

## 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 address, record property owner, purpose of the acquisition, and nature of the property interests sought to be acquired for the Project are summarized as follows:

Assessor's Parcel Number	Parcel Address	Property Owner	Purpose of Acquisition	Property Interest(s) Sought
7016-020-026	12642 Palm Street, Cerritos, California 90703	Kalpesh Patel and Gayatri K. Patel, husband and wife, as joint tenants	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”)

#### **Property Requirements:**

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

**Property Interests Sought:** The Fee, consisting of the area along the western property line located primarily within Bloomfield Avenue right of way, is required for reconstruction of a retaining wall and sound wall. After acquiring the Fee area, the new retaining wall and sound wall will be moved less than two feet to the east from where it is in the before condition. Construction will begin at the top of the slope with the wall on Bloomfield Avenue being taken down from the street side. The slope will then be regraded. The regraded slope will be less steep in the after condition. It will be lowered by approximately two feet. The wall at the top of the slope is 10 feet high in the before condition. It will be roughly the same height in the after condition.

The TCE is located adjacent to the Fee and grants access necessary for the reconstruction of the retaining wall and the sound wall. The TCE is also required to allow the contractor access to rebuild a section of a failing retaining wall located on the owner's property. The TCE will remain in place during the Project construction period and shall have a duration of forty-eight (48) months. The TCE is scheduled to begin on or about September 30, 2022 and terminate September 30, 2026. During the term of the TCE, the

exclusive use of the TCE area is estimated at 6 months. The Fee and 48-month TCE are collectively referred to as the Property Interests.

A written offer was delivered to the Property Owners by letter dated April 12, 2022, for acquisition of the Property Interests. 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. Acquisition of the Property Interests is required for the 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 reconstruction of a retaining wall and sound wall. The impacted area is located in the backyard of a residential property. The TCE is located adjacent to the Fee and provides critical access to the sound wall/retaining wall work area. The TCE is required to allow contractor the access to the retaining wall and the necessary room to rebuild the section of the retaining wall on owner's property which needs to be taken down and reconstructed as part of the Project. There are no alternatives to this design. The TCE will remain in place during the Project construction period and shall have a duration of forty-eight (48) months. During the term of the TCE, the exclusive use of the TCE area is estimated at 6 months. 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 Resolution of Necessity.