

**STAFF REPORT REGARDING THE NECESSITY FOR THE ACQUISITION OF
PROPERTY FOR THE I-5 NORTH MANAGED LANES PROJECT**

BACKGROUND

The Properties are required for the construction of the I-5 North Managed Lanes Project (Project). The address, record owners, as indicated by a title report, Owners, physical description, and nature of the property interest sought to be acquired for the Project are summarized on Attachment A-1. The I-5 North Managed Lanes Project limits are from SR-14 to Parker Road. Improvements include: widening the existing I-5 to include HOV lanes from SR-14 on the south to Parker Road on the north, a distance of approximately 14.6 miles; truck climbing lanes will be added from the SR-14 interchange to Calgrove Boulevard (northbound) and from Calgrove Boulevard to SR-14 (southbound), a distance of 2.4 miles (northbound) and 2.2 (southbound); and additional auxiliary lanes in the northbound and southbound directions at several locations. These improvements address the needs of congestion, along with improving safety and operation.

A written offer for acquisition of Temporary Construction Easements (TCEs) was mailed to the respective Property Owner by letters dated January 8, 2019. The parcels are identified as CPN 80856-1 (APN: 2861-071-009) and CPN 81196-1 (APN: 2861-071-008), (hereinafter the "Properties").

A. The public interest and necessity require the Project.

The purpose of the Project is to reduce delays to vehicles caused by slower-moving trucks through the hilly southern portion of this segment of the I-5; improve operational and safety design features to facilitate the movement of people, freight, and goods through the project segment; reduce existing and forecasted traffic congestion on I-5 to accommodate planned growth within the study area; and to support current and future communication needs.

I-5 is experiencing greater automobile and truck congestion as a result of population growth in north Los Angeles County, and goods movement into and out of the Ports of Los Angeles and Long Beach. Freeway traffic volumes are projected to grow substantially by 2040 from their current levels and the increase in traffic volumes will contribute to travel delays.

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

Federal and State Systems

I-5 is part of the Interstate System of Highways, a subset of the NHS, and is used as a major local and regional truck route on the SHELL Route System. I-5 is also part of the Rural and Single Urban Interstate Routing System.

State Planning

The proposed project has taken into consideration State planned projects. The I-5 TCR was approved in November 1998 and was incorporated into the approved March 28, 2003 PSR (PDS). The proposed alternative considers both documents and does not preclude the construction of improvements identified within the TCR. This project is in the Federal Transportation Improvement Program (FTIP).

Regional Planning

The proposed project is in the 2016 Regional Transportation Plan (RTP), which was found to conform by the Southern California Association of Governments (SCAG) in April 2016, and the Federal Highway Administration/Federal Transit Administration (FHWA/FTA) adopted the air quality conformity finding on June 5, 2008.

Local Planning

The proposed project has taken into consideration local planned projects such as The Old Road Widening projects between Magic Mountain Parkway and the Hasley Canyon Road Interchange and from Hillcrest Drive to Lake Hughes Road and are consistent with current local land use designations.

Transit Operator Planning

The proposed project enhances transit service through the addition of HOV lanes, truck lanes and auxiliary lanes, and HOV preference resulting in less congestion and operational efficiencies.

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 Temporary Construction Easements (TCEs) are required for the construction of the I-5 North Managed Lanes Project. The TCEs will allow the contractor to build the proposed improvements within Caltrans right-of-way.

It is recommended that the Board find that the TCEs are 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 and 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. Retained an independent appraiser to determine the fair market value of the Property;
2. Reviewed and approved the appraisals, and established the amount it believes to be just compensation for the Property;
3. Determined the Owners of the Property by examining the County assessor's records, preliminary title reports, and occupancy of the Property;
4. Made a written offer to purchase to the Owners for the full amount of just compensation - which was not less than the approved appraised value;
5. Provided the Owners 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 actions, the Board find and determine that the offer required by Section 7267.2 of the California Government Code has been made to the Owners.

E. Metro has fulfilled the necessary statutory prerequisites.

Metro 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. Metro has complied with the California Environmental Quality Act (CEQA)

In conformity with the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), a Revalidation Form (2019) has been prepared in addition to the previously approved Final Environmental Impact Report/Finding of No Significant Impact. (2008)

Accordingly, Metro has fulfilled the necessary statutory prerequisites to acquire the Property by eminent domain.

CONCLUSION

Staff recommends that the Board adopt the Resolution of Necessity.

ATTACHMENT

Attachment A-1 – Summary of Property Owners and Property Requirements

ATTACHMENT A-1**SUMMARY OF PROPERTY OWNERS AND PROPERTY REQUIREMENTS**

Assessor's Parcel Number (APN)	Project Parcel Number (CPN)	Physical Address	Owners	Purpose of Acquisition	Property Interest(s) Sought
2861-071-009	80856-1	27413 Wayne Mills Place CA 91355	SURESH PATEL EXCEL BUENA PARK II LP	Construction access	Temporary Construction Easement (TCE)
2861-071-008	81196-1	27413 Wayne Mills Place CA 91355	SURESH PATEL EXCEL BUENA PARK II LP	Construction access	Temporary Construction Easement (TCE)