angeles County Metropolitan Transportation Authority ("MTA") 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, in connection with the development, construction, operation and maintenance of the Gold Line Eastside Extension Project – West Portal Enhancements ("Project");

Section 3.

The MTA is authorized to acquire the property interests described hereinafter pursuant to the following:

- a. Article I, Section 19 of the Constitution of the State of California;
- b. California Public Utilities Code, Division 10, Part 3 (Sections 30000-33020, inclusive), and Sections 30503 and 30600 in particular;
- c. California Public Utilities Code, Division 12 (Sections 130000-130730, inclusive), and Section 130220.5 in particular; and
- d. California Code of Civil Procedure Sections 1240.010-1273.050, inclusive.

Section 4.

The property to be acquired is located in the City of Los Angeles, and is more particularly identified as follows:

- a. The fee simple title consisting of 90 square feet and a temporary construction easement consisting of 270 square feet in and to Parcel No. ES-652;

Parcel ES-652 is described more specifically in Exhibit "A", attached hereto, and is generally depicted on the Parcel Map attached hereto as Exhibit "B", both of which are incorporated herein by this reference.

## Section 5.

(a) The environmental impacts of the Project were evaluated in the Eastside Light Rail Project Final Environmental Impact Report ("FEIR"), the Eastside Light Rail Project Final Environmental Impact Study ("FEIS") and the Final Modified Initial Study/Addendum for the Proposed Project Enhancements ("Modified Study") for this Project; and

(b) The Los Angeles County Metropolitan Transportation Authority has reviewed and considered the FEIR/FEIS and the Modified Study, before and as part of the process of determining whether to acquire the above-referenced property.

## Section 6.

The Los Angeles County Metropolitan Transportation Authority 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 which 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 7.

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 to seek and obtain an Order of Immediate Possession of said property in accordance with the provisions of the eminent domain law and to deposit the total sum of probable just compensation fixed by the Superior Court in its order determining and establishing security for said immediate possession with the Clerk of said Superior Court in connection therewith.

Counsel is further authorized, pursuant to Section 30258 of the Public Utilities Code, to associate with, at its election, a private law firm for the preparation and prosecution of said proceedings.



I, MICHELLE JACKSON, Secretary of the Metropolitan Transportation Authority, do hereby certify that the foregoing Resolution was duly and regularly adopted by the Metropolitan Transportation Authority at a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
MICHELLE JACKSON

MTA Secretary

Date: \_\_\_\_\_

APPROVED AS TO FORM:

Lloyd W. Pellman

County Counsel

BY: \_\_\_\_\_

EXHIBIT "A"

PARCEL NO. ES-652-1 and ES-652-2

APN: 5173-031-003

ESTATE: FEE & TCE

TITLE COMPANY:  
Orange Coast Title Company  
of Los Angeles

ORDER NO. W315123-3

Contract No.: C0800

PROPERTY ADDRESS: 1611 E. 1st Street; Los Angeles, CA; 90033

GRANTOR: Steven Olguin

LEGAL DESCRIPTION

FEE AREA (Parcel ES-652-1)

THE SOUTHERLY 3 FEET OF THE WESTERLY 20 FEET, FRONT AND REAR OF LOT 24 AND THE SOUTHERLY 3 FEET OF THE EASTERLY 10 FEET, FRONT AND REAR OF LOT 25 OF CUMMINGS FIRST STREET TACT, IN THE CITY OF LOS ANGELES, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 60 PAGE 48 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

TEMPORARY CONSTRUCTION EASEMENT AREA (Parcel ES-652-2)

THE NORTHERLY 9 FEET OF THE SOUTHERLY 12 FEET OF THE WESTERLY 20 FEET, FRONT AND REAR OF LOT 24 AND THE NORTHERLY 9 FEET OF THE SOUTHERLY 12 FEET OF THE EASTERLY 10 FEET, FRONT AND REAR OF LOT 25 OF CUMMINGS FIRST STREET TACT, IN THE CITY OF LOS ANGELES, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 60 PAGE 48 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

GRANTOR : NAOMI OLGUIN

EXHIBIT "B"

The data shown on this map and/or plat are compiled from public sources and are subject to field verification. Bearings are based on North American Datum 1983 (NAD 83).

DESCRIPTION : PORTION OF LOTS 24 AND 25; CUMMINGS FIRST STREET TRACT;

M. R. 60-48

BENCH MARK :

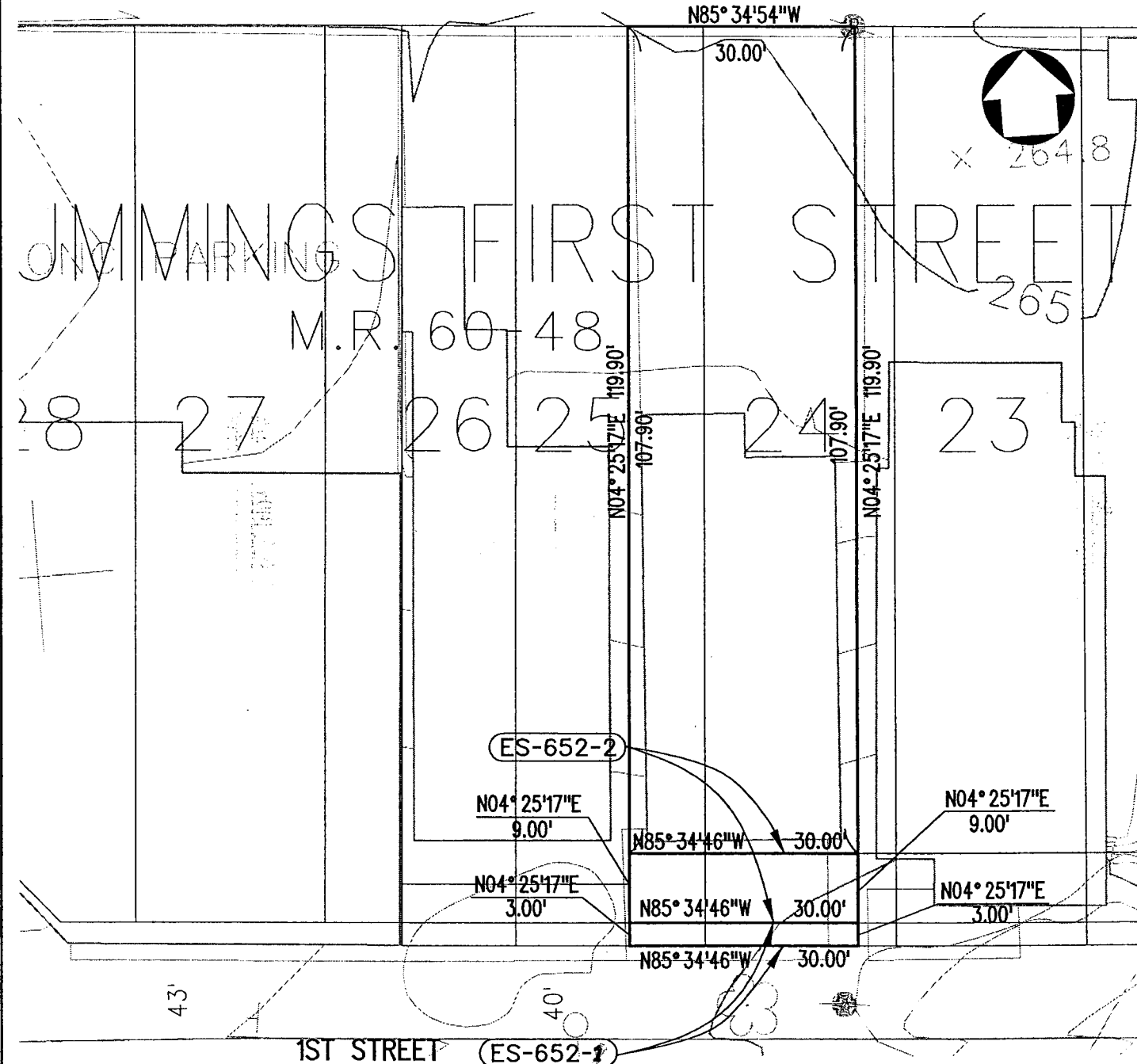
TITLE REPORT :

ADDRESS : 1611 E. 1st STREET

ASSESSORS REF. 5173-031-003

R.O.W. REFERENCE RW-009; ES-652

|     |          |                           |
|-----|----------|---------------------------|
| 1   | 02/07/03 | ADD TEMP. CONST. EASEMENT |
| NO. | DATE     | REVISION DESCRIPTION      |



|                        |                |                |                |
|------------------------|----------------|----------------|----------------|
| PARCEL NO.             | ES-652 (TOTAL) | ES-652-1 (FEE) | ES-652-2 (TCE) |
| NET AREA - SQUARE FEET | 3,597          | 90             | 270            |

**M** METRO

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY EASTSIDE LRT PROJECT

EASTSIDE LRT PARTNERS  
an association of  
Parsons Brinckerhoff Quade & Douglas, Inc.  
Jenkins & Gilchrist, Inc.  
Berris Planners, Inc.

APPROVED BY:  
*[Signature]* 3/10/03  
DATE

SUBMITTED BY: ELRT PROJECT MANAGER

CONTRACT NO./DESIGN UNIT  
C0800

SCALE  
1" = 20'

DATE  
11/6/02

DRAWN BY  
C. GRIFFITH

CHECKED BY  
L E RUSH

REV. DATE  
02/07/03

REV. NO.  
1

PARCEL PLAT

ES-652

SHEET 1 OF 1