



RESOLUTION NO. 26409

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 January 18, 2018 at 8:30 a.m., makes the following findings and determinations with respect to this Resolution of Necessity:

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 the fee interest in the property described on Exhibit A and depicted on Exhibit B attached hereto and incorporated herein by this reference, and immovable fixtures and equipment located therein (collectively, the Subject Property). The Subject Property is located within the City Los Angeles, County of Los Angeles, and State of California;
3. The public use for which the Subject Property is being acquired is for the Landside Access Modernization Program (Project), a public project designed to improve and modernize access to Los Angeles International Airport (LAX);
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. A small portion of the Subject Property identified as Assessor's Parcel Number 4125-026-801 is not part of the Project, but would be rendered an uneconomic remnant under Code of Civil Procedure Section 1240.410 were it not acquired as part of the Subject Property;
6. 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 Section 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:

1. The environmental impacts of the Project were evaluated in the previously adopted Environmental Impact Report (EIR) ENV-2016-3391-EIR (Resolution 26185) for the LAX Landside Access Modernization Program and therefore, 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;
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;

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



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 has 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. The City Attorney is also authorized to seek and obtain Orders for Prejudgment of Possession of the Subject Property in accordance with eminent domain law. The 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. The 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. The 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 the 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. 26409 is true and correct, as adopted by the Board of Airport Commissioners at its Special Meeting held on Thursday, January 18, 2018.



Sandra J. Miller – Secretary
BOARD OF AIRPORT COMMISSIONERS

ORDINANCE NO. _____

An ordinance finding that the public interest and necessity require the acquisition by eminent domain of property located at 9830 Bellanca Avenue, Los Angeles, California 90045 and bearing Assessor's Parcel Numbers: 4125-026-009, 4125-026-801, and 4125-026-802.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. The City Council of the City of Los Angeles hereby approves, ratifies and makes the findings and authorizations set forth in Resolution No. _____ (Resolution) adopted by the Board of Airport Commissioners (the Board) of Los Angeles World Airports (LAWA).

Sec. 2. The City Council finds and determines that:

- a. LAWA is a proprietary department of the City of Los Angeles, a charter city and municipal corporation.
- b. The interests in real property to be acquired consist of the fee interest in the property described on Exhibit A and depicted on Exhibit B attached hereto and incorporated herein by this reference, and immovable fixtures and equipment located therein (collectively, the Subject Property). The Subject Property is located within the City Los Angeles, County of Los Angeles, State of California.
- c. The public use for which the Subject Property is being acquired is the Landside Access Modernization Program; a public project designed to improve and modernize access to the Los Angeles International Airport (Project).
- d. 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 the Resolution is a more necessary public use than the use to which the Subject Properties are 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 Subject Properties are already devoted.
- e. A small portion of the Subject Property identified as Assessor's Parcel Number 4125-026-801 is not part of the Project, but would be rendered an uneconomic remnant under Code of Civil Procedure section 1240.410 were it not acquired as part of the Subject Property.

- f. The notice of intention to approve the Resolution 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 City Council on the matters contain herein.

Sec. 3. The City Council further finds and determines that:

- a. The environmental impacts of the Project were evaluated in the previously adopted EIR ENV-2016-3391-EIR (Resolution No. 26185) for the Project and therefore the Project 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.
- b. 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); California Code of Civil Procedure Section 1230.010 et seq.; and all other applicable law as set forth herein.

Sec. 4. The City Council further finds and determines that:

- a. 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 the least private injury.
- c. The Subject Property sought to be acquired by eminent domain and described in the Resolution is necessary for the proposed Project.
- d. 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 owners and was in a form and contained all of the factual information required by Government Code section 7267.2(a).
- e. The requisite environmental review of the Project has been completed in accordance with CEQA.

Sec. 5. The City Council approves the Resolution and the exercise of eminent domain by LAWA in accordance with Charter Section 632(c).

Sec. 6. 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, subject to approval by the Board when required. The City Attorney is also authorized to seek and obtain Orders for

Prejudgment of Possession of the Subject Property in accordance with eminent domain law. The City Attorney may enter into Stipulated Orders for Prejudgment Possession and Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. The 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. The 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.

Sec. 7. 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.

Sec. 8. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than two-thirds** of all its members, at its meeting of _____.

HOLLY L. WOLCOTT, City Clerk

By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By _____
CYNTHIA A. ALEXANDER
Deputy City Attorney

Date _____

File No. _____

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EXHIBIT A

LEGAL DESCRIPTION

The land referred to herein is situated in the State of California, County of Los Angeles and described as follows:

PARCEL 1:

Lot 2 of Tract No. 13375, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 267 Pages 43 and 44 of Maps, in the office of the County Recorder of said County

APN: 4125-026-009

PARCEL 2:

A triangular shaped parcel of land being a portion of Lot 1 in Tract 13375, in the City of Los Angeles, as per Map recorded in Book 267, Pages 43 and 44 of Maps, in the Office of the County Recorder of said County, said parcel being more particularly described as follows:

Beginning at a point in the East line of said Lot 1, distant thereon South $0^{\circ} 02' 37''$ West 212.62 feet from the Northeast corner of said lot; thence South $0^{\circ} 02' 37''$ West along said East line 37.38 feet to the South line of said Grantor's property; thence North $89^{\circ} 56' 39''$ West along said South line 5.00 feet; thence North $7^{\circ} 34' 30''$ East 37.71 feet to the point of beginning.

PARCEL 3:

An irregular shaped parcel of land, in the City of Los Angeles, being a portion of Lot 1 in Tract 13375, as per Map recorded in Book 267, Pages 43 and 44 of Maps, in the Office of the County Recorder of said County, said parcel being more particularly described as follows:

Beginning at the Northeast corner of said Grantor's property in said Lot 1, being a point in the East line of said Lot 1, distant South $0^{\circ} 02' 37''$ West 250 feet along said East line from the Northeast corner of said lot; thence South $0^{\circ} 02' 37''$ West along said East line 12.04 feet to the West line of Lot 20 in said Tract 13315; thence Southwesterly along said West line, being the arc of a curve concave Northwesterly and having a radius of 563.686 feet, a distance of 126.07 feet to the South line of said Lot 1; thence North $89^{\circ} 56' 39''$ West along said South line 0.75 feet; thence Northeasterly along the arc of a curve concave Northwesterly and having a radius of 468.34 feet, a distance of 136.33 feet to a point in the Northerly line of said Grantors property, distant Westerly along said Northerly line 5.00 feet from the East line of said Lot 1; thence South $89^{\circ} 56' 39''$ East along said North line 5.00 feet to the point of beginning.

Except that portion of Lot 1 deeded to Los Angeles Metropolitan Transportation Authority, a public entity, which recorded July 18, 2014 as Instrument No. 20140743305, of Official Records, and more particularly described as follows:

Beginning at a point in the Easterly line of said Lot 1 of said Tract 13375, distant thereon S $00^{\circ} 19' 19''$ W 250.00 feet from the Northeasterly corner of said Lot; thence along said Easterly line S $00^{\circ} 10' 19''$ W 79.67 feet to a point in the Southeasterly line of Lot 20 of said Trac No. 13375, said point being in the beginning of a non-tangent curve concave Northwesterly and having a radius of 583.69 feet, a radial line through said point bears S $69^{\circ} 25' 35''$ E; thence Southwesterly along said curve an arc length of 24.78 feet through a central angle of $02^{\circ} 25' 06''$; thence N $01^{\circ} 17' 16''$ E 91.13 feet to the beginning of a non-tangent curve concave Northwesterly line and having a radius of 468.34 feet, a radial line through said point bears S $80^{\circ} 01' 22''$ E; thence Northeasterly along said curve and arc length of 11.74 feet through a central angle of $01^{\circ} 26' 09''$; thence S $89^{\circ} 48' 59''$ E 5.50 feet to the point of beginning.

Also except and reserving, unto grantor, its successors and assigns, all of the coal, oil, gas, casing-head gas and all ores and minerals of every kind and nature, including sand and gravel underlying the surface of the property herein conveyed, together with the full right, privilege and license at any and all times to

EXHIBIT A

explore or drill for and to protect, conserve, mine, take, remove and market any and all such products in any manner which will not damage structures on the surface of the property herein conveyed, provided, however, that grantor expressly waives any right to use the surface or the first five hundred (500) feet of the subsurface of the property to explore, drill or mine for the minerals herein reserved in deed recorded October 29, 1999 as Instrument No. 99-2039029, of Official Records.

Also except any and all right, title and interest in and to those portions of Bellanca Avenue abutting the above described property.

APN: 4125-026-801

PARCEL 4:

Lot 20 Tract 13375, in the City of Los Angeles, County of Los Angeles, State of California, as per Map recorded in Book 267, Pages 43 and 44 of Maps, in the Office of the County Recorder of said County. Except that portion of Lot 20 deeded to Los Angeles Metropolitan Transportation Authority, a public entity, which recorded July 18, 2014 as Instrument No. 20140743305, of Official Records, and more particularly described as follows:

Beginning at a point in the Easterly line of said Lot 1 of said Tract 13375, distant thereon S 00°19'19" W 250.00 feet from the Northeasterly corner of said Lot; thence along said Easterly line S 00°10'19" W 79.67 feet to a point in the Southeasterly line of Lot 20 of said Trac No. 13375, said point being in the beginning of a non-tangent curve concave Northwesterly and having a radius of 583.69 feet, a radial line through said point bears S 69°25'35" E; thence Southwesterly along said curve an arc length of 24.78 feet through a central angle of 02°25'06"; thence N 01°17'16" E 91.13 feet to the beginning of a non-tangent curve concave Northwesterly line and having a radius of 468.34 feet, a radial line through said point bears S 80°01'22" E; thence Northeasterly along said curve and arc length of 11.74 feet through a central angle of 01°26'09"; thence S 89°48'59" E 5.50 fee to the point of beginning.

Also except and reserving, unto grantor, its successors and assigns, all of the coal, oil, gas, casing-head gas and all ores and minerals of every kind and nature, including sand and gravel underlying the surface of the property herein conveyed, together with the full right, privilege and license at any and all times to explore or drill for and to protect, conserve, mine, take, remove and market any and all such products in any manner which will not damage structures on the surface of the property herein conveyed, provided, however, that grantor expressly waives any right to use the surface or the first five hundred (500) feet of the subsurface of the property to explore, drill or mine for the minerals herein reserved in deed recorded October 29, 1999 as Instrument No. 99-203929, of Official Records.

Also except any and all right, title and interest in and to those portions of Bellanca Avenue abutting the above described property.

APN: 4125-026-802

EXHIBIT B

