

ATTACHMENT A

STAFF REPORT REGARDING THE NECESSITY FOR THE ACQUISITION OF THE PROPERTY REQUIRED FOR THE WESTBOUND SR-91 ALONDRA BOULEVARD TO SHOEMAKER AVENUE IMPROVEMENT PROJECT (“PROJECT”)

BACKGROUND

The Property Interests are required by the Los Angeles County Metropolitan Transportation Authority (“LACMTA”) for the construction and operation of the Project. The parcel addresses, record property owners, purpose of the acquisitions, and nature of the property interests sought to be acquired for the Project are summarized as follows:

Summary Table 1

Assessor's Parcel Number	Project Parcel Number	Parcel Address	Property Owner	Purpose of Acquisition	Property Interest(s) Sought
7030-001-048	81510-1 81510-2 81510-3 81510-4	12611 Artesia Blvd., Cerritos, California	TPG (Cerritos) Acquisition, LLC, a Delaware limited liability company	Construction and operation of the Westbound SR-91 Alondra Blvd to Shoemaker Ave Improvements Project	Partial fee interest (“Fee”) and a 48-Month Temporary Construction Easement (“TCE”)
7030-001-049	81511-1	12651 Artesia Blvd., Cerritos, California	Avalon Cerritos, L.P., a Delaware limited partnership	Construction and operation of the Westbound SR-91 Alondra Blvd to Shoemaker Ave Improvements Project	48-Month Temporary Construction Easement (“TCE”)

Summary Table 2

Project Parcel	Acquisition Type	Area Size (Sq. Feet)	Duration	Purpose
81510-1	Fee	167	Permanent	Bridge Construction
81510-2	Fee	44	Permanent	Bridge Construction
81510-3	TCE	1,937	48 months	Reconstruction of the sidewalk due to the bridge widening.
81510-4	TCE	338	48 months	Construction of a soundwall; slurry.
81511-1	TCE	474	48 months	Construction of a soundwall; slurry.

Property Requirements:

Purpose of Acquisitions: Construction and operation of the Westbound SR-91 Alondra Boulevard to Shoemaker Avenue Improvement Project.

Property Interests Sought: Fee acquisitions, consisting of 167 square feet for CPN: 81510-1, and 44 square feet for CPN: 81510-2. The Fee interest is located at the top of slope along Bloomfield Avenue and is improved with metal fencing and landscaping, that are required for the bridge reconstruction.

The TCE known as CPN **81510-3** is an irregular-shaped area with a total area of $\pm 1,937$ square feet. This easement is required for the reconstruction of the sidewalk due to the bridge widening and reconstruction. This TCE is in the slope area adjacent to the fee acquisition areas. This area is improved with landscaping and a staircase. The staircase will not be available for use during an approximate 6- to-12-month exclusive use Construction Period.

The TCE known as CPN **81510-4** has a total area of ± 338 square feet and has an approximate 6- to-12-month exclusive use Construction Period. The TCE lies north of a metal fence. The property line is ± 2 feet north of the metal fence. The TCE is needed to construct a soundwall. There will be a 2-foot gap between the metal fence at the rear of the property and the new soundwall. This area will be slurried as a part of the Project.

The TCE known as CPN **81511-1** has a total area of ± 474 square feet, and has an approximate 6- to-12-month exclusive use Construction Period. It is ± 2 feet wide by ± 237 feet long, located along the SR-91 freeway. The property line is ± 2 feet north of a metal fence. The TCE lies north of the metal fence. The TCE is needed to construct a soundwall. There will be a 2-foot gap between the metal fence at the rear of the property and the new soundwall. This area will be slurried as a part of the project.

The improvements within the TCE areas will either be protected in place or replaced in kind by the contractor.

The TCE's will remain in place during the Project construction period and shall have a duration of forty-eight (48) months. The TCE's are scheduled to commence upon the Project Right of Way Certification or as soon thereafter as agreed by the underlying fee owner or ordered by the Court, but in all events will automatically expire no later than September 30, 2026. The Fee and 48-month TCE's are collectively referred to as the Property Interests.

A written offer was delivered to the Property Owners by letter dated June 28, 2022, for acquisition of the Property Interests for CPN: 81510-1,-2,-3,-4 and a written offer was delivered to the Property Owners by letter dated July 1, 2022 for acquisition of the Property Interests for CPN: 81511-1. The Property Owners have not accepted the offer of Just Compensation.

A. The public interest and necessity require the Project.

The need for the Project is generated by the findings and recommendations resulting from the Technical Study and a concept for improving the Hot Spot at westbound SR-91 between Alondra Boulevard and Shoemaker Avenue in accordance with Measure R.

The public interest and necessity require the Project because the Project will:

1. Improve operational safety;
2. Benefit the surrounding community by decreasing travel time, improving air quality, and enhancing access to the corridor;
3. Support value for money throughout design and construction and cost certainty throughout construction;
4. Support fulfillment of LACMTA's L.A. County Traffic Improvement Plan, as authorized under Measure R.

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

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

At its September 23, 2010 meeting, the Board authorized the CEO to prepare a Feasibility Study and up to three optional Project Study Reports (PSRs). The Feasibility Study's recommendations for improving Hot Spots included: improvements to freeway-to-freeway interchanges, adding general purpose lanes (on the freeway), and implementing arterial improvements. Upon completion of the Feasibility Study (2013), Metro exercised the option for preparing a PSR-PDS for the I-605/SR-91 Interchange, and it was approved by Caltrans in July 2014.

On April 13, 2016 the Board authorized Preparation of the Project Approval and Environmental Document (PAED) (File #2016-0123, Agenda No. 12). The core goals of the project are to improve operating speeds and weaving distance between the closely spaced Norwalk Boulevard and Pioneer Boulevard as well as Pioneer Boulevard and SR-91/1-605 connector interchanges, to allow a more efficient and safer movement through the corridor. The Project is consistent with LACMTA's mission and the goals of Measure R.

WB SR-91 Alondra Boulevard to Shoemaker Avenue Improvement Project ("Project") is included in the Board approved Measure R Gateway City Subregional Program ("Program"). The Project was environmentally cleared by Caltrans in January 2019. The Property Interests are required for construction and operation of the Project.

The Project will cause private injury, however, no other alternative locations for the Project provide greater public good with less private injury. Therefore, the Project is planned or

located in the manner that will be most compatible with the greatest public good and the least private injury.

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

C. The Property is necessary for the Project.

The Property Interests are required for construction and operation of the Project. The Fee, consisting of the area along the western property line located primarily within Bloomfield Avenue right of way, is required for bridge removal and reconstruction. The impacted area is located at the top of the slope along Bloomfield Avenue and improved with metal fencing and landscaping. The TCE's are located in the slope area adjacent to the Fee and are required to construct a soundwall and reconstruct a sidewalk due to the bridge widening and reconstruction. These property interests are further detailed in the Summary Table 2, above. There are no alternatives to this design.

The term for each TCE shall have a duration up to forty-eight (48) months. The TCE's are scheduled to commence upon the Project Right of Way Certification or as soon thereafter as agreed by the underlying fee owner or ordered by the Court, but in all events will automatically expire no later than September 30, 2026. The TCE term shall include exclusive use by the easement holder of the TCE area for the duration of the construction period ("Construction Period"), which is estimated to run approximately six (6) to twelve (12) concurrent months at parcels 81510-3, 81510-4, 81511-1, with the remainder of the 48-month TCE term non-exclusive allowing fee owner's use of the TCE area to the extent it does not interfere with any Project construction activities.

Therefore, the Property Interests are necessary for the construction and operation of the project.

Staff recommends that the Board find that the acquisition of the Property Interests is necessary for the Project.

D. Offers were made in compliance with Government Code Section 7267.2.

California Code of Civil Procedure 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 California Government Code has been made to the Owner, or the offer has not been made because the Owner cannot be located with reasonable diligence.

California Government Code Section 7267.2 requires that an offer be made to the Owner 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.

Staff has taken the following actions as required by California law for the acquisition of the Property:

1. Obtained an independent appraisal to determine the fair market value of the Property Interests, which included consideration existing use of the Property, highest and best use of the Property, and impact to the remainder;
2. Reviewed and approved the appraisal, and established the amount it believes to be just compensation;
3. Determined the Owner(s) of the Property by examining the county assessor's record and a preliminary title report;
4. Made a written offer to the Owner(s) for the full amount of just compensation - which was not less than the approved appraised value; and
5. Provided the Owner(s) with a written statement of, and summary of the basis for, the amount established as just compensation with respect to the foregoing offer.

It is recommended that based on the above Evidence, the Board find and determine that the offer required by Section 7267.2 of the California Government Code has been made to the Owner.

E. LACMTA has fulfilled the necessary statutory prerequisites.

LACMTA is authorized to acquire property by eminent domain for the purposes contemplated by the Project under Public Utilities Code §§ 30503, 30600, 130051.13, and 130220.5; Code of Civil Procedure §§ 1230.010-1273.050; and Article I, § 19 of the California Constitution.

F. LACMTA has complied with the California Environmental Quality Act.

The Project Approval and Environmental Document (PAED) Phase of the project was approved by Caltrans in January 2019. A Mitigated Negative Declaration/Finding of No Significant Impact (MND/FONSI) was prepared pursuant to the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), respectively. Accordingly, LACMTA has fulfilled the necessary statutory prerequisites to acquire the Property by eminent domain.

CONCLUSION

Staff recommends that the Board approve the Resolutions of Necessity.

ATTACHMENTS

- 1 - Legal Description (Exhibits A-1, A-2, A-3, A-4, and A-5)
- 2 - Plat Map (Exhibits B-1, B-2, B-3, B-4 and B-5)

**LEGAL DESCRIPTION
EXHIBITS A-1, A-2, A-3, A-4, AND A-5**

LEGAL DESCRIPTION
Parcel 81510-1 Partial Fee

That portion of Lot 1 of Tract No. 72628, in the City of Cerritos, County of Los Angeles, State of California, as per Map recorded in Book 1385, Pages 58 to 60, inclusive of Maps, in the Office of the County Recorder of said Los Angeles County, also shown on that certain Certificate of Correction recorded March 17, 2017 as Instrument No. 20170307080, of Official Records of said Los Angeles County, described as follows:

BEGINNING at the Northwest Corner of said Lot 1; thence along the Northerly line of said Lot 1, South 58°30'33" East, 7.09 feet; thence leaving said line, South 00°42'46" East, 28.49 feet; thence South 89°17'14" West, 4.37 feet; thence North 62°39'32" West, 0.78 feet to the Westerly line of said Lot 1; thence along said Westerly line, North 02°23'59" West, 31.91 feet to the **POINT OF BEGINNING**.

TOGETHER with A Non-Exclusive Reciprocal Easement for Vehicular and Pedestrian Ingress and Egress as contained in an Instrument entitled "Declaration of Covenants, Conditions and Restrictions and Grant of Easements", recorded October 15, 1993 as Instrument No. 93-2016130, of Official Records.

Unless otherwise noted, all bearings and distances are in terms of the California Coordinate System (CCS83), Zone 6, based on the North American Datum of 1983 Epoch 1993.1 as locally adjusted by Caltrans. All distances are grid, divide distances by 0.9999601897 to obtain ground distances.

SUBJECT TO all Covenants, Rights, Rights-of-Way and Easements of Record.

This conveyance is made for the purpose of a freeway and the **GRANTOR** hereby releases and relinquishes to the **STATE** any and all abutter's rights including access rights, appurtenant to **GRANTOR'S** remaining property, in and to the freeway.

LEGAL DESCRIPTION
Parcel 81510-2 Partial Fee

That portion of Lot 1 of Tract No. 72628, in the City of Cerritos, County of Los Angeles, State of California, as per Map recorded in Book 1385, Pages 58 to 60, inclusive of Maps, in the Office of the County Recorder of said Los Angeles County, also shown on that certain Certificate of Correction recorded March 17, 2017 as Instrument No. 20170307080, of Official Records of said Los Angeles County, described as follows:

COMMENCING at the Northwest Corner of said Lot 1; thence along the Northerly line of said Lot 1, South 58°30'33" East, 7.09 feet; thence South 00°42'46" East, 28.49 feet to the **TRUE POINT OF BEGINNING**; thence South 89°17'14" West, 4.37 feet; thence North 62°39'32" West, 0.78 feet to the Westerly line of said Lot 1; thence along said line, South 02°23'59" East, 9.32 feet; thence leaving said Westerly line, North 89°17'14" East, 4.79 feet; thence North 00°42'46" West, 8.95 feet to the **TRUE POINT OF BEGINNING**.

TOGETHER with A Non-Exclusive Reciprocal Easement for Vehicular and Pedestrian Ingress and Egress as contained in an Instrument entitled "Declaration of Covenants, Conditions and Restrictions and Grant of Easements", recorded October 15, 1993 as Instrument No. 93-2016130, of Official Records.

Unless otherwise noted, all bearings and distances are in terms of the California Coordinate System (CCS83), Zone 6, based on the North American Datum of 1983 Epoch 1993.1 as locally adjusted by Caltrans. All distances are grid, divide distances by 0.9999601897 to obtain ground distances.

SUBJECT TO all Covenants, Rights, Rights-of-Way and Easements of Record.

This conveyance is made for the purpose of a freeway and the **GRANTOR** hereby releases and relinquishes to the **STATE** any and all abutter's rights including access rights, appurtenant to **GRANTOR'S** remaining property, in and to the freeway.

LEGAL DESCRIPTION
Parcel 81510-3 Temporary Construction Easement

That portion of Lot 1 of Tract No. 72628, in the City of Cerritos, County of Los Angeles, State of California, as per Map recorded in Book 1385, Pages 58 to 60, inclusive of Maps, in the Office of the County Recorder of said Los Angeles County, Certificate of Correction recorded March 17, 2017 as Instrument No. 20170307080, of Official Records of said Los Angeles County, described as follows:

COMMENCING at the Northwest Corner of said Lot 1; thence along the Northerly line of said Lot 1, South 58°30'33" East, 7.09 feet to the **TRUE POINT OF BEGINNING**; thence continuing along said line, South 58°30'33" East, 55.84 feet; thence South 00°20'33" East, 19.67 feet; thence South 88°09'44" West, 45.10 feet; thence South 03°45'45"W, 26.98 feet; thence South 01°33'57"E, 27.19 feet; thence South 87°36'01"W, 3.14 feet to the Westerly line of said Lot 1; thence along said Westerly line, North 02°23'59"W, 67.08 feet; thence leaving said Westerly line, North 89°17'14" East, 4.79 feet; thence North 00°42'46" West, 37.44 feet to the **TRUE POINT OF BEGINNING**.

TOGETHER with A Non-Exclusive Reciprocal Easement for Vehicular and Pedestrian Ingress and Egress as contained in an Instrument entitled "Declaration of Covenants, Conditions and Restrictions and Grant of Easements", recorded October 15, 1993 as Instrument No. 93-2016130, of Official Records.

CONTAINING: 1,937 Square Feet more or less.

Unless otherwise noted, all bearings and distances are in terms of the California Coordinate System (CCS83), Zone 6, based on the North American Datum of 1983 Epoch 1993.1 as locally adjusted by Caltrans. All distances are grid, divide distances by 0.9999601897 to obtain ground distances.

SUBJECT TO all Covenants, Rights, Rights-of-Way and Easements of Record.

Rights to the above described temporary easement shall cease and terminate on September 30, 2026. Said rights may also be terminated prior to the above date by **STATE** upon notice to **GRANTOR**.

LEGAL DESCRIPTION
Parcel 81510-4 Temporary Construction Easement

That portion of Lot 1 of Tract No. 72628, in the City of Cerritos, County of Los Angeles, State of California, as per Map recorded in Book 1385, Pages 58 to 60, inclusive of Maps, in the Office of the County Recorder of said Los Angeles County, Certificate of Correction recorded March 17, 2017 as Instrument No. 20170307080, of Official Records of said Los Angeles County, described as follows:

BEGINNING at the Northeast Corner of said Lot 1; thence along the Easterly line of said Lot 1, South 00°42'11" East, 2.36 feet; thence leaving said Easterly line, North 58°30'33" West, 169.83 feet; thence North 31°29'27" East, 2.00 feet to the Northerly line of said Lot 1; thence along said Northerly line, South 58°30'33" East, 168.57 feet to the **POINT OF BEGINNING**.

TOGETHER with A Non-Exclusive Reciprocal Easement for Vehicular and Pedestrian Ingress and Egress as contained in an Instrument entitled "Declaration of Covenants, Conditions and Restrictions and Grant of Easements", recorded October 15, 1993 as Instrument No. 93-2016130, of Official Records.

CONTAINING: 338 Square Feet more or less.

Unless otherwise noted, all bearings and distances are in terms of the California Coordinate System (CCS83), Zone 6, based on the North American Datum of 1983 Epoch 1993.1 as locally adjusted by Caltrans. All distances are grid, divide distances by 0.9999601897 to obtain ground distances.

SUBJECT TO all Covenants, Rights, Rights-of-Way and Easements of Record.

Rights to the above described temporary easement shall cease and terminate on January 31, 2025. Said rights may also be terminated prior to the above date by **STATE** upon notice to **GRANTOR**.

LEGAL DESCRIPTION

TEMPORARY CONSTRUCTION EASEMENT - PARCEL 81511-1

That portion of Lot 1 of Tract No. 73036, in the City of Cerritos, County of Los Angeles, State of California, as per Map filed in Book 1388, Pages 79 to 81, Inclusive of Maps, in the Office of the County Recorder of said Los Angeles County, described as follows:

BEGINNING at the Northwest corner of said Lot 1; thence along the Northeasterly line of said Lot 1, South 58°30'33" East, 1.97 feet; thence South 53°10'24" East, 232.42 feet; thence leaving said Northeasterly line, South 36°49'36" West, 2.00 feet; thence North 53°11'15" West, 232.94 feet to the Westerly line of said Lot 1; thence along said Westerly line, North 00°42'11" West, 2.36 feet to the **POINT OF BEGINNING**.

EXCEPTING therefrom all minerals, oil, gases and other hydrocarbon substances in or under the land above described without, however, the right to Drill, Dig or Mine through the surface thereof, as reserved by the City of Cerritos, a Municipal Corporation, in Deed recorded December 16, 1969 as Instrument No. 600 Official Records.

TOGETHER WITH an Easement for Drainage purposes In, On, Across and Through the Southerly 20 feet, measured at right angles to the Southerly line of that portion of the Southwest Quarter of Section 29, Township 3 South, Range 11 West, in the Rancho Los Coyotes, in the City of Cerritos, County of Los Angeles, State of California, as shown on Map recorded in Book 41819, Page 141, et seq., of Official Records, in the Office of the County Recorder of said Los Angeles County, described as follows:

BEGINNING at a point in the Southerly line of that certain real property conveyed to the State of California by Deed recorded in Book D-277, Page 215, of Official Records, distant along said Westerly line, North 0° 53' 40" West, 84.07 feet from the Southwesterly corner of said certain property; thence North 86° 12' 29" East 136.00 feet; thence North 51° 14' 38" West, 176.40 feet to said Westerly line; thence along said Westerly line, South 0° 53' 40" East, 119.45 feet to the **POINT OF BEGINNING**.

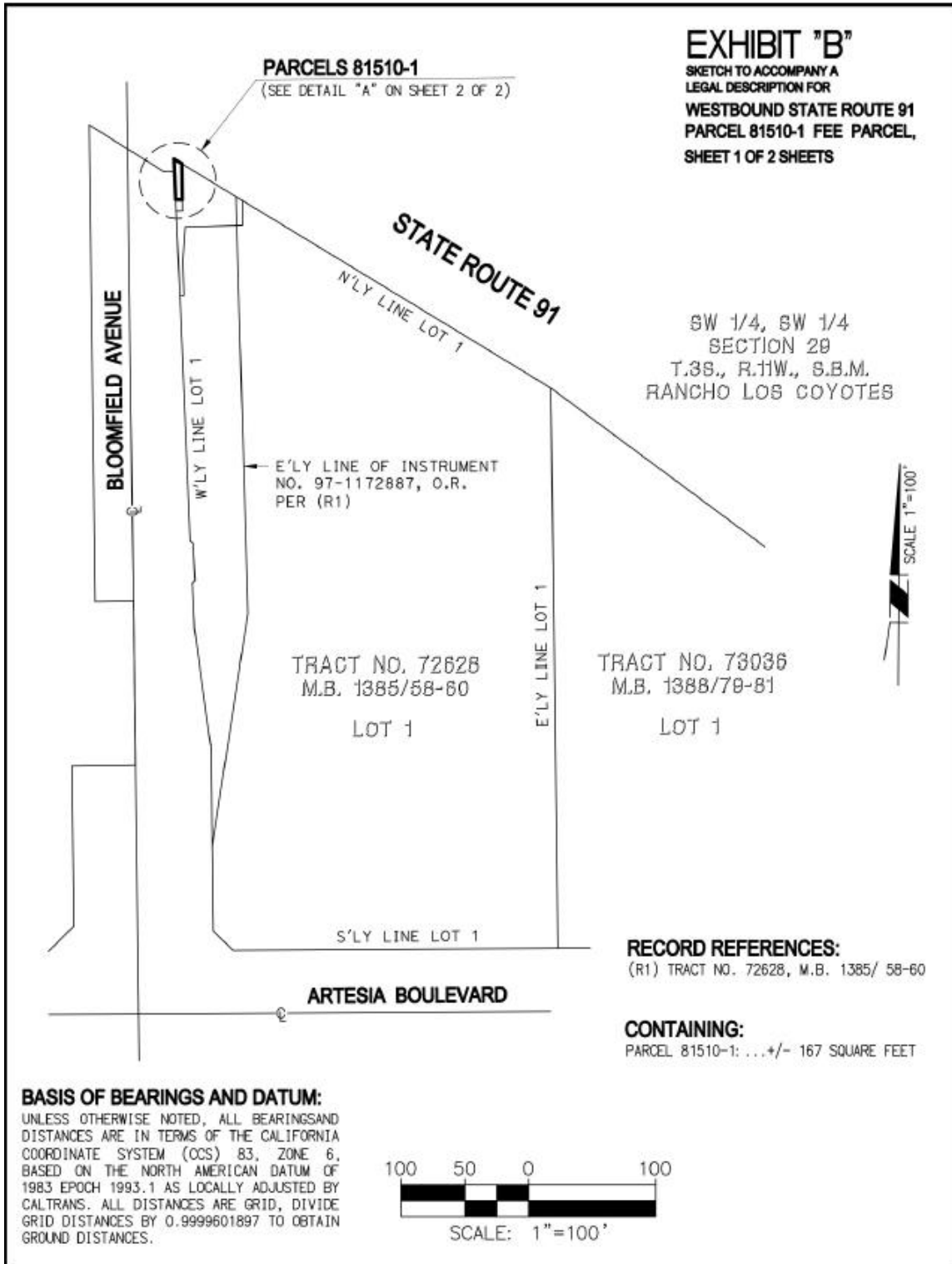
CONTAINING: 474 Square Feet more or less.

Unless otherwise noted, all bearings and distances are in terms of the California Coordinate System (CCS83), Zone 6, based on the North American Datum of 1983 Epoch 1993.1 as locally adjusted by Caltrans. All distances are grid, divide distances by 0.9999601897 to obtain ground distances.

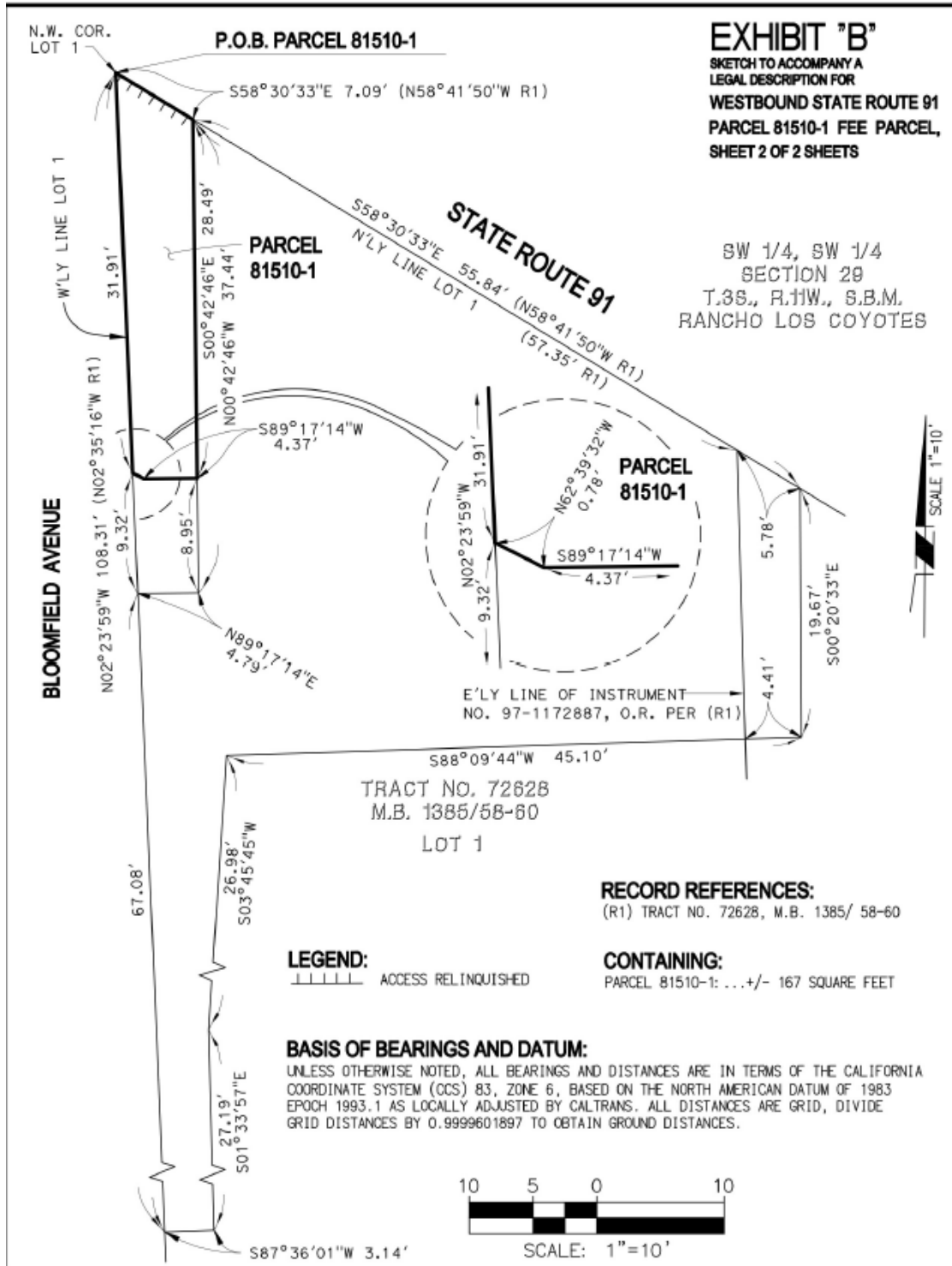
SUBJECT TO all Covenants, Rights, Rights-of-Way and Easements of Record. Rights to the above described temporary easement shall cease and terminate on January 31, 2025. Said rights may also be terminated prior to the above date by **STATE** upon notice to **GRANTOR**.

**PLAT MAPS
EXHIBITS B-1, B-2, B-3, B-4, AND B-5**

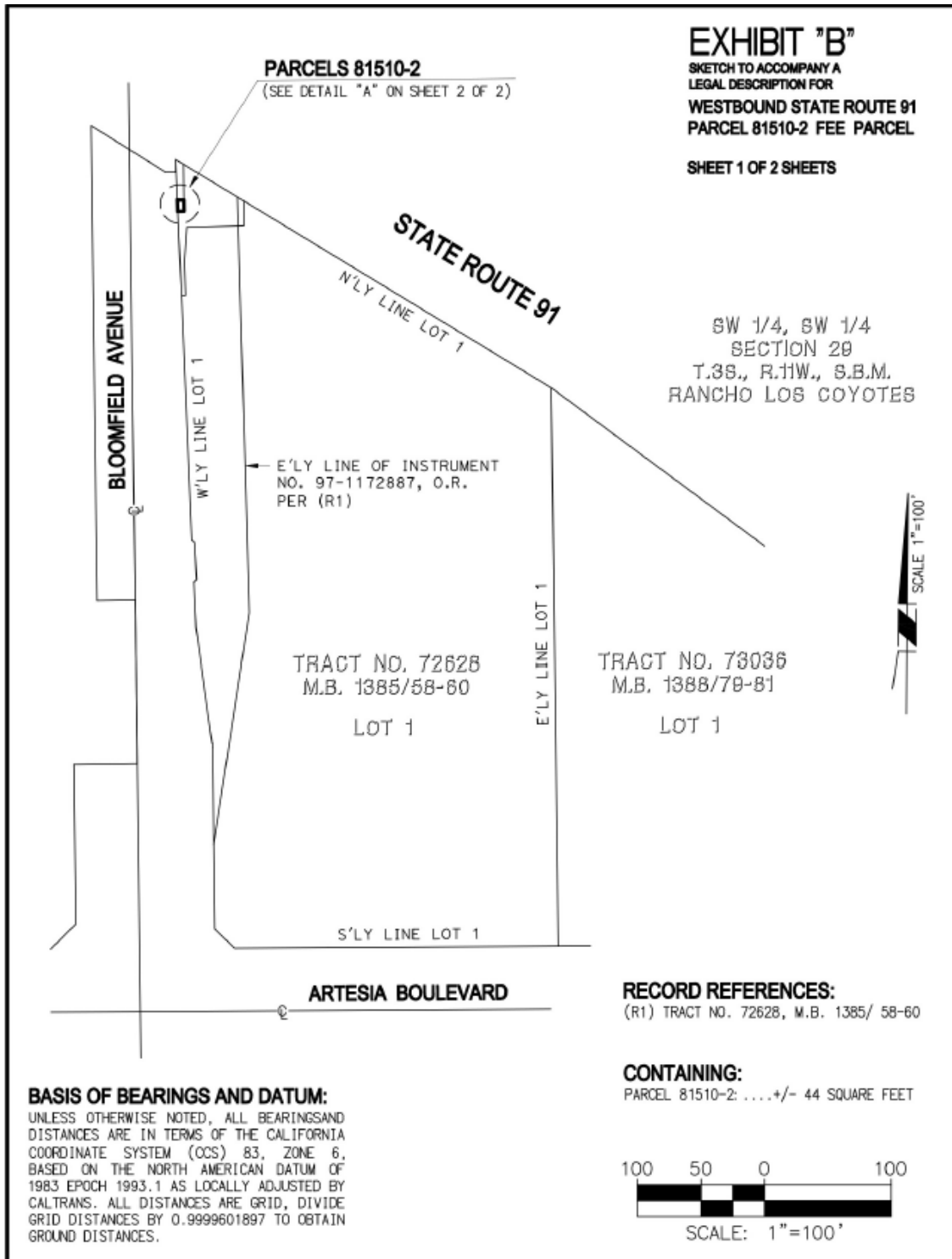
PLAT MAP
Parcel 81510-1 Partial Fee



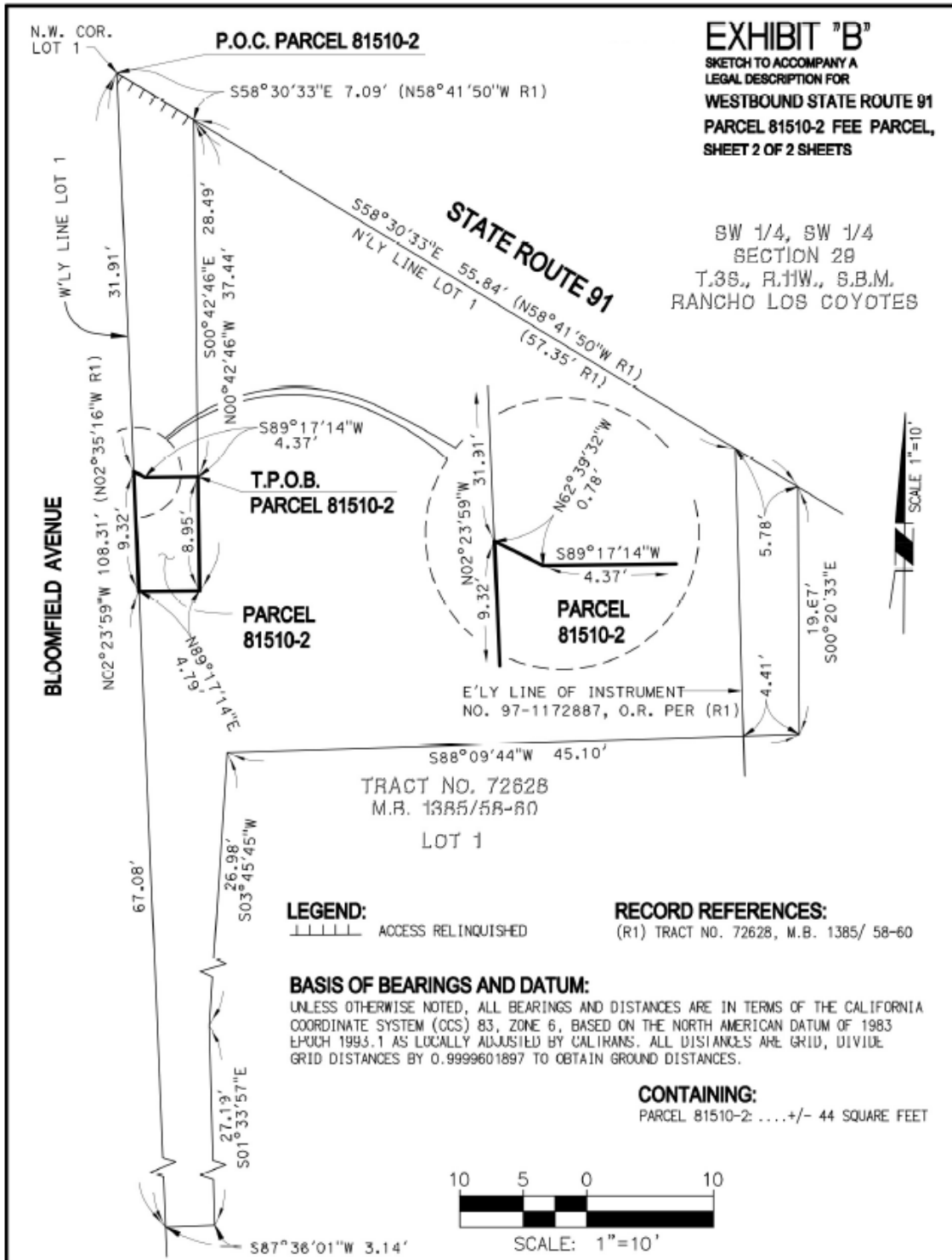
PLAT MAP
Parcel 81510-1 Partial Fee



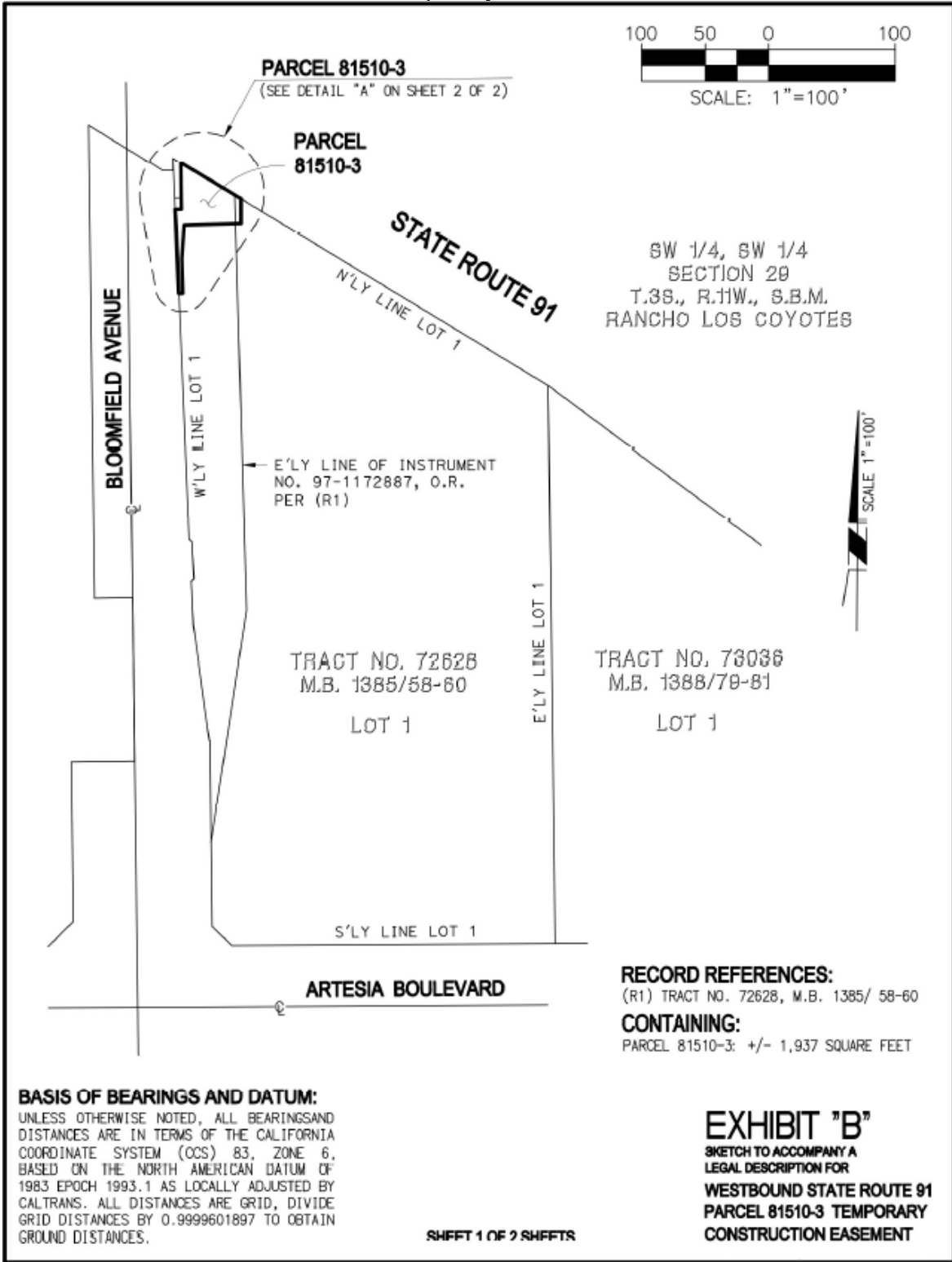
PLAT MAP
Parcel 81510-2 Fee Interest



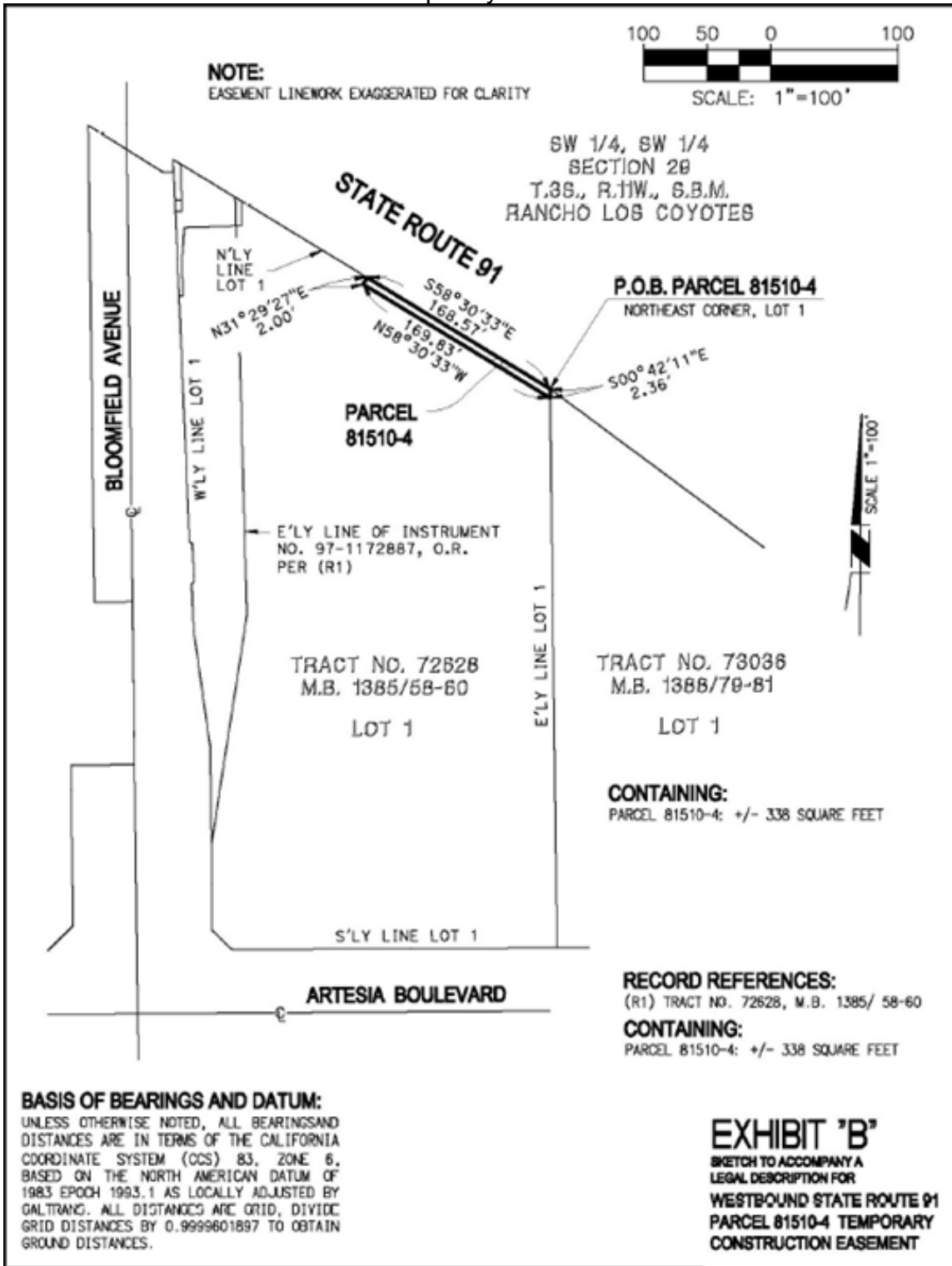
PLAT MAP
Parcel 81510-2 Fee Interest



PLAT MAP
Parcel 81510-3 Temporary Construction Easement



PLAT MAP
Parcel 81510-4 Temporary Construction Easement



PLAT MAP
Parcel 81511-1 Temporary Construction Easement

