

STAFF REPORT REGARDING THE NECESSITY FOR THE ACQUISITION OF THE PROPERTY REQUIRED FOR THE I-605/ VALLEY BOULEVARD INTERCHANGE IMPROVEMENT PROJECT (“PROJECT”)

BACKGROUND

The Property is required by the Los Angeles County Metropolitan 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
8564-012-003 8564-012-004	81560	Northwest corner of Valley Boulevard and the I-605 Freeway, LA Puente, CA, 91746	Russel L. Fox and Linda Kay Fox, Trustees of the Fox Family Trust dated July 12, 2001	Construction and operation of the I-605/ Valley Boulevard Interchange Improvement Project	Full Fee Simple Interest

Property Requirements:

Purpose of Acquisitions: Construction and operation of the I-605/ Valley Boulevard Interchange Improvement Project.

Property Interests Sought: Full fee simple interest acquisitions, consisting of two assessor’s parcels (8564-012-003 & 8564-012-004) that have a combined land area of 0.717 acres or 31,225 square feet. The Property is located on the northerly side of Valley Boulevard, directly adjacent to the westerly side of Interstate Highway 605, in a portion of the City of Industry. This property is irregularly shaped and is currently vacant with the exception of chain link perimeter fencing. Topography of the site slopes downward from Valley Boulevard and the on-ramp to the I-605 forming a bowl or basin shape and is several feet below the grade of Valley Boulevard and the existing on-ramp. Ingress and egress to and from the freeway has been relinquished in the deed to the State of California. Additionally, Caltrans has restricted abutter’s right to Valley Boulevard. The property has no development potential at this time. The acquisition of the Property will not result in displacement or relocation of occupants or personal property.

A written offer of Just Compensation was delivered to the Property Owners by letter dated June 1, 2023, for acquisition of the fee simple interests in APN 8564-012-003 and APN 8564-012-004. The Property Owner has 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 approved I605/Valley Boulevard Interchange Improvements Project Report and supporting Final Environmental Document, and 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 Vision 2028 Strategic Plan Goals and Multimodal Highway Investment Objectives, and the LA County Traffic Improvement Plan 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.

On October 25, 2018, the Metro Board authorized the Preparation of the Project Approval and Environmental Document (PA&ED) and Plans, Specifications and Estimates (PS&E) for the I-605/Valley Boulevard Interchange Improvements Project (File #2018-0511, Agenda No. 5).

In March 2013, Metro completed a feasibility study of the corridors to identify congestion "Hot Spots" and develop preliminary improvement concepts. The Project was one of the "Hot Spot" Projects advanced for implementation to improve mobility along the I-605 Corridor. The core goals of the Project are to improve mobility and safety and alleviate operational deficiencies, consistent with the goals and recommendations of the SR-91/I-605/I-405 Hot Spots Program. The Project will reconfigure the freeway on-and-off ramps to reduce congestion and improve freeway and local interchange operations and safety.

The Project is included in the Board approved Measure R Multimodal Highway Subregional Program ("Program"). The Project was environmentally cleared by Caltrans in April 2021. 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 is required for construction and operation of the Project.

In the after condition, the existing on-ramp will be abandoned and remain in place to connect with a new maintenance road proposed to be constructed on the subject property in order to provide access to an existing pump station needed to remove highway drainage runoff. Accommodating the new maintenance road (and the associated grading for the road) requires the full acquisition of both Fox parcels.

Alternative locations for the new maintenance road were studied and ruled out because the ingress and egress from Valley Boulevard down to the existing horseshoe on-ramp could not be done safely. The final location for the new maintenance road was determined after extensive coordination with Caltrans, City Industry and LA County. This location will make full use of the new signalized intersection at Valley Boulevard and Temple Avenue that will be installed as part of the Project to improve mobility, traffic operations and safety.

There are no alternatives to this design. 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 April 2021. A Negative Declaration/Finding of No Significant Impact (ND/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 Resolution of Necessity.

ATTACHMENTS

- 1 - Legal Description (Exhibit A)
- 2 - Plat Map (Exhibit B)

**LEGAL DESCRIPTION
EXHIBIT A**

LEGAL DESCRIPTION
Parcel 81560

That portion of the Rancho La Puente as per map recorded in Book 1, Page 43, et seq., of Patents, in the office of the County Recorder of said County, that portion of Lot 2 of Tract No. 3278, as per map recorded in Book 36, Page 41 of Maps, in said office and that portion of Lot "A" of O.T. Bassett's Subdivision of the Workman Tract in said Rancho La Puente, as per map recorded in Book 59, Page 4 of Miscellaneous Records in said office described as follows:

Beginning at a point in the Northeasterly line of Valley Boulevard, 100 feet wide, shown as Pomona Boulevard on said map of Tract No. 3278, said point being N 53° 08' 31" W, 185.75 feet along said Northeasterly line from the most Southerly corner of said Lot 2; thence Easterly along a non-tangent curve concave Southerly having a radius of 175.10 feet, from a tangent bearing N 58° 34' 55" E, through an angle of 86° 19' 55", an arc distance of 263.68 feet; thence S 35° 05' 10" E, 170.00 feet; thence S 24° 54' 50" W, 50.00 feet to said Northeasterly line of Valley Boulevard; thence Northwesterly along said Northeasterly line to the point of beginning.

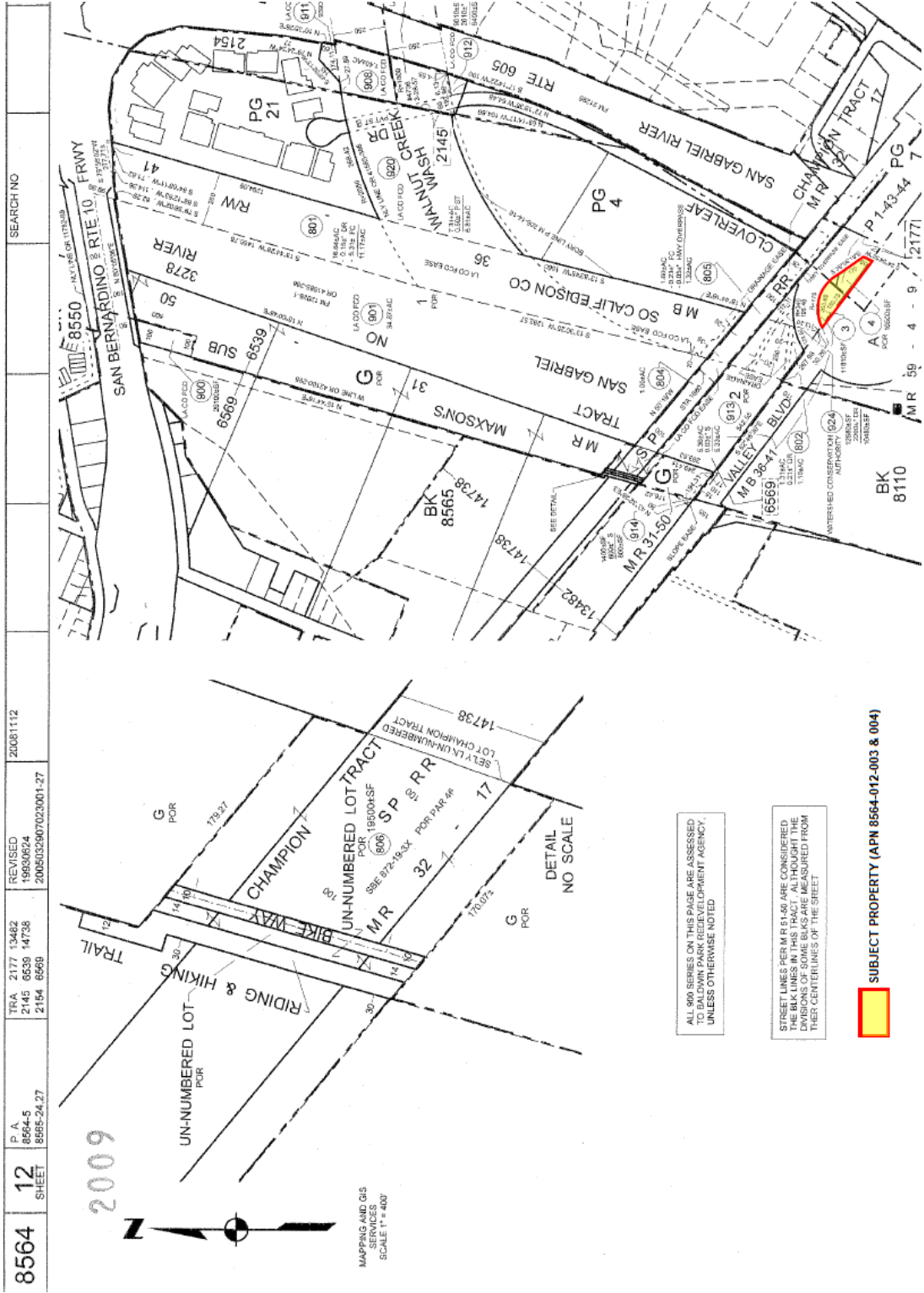
Excepting from that portion of said Rancho La Puente included within the above described parcel of land the "precious metals and ores thereof" as excepted from the partition between John Rowland, Sr. and William Workman in the partition deed recorded in Book 10, Page 39 of Deeds.

Excepting therefrom all oil, minerals, natural gas, and other hydrocarbons by whatsoever name known that may be within or under the herein conveyed parcel of land, and the rights thereto, together with certain other conditions, as excepted and reserved in Deed No. A4039 to the State of California recorded in Deed D3934, Page 135 of Official Records in said office.

APN: APN 8564-012-003 and 8564-012-004

**PLAT MAP
EXHIBIT B**

PLAT MAP
Parcel 81560



APN: 8564-012-003 and 8564-012-004