

State of California
Business, Transportation and Housing Agency
Department of Transportation

HIGHWAY RIGHT OF WAY MATTERS
Appearance
Action Item

CTC Meeting: June 6-7, 2001

Prepared By:
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Division of Right of Way
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Agenda Item: 2.4a.(2)

W. J. EVANS
Chief Financial Officer
June 1, 2001

RESOLUTION OF NECESSITY

The Department of Transportation recommends the California Transportation Commission adopt Resolution of Necessity C-18284. The summary below identifies the location of and designates the nature of the property rights covered by the Resolution of Necessity. In accordance with statutory requirements, the owners have been advised that the Department of Transportation is requesting a resolution at this time. Adoption of Resolution of Necessity C-18284 will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules. See concurrent item 2.4a (1).

C-18284 Freesep Investors

07-LA-101-PM 27.4 - Parcels 76775-1,2,3 – EA 191309 (Freeway) Authorizes condemnation of land in fee for a State highway, temporary easement for temporary construction purposes, permanent easement for permanent footing easement purposes, located in the unincorporated area of Sherman Oaks at 15357 Camarillo Street and the San Diego Freeway (405) and 4827 Sepulveda Boulevard near Camarillo Street.

07-LA-101-24.7
EA 191309
Parcels: 76775,1,2,3
Grantors: M. David Paul & Associates
(Freeseep Investors)

RESOLUTION OF NECESSITY

REVIEW PANEL REPORT

The Resolution of Necessity Review Panel met on May 3, 2001, in Los Angeles. The Panel was chaired by Carol Hanson, and included panel members Linda Fong and Michael Yoshiba. In attendance were Kenneth Bley, the owner's attorney, as well as Paul Krueger and M. Paul David of M. Paul David and Associates.

This panel report summarizes the findings of the panel to make a recommendation to the Chief Engineer with regard to the four criteria required for a Resolution of Necessity.

I. NEED FOR PROJECT

This project widens the northbound (NB) Route 405 to southbound (SB) Route 101 (NB 405/SB 101) Connector from one to two lanes. The NB 405/SB101 Connector will be widened beginning at 200 meters north of Ventura Boulevard Undercrossing (UC) on Route 405 to 60 meters east of Columbus Avenue on Route 101. The metal beam guard railing and temporary concrete barrier on NB 405 to NB and SB 101 connectors will be replaced with permanent concrete barriers. The existing lighting at the Route 405/101 Interchange will be converted from a high voltage series circuit lighting to a low voltage multiple circuit lighting. This project will relieve traffic congestion and improve safety. The project is to be funded from the 1998 State Transportation Improvement Program (STIP) Amendment through the HE-13 Program. This project has been assigned Project Development Processing Category 4A because the project requires additional right of way and increases traffic capacity.

II. PROJECT DESIGN

The Route 405/101 Interchange (405/101 IC) is one of the busiest interchanges in Los Angeles County, carrying over 530,000 vehicles per day. The City of Los Angeles Department of Transportation (LADOT), in partnership with the California Department of Transportation (Caltrans), initiated the request for a study that might alleviate the congestion at the interchange. In November 1997, the LADOT prepared a list of proposals to improve the operational and safety aspects of the 405/101 IC.

One of the projects is to widen the single lane NB 405/SB 101 Connector by adding an additional lane. This project, known as the "Connector Widening", is the second of three projects (phases) that are planned to alleviate congestion along NB 405 and at the 405/101 IC. The Project Study Report (PSR) was approved on March 23, 1999, and the Draft Project Report (DPR) was approved on May 10, 2000.

The first phase, known as the “Auxiliary Lane Widening”, proposes to add one auxiliary lane on the NB 405 between Mulholland Drive and the NB off-ramp at Sepulveda Boulevard UC. A Project Report for this project was approved on January 18, 2000. The “Auxiliary Lane Widening” proposal is anticipated to begin construction at the beginning of 2001 (EA 191004).

The third and final phase is known as the “Gap Closure” (the gap that was not addressed by the “Auxiliary Lane Widening” and the “Connector Widening”). This project widens and realigns the 405/101 connector from Sepulveda Boulevard UC to 200 meters north of Ventura Boulevard UC, by adding a lane at the existing outside shoulder. This phase also reconfigures of the NB 405 on-ramp at Sepulveda Boulevard/Greenleaf Street and constructs of a “Fly-under” ramp. A Project Study Report for this “Gap Closure Project” is currently being prepared (EA 20120K).

The Environmental Document (ED) for the “Connector Widening” project was approved on September 27, 2000. The ED addresses the environmental concerns and impacts for both the “Connector Widening” and “Gap Closure” projects.

Project Report T-6369 (EA 4E8200) was approved on March 31, 1998, to replace existing metal beam guard railing and temporary concrete barrier on NB 405 connector to NB and SB 101 with permanent concrete barriers. This work will be incorporated into the “Connector Widening” project.

There is also a project (EA 1667U4) currently under construction which proposes to extend the existing SB High Occupancy Vehicle (HOV) lane along Route 405 between Waterford Street and the 405/101 IC. The work includes reconstruction of the SB 405 median, pavement rehabilitation at various locations, construction of sound walls at Sepulveda Boulevard and Ventura Boulevard on- and off-ramps, and the addition of a CHP reinforcement area from Church Lane to Getty Center Drive. Construction began in September 1999 and completion is expected by June 2002.

NB Route 405, between Mulholland Drive OC and the 405/101 IC experiences heavy traffic congestion. There are several factors contributing to the heavy congestion. One of the contributing factors is that the NB 405 to SB 101 Connector consists of only a single lane and traffic volume during the peak hours exceeds design capacity. The level of service of the connector is E.

Another factor that contributes to the heavy congestion is the weaving movement required by motorists entering from Sepulveda Boulevard/Ventura Boulevard on-ramp intending to proceed to the NB 405 (see Attachment C, Layout Plans). Motorists from the Sepulveda Boulevard/Ventura Boulevard on-ramp proceeding north to Route 405 must traverse over the two lanes of NB Route 405/Route 101 Connector traffic within a distance of approximately 214 meters. Meanwhile, motorists from the two lanes of Route 405 intending to proceed SB on Route 101 must move over to the number three lane of the branch connector.

The construction of an additional lane on the NB 405/SB 101 connector would serve to improve traffic flow by providing additional traffic capacity and expediting the egress of NB 405/SB 101 traffic from the connector. This project is the second phase in addressing the congestion problem along the NB 405 and at the Route 405/101 IC.

The third and final project/phase (“Gap Closure”) proposes to add a lane from Sepulveda Boulevard UC to Ventura Boulevard UC. This phase includes a reconfiguration of the NB On-Ramp at Sepulveda Boulevard/Greenleaf Street. The NB On-Ramp at Sepulveda Boulevard would be realigned and would remain an access to the NB and SB Route 101. A “Fly-Under” ramp for access

to the NB Route 405 would be constructed. The NB on-ramp at Ventura Boulevard and the existing ramp from the connector to NB 405 would be eliminated. The reconfiguration of the on-ramp at Greenleaf Street addresses the weaving problem previously discussed. This third and final phase will complete the improvements necessary to alleviate the congestion at the NB 405 (prior to the 405/101 IC) and at the NB 405/NB & SB 101 Branch Connectors.

III. NEED FOR THE PARCEL

The subject property is located in the southeast quadrant of the interchange of Interstate 405 and U.S. Highway 101. This is one of the busiest interchanges in California, it carries over 530,000 vehicles per day. The interchange at this location is above grade and offers limited visibility of the project properties from the main travel lanes.

The subject property **Parcel 76775** (Vested in the name of Freesep Investors) is an interior, level, and at grade lot that contains a gross land area of 7,477 square meters or 0.75 hectares (80,485 square feet or 1.85 acres). Benefiting from dual access, the irregularly shaped subject property incorporates 88 meters (288 feet) of frontage along Sepulveda Boulevard and La Maida Street. Extending to a maximum length of approximately 145 meters (477 feet), the subject property's northerly boundary directly parallels the Ventura 101 Freeway.

Improvements to the subject property were originally developed in 1978. The primary improvement is a four-story Class B office building containing a gross area of 5,796 square meters (62,390 square feet). Showing evidence of deferred maintenance, the property is entirely vacant and is assessed to be in fair condition. The State's proposed acquisition does **not** impact the subject's primary site improvements.

IV. STATUTORY OFFER TO PURCHASE

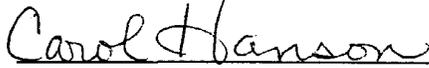
The State has appraised the subject property and has offered the full amount of the appraisal. The owners are not satisfied with the offer and negotiations are continuing.

PANEL RECOMMENDATION

The panel believes that the Department's design complies with the Code of Civil Procedure in that:

1. The public interest and necessity require this project.
2. The project is planned to provide the greatest public good and least private injury.
3. This property is required for the proposed project.
4. An offer to purchase, in compliance with Government Code Section 7267.2, has been made to the owners of record.

The panel recommends submitting a Resolution of Necessity to the California Transportation Commission.


CAROL HANSON, Panel Chairperson

I concur with the Panel's recommendation.


BRENT FELKER
Chief Engineer

PERSONS ATTENDING SECOND LEVEL REVIEW PANEL HEARING ON
MAY 3, 2001

Carol Hanson, Chairperson
Michael Yoshiba, Panel Member
Bill Reagan, Design
Paul Kreuger, M. David Paul & Assoc.
Barbara Marquez, Env. Planning
Almeta Powell, Right of Way
Michael Parovich, Design
M. Paul David, M. Paul David & Assoc.

Linda Fong, Panel Member
Mike Barbour, Design
Kenneth B. Bley, Cox, Castle & Nicholson
Bakash Sett, PPM
Aziz Elattar, Env. Planning
Larry Staley, Right of Way
Kaz Kayoda, Design
Celia Saldana, Right of Way

07-LA-101-24.7
EA 191309
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SUMMARY OF ISSUES

PROPERTY OWNERS CONCERNS

The property owners have requested an appearance before the Commission because the property owners feel the appraisal did not take into consideration loss of value due to any changes to their future development potential once Caltrans has the permanent footing easement at the rear of the property. As part of their contention they state they will be challenging the California Environmental Quality Act (C.E.Q.A.).

The department contends the issue is one of compensation and should be addressed both through continued negotiations and if necessary through the courts.

RESOLUTION OF NECESSITY APPEARANCE FACT SHEET

PROJECT DATA

Location: In Los Angeles County, City of Sherman Oaks

Limits: Northbound I-405 connector to southbound U.S. Highway 101 from north of Ventura Boulevard to west of Kester Avenue.

Contract Limits: LA-405 KP 63.0/63.4 (PM 39.1/39.4)
LA-101 KP 27.3/27.8 (PM 17.0/17.3)

Cost: Construction Cost - \$7,838,000; Engineering Support Cost - \$2,773,000;
Right of Way Cost - \$300,000; Total Cost - \$10,911,000

Funding Source: 1998 State Transportation Improvement Program (STIP) Amendment through the HE-13 Program

Number Of Lanes: Existing: 1 - northbound Route 405 to southbound Route 101 Connector
Proposed: 2 - northbound Route 405 to southbound Route 101 Connector

Proposed Major Features: Widen the northbound Route 405 to southbound Route 101 Connector on the right side for an additional 3.6 meter lane with a 3.0 meter shoulder.
Construct retaining walls and sound walls on retaining walls along the northbound Route 405 to southbound Route 101 Connector.
Existing high voltage transformers, which currently service the entire lighting at the Route 405/101 interchange, will be removed and the high voltage series circuit lighting will be converted to a low voltage multiple circuit lighting.

Traffic: Existing (1999) – 83,000 ADT at the Northbound Route 405/101 Connector
Proposed (2020) – 107,500 ADT at the northbound Route 405/101 Connector

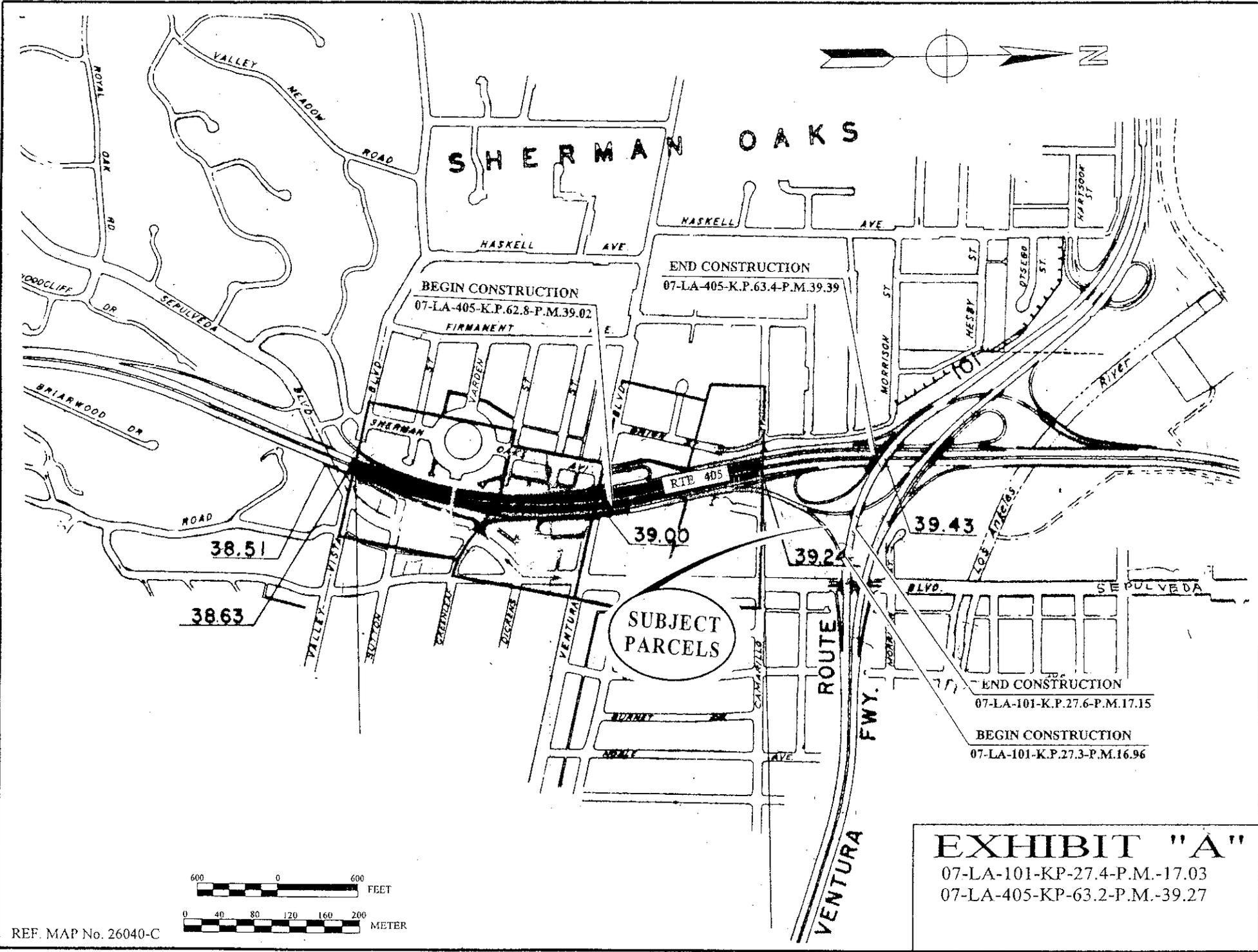
PARCEL DATA

Parcel Location: The area adjacent to La Maida Street, south of the northbound 405 to southbound Route 101 Connector.

Present Use: The subject property consists of a vacated commercial lot.

Area of Property: Total gross land area of 7,477 square meters (80,482 square feet)

Area Required: **Parcel No. 76775-1 – 4 square meters (43 square feet) in fee.**
Parcel No. 76775-2 - 291 square meters (3,132 square feet) temporary construction easement.
Parcel No. 76775-3 – 291 square meters (3,132 square feet) permanent footing easement.



CHRONOLOGY OF CONTACTS AND EVENTS

Over 30 years	ROUTE ADOPTION
September 29, 2000	APPROVED PROJECT REPORT
September 29, 2000	ENVIRONMENTAL CLEARANCE
November 7, 2000	NOTICE OF DECISION TO ACQUIRE
January 3, 2001 – May 2, 2001	EIGHT PHONE CONTACTS BETWEEN THE ACQUISITION AGENT AND THE PROPERTY OWNER.
January 10, 2001	FIRST WRITTEN OFFER
January 17, 2001	MAILED NOTICE OF INTENT TO PROPERTY OWNER.
March 12, 2001	FIRST LEVEL REVIEW HEARING HELD IN LOS ANGELES
April 11, 2001	SENIOR MET WITH PARTNERS AND ATTORNEY.
May 3, 2001	SECOND LEVEL REVIEW HEARING HELD IN LOS ANGELES.