



RESOLUTION NO. 26650

BE IT RESOLVED that the Board of Airport Commissioners (Board), after consideration of the board report, staff presentation, discussion, oral presentation and evidence presented at its Board Meeting on December 6, 2018 at 10:00 a.m., makes the following findings and determinations with respect to this Resolution of Necessity:

LAX

Van Nuys

City of Los Angeles

Eric Garcetti
Mayor

**Board of Airport
Commissioners**

Sean O. Burton
President

Valeria C. Velasco
Vice President

Jeffery J. Daar
Gabriel L. Eshaghian
Beatrice C. Hsu
Thomas S. Sayles
Dr. Cynthia A. Telles

Deborah Flint
Chief Executive Officer

1. Los Angeles World Airports (LAWA) is a proprietary department of the City of Los Angeles, a charter city and municipal corporation.
2. The interests in real property to be acquired consist of: (a) a permanent street easement as set forth in Exhibit A (A1, A2); (b) a temporary construction easement having a term of forty-eight (48) months as set forth in Exhibit B (B1, B2); (c) a temporary construction easement having a term of twelve (12) months as set forth in Exhibit B (C1, C2); (d) a temporary construction easement having a term of six (6) months as set forth in Exhibit B (D1,D2); and an Urban "Rotate" Bulletin, single face billboard (Billboard). The permanent street easement, the temporary construction easements and the Billboard are referred to collectively as the "Subject Property." The Subject Property is located within the City Los Angeles, County of Los Angeles, State of California.
3. The public use for which the Subject Property is being acquired is for the Landside Access Modernization Program (LAMP), a public project designed to improve and modernize access to the Los Angeles International Airport (Project).
4. Pursuant to Code of Civil Procedure Sections 1240.610 and 1240.510, to the extent that the Subject Property is already devoted to a public use, the use to which the Subject Property is to be acquired under this Resolution is a more necessary public use than the use to which the Subject Property is already devoted, or, in alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Subject Property is already devoted.
5. The notice of intention to adopt this Resolution of Necessity was given by first class mail to the person whose property is to be acquired by eminent domain in accordance with Code of Civil Procedure sections 1245.235 and a hearing was conducted by the Board on the matters contain herein; and

BE IT FURTHER RESOLVED that the Board hereby declares that it has found and determined that:

1. The environmental impacts of the Project were evaluated in the previously adopted LAMP EIR, ENV-2016-3391-EIR. The LAMP EIR was adopted by the Board on March 2, 2017 (Resolution 26185), and certified and adopted by the Los Angeles City Council on June 7, 2017. The acquisition of the Subject Property is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Article II, Section 2(i) of the Los Angeles City CEQA Guidelines. It is also within the scope of the certified LAMP EIR and does not include any changes to the Project that would require further review under CEQA pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162.



2. The taking of the Subject Property is authorized by, *inter alia*, Section 19, Article I of the California Constitution, Sections 37350.5 and 40404(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; and

BE IT FURTHER RESOLVED that the Board hereby declares that it has found and determined:

1. The public interest and necessity require the Project.
2. 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. The Subject Property sought to be acquired by eminent domain and described in the Resolution of Necessity is necessary for the proposed Project.
4. The offer required by Government Code section 7267.2(a), together with the accompanying statement and summary of the basis for the amount established as just compensation, was actually made to the owner and was in a form and contained all of the factual information required by Government Code Section 7267.2(a).
5. The requisite environmental review of the Project and the acquisition of the Subject Property have been completed in accordance with CEQA; and

BE IT FURTHER RESOLVED that the City Council is requested to approve this Resolution of Necessity and the exercise of eminent domain by LAWA in accordance with Los Angeles City Charter Section 632(c); and

BE IT FURTHER RESOLVED that upon approval by the City Council, the City Attorney is hereby authorized and directed to take all steps necessary to commence legal proceedings, in a court of competent jurisdiction, to acquire the Subject Property by eminent domain. City Attorney is also authorized to seek and obtain Orders for Prejudgment of Possession of the Subject Property in accordance with eminent domain law. City Attorney may enter into Stipulated Orders for Prejudgment Possession and/or Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. City Attorney is further authorized to correct any errors or agree to make any non-material changes to the legal description of the Subject Property that are deemed necessary for the conduct of condemnation action or other proceedings or transactions required to acquire the Subject Property. City Attorney is further authorized, subject to approval by the Board when required, to compromise and settle such eminent domain proceedings, if such negotiated settlement can be reached, and in that event, take all necessary action to complete the acquisition, including entering into stipulations as to the judgment and other matters, and to cause all such payments to be made; and

BE IT FURTHER RESOLVED that the Chief Financial Officer of LAWA, upon proper certification and instruction from the Chief Executive Officer and City Attorney, is authorized and directed to draw demands, in the amounts necessary to make deposits of just compensation with the California State Treasurer's Office in connection with the eminent domain proceedings and/or pay the purchase price for the acquisition of the Subject Property through negotiated settlement or court judgment; and

BE IT FURTHER RESOLVED that the Secretary of the Board shall certify the adoption of this Resolution and certify this record to be a full true, correct copy of the action taken.

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I hereby certify that this Resolution No. 26650 is true and correct, as adopted by the Board of Airport Commissioners at its Regular Meeting held on Thursday, December 6, 2018.



Grace Miguel – Secretary
BOARD OF AIRPORT COMMISSIONERS

ATTACHMENTS:

Exhibit A – Permanent Street Easement

Exhibit A1 – Legal Description of Permanent Street Easement

Exhibit A2 – Survey Map for Permanent Street Easement

Exhibit B – Temporary Construction Easement

Exhibit B1 – Legal Description of 48 Month Temporary Construction Easement

Exhibit B2 – Survey Map of 48 Month Temporary Construction Easement

Exhibit C1 – Legal Description of 12 Month Temporary Construction Easement

Exhibit C2 – Survey Map of 12 Month Temporary Construction Easement

Exhibit D1 – Legal Description of 6 Month Temporary Construction Easement

Exhibit D2 – Survey Map of 6 Month Temporary Construction Easement

Exhibit 4-12 – Preliminary Right of Way Requirements Map