



RESOLUTION NO. 27439

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 February 17, 2022 at 10:00 a.m., which was held via WebEx (accessible by video and telephone) pursuant to California Code of Civil Procedure Section 1245.235 and in conformity with Assembly Bill 361 Section 3(e)(3), makes the following findings and determinations with respect to this Resolution of Necessity:

LAX

Van Nuys

City of Los Angeles

Eric Garcetti
Mayor

Board of Airport
Commissioners

Beatrice C. Hsu
President

Valeria C. Velasco
Vice President

Sean O. Burton
Gabriel L. Eshaghian
Nicholas P. Roxborough
Belinda M. Vega
Karim Webb

Justin Erbacci
Chief Executive Officer

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) a permanent street easement over a portion of the property as set forth in Exhibit C; (b) a temporary construction easement having a term of 24 months over a portion of the property as set forth in Exhibit D; (c) a permanent street easement over a portion of the property as set forth in Exhibit E; and (d) a temporary construction easement having a term of 24 months over a portion of the property as set forth in Exhibit F. All exhibits are attached hereto and incorporated herein by reference (collectively, the Subject Property). The Subject Property is located within the City of Inglewood, 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, 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 a 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 the continuance of the public use to which the Subject Property is already devoted.
5. LAWA has the power to acquire the Subject Property pursuant to Code of Civil Procedure Sections 1240.050 and 1240.125 because it is being acquired for airport purposes and the Subject Property is necessary and essential to the Project.
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 contained herein; and

BE IT FURTHER RESOLVED that the Board hereby declares that it has found and determined that:

1. The environmental impacts of the acquisition of the Subject Property were evaluated in the previously adopted LAMP Environmental Impact Report (EIR), ENV-2016-3391-EIR. The LAMP 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 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;

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 that:

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 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 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 the 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 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. 27439 is true and correct, as adopted by the Board of Airport Commissioners at its Regular Meeting held on Thursday, February 17, 2022.



Grace Miguel – Secretary
BOARD OF AIRPORT COMMISSIONERS

Attachment:

- Exhibit C: Permanent Street Easement*
- Exhibit D: Temporary Construction Easement*
- Exhibit E: Permanent Street Easement*
- Exhibit F: Temporary Construction Easement*