



Board Report

File #: 2022-0759, File Type: Project

Agenda Number:

REGULAR BOARD MEETING  
JANUARY 26, 2023

**SUBJECT: WESTBOUND SR-91 ALONDRA BOULEVARD TO SHOEMAKER AVENUE  
IMPROVEMENT PROJECT RESOLUTIONS OF NECESSITY**

**ACTION: APPROVE RECOMMENDATION**

**RECOMMENDATIONS**

CONSIDER:

- A. HOLDING a public hearing on the proposed Resolutions of Necessity; and
- B. ADOPTING the Resolutions of Necessity authorizing the commencement of an eminent domain action to acquire a partial fee interest (“Fee”) and a 48-month Temporary Construction Easement (“TCE”) from the property located at 12611 Artesia Boulevard, Cerritos, CA, APN: 7030-001-048, CPN: 81510-1, -2, -3, -4 and a 48-month TCE from the property located at 12651 Artesia Boulevard, Cerritos, CA, APN: 7030-001-049, CPN: 81511-1. The above listed requirements are collectively identified as the “Property Interests” as identified in (Attachment A).

(REQUIRES 2/3 VOTE OF THE BOARD)

**ISSUE**

Acquisition of the Property Interests is required for the construction and operation of the Westbound State Route 91 (SR-91) Alondra Boulevard to Shoemaker Avenue Improvement Project (“Project”). After testimony and evidence has been received from all interested parties at the hearings, Los Angeles County Metropolitan Transportation Authority (“LACMTA”), by a vote of two-thirds of its Board of Directors (“Board”), must make a determination as to whether to adopt the proposed Resolutions of Necessity (Attachments B-1 and B-2) to acquire the Property Interests by eminent domain. Attached is evidence submitted by staff that supports the adoption of the resolutions and which sets forth the required findings (Attachment A).

**BACKGROUND**

The Project intends to widen and improve approximately four (4) miles of freeway along westbound SR-91 between Shoemaker Avenue and the Interstate 605 (I-605) interchange, and at the

---

northbound I-605 exit to Alondra Boulevard, which will reduce congestion and improve freeway operations (both mainline and ramps), improve safety and reduce accidents, and improve local and system interchange operations on the westbound SR-91 to the northbound I-605. The project traverses the cities of Cerritos and Artesia and includes westbound SR-91 Post Miles R16.9- R19.8 and northbound I-605 Post Miles R5.0-R5.8.

Acquisition of the Property Interests is required for the construction and operation of the Project. The Fee, consisting of two adjacent and contiguous parcels, CPN 81510-1 and CPN 81510-2, 167 Square Feet and 44 Square Feet in size, is located at the top of the slope along Bloomfield Avenue and is required for the bridge removal and reconstruction.

The 48-month TCE identified as CPN 81510-3 is an irregular-shaped area with a total area of  $\pm 1,937$  square feet, with an estimated 6-to-12-month exclusive use Construction Period. The TCE is required for the reconstruction of the sidewalk due to the bridge widening and reconstruction. This TCE is in a 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 the 6-to-12-month exclusive use Construction Period that falls within the 48-month TCE duration.

The 48-month TCE identified as CPN 81510-4 has a total area of  $\pm 338$  square feet and has an estimated 6-to-12-month exclusive use Construction Period. The TCE is needed to construct a soundwall. This area in between the metal fence and the soundwall area will be slurried as a part of the project.

The 48-month TCE identified as CPN 81511-1 has a total area of  $\pm 474$  square feet and has an estimated 6-to-12-month exclusive use Construction Period. It is located along the SR-91 freeway. The TCE is needed to construct a soundwall. This area in between the metal fence and soundwall 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 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.

## **DISCUSSION**

A written offer of Just Compensation to purchase the Property Interests was presented to the Owner of Record (collectively, "Owners") of each Property on June 28, 2022 for CPN: 81510-1,2,3,4 and July 1, 2022 for CPN: 81511-1 as required by California Government Code Section 7267.2. The Owners have not accepted the offers of Just Compensation made by the Los Angeles County Metropolitan Transportation Authority ("LACMTA"), and the parties have not at this time reached a negotiated settlement for the acquisition. Because the Property Interests are necessary for the construction and operation of the Project, staff recommends the acquisition of the Property Interests through eminent domain to obtain possession in order to maintain the Project's schedule.

In accordance with the provision of the California Eminent Domain law and Section 30503, 30600,

---

130051.13, 130220.5 and 132610 of the California Public Utilities Code (which authorizes the public acquisition of private property by eminent domain), LACMTA has prepared and mailed notice of this hearing to the Owners informing them of their right to appear at this hearing and be heard on the following issues: (1) whether the public interest and necessity require the Project; (2) whether the Project is planned or located in the manner that will be most compatible with the greatest good and the least private injury; (3) whether the Property is necessary for the Project; (4) whether either the offer required by Section 7267.2 of the Government Code has been made to the Owner, or the offer has not been made because the Owner cannot be located with reasonable diligence; (5) that any environmental review of the Project, as may be necessary, pursuant to the California Environmental Quality Act (CEQA) has occurred and (6) whether LACMTA has given the notice(s) and followed the procedures that are a prerequisite to the exercise of the power of eminent domain.

After all of the testimony and evidence has been received from all interested parties at the hearing, LACMTA must make a determination as to whether to adopt the proposed Resolutions of Necessity to acquire the Easements by eminent domain. In order to adopt the resolutions, LACMTA must, based on the evidence before it, and by a vote of two-thirds of its Board, find and determine that the conditions stated in items 1 - 6 above exist.

Attached is the Staff Report prepared by staff and legal counsel setting forth the required findings for acquiring the Property Interests through the use of eminent domain (Attachment A).

There are no displacements of residents or local businesses as a result of the acquisition of the Property Interests.

Even though this project was scoped and initiated before the adoption of Metro's Objectives for Multimodal Highway Investment (June 2022), it is consistent with those objectives given that: (1) implementation of the project will not require any displacements; (2) the project supports traffic mobility, enhanced safety, economic vitality and access to opportunity, and (3) multi-modal features were incorporated in the scope of the project (on local arterials) through an integrated planning approach to address the needs of local communities and create a safer transportation system.

## **DETERMINATION OF SAFETY IMPACT**

The Board action will not have an impact on LACMTA's safety standards.

## **FINANCIAL IMPACT**

The funding for the acquisition of the Property Interests is included in the fiscal year 2023 budget under Project, Cost Center 4720, in Westbound SR-91 Alondra Boulevard to Shoemaker Avenue Improvement Project 462314, Task 5.3.100, Professional Services Account 50316.

### **Impact to Budget**

---

The source of funds will be Measure R Highway Capital (20%) and SB1 Trade Corridor Enhancement. These program funds are not eligible for bus and rail operations and/or capital expenditures.

### **EQUITY PLATFORM**

No other alternative locations for the Project provide greater operational safety, decrease travel time, improve air quality, and access to the corridor. This public good will also support the fulfillment of Metro's LA County traffic Improvement Plan under measure R. There are no displacements of residents or local businesses resulting from the acquisition of this Property Interests. Offers for the Property Interests were made in June and July 2022, based on appraisals of fair market value. Fair market value is defined as "the highest price on the date of valuation that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for so doing, nor obliged to sell, and a buyer, being ready, willing, and able to buy but under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available." Metro staff has been negotiating with the Owners since June 2022, but agreements have not yet been reached. Approving this action will allow staff to continue negotiations while maintaining the project schedule.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The Board action is consistent with LACMTA Vision 2028 Goal #1: Provide high quality mobility options that enable people to spend less time traveling. Adoption of the Resolutions of Necessity is a required step to acquire these Property Interests for the Project which will reduce congestion and improve freeway operations (both mainline and ramps), improve safety, and improve local and system interchange operations on westbound State Route 91 (SR-91) to northbound Interstate 605 (I-605).

### **ALTERNATIVES CONSIDERED**

The Board could choose not to approve the recommendations. This is not recommended as it will result in significant delays and cost increases for the Project.

### **NEXT STEPS**

If this action is approved by the Board, LACMTA's condemnation counsel will be instructed to take all steps necessary to commence legal proceedings in a court of competent jurisdiction to acquire the Property Interests by eminent domain and to conclude those proceedings either by settlement or jury trial. Counsel will also be directed to seek and obtain Orders of Prejudgment Possession in accordance with the provisions of the eminent domain law.

### **ATTACHMENTS**

Attachment A - Staff Report  
Attachments B-1 and B-2 - Resolutions of Necessity

---

**File #:** 2022-0759, **File Type:** Project

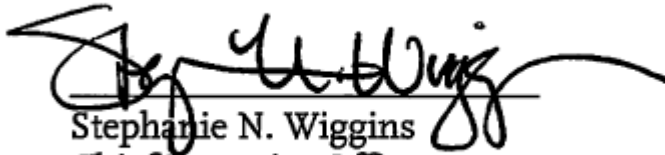
**Agenda Number:**

---

Prepared by: Craig Justesen, Deputy Executive Officer-Real Estate, (213) 922-7051

Holly Rockwell, Senior Executive Officer, Real Estate and Transit-Oriented  
Communities, (213) 922-5585

Reviewed by: James de la Loza, Chief Planning Officer, (213) 922-2920



Stephanie N. Wiggins  
Chief Executive Officer