



RESOLUTION NO. 26922

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 19, 2019 at 10:00 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 a fee simple interest in the property described and depicted on Exhibit A and an abutter's right of access to public roadways in the property described and depicted on Exhibit B, but expressly not including rights of view, light, air, or any other abutter's rights apart from access (collectively, the Subject Property). The Subject Property is located within the City of 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 public use, the use to which the Subject Property is to be acquired under this Resolution of Necessity 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 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 Section 1245.235 and a hearing was conducted by the Board on the matters contained herein; and

LAX  
 Van Nuys  
 City of Los Angeles  
 Eric Garcetti  
 Mayor  
 Board of Airport  
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 Vice President  
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 Beatrice C. Hsu  
 Nicholas P. Roxborough  
 Dr. Cynthia A. Telles  
 Karim Webb  
 Deborah Flint  
 Chief Executive Officer

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 LAMP Environmental Impact Report (EIR), ENV-2016-3391-EIR. The 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 Los Angeles International Airport LAMP EIR and does not include any changes to the Los Angeles International Airport LAMP project that would require further review under CEQA pursuant to Public Resources Code § 21166 and CEQA Guidelines § 15162. 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 acquisition of the Subject Property 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 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 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. 26922 is true and correct, as adopted by the Board of Airport Commissioners at its Regular Meeting held on Thursday, December 19, 2019.

  
Grace Migue – Secretary  
BOARD OF AIRPORT COMMISSIONERS

Attachments:

- Exhibit A: Fee Interest; Legal Description and Plat Map
- Exhibit B: Abutter's Right of Access; Legal Description and Plat Map