



Board Report

File #: 2023-0772, File Type: Policy

Agenda Number:

REGULAR BOARD MEETING
MARCH 28, 2024

**SUBJECT: I-605/VALLEY BOULEVARD INTERCHANGE IMPROVEMENT PROJECT
RESOLUTION OF NECESSITY**

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATIONS

CONSIDER:

- A. HOLDING a public hearing on the proposed Resolution of Necessity; and
- B. ADOPTING the Resolution of Necessity authorizing the commencement of an eminent domain action to acquire the full fee simple interest ("Property") as identified in Attachment A.

(REQUIRES TWO-THIRDS VOTE OF THE FULL BOARD)

ISSUE

Acquisition of the Property is required for the construction and operation of the I-605/Valley Boulevard Interchange Improvement Project ("Project"). The Property is a vacant piece of land, and its acquisition will not result in residential or business displacements. After testimony and evidence has been received from all interested parties at the hearing, Los Angeles County Metropolitan Transportation Authority ("LACMTA"), by a vote of two-thirds of the Board, must make a determination as to whether to adopt the proposed Resolution of Necessity (Attachment B) to acquire the Property by eminent domain. Attached is evidence submitted by staff that supports the adoption of the resolution and which sets forth the required findings (Attachment A).

BACKGROUND

The I-605 is a major north-south Interstate freeway that accommodates interregional travel and goods movement. The I-605/Valley Boulevard interchange provides access to the City of Industry, a major business, industrial uses, and a distribution hub. This location currently experiences significant congestion and operational deficiencies caused by heavy truck traffic, and higher than statewide average collision rates for comparable facilities as per the latest Caltrans TASAS Selective Accident Retrieval Report. Between January 1, 2016 and December 31, 2018, 1,052 collisions on the I-605 mainline segments and 74 collisions on the freeway ramps were reported. The four high collision rate ramp locations and analysis for the Project are as follows:

- I-605 Southbound On-Ramp from Eastbound Valley Boulevard - 7 collisions occurred resulting in an actual rate reported to be 545% higher than the statewide average.
- I-605 Southbound On-Ramp from Westbound Valley Boulevard -15 collisions occurred resulting in an actual rate reported to be 197% higher than the statewide average.
- I-605 Northbound Loop On-Ramp from Eastbound Valley Boulevard --- 2 accidents occurred resulting in an actual rate reported to be 69% higher than the statewide average.
- I-605 Southbound On-Ramp Segment from Westbound Valley Boulevard -20 collisions occurred resulting in an actual rate reported to be 310% higher than the statewide average.

Over the past 10 years, three incidents resulting in two fatalities and three injuries were reported at the Temple Avenue at-grade railroad crossing in close proximity to the subject interchange. Operational deficiencies are forecasted to increase and exacerbate existing safety and traffic concerns if nothing is done.

The Project is expected to improve the freeway and local interchange/arterial operations and safety, and reduce congestion by providing additional ramp lanes, widening ramp lanes to accommodate large truck wheel paths, providing standard ramp shoulder widths, and improving horizontal stopping sight distances. Also, due to the close proximity to the interchange, 300 feet to the north, on Temple Avenue, the at-grade railroad crossing presents the potential for vehicular, train (freight and passenger), and pedestrian traffic conflicts. The at-grade crossing is a three-track shared use with Union Pacific Railroad and Southern California Regional Rail Authority (Metrolink) trains. The existing condition requires the implementation of various ADA-compliant new pedestrian safety features and facilities (barricades, gates, handrails and fencing) to restrict, channelize, and direct the safe movement of pedestrians and motorists at the crossing and interchange. The Project will require extensive design and signal coordination involving both railroads, Caltrans, Los Angeles County, the California Public Utilities Commission, and the City of Industry.

The Project is designed to enhance safety for all users by reducing the number of times pedestrians cross higher speed on- and off-ramp lanes, reduce congestion by adding an HOV lane, and improve freeway and local interchange operations by consolidating on- and off-ramps. The Project scope includes the following: reconfiguring the freeway on- and off-ramps; reconstructing, repaving, and widening local streets (Valley Boulevard and Temple Avenue); upgrading signals/devices (traffic, railroad, and pedestrian crossing indicator); constructing retaining walls and sound walls; installing new streetlights to improve visibility for safety and security; new signage to direct pedestrians and motorists; and implementing Americans with Disabilities Act (ADA) infrastructure upgrades (curb ramps, sidewalks, and pedestrian pathways); and railroad safety upgrades to improve traffic flow and operations, and reduce the potential for vehicular, train (freight cargo and passenger) and pedestrian conflicts. The Project will not result in any displacement of residents or businesses.

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) the pedestrian

enhancements will address local needs and create a safer transportation system.

The Project garners strong support from the following:

- San Gabriel Government Council of Governments (SGVCOG),
- Gateway Cities Council of Governments (GCCOG),
- Los Angeles County,
- City of Industry,
- California Department of Transportation (Caltrans),
- California Public Utilities Commission (CPUC),
- Union Pacific Railroad (UPRR), and
- Southern California Regional Rail Authority (Metrolink).

In 2017, LACMTA in collaboration with Caltrans District 7, the Gateway Cities Council of Governments (GCCOG), and SGVCOG agreed to advance the development and implementation of the Project to alleviate the operational deficiencies and improve mobility and safety, consistent with the goals and recommendations for the SR-91/I-605/I-405 Hots Spots Program.

The Board designated \$590 million in Measure R funds for the “Hot Spots” congestion relief improvements along the I-605, SR-91 and I-405 corridors in the Gateway Cities subregion. In March 2013, Metro completed a feasibility study of the corridors to identify congestion “Hot Spots” and to develop preliminary improvement concepts. The Project is one of the “Hot Spot” or “Early Action” Projects that was pursued and advanced to improve mobility along the I-605 corridor.

In 2018, the Board approved the contract to complete the environmental and design phases for the Project. In 2021, the Board authorized staff to execute the necessary Third-Party funding agreements to complete the Project.

Acquisition of the Property is required for the construction and operation of the Project. The Property consists of two adjacent and contiguous vacant land parcels, APN 8564-012-003 and 8564-012-004, comprising a total of 0.717 acres, or 31,225 Square Feet.

DISCUSSION

A written offer of Just Compensation to purchase the Property was presented to the Owner of Record (“Owner”) on June 1, 2023 for APN 8564-012-003 and APN 8564-012-004 as required by California Government Code Section 7267.2. The Owner has not accepted the offer of Just Compensation made by the LACMTA, and the parties have not at this time reached a negotiated settlement for the acquisition. Because the Property is necessary for the construction and operation of the Project, staff recommends the acquisition of the Property 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 Resolution of Necessity to acquire the Property by eminent domain. To adopt the resolution, LACMTA must, based on the evidence before it, and by 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 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.

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 is included in the Fiscal Year 2024 budget under the I-605 Valley Blvd Interchange Project Number 460348, Cost Center 6510, Acquisition of Land Account 53103. NOTE: The overall project also received State TCEP funding in June 2023 \$33.57M.

Impact to Budget

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

EQUITY PLATFORM

Throughout the project development process, agency project partners were committed to implementing an engagement process that addressed community needs and achieved equitable outcomes for all roadway users. All agency project partners will continue to support outreach efforts that may include, but are not limited to, community meetings/activities; stakeholder briefings/presentations; round table discussions; multi-lingual mailers/postcards, notices; virtual meetings; website posts and email distribution; and social media, as needed, during the next project phase (construction).

The environmental studies for the Project began in 2019, and the Final Environmental Document was approved by Caltrans under CEQA and NEPA in April 2021. The public engagement process that was part of the environmental review phase of the Project occurred in the summer of 2020.

Notices of the Project and availability of the environmental document were published in English, Spanish and Chinese in La Opinion (6-16-2020); San Gabriel Valley Tribune (6-17-2020) and the Chinese Daily News (6-18-2020).

As part of the project development process, the project team worked with various stakeholders to address their transportation priorities and mobility needs. The project team conducted Native American Consultation, Historic Preservation Consultation and Hazardous Waste Consultation. A public information/public awareness campaign will likely occur during the construction phase of the Project which will be led by the SGVCOG.

According to LA County, ped counts for the area were not available [and none of the other agency stakeholders had this data]. As noted in the background section, the I-605/Valley Blvd interchange currently experiences significant congestion, heavy truck traffic, operational deficiencies, and higher than State average accident rates for comparable facilities. Also, over the past 10 years, three incidents resulting in two fatalities and three injuries were reported at Temple Avenue at grade railroad crossing in close proximity to the I-605/Valley Blvd interchange. The proposed safety and operational improvements as well as the railroad safety upgrades are expected to reduce the number of incidents as well as the potential for vehicular, train (freight and cargo) and pedestrian traffic conflicts.

Based on the traffic and safety data reported for the interchange, all users including the most vulnerable will benefit from the betterments that are being proposed for the Project. Safety features for signalized intersections [including painted/delineated crosswalks, pedestrian crossing indicators (push buttons)]; new lighting for safety and security; ADA compliant pathways and other related infrastructure (curb ramps, sidewalks, driveways, and auto pedestrian signals for the sight and hearing impaired); roadway improvements (newly paved local roads) for rollers and cyclists; and new signage (to direct pedestrians and motorists) is being proposed to support the motorists, pedestrians, cyclists, rollers and non-motorized users traversing through the project area

No other alternative locations for the Project provide greater operational safety, decrease travel time, improve air quality, and provide access to the corridor. This public good will also support the fulfillment of Metro's LA County traffic Improvement Plan under Measure R. An offer for the Property was made in June 2023, based on an appraisal 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 2023, 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 Project is consistent with the following Metro Vision 2028 Strategic Plan Goals:

Goal 1: Provide high-quality mobility options that enable people to spend less time traveling by alleviating the current operational deficiencies and improving mobility along the freeway mainline, local interchange and local arterials.

Goal 4: Transform LA County through regional collaboration by partnering with Caltrans, San Gabriel Council of Governments, LA County, City of Industry, Union Pacific Railroads, Metrolink and the California Public Utility Commission to identify needed improvements; and taking the lead in developing and implementing the interchange project.

ALTERNATIVES CONSIDERED

The Board could choose not to approve the recommendations. This is not recommended as it resulting in significant delays and cost increases for the Project. Also, as noted in the Background section, this interchange has high average collision rates and therefore remains a safety concern until the Project can be completed.

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 by eminent domain and to conclude those proceedings either by settlement or jury trial. Counsel will also be directed to seek and obtain an Order of Prejudgment Possession in accordance with the provisions of the eminent domain law. Staff will continue to negotiate with the property owner with the goal of reaching a voluntary settlement while concurrently continuing the eminent domain process to preserve the project schedule.

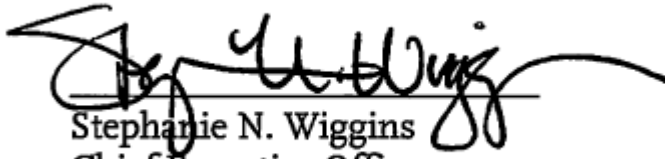
ATTACHMENTS

Attachment A - Staff Report

Attachment B - Resolution of Necessity

Prepared by: Craig Justesen, Executive Officer, Real Estate, (213) 922-7051
Holly Rockwell, Senior Executive Officer, Real Estate and Transit-Oriented Communities, (213) 922-5585
Michelle Smith, Executive Officer, Complete Streets and Highways, (213) 547-4368
Avital Barnea, Senior Executive Officer, Multimodal Integrated Planning, (213) 547-4317

Reviewed by: Ray Sosa, Chief Planning Officer, (213) 547-4274



Stephanie N. Wiggins
Chief Executive Officer

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.

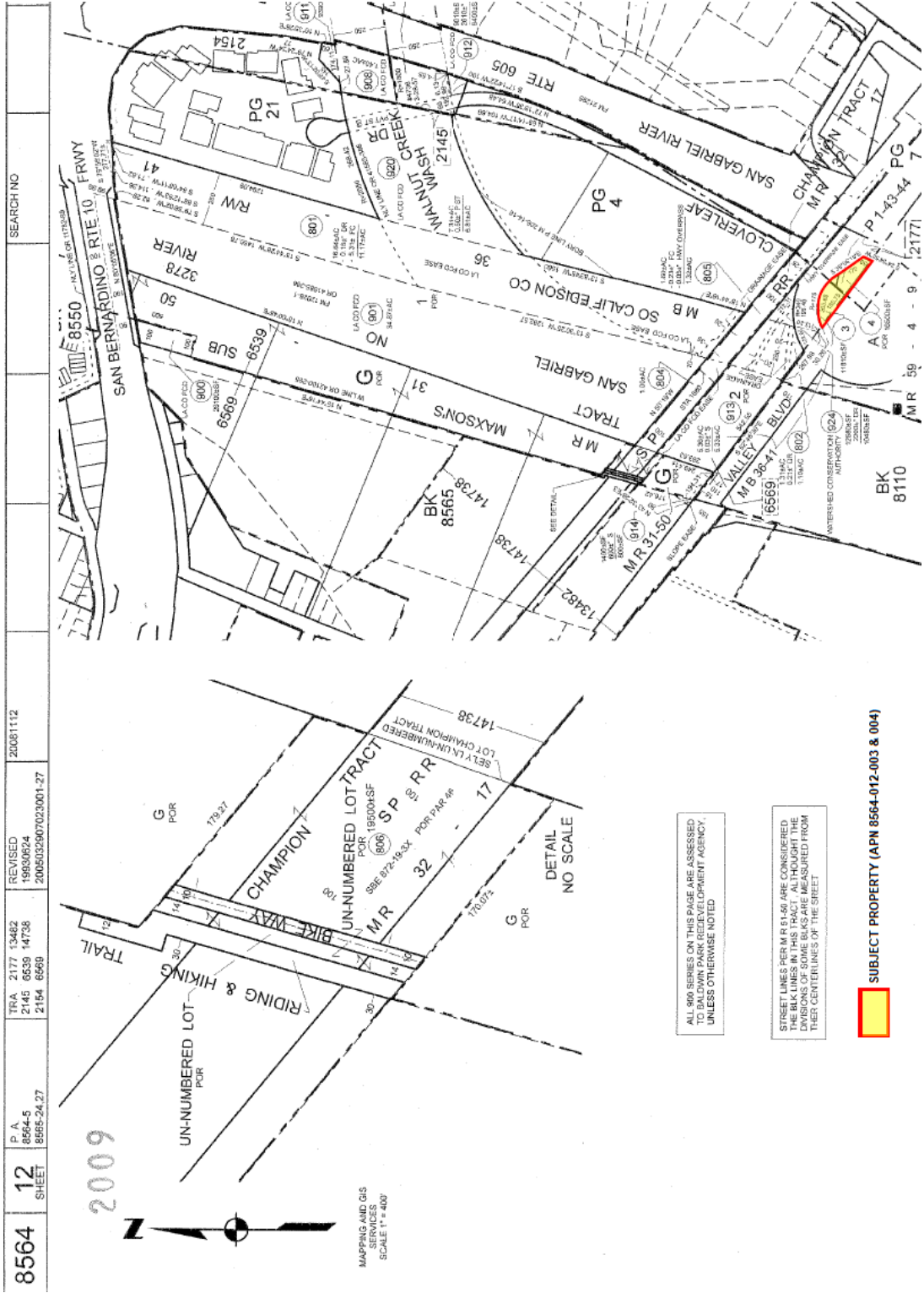
Excepting from that portion of said Rancho La Puente included within the above described parcel of land the "precious metals and ores thereof" as excepted from the partition between John Rowland, Sr. and William Workman in the partition deed recorded in Book 10, Page 39 of Deeds.

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

**RESOLUTION OF THE
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
DECLARING CERTAIN REAL PROPERTY NECESSARY FOR PUBLIC PURPOSES
AND AUTHORIZING THE ACQUISITION THEREOF THROUGH THE EXERCISE OF
EMINENT DOMAIN
INTERSTATE 605 (I-605) VALLEY BOULEVARD INTERCHANGE IMPROVEMENT
PROJECT, (“PROJECT”) APN: 8564-012-003 CPN: 81560**

THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY BOARD OF DIRECTORS (“BOARD”) HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

Section 1.

THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY (“LACMTA”) is a public entity organized and existing pursuant to Chapter 2 of Division 12 of the California Public Utilities Code (commencing with Section 130050).

Section 2.

The property described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Board to acquire property by eminent domain by California Public Utilities Code Sections 30000-33027, inclusive, and particularly Section 30503 and 30600, Sections 130000-132650, inclusive, and particularly Sections 130051.13 and 130220.5, Code of Civil Procedure Sections 1230.010-1273.050, inclusive, and particularly Sections 1240.410, 1240.510 and 1240.610, and Article I, Section 19 of the California Constitution.

Section 3.

The property consist of the acquisition of the full fee simple interest as described more specifically in the legal description Exhibit “A” and depicted in the plat map Exhibit “B” (hereinafter, the “Property”).

The Fee consists of two adjacent and contiguous vacant land parcels, APN 8564-012-003 and 8564-012-004, comprising a total of 0.717 acres, or 31,225 Square Feet.

Section 4.

(a.) The acquisition of the above-described Property is necessary for the development, construction, operation, and maintenance of the I-605/Valley Boulevard Interchange Improvement Project (“Project”);

- (b.) 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.
- (c.) Accordingly, LACMTA has fulfilled the necessary statutory prerequisites to acquire the Property by eminent domain

Section 5.

The Board hereby declares that it has found and determined each of the following:

- (a.) The public interest and necessity require the proposed Project;
- (b.) The proposed 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 sought to be acquired, which has been described herein, is necessary for the proposed Project;
- (d.) The offer required by Section 7267.2 of the Government Code has been made to the Owner; and said offer was transmitted together with the accompanying statement of, and summary of the basis for, the amount established as just compensation, which offers and accompanying statements/summaries were in a form and contained all of the factual disclosures provided by Government Code Section 7267.2(a).

Section 6.

Pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property is already devoted.

Section 7.

That notice of intention to adopt this resolution was given by first class mail to each person whose Property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Board on the matters contained herein and each person whose property is to be acquired by eminent domain was given an opportunity to be heard.

Section 8.

Legal Counsel is hereby authorized and directed to take all steps necessary to commence legal proceedings, in a court of competent jurisdiction, to acquire the Property described above by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of said Property in accordance with the provisions of the eminent domain law and is directed that the total sum of probable just compensation be deposited with the State Treasurer or the Clerk of the Superior Court. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property, and, with the concurrence and approval of LACMTA Staff, to make minor adjustments to the scope and descriptions of easements or other Property to be acquired in order to ameliorate any claims for severance damages.

Counsel is further authorized to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary actions to complete the acquisition, including stipulations as to judgment and other matters, and causing all payments to be made. If settlement cannot be reached, Counsel is authorized to proceed to resolve the proceedings by means of jury trial. Counsel is further authorized to associate with, at its election, a private law firm for the preparation and prosecution of said proceedings.

I, COLLETTE LANGSTON, Board Clerk of the Los Angeles County Metropolitan Transportation Authority, do hereby certify that the foregoing Resolution was duly and regularly adopted by a vote of two-thirds of all the members of the Board of the Metropolitan Transportation Authority at a meeting held on the 26th day of January 2023.

Date: _____

COLLETTE LANGSTON
LACMTA Board Clerk

ATTACHMENTS

Exhibit A – Legal Description

Exhibit B – Plat Map

LEGAL DESCRIPTION

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:

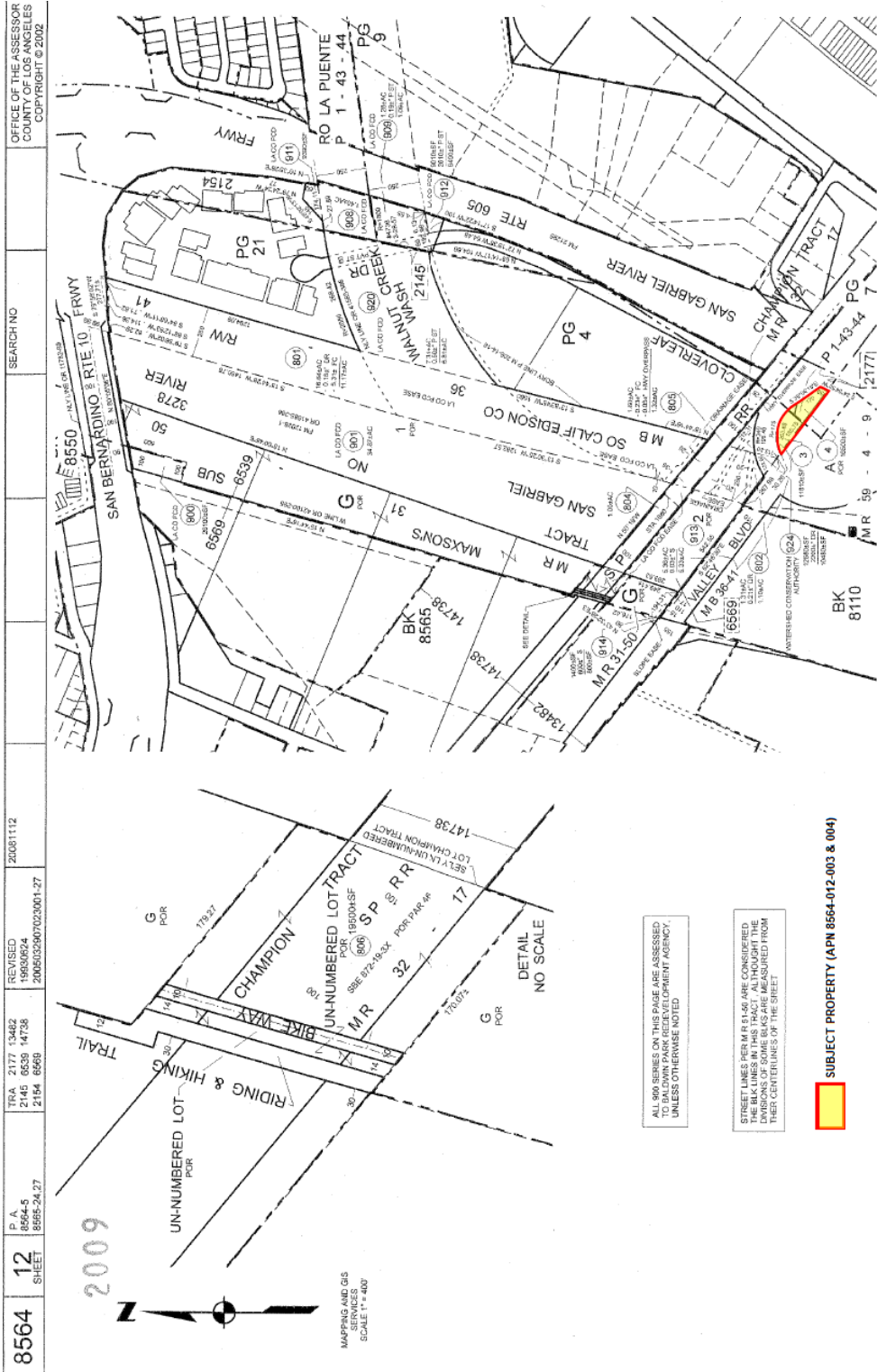
Beginning at a point in the Northeasterly line of Valley Boulevard, 100 feet wide, shown as Pomona Boulevard on said map of Tract No. 3278, said point being N 53° 08' 31" W, 185.75 feet along said Northeasterly line from the most Southerly corner of said Lot 2; thence Easterly along a non-tangent curve 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



ALL 990 SERIES ON THIS PAGE ARE ASSESSED BY THE COUNTY OF LOS ANGELES COUNTY CLERK'S OFFICE UNLESS OTHERWISE NOTED

STREET LINES PER M.R. 51-60 ARE CONSIDERED TO BE THE CENTERLINE OF THE STREET UNLESS OTHERWISE NOTED

 SUBJECT PROPERTY (APN 8564-012-003 & 004)

The background features large, stylized, 3D-effect letters 'M' and 'A' in a light cream color, set against a dark green circular backdrop. This is further framed by a large, curved orange shape that sweeps across the middle of the page.

Hearing to Adopt Resolution of Necessity

I-605/ Valley Boulevard Interchange Improvements

Agenda Item #2023-0772

Hearing to Adopt Resolution of Necessity I-605/ Valley Boulevard Interchange Improvement Project

Project:

The Project intends to reduce ramp queueing, alleviate congestion, and enhance motorist, bicyclist, and pedestrian safety at the Interstate 605 (I-605) and Valley Boulevard interchange.

Property Impacts:

Full fee simple acquisition.

Property Locations:

Northwest Corner of the Valley Boulevard & I-605 Fwy, La Puente CA, APN: 8564-012-003

Northwest Corner of the Valley Boulevard & I-605 Fwy, La Puente CA, APN: 8564-012-004

Relocation Impacts:

Project impacts will not create a displacement

Safety Impacts:

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



Hearing to Adopt Resolution of Necessity. I-605/ Valley Boulevard Interchange Improvement Project

Four high accident rate ramp locations and analysis were conducted for the Project:

- I-605 Southbound On-Ramp from Valley Boulevard (“horseshoe” on-ramp) prior to merging with the I-605 SB freeway -7 collisions occurred resulting in an actual accident rate reported to be 545% higher than the statewide average.
- I-605 Southbound On-Ramp from Westbound Valley Boulevard (“horseshoe” on-ramp) prior to merging with the I-605 Southbound On-Ramp from Eastbound Valley Boulevard -15 collisions occurred resulting in an actual accident rate reported to be 197% higher than the statewide average.
- I-605 Northbound Loop On-Ramp from Eastbound Valley Boulevard --- 2 accidents occurred resulting in an actual accident rate reported to be 69% higher than the statewide average.
- I-605 Southbound On-Ramp Segment from Westbound Valley Boulevard (“horseshoe” on-ramp) --20 collisions occurred resulting in an actual accident rate reported to be 310% higher than the statewide average.



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SOURCE: 2016-2018 Caltrans TASAS Selective Accident Retrieval Report (TSAR)

Hearing to Adopt Resolution of Necessity. I-605/ Valley Boulevard Interchange Improvement Project

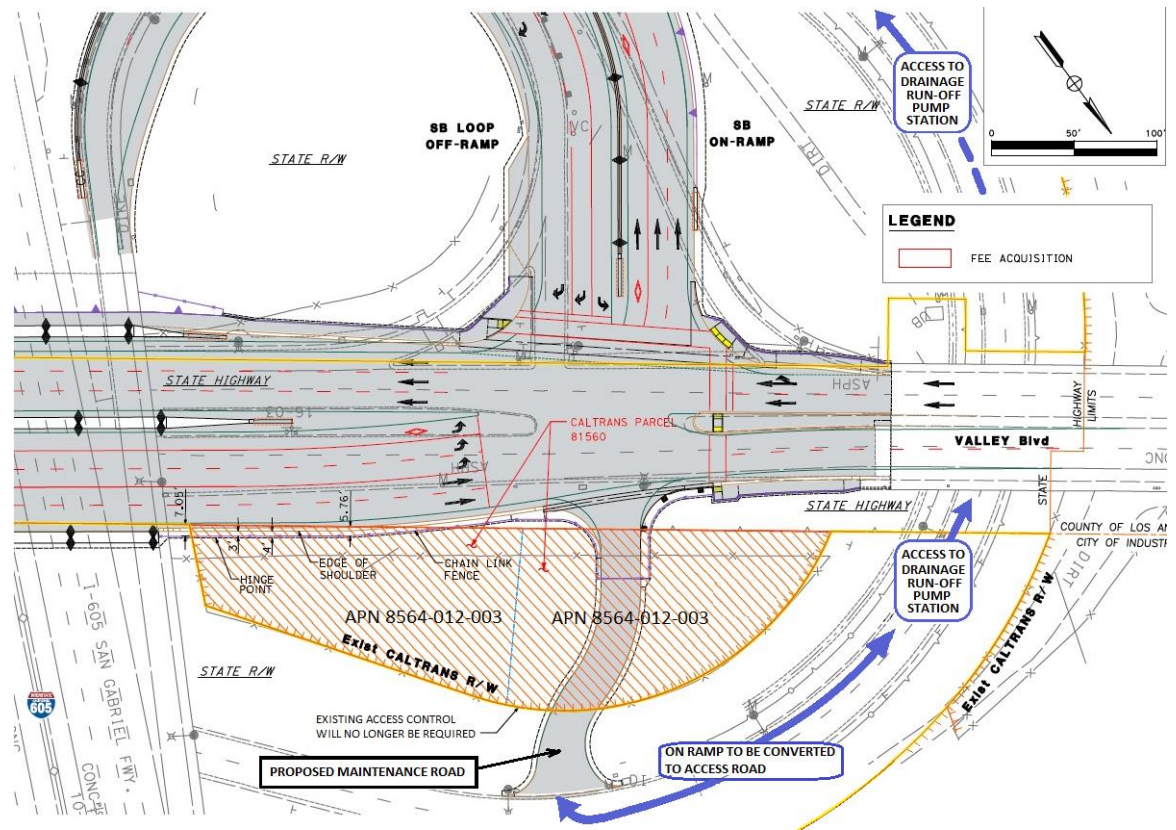
Assessor's Parcel Number	Project Parcel Number	Parcel Address	Property Owner	Purpose of Acquisition	Property Interest(s) Sought
8564-012-003 8564-012-004	81560	Northwest corner of Valley Boulevard and the I-605 Freeway, LA Puente, CA, 91746	Russel L. Fox and Linda Kay Fox, Trustees of the Fox Family Trust dated July 12, 2001	Construction and operation of the I-605/ Valley Boulevard Interchange Improvement Project	Full Fee Simple

Hearing to Adopt Resolution of Necessity. I-605/ Valley Boulevard Interchange Improvement Project

PARCELS OVERVIEW

APN: 8564-012-003

APN: 8564-012-004



Hearing to Adopt Resolution of Necessity. I-605/ Valley Boulevard Interchange Improvement Project

Staff recommends the Board make the below findings and adopt the Resolutions of Necessity:

- The public interest and necessity require the proposed Project;
- The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- The Property sought to be acquired, which has been described herein, is necessary for the proposed Project;
- The offer required by Section 7267.2 of the Government Code has been made to the Owner; and
- Whether the statutory requirements necessary to acquire the property or property interest by eminent domain have been complied with by LACMTA.



Thank you



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