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CITY ATTORNEY

REPORT NO. R 22 - 0053
FEB 23 2022

REPORT RE:

**DRAFT ORDINANCES FINDING THAT THE PUBLIC INTEREST AND NECESSITY
REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF PORTIONS OF THE
PROPERTIES LOCATED AT 1071 WEST ARBOR VITAE STREET AND
9150 SOUTH AVIATION BOULEVARD**

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 two draft ordinances, approved as to form and legality, approving Resolutions of Necessity making statutory findings and authorizing the acquisition by eminent domain of portions of the properties at 1071 West Arbor Vitae Street and 9150 South Aviation Boulevard (Subject Properties) described in the ordinances. The public use for which the Subject Properties are being considered is to implement the projects under the Landside Access Modernization Program (LAMP) at LAX (Project).

The adoption of these ordinances 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. 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 Properties LAWA seeks to acquire by eminent domain are necessary for the Project's roadway improvements.

Negotiations with Owners

LAWA made written offers to the owners of record of the Subject Properties for not less than the fair market value of the Subject Properties. To date, the owners of record of the Subject Properties have not entered into agreements to accept LAWA's offers. LAWA remains willing to negotiate voluntary purchases of the Subject Properties, but LAWA requests authorization to initiate the eminent domain process to acquire the Subject Properties 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 properties are 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 ordinances make the findings required under California Eminent Domain Law and approves LAWA's use of eminent domain to acquire the Subject Properties. The ordinances also authorize 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 Properties.

CEQA Findings

The environmental impacts of the acquisition of the Subject Properties 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 No. 26185), and certified and adopted by the Los Angeles City Council on June 7, 2017. The acquisition of the

Subject Properties 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.

Council Rule 38 Referral

Copies of the draft ordinances were 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 (310) 429-2024. She or another member of this Office will be available 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:pj
Transmittals