



**MICHAEL N. FEUER**  
CITY ATTORNEY

REPORT NO. R 20 - 0017  
JAN 09 2020

**REPORT RE:**

**DRAFT ORDINANCE FINDING THAT THE PUBLIC INTEREST AND  
NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF  
PORTIONS OF THE PROPERTY LOCATED AT 5928 WEST 96<sup>TH</sup> STREET**

The Honorable City Council  
of the City of Los Angeles  
Room 395, City Hall  
200 North Spring Street  
Los Angeles, California 90012

Honorable Members:

This Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality, approving a Resolution of Necessity making statutory findings and authorizing the acquisition by eminent domain of portions of the property at 5928 West 96<sup>th</sup> Street (Subject Property) described in the ordinance. The public use for which the Subject Property is being considered is to implement the projects under the Landside Access Modernization Program (LAMP) at LAX (Project).

The adoption of the ordinance will require a hearing with an opportunity for the property owners to be heard and an affirmative vote of at least two-thirds of the members of the full City Council.

Background

Los Angeles World Airports (LAWA) is proposing to modernize LAX to improve passenger quality-of-service and provide world-class facilities for its customers. LAX is the third busiest airport in the U.S. and the largest in California. The Central Terminal Area and parking areas are severely congested during peak periods, and conditions are expected only to worsen over time. Through the Project, LAWA will provide new

transportation options and facilities to mitigate the congestion and parking issues, including: (1) an Automated People Mover; (2) a Consolidated Rental Car Facility; and (3) an Intermodal Transportation Facility close to the 405 freeway and Sepulveda Boulevard to allow for pick-up and drop-off of passengers. After considering different project alignments and options, LAWA selected the alignment to offer the greatest public good and the least private injury, and the Subject Property LAWA seeks to acquire by eminent domain is necessary for the Project.

#### Negotiations with Owners

On October 15, 2019, LAWA made written offers to the owners of record of the Subject Property for not less than the Subject Property's fair market value. To date, the owners of record of the Subject Property have not accepted LAWA's offers. LAWA remains willing to negotiate a voluntary purchase of the Subject Property, but LAWA requests authorization to initiate the eminent domain process to acquire the Subject Property if LAWA and the property owners cannot reach agreement.

#### Notice and Opportunity to Be Heard

Pursuant to Code of Civil Procedure Section 1245.235, the City Council is required to set a date for the hearing, and the notice of the hearing must be sent to the persons whose property is to be acquired at least 15 days prior to the hearing. That required notice will be sent to the owners.

#### Summary of Ordinance Provisions

Charter Section 632(c) provides that the Board of Airport Commissioners shall have the power to purchase, lease, acquire, condemn, design, erect, maintain, improve, repair, and operate all property, improvements, utilities, equipment, supplies, or facilities as it may deem necessary or convenient for departmental purposes. The power of condemnation shall only be exercised with approval of the City Council. The ordinance makes the findings required under California Eminent Domain Law and approves LAWA's use of eminent domain to acquire the Subject Property. The ordinance also authorizes the City Attorney to take all actions necessary to commence, prosecute and settle the legal proceedings, and to obtain pre-judgment possession of the Subject Property.

#### CEQA Findings

The action is within the scope of the Project covered by the previously adopted EIR ENV-2016-3391-EIR for the Project; and, therefore, the acquisition 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.

Council Rule 38 Referral

A copy of the draft ordinance was presented to the Board of Airport Commissioners, and it concurs with this recommendation.

If you have any questions regarding this matter, please contact Deputy City Attorney Cynthia Alexander at (424) 646-5196. She or another member of this Office will be present when you consider this matter to answer any questions you may have.

Sincerely,

MICHAEL N. FEUER, City Attorney

By 

DAVID MICHAELSON  
Chief Assistant City Attorney

DM:CA:rw  
Transmittal