



## Board Report

File #: 2023-0305, File Type: Policy

Agenda Number:

### REGULAR BOARD MEETING JULY 27, 2023

**SUBJECT: WESTSIDE PURPLE LINE EXTENSION SECTION 1 PROJECT**

**ACTION: APPROVE RECOMMENDATIONS**

#### **RECOMMENDATION**

CONSIDER:

- A. HOLDING a public hearing on the proposed Resolution of Necessity; and
- B. ADOPTING the Resolution of Necessity authorizing the commencement of an eminent domain action to acquire a 33-month Temporary Construction Easement (“TCE”) from the property identified as Parcel W-2309, APN: 4334-022-063 (“Property”). The above listed requirement is herein referred to as the “Property Interest” in (Attachment A).

(REQUIRES TWO-THIRDS VOTE OF THE FULL BOARD)

#### **ISSUE**

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

#### **BACKGROUND**

Acquisition of the Property Interest is required for the construction of the Project. The Property contains 6,508 square feet and is located on the west side of North Gale Drive, two lots north of Wilshire Boulevard in the City of Beverly Hills. The Property is currently vacant and is being used as a construction laydown area for the Project. LACMTA previously acquired an eight-year TCE (W-2309) that encumbered the Property for construction staging. LACMTA is seeking to acquire a new 33-month TCE that would extend the use of the construction laydown area through January 1, 2026.

A written offer of Just Compensation to purchase the Property Interest was presented to the Owner of

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Record ("Owner") of the Property on June 30, 2023, as required by California Government Code Section 7267.2. The Owner has not accepted the offer of Just Compensation made by LACMTA, and the parties have not at this time reached a negotiated settlement for the acquisition. Because the Property Interest is necessary for the construction of the Project, staff recommends the acquisition of the Property Interest through eminent domain to obtain possession in order to maintain the Project's schedule.

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), LACMTA has prepared and mailed notice of this hearing to the Owner informing them of their right to appear at this hearing and be heard on the following items: (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 Interest is necessary for the Project; (4) whether 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; (5) whether environmental review of the Project has complied with the California Environmental Quality Act (CEQA); and (6) whether LACMTA has given the notice(s) and followed the procedures that are a prerequisite to the exercise of the power of eminent domain.

After all of the testimony and evidence has been received from all interested parties at the hearing, LACMTA must make a determination as to whether to adopt the proposed Resolution of Necessity to acquire the Property Interest by eminent domain. In order to adopt the resolutions, LACMTA must, based on the evidence before it, and by vote of two-thirds of all the members of its Board, find and determine that the items stated in the items 1 - 6 above exist in the affirmative.

Attached is evidence submitted by staff that supports adoption of the Resolution that has been approved by counsel, and which sets forth the required findings (Attachment B).

### **DETERMINATION OF SAFETY IMPACT**

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

### **FINANCIAL IMPACT**

The Measure R 35% funding for the acquisition of the Property Interest is included in the fiscal year 2024 budget under Project 865518 Westside Purple Line Extension Section 1, in Cost Center 8510 (Construction Project Management), and Account Number 53103 (Acquisition of Land) and Fund 6012. Measure R 35% is not eligible for transit operations.

### **Impact to Budget**

The approved FY24 budget is designated for the Westside Purple Line Extension Section 1 and does not have an impact to operations funding sources. The funds were assumed in the Long-Range Transportation Plan for the Project. This Project is not eligible for Proposition A and C funding due to the proposed tunneling element of the Project. No other funds were considered.

## **EQUITY PLATFORM**

No other alternative locations for the Project provide greater operational safety, decreasing travel time, improving air quality, and enhancing access to the corridor. This public good will also support the fulfillment of LACMTA's LA County traffic Improvement Plan under measure M. There are no displacements of residents or local businesses resulting from the acquisition of this Property Interest. The offer for the Property Interest was made on June 30, 2023 based on the appraisal of fair market value. Fair market value is defined as "the highest price on the date of valuation that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for so doing, nor obliged to sell, and a buyer, being ready, willing, and able to buy but under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available." Metro staff has been negotiating with the Property Owner, but an agreement has not yet been reached. Approving this action will allow staff to continue negotiations while maintaining the project schedule.

## **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

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

## **ALTERNATIVES CONSIDERED**

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

## **NEXT STEPS**

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

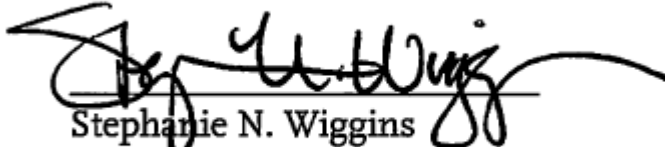
## **ATTACHMENTS**

Attachment A - Staff Report  
Attachment B - Resolution of Necessity

Prepared by: Craig Justesen, Deputy Executive Officer-Real Estate, (213) 922-7051  
Holly Rockwell, Senior Executive Officer, Real Estate, (213) 922-5585  
Ray Sosa, Deputy Chief Planning Officer (213) 547-4274

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Reviewed by: James de la Loza, Chief Planning Officer, (213) 922-2920



Stephanie N. Wiggins  
Chief Executive Officer

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

**BACKGROUND**

The Property Interest is required by the Los Angeles County Metropolitan Transportation Authority (“LACMTA”) for the construction of the Westside Purple Line Extension – Section 1 (“Project”). The address, record owner, physical description, and nature of the property interest sought to be acquired for the Project is summarized as follows:

<b>Assessor’s Parcel Number</b>	<b>Parcel Address</b>	<b>Property Owner</b>	<b>Property Interest Sought:</b>	<b>LACMTA Parcel Number</b>
4334-022-063	111 North Gale Drive, Beverly Hills, CA 90211	EMCAP BHL, LLC, a California limited liability company, as to an undivided 25.00% interest; IA GALE, LLC, a California limited liability company, as to an undivided 25.00% interest; NES 111, LLC, a California limited liability company, as to an undivided 25.00% interest and GSH GALE, LLC, a California limited liability company, as to an undivided 25.00% interest, all as Tenants in Common	33-Month Temporary Construction Easement	W-2309

**Property Requirements:**

Purpose of acquisition is for the construction of the Project.

**Property Interests Sought:**

Acquisition of a 33-month Temporary Construction Easement (“Property Interest”).

A written offer for the acquisition of the Property Interest was delivered to the Owner by letter dated June 30, 2023. Real Estate has attempted to negotiate with the Owner. The Owner has not accepted the offer, therefore, a negotiated agreement has not been reached. Consequently, LACMTA is seeking a Resolution of Necessity in order to ensure that it has the necessary property rights to construct the Project on schedule.

**A. The public interest and necessity require the Project.**

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

1. The population and employment densities in the Project area are among the highest in the metropolitan region. Approximately five percent of the Los Angeles County population and 10 percent of the jobs are concentrated in the Project area.
2. Implementation of the Project will result in a reduction of vehicle miles per day and reduction of auto air pollutants.
3. The Project will relieve congestion on the already over capacity 1-405 San Diego and the 1-10 Santa Monica Freeways and surrounding major thoroughfares. In addition, it will reduce the parking demands in the Westside area by providing an alternative means of transportation, competitive in rush-hour travel times with the automobile.
4. The Project will be a major link in the existing county-wide rail transit system, and will thereby provide alternative means of transportation during fuel crises and increased future traffic congestion.
5. The Project will improve transportation equity by meeting the need for improved transit service of the significant transit-dependent population within the Project area.
6. The Project will help meet Regional Transit Objectives through the Southern California Association of Governments' (SCAG's) Performance Indicators of mobility, accessibility, reliability, and safety.

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

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

An Alternatives Analysis (AA) Study was initiated in 2007 to identify all reasonable, fixed-guideway, alternative alignments and transit technologies within the proposed Project Area. The fixed-guideway alternative alignments studied and analyzed during the AA process were heavy rail transit (HRT), light rail transit (LRT), bus rapid transit (BRT), and monorail (MR). Due to its capacity to meet the anticipated ridership demand and limit the number of transfers, HRT was identified as the preferred technology for further study.

In January 2009, the LACMTA Board approved the AA Study and authorized preparation of a Draft Environmental Impact Statement/Draft Environmental Impact Report (DEIS/DEIR). A total of seven alternatives, including five heavy rail subway (HRT) Build Alternatives, a No Build Alternative, and a relatively low-cost Transportation System Management (TSM) Alternative, were presented in the DEIS/DEIR. The DEIS/DEIR was circulated and reviewed by interested and concerned parties, including private citizens, community groups, the business community, elected officials and public agencies. Public hearings were held to solicit citizen and agency comments.

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

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

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

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

The Project will cause private injury, including the displacement or relocation of certain owners and users of private property. However, no other alternative locations for the Project provide greater public good with less private injury. Therefore, the Project is

planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

Due to its bulk, the FEIS/FEIR is not physically included in the Board's agenda packet for this public hearing. However, the FEIS/FEIR documents should be considered in connection with this matter. It is recommended that, based upon the foregoing, the Board find and determine that the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

**C. The Property is necessary for the Project.**

The Property Interest consists of an exclusive 33-month TCE that encumbers the entire Property. The TCE is identified as Project Parcel W-2309. LACMTA has been using the Property since March 31, 2015, when LACMTA acquired an 8-year exclusive TCE. The Property was improved with a two-story multi-family residential building containing a total area of 4,576 square feet (per Assessor) but has since been demolished and therefore, the Property contains approximately 6,508 square feet of now vacant land as described in the legal description Exhibit A attached hereto, and as depicted on the Plat Map attached hereto as Exhibit B. The Property is required for the continued construction of the Project. The Property was chosen based upon the FEIS/FEIR for the Project.

Staff recommends that the Board find that the acquisition of the Property Interest is necessary for the Project.

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

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

California Government Code Section 7267.2 requires that an offer be made to the Owner 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 Interest:

1. Obtained independent appraisals to determine the fair market value of the Property Interest, which included consideration of existing use of the Property, highest and best use of the Property, and impact to the remainder;
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 a preliminary title report, and occupancy of the Property;
4. Made a written offer to the Owner for the full amount of just compensation - which was not less than the approved appraised value;
5. Provided the Owner with a written statement of, and summary of the basis for, the amount established as just compensation with respect to the foregoing offer.

It is recommended that 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.

**E. LACMTA has fulfilled the necessary statutory prerequisites.**

LACMTA is authorized to acquire property by eminent domain for the purposes contemplated by the Project under Public Utilities Code §§ 30503, 30600, 130051.13, and 130220.5; Code of Civil Procedure §§ 1230.010-1273.050; and Article I, § 19 of the California Constitution.

**F. LACMTA has complied with the California Environmental Quality Act.**

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

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

**CONCLUSION**

Staff recommends that the Board adopt the Resolution of Necessity.

**EXHIBITS**

- 1 - Exhibit "A" Legal Description
- 2 - Exhibit "B" Plat Map

LEGAL DESCRIPTION

EXHIBIT "A"

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

LOT 438 OF TRACT NO. 4988, IN THE CITY OF BEVERLY HILLS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 54, PAGES 98 AND 99 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN: 4334-022-063

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:

  
JAMES L. ELLIOTT, P.L.S. 6334



9-6-12  
DATE

# EXHIBIT B

GRANTOR : TWINWOOD INC.		The data shown on this map and/or plat are compiled from public sources and are subject to field verification.	
DESCRIPTION : LOT 438 OF TRACT NO 4986. M.B. 54/98-99			
BENCH MARK : N/A			
TITLE REPORT : FIDELITY NATIONAL TITLE NO. 11-259928465-RH	ADDRESS : 111 N. GALE DR. BEVERLY HILLS 90211		
ASSESSOR'S REF. : 4334-022-063	R.O.W. REFERENCE : R-023; W-2309	NO.	DATE
		REVISION DESCRIPTION	

**TRACT NO. 47093 LOT 1 M.B. 1174/4-6**

**TRACT NO. 46288 LOT 1 M.B. 1122/66-67**

**TRACT NO. 4986 M.B. 54/98-99**

**LOT 438**  
 4" UTILITY ESMT PER BK 2530, PG. 272, O.R. & BK 17982, PG. 4, O.R. 4334-022-063  
 1" UTILITY ESMT PER BK. W-2309 38825, PG. 233, O.R.

**LOT 437**  
 4" UTILITY ESMT PER BK 14683, PG. 67, O.R.  
 5" UTILITY ESMT PER BK 47137, PG. 169, O.R.

**LOT 436**  
 4" UTILITY ESMT PER BK 2667, PG. 244, O.R. & BK 17982, PG. 4, O.R.  
 4" UTILITY ESMT PER BK 47201, PG. 86, O.R.

**LOT 435**  
 4" UTILITY ESMT PER BK 47201, PG. 86, O.R.

**LOT 434**  
 4" UTILITY ESMT PER BK 47201, PG. 86, O.R.

**LOT 433**  
 4" UTILITY ESMT PER BK 47201, PG. 86, O.R.

**LOT 432**  
 4" UTILITY ESMT PER BK 38825, PG. 233, O.R.

**LOT 431**  
 4" UTILITY ESMT PER BK 38825, PG. 233, O.R.

**LOT 430**  
 4" UTILITY ESMT PER BK 38825, PG. 233, O.R.

**LOT 429**  
 4" UTILITY ESMT PER BK 38825, PG. 233, O.R.

**STREETS:** HAMILTON DR. (60' wide), WILSHIRE BLVD. (100' wide), GALE DR. (60' wide)

**LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY**

APPROVED BY:

*Kevin Mai*

MTA PROJECT MANAGER DATE

## PARCEL PLAT

### W-2309

SHEET 1 OF 1

CONTRACT NO./DESIGN UNIT

SCALE 1"=80'

DATE 10/10/2011

DRAWN BY R. NACION

CHECKED BY P. WISE

REV. DATE REV. NO.

SUBMITTED BY: *Paul D. Wise* L.S. 4249

**RESOLUTION OF THE  
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY  
DECLARING CERTAIN REAL PROPERTY INTEREST NECESSARY FOR PUBLIC  
PURPOSES AND AUTHORIZING THE ACQUISITION THEREOF THROUGH THE  
EXERCISE OF EMINENT DOMAIN  
WESTSIDE PURPLE LINE EXTENSION, SECTION 1 –  
PARCEL NO. W-2309**

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

Section 1.

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

Section 2.

The Property Interest described hereinafter is to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Board to acquire property by eminent domain by California Public Utilities Code Sections 30000-33027, inclusive, and particularly Section 30503 and 30600, Sections 130000-132650, inclusive, and particularly Sections 130051.13 and 130220.5, Code of Civil Procedure Sections 1230.010-1273.050, inclusive, and particularly Sections 1240.510 and 1240.610, and Article I, Section 19 of the California Constitution.

Section 3.

The Property Interest sought consists of the acquisition of a 33-month exclusive Temporary Construction Easement ("TCE"), of the property described more specifically in the legal description (Exhibit "A") and depicted on the Plat Map (Exhibit "B"), attached hereto (hereinafter, the "Property Interest"), all of which are incorporated herein by this reference, for the purpose of all necessary and convenient activities associated with the construction of the Project. The TCE shall be valid for a period of not more than 33-months. The TCE shall commence on March 31, 2023, and it shall terminate on the earliest of (a) the date upon which LACMTA notifies the applicable owner that it no longer needs the TCE or (b) 33-months from the commencement date of the TCE.

Upon the expiration of the TCE, the Property shall be returned to the Owner subject to the following conditions:

1. All existing buildings and structures on the property having been demolished and not returned to the owner;
2. Any existing underground water, gas, sewer, telephone or electrical lines shall be abandoned in place and only interfering portions shall be removed;
3. Any below ground obstructions not removed as part of construction work, such as old foundations, will be left in place;
4. The Property will be backfilled and compacted to existing grade;

Section 4.

- (a.) The acquisition of the above-described Property Interest is necessary for the development, construction of the Westside Purple Line Extension Project Section 1 ("Project");
- (b.) The environmental impacts of the Project were evaluated in the Final Environmental Impact Statement/Final Environmental Impact Report (FEIS/FEIR), which was certified by the Board on April 26, 2012 and May 24, 2012. The Board found that in accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15162, no subsequent or supplemental Environmental Impact Report is required for the Project, and the FEIS/FEIR documents are consistent with CEQA; and;
- (c.) The Board has reviewed and considered the FEIS/FEIR, before and as part of the process of determining whether to acquire the above-referenced Property.

Section 5.

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

- (a.) The public interest and necessity require the proposed Project;
- (b.) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- (c.) The Property Interest sought to be acquired, which has been described herein, is necessary for the proposed Project;
- (d.) The offer required by Section 7267.2 of the Government Code has been made to the Owner; and
- (e.) Environmental review consistent with the California Environmental Quality Act (CEQA) for the Project has been previously certified by this Board.

Section 6.

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

Section 7.

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

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 Interest described above by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of said Property Interest in accordance with the provisions of the eminent domain law and is directed that the total sum of probable just compensation be deposited with the State Treasurer or the Clerk of the Superior Court. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property Interest.

Counsel is further authorized to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary 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, 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 22nd day of June, 2023.

\_\_\_\_\_  
COLLETTE LANGSTON  
LACMTA Board Clerk

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

**EXHIBITS**

- 1 - Exhibit "A" - Legal Description
- 2 - Exhibit "B" - Plat Map

LEGAL DESCRIPTION

EXHIBIT "A"

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

LOT 438 OF TRACT NO. 4988, IN THE CITY OF BEVERLY HILLS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 54, PAGES 98 AND 99 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN: 4334-022-063

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:

  
JAMES L. ELLIOTT, P.L.S. 6334



9-6-12  
DATE



**EXHIBIT B**

GRANTOR : TWINWOOD INC.		The data shown on this map and/or plat are compiled from public sources and are subject to field verification.	
DESCRIPTION : LOT 438 OF TRACT NO 4986. M.B. 54/98-99			
BENCH MARK : N/A			
TITLE REPORT : FIDELITY NATIONAL TITLE NO. 11-259928465-RH		ADDRESS : 111 N. GALE DR. BEVERLY HILLS 90211	
ASSESSOR'S REF. : 4334-022-063		R.O.W. REFERENCE : R-023; W-2309	
NO.	DATE	REVISION DESCRIPTION	
PARCEL	W-2309		
AREA - SQUARE FEET	6,508		
 LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY		<h2 style="margin: 0;">PARCEL PLAT</h2> <h3 style="margin: 0;">W-2309</h3> <p style="margin: 0;">SHEET 1 OF 1</p>	
APPROVED BY:  SUBMITTED BY: Paul D. Wise L.S. 4249		CONTRACT NO./DESIGN UNIT SCALE 1"=80' DATE 10/10/2011 DRAWN BY R. NACION CHECKED BY P. WISE REV. DATE      REV. NO.	
MTA PROJECT MANAGER      DATE		U:\PROJECTS\W-2309\Map of Area 2309.dwg 11/10/2011 2:46:58 PM	

HEARING TO ADOPT RESOLUTION OF NECESSITY  
WESTSIDE PURPLE LINE EXTENSION SECTION 1  
BOARD MEETING JULY 27, 2023  
ITEM # 2023-0305

33-month TCE  
Begins:3/31/23  
Expires: 1/1/26  
APN: 4334-022-063  
6,508+/- square feet



# HEARING TO ADOPT RESOLUTION OF NECESSITY WESTSIDE PURPLE LINE EXTENSION PROJECT SECTION 1

## Project:

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

## Property Impacts:

- Acquire a 33-month Temporary Construction Easement covering the entire property

## Property Location:

- Gale Drive and Wilshire Boulevard in the City of Beverly Hills

## Relocation Impacts:

- Project impacts will not create a displacement

<b>Assessor's Parcel Number</b>	<b>Property Address</b>	<b>Purpose of Acquisition</b>	<b>Property Interest Sought</b>	<b>Metro Parcel #</b>
4334-022-063	111 North Gale Drive, Beverly Hills, CA 90211	Construction yard for the Project	33-Month Temporary Construction Easement	W-2309

## HEARING TO ADOPT RESOLUTION OF NECESSITY WESTSIDE PURPLE LINE EXTENSION PROJECT SECTION 1

Staff recommends the Board make the below findings and adopt the Resolution of Necessity:

- The public interest and necessity require the proposed Project;
- The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- The Property Interest sought to be acquired, which has been described herein, are necessary for the proposed Project;
- The offer required by Section 7267.2 of the Government Code has been made to the Owner; and
- Whether the statutory requirements necessary to acquire the property or property interest by eminent domain have been complied with by LACMTA.