

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: March 12-13, 2008

Reference No.: 2.4a.  
Action Item

From: CINDY McKIM  
Chief Financial Officer

Prepared by: Bimla G. Rhinehart  
Chief  
Division of Right of Way and  
Land Surveys

Subject: **RESOLUTION OF NECESSITY - APPEARANCE**

## **RECOMMENDATION:**

The California Department of Transportation (Department) recommends the California Transportation Commission (Commission) adopt Resolution of Necessity (Resolution) C-19817 summarized on the following page.

## **ISSUE:**

Prior to initiating Eminent Domain proceedings to acquire needed right of way for a programmed project, the Commission must first adopt a resolution, stipulating specific findings identified under Section 1245.230 of the Code of Civil Procedure, which are:

1. The public interest and necessity require the project.
2. The project is planned and located in a manner that will be most compatible with the greatest public good with the least private injury.
3. This property is necessary for the proposed project.
4. An offer to acquire the property in compliance with Government Code Section 7267.2 has been made to the owner of record.

In this case, the property owners are contesting the Resolution and have requested an appearance before the Commission to discuss the outstanding issues. However, at the request of the property owner, objections to the Resolution have been submitted in writing in lieu of a personal appearance before the Commission. The owner's objections are listed in the August 10, 2007, August 14, 2007, and February 20, 2008 letters included as Attachment A. The Department's responses to the owner's objections are contained in Attachment B.

## **BACKGROUND:**

Discussions have taken place with the owner, who has been offered the full amount of the Department's appraisal and, where applicable, advised of any relocation assistance benefits to which the owner may subsequently be entitled. Adoption of the resolution will not interrupt the Department's efforts to secure an equitable settlement. In accordance with statutory requirements, the owner has been advised that the Department is requesting the Resolution at this time. Adoption

will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules.

C-19817 – Edouard Laxague

07-LA-10-PM 31.7 - Parcel 79155-1, 2 - EA 117079.

Right of Way Certification Date: 03/06/08; Ready to List Date: 03/17/08. Freeway - construct one high occupancy vehicle lane in each direction. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's access rights, and a temporary easement for construction purposes. Located in the city of Baldwin Park at 13109 Garvey Avenue. APN 8556-022-019.

Attachments:

Attachment A - Owners Written Objections dated August 10, 2007, August 14, 2007, and February 20, 2008

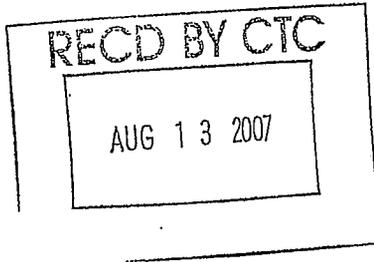
Attachment B - Department responses dated February 6, 2008 and February 28, 2008

Attachment C - Fact Sheet

Exhibits A and B - Maps



444 South Flower Street - Suite 2400  
Los Angeles, California 90071-2953  
voice 213.236.0600 - fax 213.236.2700  
www.bwslaw.com



Writer's Direct Dial:  
(213) 236-2819  
Our File No:  
04951-0001  
asozio@bwslaw.com

August 10, 2007

VIA FACSIMILE & U.S. MAIL

Executive Director  
California Transportation Commission  
P.O. Box 942873  
Mail Station 52  
Sacramento, CA 94273-0001

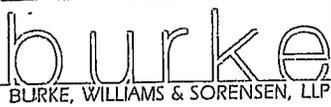
**NOTICE OF INTENT TO BE HEARD AT HEARING ON  
RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY  
OR INTEREST IN REAL PROPERTY BY EMINENT DOMAIN**

Re: Aristocrat Motel (13109 Garvey Ave., Baldwin Park,  
CalTrans Parcel 79155-1-2)--Fwy Widening Project

To Whom It May Concern:

I represent Edouard Laxague, owner of the above-referenced property being considered by the Department of Transportation's ("CalTrans") for condemnation. I write in response to the Department of Transportation's ("CalTrans") August 1, 2007 Notice of Intent to Adopt Resolution of Necessity To Acquire Certain Real Property or Interest in Real Property by Eminent Domain. Please treat this response as Mr. Laxague's written Notice of Intent to appear before the Commission's September 19-20, 2007 meeting to be held in Rocklin, California.

In that regard, please consider the enclosed letter, and the information contained therein, *in lieu* of Mr. Laxague's actual appearance before the Commission's September 19-20, 2007 meeting to be held in Rocklin, California, and ensure that such correspondence is included in the record of said hearing.



Executive Director  
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August 10, 2007  
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Should you have any comments or questions about this matter, please do not hesitate to contact me.

Very truly yours,

BURKE, WILLIAMS & SORENSEN, LLP

A handwritten signature in black ink, appearing to read "Alan A. Sozio". The signature is stylized and overlaps the printed name below it.

ALAN A. SOZIO

AAS:amc

Enclosure

cc: Erika Espinoza, Right of Way Agent, Dept. of Transportation  
Mr. Edouard Laxague



444 South Flower Street - Suite 2400  
Los Angeles, California 90071-2953  
voice 213.236.0600 - fax 213.236.2700  
www.bwslaw.com

Writer's Direct Dial:  
(213) 236-2819  
Our File No:  
4951-1  
asozio@bwslaw.com

August 10, 2007

VIA FACSIMILE & U.S. MAIL

John F. Barner, Executive Director  
Mr. James C. Ghielmetti, Chair  
Mr. John Chalker, Vice Chair  
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Mr. Carl Guardino  
Mr. R. Kirk Lindsey  
Mr. Joseph Tavaglione  
Mr. Larry Zarian

Ex Officio Members:

The Honorable Alan S. Lowenthal  
The Honorable Pedro Nava  
California Transportation Commission  
1120 N Street, Room 2221 (MS-52)  
Sacramento, CA 95814

**OBJECTION TO ADOPTION OF RESOLUTION OF NECESSITY TO ACQUIRE  
CERTAIN REAL PROPERTY OR INTEREST IN REAL PROPERTY BY EMINENT  
DOMAIN**

Re: Aristocrat Motel (13109 Garvey Ave, Baldwin Park,  
CalTrans Parcel 79155-1-2)-10 Fwy Widening Project

Gentlemen:

I represent Edouard Laxague, owner of the above-referenced property being considered by the Department of Transportation ("CalTrans") for condemnation. As set forth in detail below, Mr. Laxague objects to the adoption of a Resolution of Necessity to acquire the real property interests being considered by the Commission at its September 19-20, 2007 meeting to be held in Rocklin, California.

Executive Director and Commission Members  
California Department of Transportation  
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### THE PROPERTY

Edouard Laxague came to this country in 1958 from the Basque region of Europe with the typical American dream of succeeding in the new world. After working hard and saving his money, 32 years ago he bought, moved into and began operating the Aristocrat Motel. Mr. Laxague has lived in and operated the Aristocrat Motel ever since. He has serious concerns that the drop in motel business resulting from the project's construction will put him out of business.

### THE PROJECT

Segment I of the Project includes the widening of the 10 freeway from I-605 to Puente Avenue by adding an additional carpool lane in each direction. This will cause Garvey Avenue to be shifted northward towards the Aristocrat Motel.

Construction of segment I will take approximately 2½ years, with off-ramps closed for periods during construction. The actual realignment of Garvey Avenue will take one year. CalTrans promises to maintain access into the motel at all times, though it is clear such access will be difficult and circuitous during the construction period.

### PROPERTY TAKEN AND IMPACTS TO REMAINDER

CalTrans intends to take from the Aristocrat Motel a 1,267 square foot frontage strip, as well as occupy a 400 square foot temporary construction easement for 2½ years. Some of the impacts resulting from the taking are set forth below.

#### **Loss of Signage**

The frontage strip taken will cause the 35' "Aristocrat Motel" sign to be taken down. CalTrans' appraisal admits the site in the after condition cannot accommodate a business monument sign. The appraisal hypothesizes the alternative would be to install a rooftop sign that would be visible from the freeway. CalTrans has admitted, however, that the City of Baldwin Park will not allow for a rooftop sign. Though visible signage is one of the most important aspects of its marketing and advertising, the Aristocrat Motel will be left with no sign whatsoever once construction begins, and thereafter. CalTrans' Appraisal Summary Statement refuses to acknowledge this fact, and instead summarily finds no severance damages based upon its admittedly erroneous assumption.

Executive Director and Commission Members  
California Department of Transportation  
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### **Dangerous Condition**

In the after condition, the northern tip of the fee take will constitute the beginning of the sidewalk. This will leave the physical structure of the Aristocrat Motel approximately six feet from the relocated Garvey Avenue. It is unlikely that, due to safety reasons, the City of Baldwin Park will allow for the building to remain so close to the road. Indeed, CalTrans has admitted the City of Baldwin Park will likely disapprove of the after-condition configuration of the Aristocrat Motel based upon a dangerous condition. CalTrans' Appraisal Summary Statement completely ignores this fact, while summarily finding no severance damages to the remainder on this basis.

### **Reconfiguration of Entryway**

The 3-foot wide temporary construction easement (from July 1, 2008 to January 1, 2011) encroaches into a portion of the building area. This will result in CalTrans unfairly requiring the Aristocrat Motel, at its own cost, to reconfigure the entryway into the front unit.

## **OBJECTIONS**

### **1. Failure to Comply With Section 1263.025 of the Code of Civil Procedure**

Mr. Laxague made a demand upon CalTrans that he be reimbursed \$5,000 representing the costs of obtaining an independent appraisal pursuant to section 1263.025 of the Code of Civil Procedure in regard to the above-referenced acquisition. Enclosed with this demand was a copy of a check made out to James R. Himes, MAI, SRA, President, Himes & Himes, Inc., 750 Terrado Plaza, Ste. 212, Covina, CA 91723 to prepare an appraisal in connection with this matter. Mr. Himes is an appraiser licensed by the Office of Real Estate Appraisers (Cert AG002864). CalTrans has failed to reimburse Mr. Laxague for any of the \$5,000 expended.

### **2. Failure to Seek Acquisition of Entire Parcel**

Where the acquisition of only a portion of a property leaves the remainder in such a shape or condition as to constitute an uneconomic remnant, the public entity must offer to acquire the entire property if the owner so desires. Gov. Code § 7267.7; Code Civ. Proc. §§ 1240.140, 1240.410; 25 Cal. Code Regs. § 6182(g).

Executive Director and Commission Members  
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Here, as demonstrated above, both the project's short- and long-term impacts will result in a significant diminution in value to the remainder. The project's 2½-year construction period will reduce the Aristocrat Motel's income to virtually zero. And the loss of signage will result in a permanent reduction in motel income in excess of 50%. Consequently, the income approach to valuing the Aristocrat Motel--in both the before and after condition--demonstrates that significant damage to the property will occur and proves the remainder will be left in such a condition as to be of little or no market value. Based upon the foregoing, CalTrans should acquire the entire property.

### 3. Failure To Properly Appraise The Damages To The Remainder

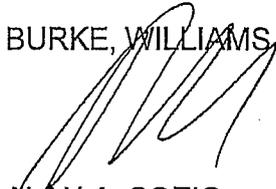
A public entity must reappraise the property where subsequent information indicates a need for a new appraisal. 25 Cal. Code Regs. § 6182(i)(2). Here, CalTrans' appraiser states, on page 5 of the Appraisal Summary Statement, that, at the discretion of the owner, the ... [owner could] install a rooftop sign that would be visible from the freeway." In a meeting with Mr. Laxague, CalTrans has admitted this to be false, as the City has informed CalTrans that it will not allow for a rooftop sign. This alone makes the current appraisal faulty and in violation of, *inter alia*, Section 7267.2 of the Government Code.

The property must be reappraised with the understanding that no signage will be available whatsoever in the after condition, and a new Gov. Code § 7267.2 offer must first be sent to Mr. Laxague before a resolution of necessity may be adopted. Any failure to do so runs afoul of, *inter alia*, Section 1245.230(c)(4) of the Code of Civil Procedure and Sections 7267.1 and 7267.2 of the Government Code.

Should you have any comments or questions about this matter, please do not hesitate to contact me.

Very truly yours,

BURKE, WILLIAMS & SORENSEN, LLP

  
ALAN A. SOZIO

AAS:amc

cc: Erika Espinoza, Right of Way Agent, Department of Transportation  
Mr. Edouard Laxague



444 South Flower Street - Suite 2400  
Los Angeles, California 90071-2953  
voice 213.236.0600 - fax 213.236.2700  
www.bwslaw.com

Writer's Direct Dial:  
(213) 236-2819  
Our File No:  
4951-1  
asozlo@bwslaw.com

August 14, 2007

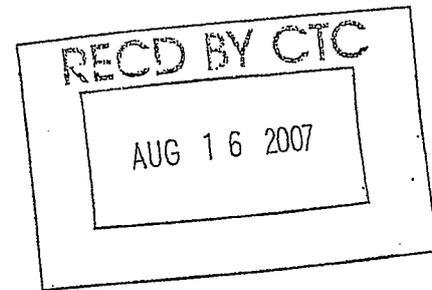
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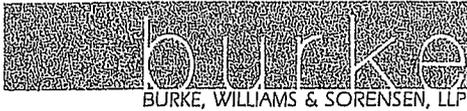


**FURTHER OBJECTION TO ADOPTION OF RESOLUTION OF NECESSITY TO  
ACQUIRE CERTAIN REAL PROPERTY OR INTEREST IN REAL PROPERTY BY  
EMINENT DOMAIN**

Re: Aristocrat Motel (13109 Garvey Ave, Baldwin Park,  
CalTrans Parcel 79155-1-2)--10 Fwy Widening Project

Gentlemen:

I represent Edouard Laxague, owner of the above-referenced property being considered by the Department of Transportation ("CalTrans") for condemnation. In addition to those reasons set forth in my letter of August 10, 2007, Mr. Laxague also objects to the adoption of a Resolution of Necessity to acquire the real property interests on the following grounds. Please ensure this information is included in the record of the hearing on the California Transportation Commission's Intent to Adopt Resolution of Necessity To Acquire Certain Real Property or Interest in Real Property by Eminent Domain to be held September 19-20, 2007 in Rocklin, California.



Executive Director and Commission Members  
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Page 2

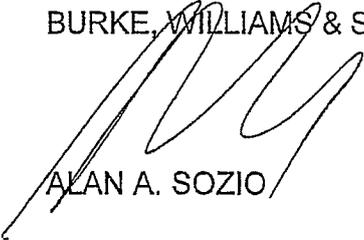
**4. Failure To Properly Appraise The Property As Improved**

The appraisal utilized by CalTrans in support of its Government Code section 7267.2 offer letter violated California Code of Regulations, Title 25, Division 1, Chapter 6, Article 6. To wit, CalTrans' offer does not comport with an appraisal of the fair market value of the property as improved. 25 Cal.Code.Reg. §6182(d)(4)(B). Such failure runs afoul of, *inter alia*, Section 1245.230(c)(4) of the Code of Civil Procedure and Sections 7267.1 and 7267.2 of the Government Code.

Should you have any comments or questions about this matter, please do not hesitate to contact me.

Very truly yours,

BURKE, WILLIAMS & SORENSEN, LLP



ALAN A. SOZIO

AAS:amc

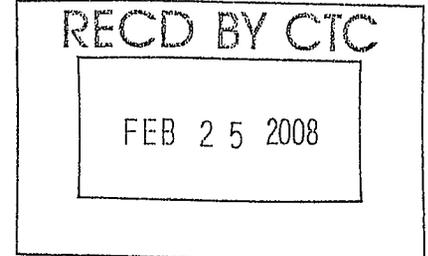
cc: Erika Espinoza, Right of Way Agent, Department of Transportation  
Mr. Edouard Laxague



444 South Flower Street - Suite 2400  
Los Angeles, California 90071-2953  
voice 213.236.0600 - fax 213.236.2700  
www.bwslaw.com

Writer's Direct Dial: (213) 236-2819  
Our File No: 04951-0001  
asozio@bwslaw.com

February 20, 2008



Nancy Johnson, Chief  
Right of Way Acquisition and Appraisals  
District 7 Satellite Team  
Department of Transportation  
Office of Right of Way  
100 South Main Street, MS-6  
Los Angeles, CA 90012

**OBJECTION TO ADOPTION OF RESOLUTION OF NECESSITY TO  
ACQUIRE CERTAIN REAL PROPERTY OR INTEREST IN REAL  
PROPERTY BY EMINENT DOMAIN**

Re: CalTrans adv. Edouard Laxague (Aristocrat Motel)

Dear Ms. Johnson:

I am in receipt of your February 6, 2008 letter which, among other things, confirms the Resolution of Necessity affecting my client, Mr. Laxague's, property will be heard on March 12-13, 2008.

I write specifically to address the CalTrans response to Objection #2: "Failure to seek Acquisition of Entire Parcel." Your letter indicates CalTrans' position is that the Aristocrat Motel will not be an uneconomic remnant in the after condition and can continue its daily operations both during and after construction.

I am curious how CalTrans came to this conclusion. The only appraisal or summary appraisal ever provided to me or my client appraised only the property taken as if vacant, and did not conduct any severance damage analysis whatsoever as to impacts to the remainder as improved. Without indicating whether CalTrans completed such an appraisal, your letter states "a valuation of the motel with a before and after study would have resulted in only nominal compensation due to the theory of contribution of the effected improvements."

California Streets & Highways Code section 102 provides as follows:

- (a) In the name of the people of the State of California, the department may acquire by eminent domain any property necessary for state highway purposes.

Nancy Johnson, Chief  
Right of Way Acquisition and Appraisals  
District 7 Satellite Team  
February 20, 2008  
Page 2

(b) For any property that the department is acquiring by, or under threat of, eminent domain, the department shall, in a timely manner, provide a copy of **all** appraisals it performed or obtained for the property to the property owner. If any appraisals that are performed or paid for by the department are first provided to the property owner, the appraiser shall provide a copy of those appraisals to the department. [emphasis added]

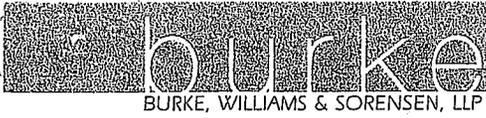
All District Directors and Region District Chiefs were made aware of this law by way of the December 21, 2007 Memorandum enclosed herein.

In previous meetings with CalTrans, I was told CalTrans reached the conclusion that the Aristocrat Motel will not be an uneconomic remnant in the after condition through the analysis of a full appraisal of the entire Aristocrat Motel property as-improved, together with a complete severance damages analysis. Neither this appraisal, nor any summary of it, has been provided to me or my client.

So, either CalTrans has never provided its additional appraisal(s) in direct violation of Section 102, or CalTrans has never properly analyzed whether the Aristocrat Motel will not be an uneconomic remnant in the after condition. In either case, until CalTrans prepares a proper appraisal analyzing the full impacts of the taking to the remainder, and timely provides it to Mr. Laxague, it would be improper for CalTrans to proceed with the Resolution of Necessity hearing in March of 2008.

In addition to the foregoing, it is my client's position that the remainder of the issues raised in the earlier letters dated July 26, August 10, and August 14, 2007 have not been satisfactorily resolved.

Please treat this response as Mr. Laxague's written Notice of Intent to appear before the Commission's March 12-13, 2008 meeting to be held in Rocklin, California. In that regard, please consider this letter, in addition to the earlier letters dated July 26, August 10, and August 14, 2007, *in lieu* of Mr. Laxague's actual appearance before the Commission's March 12-13, 2008 meeting to be held in Sacramento, California, and ensure that such correspondence is included in the record of said hearing.



Nancy Johnson, Chief  
Right of Way Acquisition and Appraisals  
District 7 Satellite Team  
February 20, 2008  
Page 3

Should you have any questions or comments in regard to the foregoing, please do not hesitate to contact me.

Very truly yours,

BURKE, WILLIAMS & SORENSEN, LLP

ALAN A. SOZIO

AAS:amc  
Enclosure

cc: John F. Barner, Executive Director, California Transportation Commission  
Andrew P. Nierenberg, District Right of Way Manager  
Robert Enriquez, Associate Right of Way Agent

## DEPARTMENT OF TRANSPORTATION

DISTRICT 7

OFFICE OF RIGHT OF WAY

100 SOUTH MAIN STREET, MS-6

LOS ANGELES, CA 90012

PHONE (213) 897-1773

FAX (213) 897-8902



*Flex your power!  
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February 6, 2008

Burke, Williams & Sorensen, LLP  
Attn: Alan A. Sozio, Esquire  
444 South Flower Street, Suite 2400  
Los Angeles, CA 90071-2953

07-LA-10-31.7PM  
E. A. 117079  
Parcel No. 79155-1, 2

Re: Mr. Edouard Laxague - Aristocrat Motel in the City of Baldwin Park

Dear Mr. Sozio:

This is in response to your letters dated August 10, 2007 and August 14, 2007, addressed to the California Transportation Commission (Commission).

The California Code of Civil Procedure Section 1240.030 provided that the power of eminent domain may be exercised to acquire property for a proposed project if the following three conditions are established:

- a) 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 the least private injury.
- c) The property sought to be acquired is necessary for the project.

There is no specific explanation in your letters as to why you believe that the requirements of section 1240.030 have not been satisfied. It is the Department's position that these requirements have been met in this case.

California Government Code Section 7267.1 requires that the Department make reasonable efforts to acquire property through negotiations prior to seeking a Resolution of Necessity and initiating an eminent domain action. The Department made an offer to Mr. Laxague and yourself on June 19, 2007 at the property. The acquisition agent, in compliance with this code section, has made several telephone calls, sent letters and e-mails to make reasonable efforts to acquire the subject property by negotiation.

California Government Code Section 7267.2 requires the Department to base its offer of just compensation to acquire property on an approved appraisal, and also requires that a written statement of, and summary of the basis for the appraisal be provided to the property owner. The offer made to your client was based on the full amount of an approved appraisal and a written Appraisal Summary Statement accompanied the offer. The summary statement identified the fee area, temporary construction easement and improvements affected by the acquisition. The Department has complied with Section 7267.

Burke, Williams & Sorensen, LLP  
Mr. Alan A. Sozio, Esquire  
February 6, 2008  
Page 2

To respond to the "Dangerous Condition" claim:

The Department's appraiser met with the city building inspector, Gene Logan, who determined that the proposed new set-back is not a safety issue. In addition, improvements on neighboring properties have been allowed to be constructed next to the right of way line with little or no set-back requirements. Additionally, Section 153.609 of the city codes state no building or structure or use shall be deemed nonconforming when such nonconformance is caused by eminent domain. Lastly, per city codes the set-back requirement is ten feet from the centerline of the adjacent frontage road, which in essence would allow for a zero set-back.

To respond to the "Reconfiguration of Entryway" claim:

The Department's project will not require the Aristocrat Motel, at its own cost, to reconfigure the entryway into the front unit. The 3 foot temporary construction easement is needed for additional working area. All major improvements, including the front unit, will be worked around and protected in place by the highway contractor. Therefore, no reconfiguration other than the handrails to the front unit would be required. Compensation (cost to cure) for the handrails was included as part of the Department's offer. The Department's highway contractor will also reconstruct the driveway apron as part of the project.

In response to your Objection #1:

*"Failure to Comply With Section 1263.025 of the Code of Civil Procedure"*

The Department's standard procedure for reimbursement up to \$5,000.00 for reasonable costs associated with the appraisal fee has been followed. On January 14, 2008, the Department mailed the appropriate documentation to your office and requested the following information before determining eligibility. A copy of the invoice from your State licensed appraiser, a copy of the appraisal, a Payee Data Record form and an executed Appraisal Cost Reimbursement Agreement. The Department is waiting for the documents to be returned so that reimbursement can proceed.

In response to your Objection #2:

*"Failure to seek Acquisition of Entire Parcel"*

The Department's project requires a portion of your client's property and efforts have been made to minimize the project impacts on the subject property. The preferred alternative is a Non-Standard HOV Lane alternative, which minimizes the mainline lane widths to reduce right of way impacts. The project's design has intentionally avoided impacting any major structures or building improvements so the Aristocrat Motel could continue operating in the same manner after the re-alignment of Garvey Avenue.

Government Code Section 7267.7(a) states that "If the acquisition of only a portion of a property would leave the remaining portion in such shape or condition as to constitute an uneconomic remnant, the public entity shall offer to acquire the entire property if the owner so desires". The Department's position is that the Aristocrat Motel will not be an uneconomic remnant in the after condition and can continue its daily operations both during and after construction.

The claim as to loss of income due to the 2 ½ year construction window cannot be addressed at this time as the results, if any, cannot be quantified. This is a loss of business goodwill issue, and separate from the value of the real estate. The burden of proof for Loss of Business Goodwill lies with the property owner. A claim package for Loss of Business Goodwill has been provided to the property owner. Damages such as inconvenience, noise, and temporary damage to the use or occupancy of the property incidental to construction are non-compensable.

Your statement regarding "a significant diminution in value to the remainder" is a compensation issue and outside the purview of the Commission. Issues regarding compensation are not considered by the Commission in the process of adopting a Resolution of Necessity. The "loss of signage" issue can be resolved by placing a new monument sign with comparable visibility to another location on the property.

In response to your Objection #3:

*"Failure to Properly Appraise the Damages to The Remainder"*

Initially, the Department's appraiser was misinformed that at the discretion of the owner, a rooftop sign could be installed. Subsequent meetings with city officials resulted in the Department's appraisal being corrected. Consequently, the Department's appraiser revisited the property with city officials and determined that the motel's monument sign could be re-established on the property, back to its original functionality. Based on this new information the Department's appraisal was revised. A revised offer and Appraisal Summary Statement reflecting this new information was then provided on October 17, 2007.

In response to your Objection #4:

*"Failure to Properly Appraise the Property as Improved"*

As discussed earlier, the Department's intent is to minimize the project's impact on the Aristocrat Motel and its daily operation. The Department believes that just compensation has been established and fair market value for the small portion required for the project has been offered to your client. In accordance with section 1240.030(b), the least private injury to your client was exercised.

The Department's appraiser considered the value of the property as improved, however due to the small size of the acquisition in relation to the larger parcel, and the fact that the improvements are not permanently impacted, a valuation of the motel with a before and after study would have resulted in only nominal compensation due to the theory of contribution of the effected improvements. Valuation of the underlying fee with a cost study for the site improvements results in the greatest potential compensation given the acquisition in the manner proposed. This method provides just compensation under the Government Code.

The Appraisal Summary Statement that was provided to your client included, but was not limited to the following information: the zoning (Industrial-Commercial), date of valuation (October 4, 2007), highest and best use (As Improved), damages (cost-to-cure) and a list of principal transactions. It is the Department's position that the small portion required of the subject property was appraised in compliance with State Law and Government Regulations. The entire property is not required by the project. Therefore, the Aristocrat Motel can continue as a viable business after construction is completed.

Burke, Williams & Sorensen, LLP  
Mr. Alan A. Sozio, Esquire  
February 6, 2008  
Page 4

Lastly, this letter also serves to confirm that the Resolution of Necessity affecting your client's property will be heard at the March 12-13, 2008 California Transportation Commission meeting, which is currently scheduled to be held in Sacramento, California. The exact date and location of the meeting, as well as the approximate time of your appearance request will be forwarded to you as soon as they become available. In accordance with your request, as stated in your August 10, 2007 letter, your written objections to the adoption of the Resolution of Necessity in lieu of personally appearing before the Commission will be made available to the Commission at its March 12-13, 2008 meeting, and included as part of the official record.

Respectfully,



Nancy Johnson, Chief  
Right of Way Acquisition and Appraisals  
District 7 Satellite Team

## DEPARTMENT OF TRANSPORTATION

DISTRICT 7

OFFICE OF RIGHT OF WAY  
100 SOUTH MAIN STREET, MS-6  
LOS ANGELES, CA 90012  
PHONE (213) 897-1773  
FAX (213) 897-8902



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Burke, Williams & Sorensen, LLP  
Attn: Alan A. Sozio, Esquire  
444 South Flower Street, Suite 2400  
Los Angeles, CA 90071-2953

07-LA-10-31.7PM  
E. A. 117079  
Parcel No. 79155-1, -2

Re: Mr. Edouard Laxague - Aristocrat Motel in Baldwin Park

Dear Mr. Sozio:

This letter is in response to your letter dated February 20, 2008. The Department of Transportation (Department) feels it has thoroughly addressed your issues and objections as stated in this letter and your previous letters dated July 26, 2007, August 10, 2007 and August 14, 2007.

As you are aware, the Department's project requires a very small portion of your client's property. Every effort has been made to protect the major improvements (buildings) and ensure that the Department's project minimally impacts your client's property. The Department has offered to purchase a small portion at the front of the property in fee, a monument sign and minor landscaping improvements. Due to the nominal impact of the proposed acquisition, an appraisal of the entire property was not warranted. Furthermore, the method of valuation you site would result in little or no compensation for the value of the part taken as its contributory value to the larger parcel is minimal. Consequently, it is the Department's position that there are no severance damages to the remaining property and the motel can conduct its daily operations uninterrupted. Therefore, the Aristocrat Motel is not considered an uneconomic remnant and the acquisition of the entire property is not warranted.

In accordance with your request, as stated in your August 10, 2007 and February 20, 2008 letters, your written objections to the adoption of the Resolution of Necessity in lieu of your client's personal appearance before the Commission will be made available to the Commission at its March 12-13, 2008 meeting, and included as part of the official record.

Respectfully,

A handwritten signature in cursive script that reads "Nancy Johnson".

Nancy Johnson, Chief  
Right of Way Acquisition and Appraisals  
District 7 Satellite Team

# Resolution of Necessity Appearance Fact Sheet

## PROJECT DATA

07-LA-10-PM 31.2/33.2  
Expenditure Authorization: 117079

Location: On Interstate 10 (I-10) in Los Angeles county in the city of Baldwin Park.

Limits: I-10 from Interstate 605 (I-605) to the State Route (SR) 57/SR 71/I-210 Interchange.

Contract Limits: I-10 from the I-10/I-605 Interchange to just west of the Puente Avenue under-crossing in the city of Baldwin Park.

Cost: Right of Way: \$50,190,000.00  
Construction: \$114,803,000.00

Funding Source: Transportation Congestion Relief Program Funds

Number of Lanes: Existing I-10: Eight lanes  
Proposed I-10: Eight lanes plus two High Occupancy Vehicle lanes

Proposed Major Features: The project proposes to construct soundwalls and retaining walls at recommended locations, realign ramps and frontage roads. Three bridges and a Pedestrian Overcrossing will be completely reconstructed.

Traffic: Existing 2001: Average Annual Daily Traffic (AADT) - 225,000 west of Puente Avenue to 251,000 at the I-10/I-605 Interchange.  
Projected 2028: AADT 360,000 west of Puente Avenue to 401,600 at the I-10/I-605 Interchange.

## PARCEL DATA

Property Owner: Edouard Laxague

Parcel Location: Near the corner of Garvey Avenue and Frazier Street, north of I-10  
Located in the city of Baldwin Park at 13109 Garvey Avenue  
Assessors Parcel Number 8556-022-019

Present Use: 14-Unit Motel (Aristocrat Motel)

Area of Property: 17,999 Square Feet (SF)

Area Required: Parcel 79155-1 - 1,267 SF - Fee  
Parcel 79155-2 - 400 SF - Temporary Construction Easement

COUNTY OF LOS ANGELES  
CITY OF BALDWIN PARK

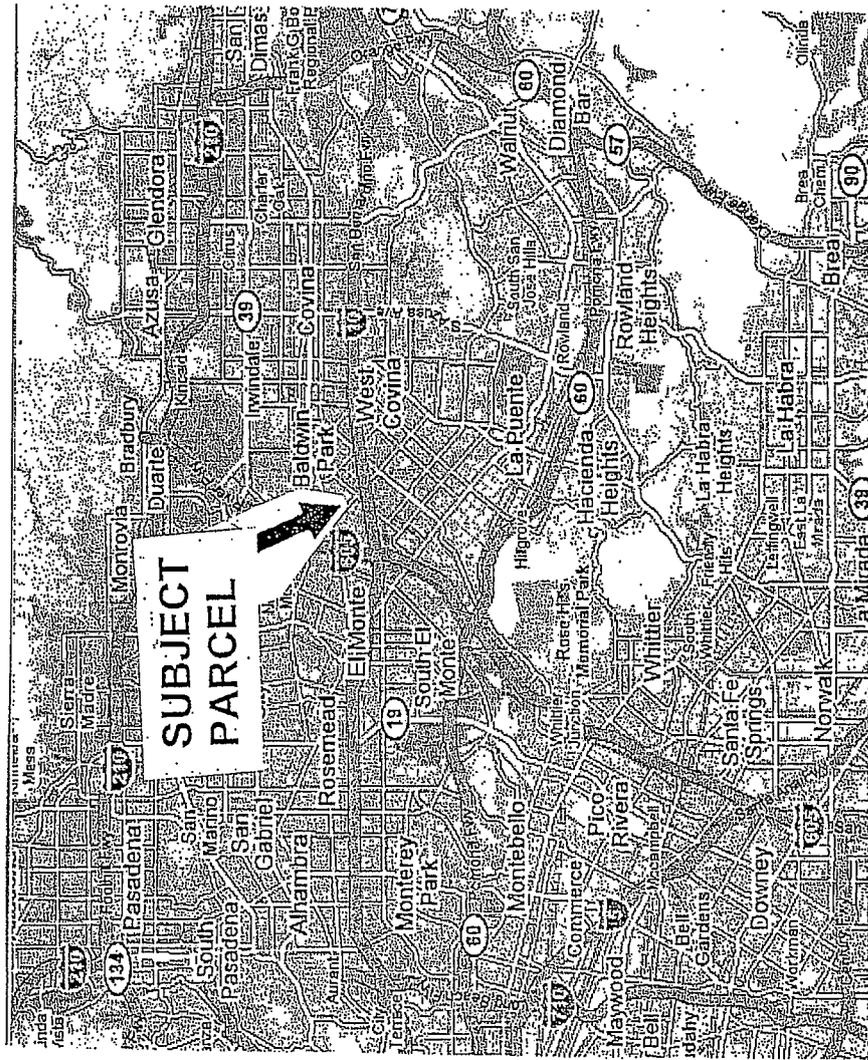


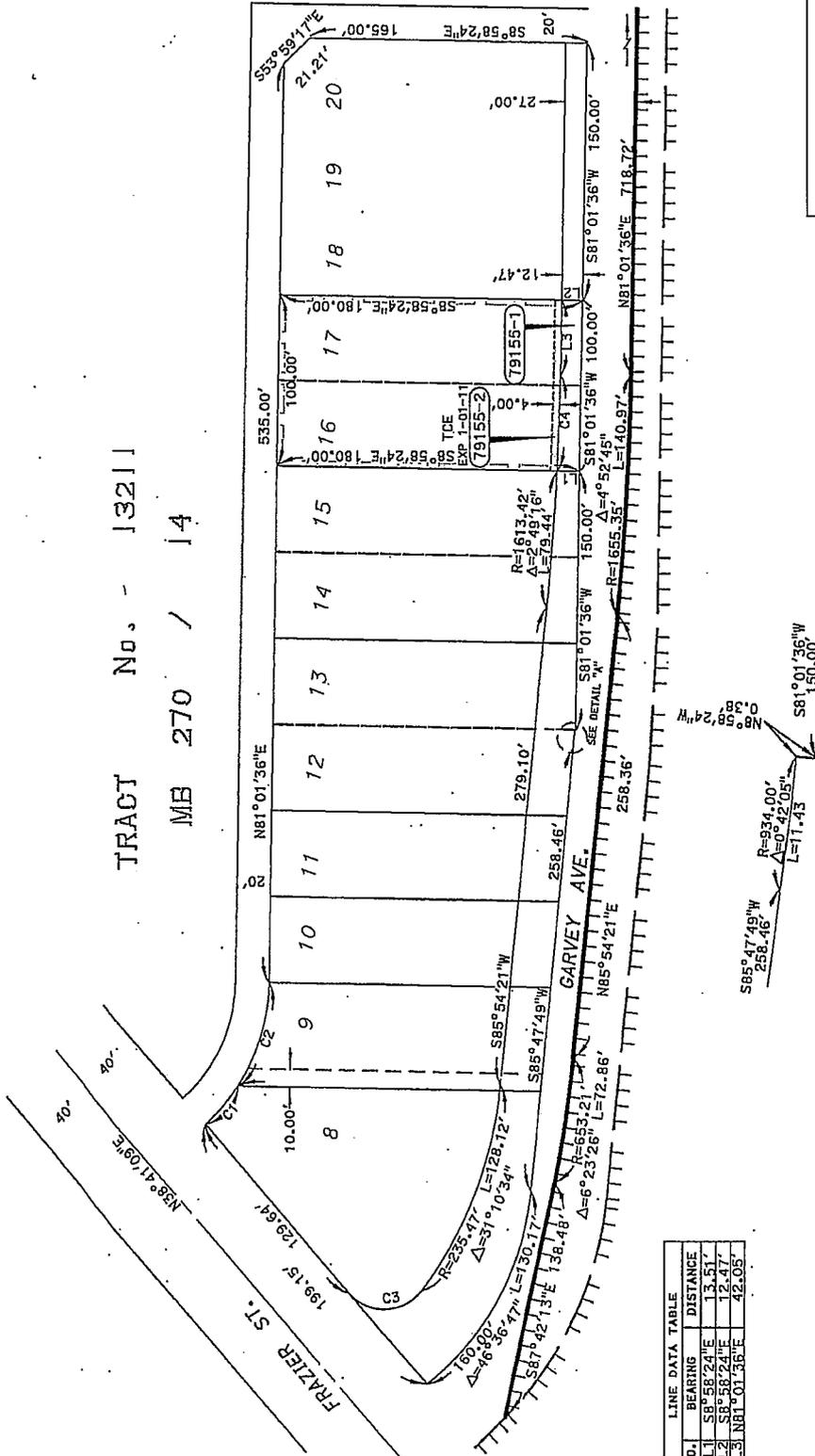
EXHIBIT "A"

07-LA-10-PM.31

COUNTY OF LOS ANGELES  
CITY OF BALDWIN PARK



TRACT No. - 13211  
MB 270 / 14



LINE DATA TABLE

NO.	BEARING	DISTANCE
L1	S8°58'24\"E	13.51'
L2	S8°58'24\"E	12.47'
L3	N81°01'36\"E	42.05'

CURVE DATA TABLE

NO.	RADIUS	DELTA	LENGTH
C1	111.60'	15°07'11\"	29.45'
C2	111.60'	32°31'21\"	63.35'
C3	27.64'	101°36'16\"	49.03'
C4	1613.42'	2°03'30\"	57.96'

DETAIL "A"  
N.T.S.

EXHIBIT "B"  
07-LA-10-PM 31.7  
SCALE = 1" 100'  
DATE 6-27-07

