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August 8, 1995

Los Angeles County  
Metropolitan  
Transportation  
Authority

818 West Seventh Street  
Suite 300  
Los Angeles, CA 90017

213.972.6000

Mailing Address:

P.O. Box 194  
Los Angeles, CA 90053

TO: MTA DIRECTORS AND ALTERNATES - 8/23 MEETING

THROUGH: FRANKLIN E. WHITE

FROM: JUDITH T. PIERCE *J. Pierce*

SUBJECT: PUBLIC HEARING RE NECESSITY FOR THE ACQUISITION OF A FEE INTEREST IN THAT CERTAIN REAL PROPERTY LOCATED AT 10769 BLUFFSIDE DRIVE, IN THE STUDIO CITY AREA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA; METRO RED LINE, SEGMENT 3;

OWNERS: COLUMBIA GROUP, LTD., A California Limited Partnership

MTA FILE NUMBER: R82-C3-788

#### RECOMMENDATION

The MTA should open the hearing on the proposed condemnation of the above-described property interest, ask for the oral presentation of the staff report and take testimony from the record owners or their representative and from any representative of the City of Los Angeles who wishes to be heard on the above issue.

If the evidence warrants the necessary findings, it is recommended that the MTA make such findings and adopt the attached Resolution of Necessity authorizing the commencement of an eminent domain action to acquire the subject property interest.

#### ISSUE

Pursuant to Government Code Section 7267.2, a written statutory offer was made to the property owners on April 5, 1995. The general partner ("owner") indicated his dissatisfaction with the offer, but stated that he would consider it and let us know of his decision within thirty days. After a period of time had elapsed without a

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response from the owner, staff made a follow-up contact. The owner stated that he had forgotten to contact staff, however, he had decided that the offer was far too low to accept. When staff requested that he submit a counter-offer, the owner asked for additional time to discuss the offer with his attorney. Subsequently, staff made contact with the owner and was informed that the offer was rejected in its entirety. In an attempt to reach a negotiated settlement, staff increased the offer by 8%. This offer also was rejected by the owner who stated that MTA would have to increase the initial offer by nearly 100% before he would consider selling. When informed that such an increase was not practical or justifiable at this time, the owner ended the negotiations by stating that the MTA should acquire the property by condemnation.

Staff has concluded that an impasse has been reached in dealing with the property owner, and future attempts to reach a negotiated settlement will be unsuccessful. Therefore, staff is in accord with the property owner and recommends that the required fee interest in the subject property be acquired by eminent domain.

In accordance with the provisions of the California eminent domain law and Section 130220.5 of the California Public Utilities Code (which authorizes the MTA to acquire property by eminent domain), the MTA Real Estate staff has prepared and mailed the required notice of this hearing to the record owners and the City Clerk of the City of Los Angeles, in order to allow their representatives an opportunity to appear at this hearing and be heard on the following issues:

1. Whether the public interest and necessity require the proposed Project;
2. Whether the proposed Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury; and,
3. Whether the subject property interest, which is the subject of this proceeding, is necessary for the proposed Project.
4. Whether an offer was made in compliance with Government Code Section 7267.2.

After all of the evidence has been received by the MTA from all interested parties, the MTA must make a determination as to whether the public interest and necessity require the acquisition of the subject property interest. In order to authorize the acquisition of the property interest, the MTA must, based upon all the evidence

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before it, find and determine that:

1. The public interest and necessity require the proposed Project;
2. The proposed Project is planned and located in the manner that will be the most compatible with the greatest public good and the least private injury;
3. The subject property interest sought to be acquired is necessary for the proposed Project; and
4. The offer to the property owners required by Section 7267.2 of the Government Code has been made.

If these findings and determinations are made, the MTA, in the exercise of its discretion, may then adopt a Resolution of Necessity which authorizes the acquisition of the subject property interest by eminent domain. Attached is a proposed Resolution that has been approved by counsel, and which sets forth the required findings.

BACKGROUND

The record owners of the subject property were notified by letter that it might be necessary to acquire a fee interest in their property for the construction and operation of the Metro Red Line Project, Segment 3 ("Project"). The subject parcel is located west of the planned Universal City Station in the Studio City section of the City of Los Angeles. The site is an unimproved, vacant, irregularly shaped lot consisting of approximately 10,628 square feet.

The acquisition of a fee interest in the subject property is required for the construction of the Universal City Station access road and the new, north bound on-ramp to the Hollywood freeway. The parcel is also required for the construction of the station's park-and-ride lot and the Weddington Park service road.

The MTA Board of Directors approved Just Compensation and authorized the Director of Real Estate to make an offer to the property owners for the acquisition of a fee interest in Parcel C3-788, as described in Exhibit "B".

Following is an analysis as to whether the public interest and necessity require the acquisition of the subject property interest.

A. The public interest and necessity require the Project.

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The public interest and necessity require the project for the following reasons:

1. The project will provide significant improvements in transportation and attendant access to economic (employment) opportunities for low income, elderly, young, and handicapped persons living in the Los Angeles area;
2. Implementation of the project will result in annual regional energy savings of 2,759 billion BTUs;
3. The project will reduce the need for parking in the Hollywood to Universal City districts of Los Angeles by providing an alternative means of transportation competitive in rush-hour travel times with the automobile;
4. The project will be a major link in the 150 mile county-wide rail transit system, and will thereby provide alternative means of transportation during fuel crises and increased future traffic congestion;
5. The project will generate increased economic activity in the area, resulting in the following estimated regional benefits in the year 2000:
  - o \$35-70 million in secondary economic activity;
  - o \$8.6-15.1 million in additional annual recurring sales and property taxes;
  - o 3,000-5,000 full-time equivalent project-related work force.

It is recommended that based on the above evidence, the MTA find and determine that the public interest and necessity require the Project.

- B. The proposed Project is planned and located in the manner that will be the most compatible with the greatest public good and least private injury.

On December 19, 1988, the Los Angeles County Transportation Commission (now referred to as the Los Angeles County Metropolitan Transportation Authority) became the grantee for Metro Rail and subsequently agreed to negotiate with the Federal Transit Administration for federal funding for Segment 3 of the Metro Red Line Project. Segment 3 consists of three extensions of approximately 11.6 miles. The three extensions include the North Hollywood Extension, the Mid-City Extension, and the East

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Side Extension.

The focus of this Finding of Necessity is the development of the Universal City Station on the North Hollywood Extension. The Extension, which begins just west of the Segment 2, Hollywood/Vine Station, continues west under Hollywood Boulevard to the Hollywood/Highland Station. From this station, the alignment turns northwest, under the Hollywood Hills, to the Universal City Station and terminates at the North Hollywood Station located at Lankershim Boulevard and Chandler Boulevard.

This alignment was selected following substantial community involvement in the process. Three public hearings were held on various options. Numerous public meetings were held in the community, and elected officials, business leaders, neighborhood organizations and interested citizens were consulted throughout the process.

It is anticipated that this locally preferred alternative alignment (LPA) will have daily rail boardings of just under 300,000. The project may promote additional growth and the concentration of development in designated Centers. Additional property tax and sales tax revenues will accrue to the City of Los Angeles as a result of new development occurring in conjunction with the Project. The loss of property tax revenue from parcels acquired by MTA for the project would be negligible relative to increases in property tax revenues from new development. Tax revenues could increase even more with development incentives which encourage joint development of MTA property around stations.

On August 4, 1989, the Final Supplemental Environmental Impact Statement-Subsequent Environmental Impact Report (Final SEIS-SEIR) was made available. The Final EIR, incorporated refinements to the basic Project descriptions, including revisions to the Project options that were still under consideration for adoption into the Project, and possible conditions for approval of the Project by other governmental agencies. The Final EIR, considered all of the environmental impacts of the Segment 3 alignment.

The Modified Initial Study and Addendum to the Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report dated June 1994 was approved on July 19, 1994. The reports examined changes to the Universal City station layout that included changes in the circulation, parking, land acquisition and access shaft on the south side of the Hollywood Freeway.

Due to its bulk, the Final SEIS/SEIR documents are not physically included in the MTA's agenda packet for this public hearing. However, these document may be considered in connection with this matter.

It is recommended that, based upon the foregoing, the MTA find and determine that the Project is located in the manner that will be most compatible with the greatest public good and the least private injury.

- C. The subject property interest is necessary for the proposed project.

Section B above sets forth the extensive efforts undertaken in order to insure that the route alignment selected for the Project would be in accord with the greatest public good and least public injury.

- D. An offer was made in compliance with Government Code Section 7267.2.

Code of Civil Procedures Section 1245.230 requires that a resolution of necessity contain a declaration that the governing body has found and determined that either the offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner cannot be located with reasonable diligence.

Government Code Section 7267.2, in turn requires that an offer be made to the owner or owners of record, in an amount which the agency believes to be just compensation. The amount must not be less than the agency's approved appraisal of the fair market value of the property. In addition, the agency is required to provide the owner with a written statement of, and summary of the basis for, the amount it established as just compensation.

On April 5, 1995, the statutory offer was made to the owner of record. The amount of the offer is not less than the approved appraised amount. In addition, MTA has provided the owners with a summary of the basis for the amount it has established as just compensation.

It is recommended that based on the above evidence, the MTA find and determine that an offer was made in compliance with Government Code Section 7267.2.

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The acquisition of a fee interest in the subject property is required for the construction and operation of the Metro Red Line the Universal City Station of Segment 3 of the Metro Red Line Project.

The acquisition of the subject property interest is generally depicted in the Parcel Plat Map attached hereto as Exhibit "A" and described more specifically in Exhibit "B" attached hereto, both of which are incorporated herein by this reference

Staff recommends that the MTA find that the acquisition of the subject property interests is necessary.

Prepared by: VELMA C. MARSHALL  
Director of Real Estate

DE WITT W. CLINTON  
County Counsel

By: *Dennis M. Dewitt*  
Deputy

Attachment

**A RESOLUTION OF THE LOS ANGELES COUNTY METROPOLITAN  
TRANSPORTATION AUTHORITY DECLARING CERTAIN REAL  
PROPERTY INTERESTS NECESSARY FOR PUBLIC PURPOSES  
AND AUTHORIZING THE ACQUISITION THEREOF**

THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY  
HEREBY FINDS, DETERMINES AND RESOLVES AS FOLLOWS:

Section 1.

The Los Angeles County Metropolitan Transportation Authority is a public entity organized and existing pursuant to Chapter 2 of Division 12 of the California Public Utilities Code (commencing with Section 130050).

Section 2.

The property interest described hereinafter is to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Los Angeles County Metropolitan Transportation Authority to acquire property by eminent domain by California Public Utilities Code Sections 30000-33018, inclusive, and particularly Section 30503, Sections 130050-132314, inclusive, and particularly Section 130220.5, Code of Civil Procedure Sections 1240.010-1273.050, inclusive, and Article I, Section XIX of the California Constitution.

Section 3.

The property interest to be acquired herein for public transportation purposes is the fee simple title in and to Parcel No. C3-788, said parcel of real property being described more specifically in Exhibit "A", attached hereto, and generally depicted in the Parcel Plat Map attached hereto as Exhibit "B", both of which exhibits are incorporated herein by this reference.



Section 4.

(a) The acquisition of the above-described property is necessary for the development, construction, operation and maintenance of the Metro Rail Red Line Universal City Station ("project");

(b) The environmental impacts of the Metro Red Line, Segment 3 alignment were considered in the Final Supplement Environmental Impact Statement/Subsequent Environmental Impact Report dated July 25, 1989 ("FSEIS/SEIR") and the Addendum(s) to said SEIR; and

(c) The Los Angeles County Metropolitan Transportation Authority has reviewed and considered the FSEIS/SEIR and Addendum for the project, before and as part of the process of determining whether to acquire the above-named property.

Section 5.

The Los Angeles County Metropolitan Transportation Authority hereby declares that it has found and determined each of the following:

(a) The public interest and necessity require the proposed project;

(b) The proposed project is planned and located in the manner which will be most compatible with the greatest public good and the least private injury;

(c) The property interest sought to be acquired, which has been described herein, is necessary for the proposed project; and

(d) The offer required by Section 7267.2 of the Government Code has been made to the owners of record.

Section 6.

Legal counsel is hereby authorized and directed to take all steps necessary to commence legal proceedings, in a court of competent jurisdiction, to acquire the property interest described above by eminent domain. Counsel is also authorized and directed to seek and obtain an Order Of Immediate Possession of said property interest in accordance with the provisions of the eminent domain law and is directed that the total sum of probable just compensation fixed by the Superior Court in its order determining and establishing security for said immediate possession be deposited with the Clerk of said Superior Court.


Counsel is further authorized, pursuant to Section 30258 of the Public Utilities Code, to associate with, at its election, a private law firm for the preparation and prosecution of said proceedings.

I, HELEN M. BOLEN, MTA Board Secretary of the Metropolitan Transportation Authority, do hereby certify that the foregoing Resolution was duly and regularly adopted by the Metropolitan Transportation Authority at a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 1995.

DATED: \_\_\_\_\_

\_\_\_\_\_  
HELEN M. BOLEN  
MTA BOARD SECRETARY

APPROVED

  
DENNIS M. DEVITT  
PRINCIPAL DEPUTY  
COUNTY COUNSEL

resmta.788

EXHIBIT "A"

LACMTA PARCEL NO: C3-788

LEGAL DESCRIPTION  
(Real Property)

THAT PORTION OF LOT 279 OF PLAT SHOWING DIVIDING LINE BETWEEN THE LAND OF J. B. LANKERSHIM AND LOTS 234, 235, 236, 237 AND 238 OF THE LANKERSHIM RANCH LAND AND WATER COMPANY, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 83 PAGES 11 AND 12 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; BOUNDED NORTHWESTERLY BY A LINE BEARING NORTH 9 DEGREES 06 MINUTES 55 SECONDS EAST, DRAWN THROUGH A POINT IN THE NORTHERLY CURVED LINE OF BLUFFSIDE DRIVE AS SHOWN ON MAP OF TRACT NO. 3434, AS PER MAP RECORDED IN BOOK 37 PAGE 69 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER, DISTANT SOUTHEASTERLY THEREON 135.94 FEET FROM THE WESTERLY END OF SAID CURVE, SAID END OF CURVE BEING DISTANT SOUTHEASTERLY 1637.45 FEET FROM THE INTERSECTION OF THE NORTHERLY LINE OF SAID BLUFFSIDE DRIVE WITH THE EASTERLY LINE OF VINELAND AVENUE (50 FEET WIDE); BOUNDED NORTHEASTERLY BY LAND DESCRIBED IN EASEMENT TO LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, RECORDED IN BOOK 8158 PAGE 257, PARCEL 3 OF OFFICIAL RECORDS OF SAID COUNTY; BOUNDED EASTERLY BY A LINE BEARING NORTH 0 DEGREES 54 MINUTES EAST DRAWN THROUGH A POINT IN THE NORTHERLY CURVED LINE OF SAID BLUFFSIDE DRIVE, DISTANT SOUTHEASTERLY THEREON 240.88 FEET FROM THE SAID WESTERLY END OF SAID CURVE; BOUNDED SOUTHERLY BY THE NORTHERLY LINE OF SAID BLUFFSIDE DRIVE.

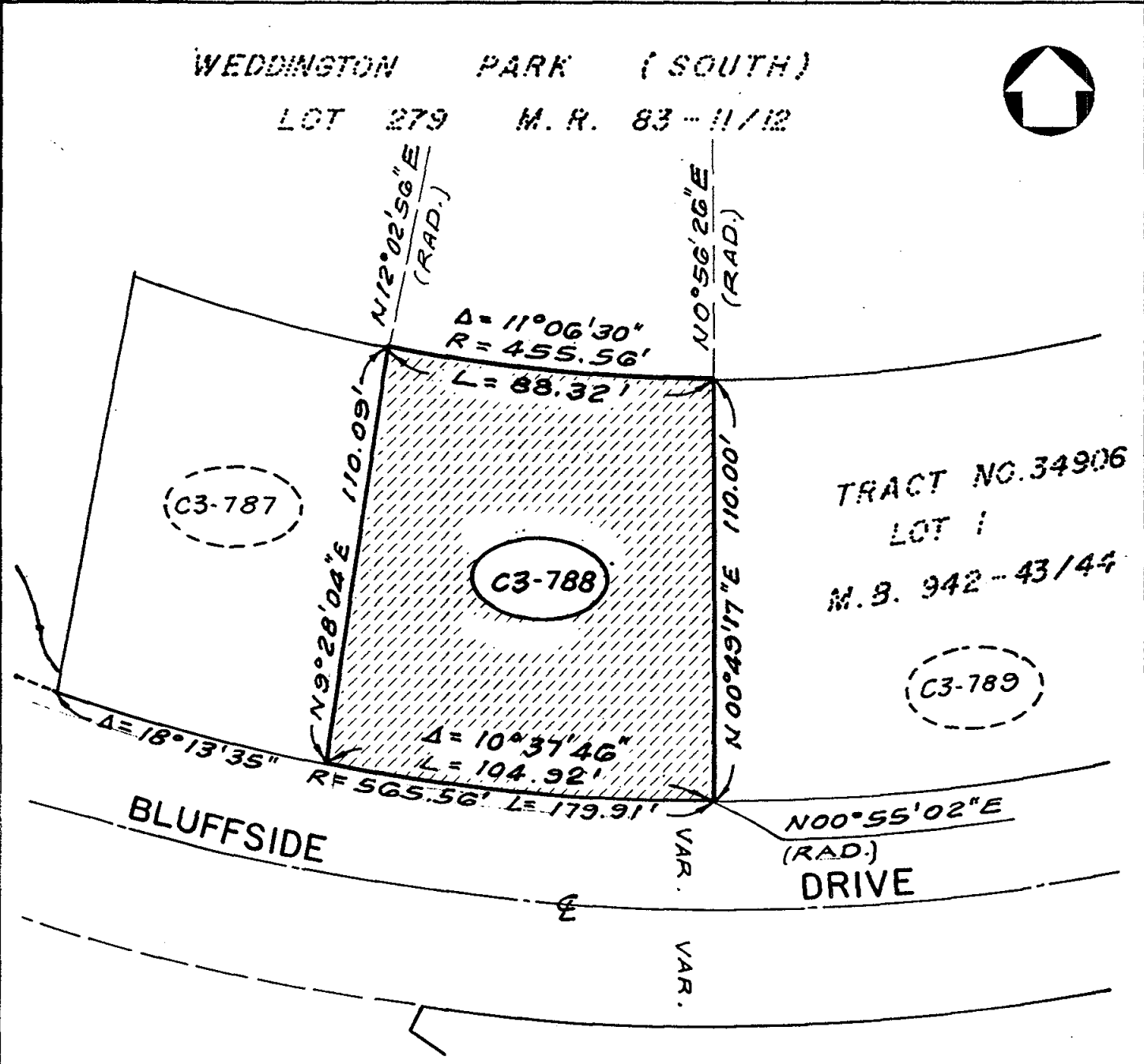
SAID LAND IS SHOWN ON LICENSED SURVEYOR MAP FILED IN BOOK 38 PAGE 9 OF RECORDS OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER.

EXCEPT THAT PORTION OF LOT 279 OF PLAT SHOWING DIVIDING LINE BETWEEN THE LAND OF J. B. LANKERSHIM AND LOTS 234, 235, 236, 237 AND 238 OF THE LANKERSHIM RANCH LAND AND WATER COMPANY, AS PER MAP RECORDED IN BOOK 83 PAGES 11 AND 12 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; BOUNDED ON THE WEST BY A LINE BEARING NORTH 9 DEGREES 06 MINUTES 55 SECONDS EAST DRAWN THROUGH A POINT IN THE CURVED NORTHEASTERLY LINE OF BLUFFSIDE DRIVE, 60 FEET WIDE, AS SHOWN ON MAP OF TRACT NO. 3434, RECORDED IN BOOK 37 PAGE 69 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER, SAID POINT BEING DISTANT SOUTHEASTERLY ALONG SAID CURVED NORTHEASTERLY LINE 135.94 FEET FROM THE NORTHWESTERLY TERMINUS OF SAID CURVED NORTHEASTERLY LINE; BOUNDED ON THE NORTH BY THE SOUTHERLY LINE OF LAND DESCRIBED AS PARCEL 3 IN EASEMENT DEED TO THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, RECORDED IN BOOK 8158 PAGE 257, OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER; BOUNDED ON THE EAST BY A LINE BEARING NORTH 0 DEGREES 54 MINUTES EAST DRAWN THROUGH A POINT IN SAID CURVED NORTHEASTERLY LINE OF BLUFFSIDE DRIVE, SAID POINT BEING DISTANT SOUTHEASTERLY ALONG SAID CURVED NORTHEASTERLY LINE 240.88 FEET FROM THE NORTHWESTERLY TERMINUS OF SAID CURVED NORTHEASTERLY LINE AND BOUNDED ON THE SOUTHWEST BY A LINE PARALLEL WITH AND DISTANT 110 FEET NORTHEASTERLY MEASURED RADIIALLY FROM SAID CURVED NORTHEASTERLY LINE OF BLUFFSIDE DRIVE.

EXHIBIT A

GRANTOR : <b>COLUMBIA GROUP LTD.</b>		The data shown on this map and/or plat is compiled from public sources & is subject to field verification. Bearings and distances are based on California Coordinate System Zone VI coordinates obtained from Los Angeles City Survey Division.	
DESCRIPTION : <b>PORTION LOT 279, M.R. 83-11/12</b> <b>(10769 BLUFFSIDE DRIVE)</b>			
TITLE REPORT : <b>PENDING</b>			
BENCH MARK : <b>N/A</b>			
ASSESSORS REF. <b>2423-38-2</b>	R.O.W. REFERENCE <b>RW-C053,C3-788</b>	NO.	DATE
		REVISION DESCRIPTION	

**EXHIBIT B**



AREA - SQ. FT.	ESTATE			
10,628	FEE			

<p><b>Rail Construction Corporation</b> <b>METRO RED LINE</b></p>	<p>APPROVED BY:</p> <p><b>6/4/94</b> DATE</p>	<p>CONTRACT NO./DESIGN UNIT <b>C0321</b></p>
		<p>SCALE <b>1" = 40'</b></p>
<p>ENGINEERING MANAGEMENT CONSULTANT</p> <p><b>WEDDINGTON</b></p> <p>EDM/JM</p> <p>Prepared by: <b>Edmund J. M...</b>        Checked by: <b>P. Wise</b>        Date: <b>6/4/94</b></p>	<p>DATE</p>	<p>DATE <b>6-01-94</b></p>
		<p>DRAWN BY <b>H.W.W.</b></p>
		<p>CHECKED BY <b>P. WISE</b></p>
<p>REV. DATE</p>	<p>REV. NO.</p>	

**EXHIBIT B**