

0150-11074-0000

**TRANSMITTAL**

TO Deborah Flint, Chief Executive Officer Los Angeles World Airports	DATE <b>FEB 15 2018</b>	COUNCIL FILE NO.
FROM The Mayor	COUNCIL DISTRICT 11	

**Request to Authorize the Commencement of Eminent Domain Proceedings to  
Acquire Four Properties Located in Los Angeles, California, and  
Adopt Ordinances Approving Resolutions of Necessity**

Transmitted for further processing, including Council consideration.  
See the City Administrative Officer report, attached.



MAYOR

RHL:AVM:10180067t

REPORT FROM

## OFFICE OF THE CITY ADMINISTRATIVE OFFICER

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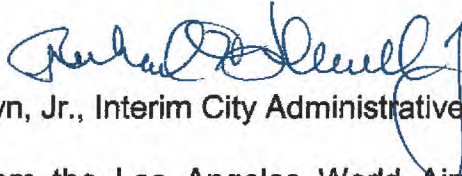
Date: February 13, 2018

CAO File No. 0150-11074-0000

Council File No.

Council District: 11

To: The Mayor



From: Richard H. Llewellyn, Jr., Interim City Administrative Officer

Reference: Communication from the Los Angeles World Airports dated January 17, 2018; referred by the Mayor for report on January 17, 2018

Subject: **REQUEST TO AUTHORIZE THE COMMENCEMENT OF EMINENT DOMAIN PROCEEDINGS TO ACQUIRE FOUR PROPERTIES LOCATED IN LOS ANGELES, CALIFORNIA, AND ADOPT ORDINANCES APPROVING THE RESOLUTIONS OF NECESSITY**

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### RECOMMENDATIONS

That the Mayor requests the Council to:

1. Adopt the Board of Airport Commissioners findings that any activity (approval of bids, execution of contract, allocation of funds, etc.) for which the underlying project has previously been evaluated for environmental significance and processed according to the requirements of the California Environmental Quality Act (CEQA) is administratively exempt from further review pursuant to Article II, Section 2.i of the Los Angeles City CEQA Guidelines and, further, that the taking of the subject properties is authorized by, *inter alia*, Section 19, Article I of the California Constitution, Sections 37350.5 and 4040(f) of the California Government Code, Public Utilities Code Section 21661.6, the Los Angeles City Charter Section 632(c), Section 1230.010 et seq., of the California Code of Civil Procedure, and all other applicable law as set forth herein;
2. Approve the accompanying Resolutions of Necessity Nos. 26407, 26408, 26409 and 26410, as adopted by the Board of Airport Commissioners (BOAC) at its meeting of January 18, 2018, making all necessary findings to authorize commencement of eminent domain proceedings to acquire four properties located at: 1) 9606 Bellanca Avenue, Los Angeles; 2) 5651 West 96<sup>th</sup> Street, Los Angeles; 3) 9830 Bellanca Avenue, Los Angeles; and 4) 5431 West 98<sup>th</sup> Street, Los Angeles, for the Los Angeles International Airport Landside Access Modernization Program; and,
3. Adopt the final Ordinances to be prepared and transmitted by the City Attorney approves the Resolutions of Necessity.

**SUMMARY**

Pursuant to Charter Section 632(c), "Powers and Duties of the Board," the Chief Executive Officer of the Los Angeles World Airports (Department; LAWA) requests approval to commence eminent domain proceedings as a means to help LAWA resolve an impasse in its negotiations to acquire four properties near Los Angeles International Airport (LAX). The initiation of eminent domain proceedings also requires adoption of the Ordinances by the Council (Attachments A-D) approving the Resolutions of Necessity (Attachments E-H) that were approved by the Board of Airport Commissioners (BOAC) at its meeting of January 18, 2018. The Resolutions of Necessity are required to authorize the Department to acquire the subject properties.

The four properties, situated near LAX, are located at: 1) 9606 Bellanca Avenue, Los Angeles; 2) 5651 West 96<sup>th</sup> Street, Los Angeles; 3) 9830 Bellanca Avenue, Los Angeles; and 4) 5431 West 98<sup>th</sup> Street, Los Angeles. According to Department staff, LAX is the third busiest U.S. airport, the largest in California, and its Central Terminal Area and parking areas, which are extremely congested during peak periods, likely will continue to worsen over time. The LAWA planned Landside Access Modernization Program (LAMP) projects at LAX will, among other benefits, mitigate congestion after new facilities and transportation options are built. One of the BOAC's authorized powers and duties is the development of airports; its approval and oversight of Capital Improvement projects necessitates the purchase of properties to construct LAMP projects: an Automated People Mover (APM) System, Intermodal Transportation Facilities (ITF), a Consolidated Rent-A-Car Center (ConRAC), along with Metro Rail and Bus Connections.

In November and December 2017, LAWA provided to the owners of record of the subject properties written offers of fair market value compensation derived from independent appraisals. The owners of record have either rejected or not (timely) accepted the LAWA offers. While the Department is still willing to negotiate voluntary purchases of each property, staff has concluded that it is necessary to initiate eminent domain proceedings as an option if agreements are not reached. Complying with legal mandates and the adoption of the Resolutions of Necessity will authorize LAWA to acquire the properties by eminent domain upon council approval.

<b>Property Address</b>	<b>Offer Amount</b>	<b>Date of Offer</b>	<b>LAMP Project Need</b>
9606 Bellanca Avenue	\$7,722,575	Nov. 20, 2017	APM
5651 West 96 <sup>th</sup> Street	\$1,060,500	Nov. 15, 2017	APM
9830 Bellanca Avenue	\$6,620,575	Nov. 15, 2017	Roadway Improvements
5431 West 98 <sup>th</sup> Street	\$14,240,000	Dec. 7, 2017	APM and ConRAC

**FISCAL IMPACT STATEMENT**

Commencement of eminent domain proceedings for four Subject Properties in the area of the Los Angeles International Airport and adoption of the Ordinances approving the Resolutions of Necessity that were approved by the Board of Airport Commissioners at its meeting of January 18, 2018, will have no impact on the City's General Fund or the Department's Operating budget. The proposed acquisition of properties, in the amount of \$29,643,650, will be funded through the

LAX Revenue Fund to be reimbursed with Passenger Facility Charges, subject to eligibility. The proposed acquisition of properties complies with the Department of Airports' Financial Policies.

*RHL:AVM:10180067*

**Attachments**