

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: April 25-26, 2012

Reference No.: 2.4a.(1)
Action Item

From: NORMA ORTEGA
Chief Financial Officer

Prepared by: Brent Green
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-20817 summarized on the following page. This Resolution is for a transportation project on Interstate 5 in District 7, in Los Angeles County.

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 proposed project.
2. 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.
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 owner is contesting the Resolution and has requested an appearance before the Commission. The primary concern and objection expressed by the property owner is that the proposed project is not planned or located in the manner that will be most compatible with the greatest public good and the least private injury. Specifically, owner believes that certain property interests sought to be acquired are unnecessary and feels that vibrations from construction activities and noise from construction equipment would be disruptive to church services. The Department has modified its design to reduce the amount of right-of-way required from the owner and reduce vibrations and noise from construction activities. The owner's objections and the Department's responses are contained in Attachment B.

BACKGROUND:

Discussions have taken place with the property owner, who has been offered the full amount of the Department's appraisal and, where applicable, advised of any relocation assistance benefits to which they 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.

Extensive discussions have been ongoing between the property owner and the Department to address and resolve the issues. Substantial progress has been made but in order to keep the project schedule, the Department is requesting that this appearance proceed to the April 25-26, 2012 Commission meeting. Legal possession will allow the construction activities on the parcels to commence, thereby avoiding and/or mitigating considerable right of way delay costs that will accrue if efforts to initiate the condemnation process are not taken immediately to secure legal possession of the subject property.

C-20817 - Norwalk United Methodist Church

07-LA-5-PM 4.4 - Parcel 80167-1, 2, 3, 4, 5 - EA 215949.

Right of Way Certification Date: 03/09/12; Ready To List Date: 03/23/12. Freeway - widen Interstate 5 to add high occupancy vehicle and mixed-flow lanes. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, temporary easements for construction purposes, and a permanent easement for footing purposes. Located in the city of Norwalk at 12111 Olive Street. Assessor Parcel Number 8056-004-011.

Attachments:

- Attachment A - Project Information
- Exhibit A1 and A2 - Project Maps
- Attachment B - Parcel Panel Report
- Exhibit B1 through B3 - Parcel Maps

PROJECT INFORMATION

PROJECT DATA

07-LA-5-PM 4.0/5.9
Expenditure Authorization 215949

Location: Interstate 5 (I-5) in Los Angeles County in the city of Norwalk

Limits: From 0.4 mile south of San Antonio Drive Undercrossing to 0.7 mile north of Pioneer Boulevard Undercrossing

Cost: Programmed construction cost: \$151,019,000.00
Current right of way cost estimate: \$111,583,000.00

Funding Source: Corridor Mobility Improvement Account (CMIA), Traffic Congestion Relief Program, State Transportation Improvement Program, State-Local Transportation Partnership Program, Transportation Equity Act for the 21st Century, and Local Proposition C

Number of Lanes: Existing: three mixed-flow lanes in each direction
Proposed: four mixed-flow lanes plus one high occupancy (HOV) vehicle lane in each direction

Proposed Major Features: Split diamond interchange at Norwalk Boulevard/San Antonio Drive and Imperial Highway, frontage road construction and city street widening/reconstruction of San Antonio Drive, Norwalk Boulevard, Union Street, Imperial Highway

Traffic: Existing (year 2005): 171,000 Annual Daily Traffic (ADT)
Proposed (year 2030): 281,000 ADT

NEED FOR THE PROJECT

The purpose of the project is to widen the I-5 corridor from the Orange County line to Interstate 605 (I-605) to increase capacity for the I-5 freeway which would; improve mobility for goods and people across California; and improve safety and access to the

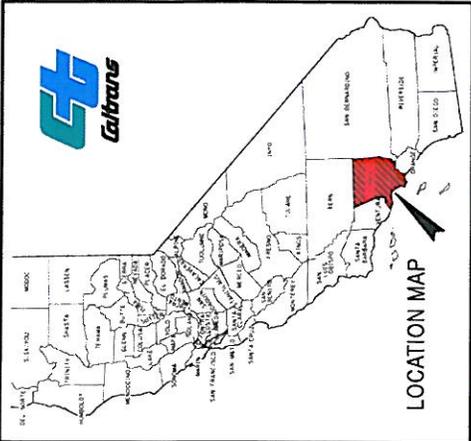
freeway. This project is one of six segments in the I-5 Ultimate Corridor Project, which is a high priority project for the Department.

This project is needed as a result of increased traffic demand from population, housing and employment growth in the project area. Combined with the limited capacity of the existing freeway facility, it is necessary to widen the freeway to accommodate increased traffic demand. Average daily traffic is expected to rise from 171,000 (2005) to 281,000 (2030). The proposed improvements will increase the capacity of the freeway from a six lane facility (six mixed-flow lanes) to a ten lane facility (eight mixed flow lanes plus two HOV lanes).

PROJECT PLANNING AND LOCATION

The proposed project will add a mixed flow lane and a HOV lane in each direction of travel on I-5. A number of project alternatives have been looked at in the past. The Project Report/Environmental Document for the project was approved on June 29, 2007. The construction cost is currently estimated at \$151,019,000.00 for this project. This project is funded with funding from Federal, State and local funds including the CMIA bond measure funds that require construction or implementation to begin by the December 31, 2012. The Right of Way Certification date is March 9, 2012, Ready to List is March 23, 2012, and advertising targeted for June 2012.

The current design proposes to minimize right of way impacts in the I-5 freeway corridor that resulted from the analysis of a number of different project alternatives as well as a value analysis study. The proposed project includes retaining and sound walls to minimize right of way impacts.



Location Map

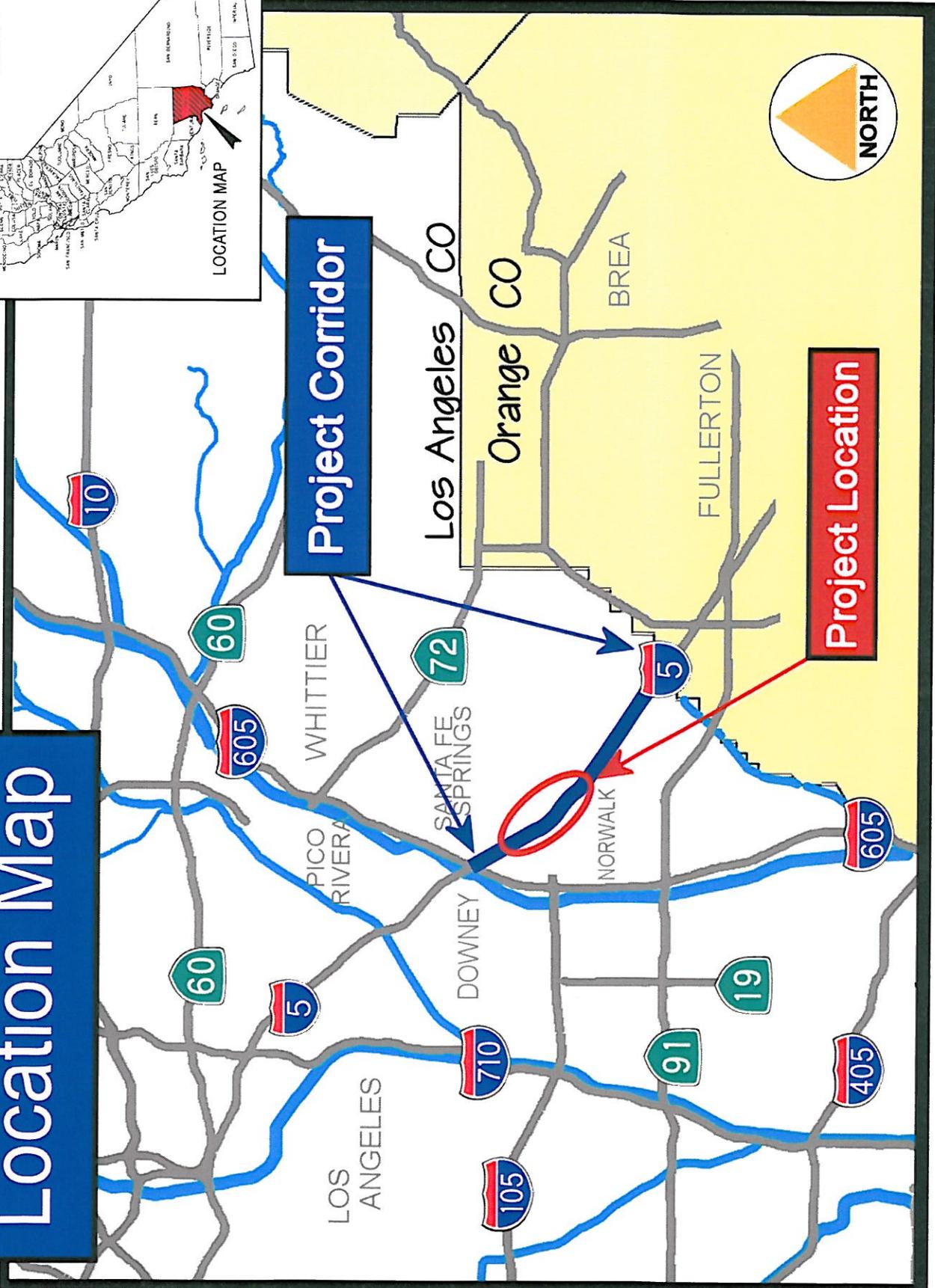


Exhibit A1

Project Location



Norwalk United Methodist Church



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Exhibit A2

PARCEL PANEL REPORT

PARCEL DATA

Property Owner: Norwalk United Methodist Church

Parcel Location: 12111 Olive Street in the city of Norwalk
Assessor Parcel Number 8056-004-011

Present Use: Church

Zoning: R3 - Residential

Area of Property: 94,961 Square Feet (SF)

Area Required: Parcel 80167-1: 531 SF - Fee
Parcel 80167-2: 193 SF - Fee
Parcel 80167-3: 73 SF - Footing Easement
Parcel 80167-4: 2,275 SF - Temporary Construction Easement (TCE)
Parcel 80167-5: 930 SF - TCE

PARCEL DESCRIPTION

The property is rectangular in shape and is 94,961 SF (approximately 2.18 acres). The property is currently improved with a 19,984 SF church building and other improvements. The property is bound by San Antonio Drive/Norwalk Boulevard to the northwest, Olive Street to the southwest and the Interstate 5 (I-5) onramp to the northeast. It has good street frontage. A portion of the improvement is leased to the non-profit organization Life Sharing Adult Health Care.

The Department's original design required five sub-parcels: 717 SF in fee, 193 SF in fee, 5,333 SF in footing easement, 1,966 SF of TCE and 1,319 SF of TCE. Design reduced the required acquisitions to the following: 531 SF in fee, 193 SF in fee, 73 SF in footing easement, 2,275 SF of TCE and 930 SF of TCE after discussions with the property owner to further minimize right of way impacts by avoiding existing improvements.

NEED FOR THE SUBJECT PROPERTY

A portion of the subject property is impacted due to the widening for the freeway and San Antonio Drive. The freeway widening will provide increased freeway capacity as previously discussed. The proposed split diamond interchange design configuration also requires that San Antonio Drive be widened to accommodate the necessary through and turning movements on San Antonio Drive.

RESOLUTION OF NECESSITY REVIEW PANEL REPORT

The Condemnation Review Panel (Panel) met in Los Angeles on March 21, 2012. The Panel members included Donald Grebe, Panel Chair, Department of Transportation (Department) Headquarters (HQ's) Division of Right of Way and Land Surveys; Linda Harrel, Department Los Angeles Legal Division; Linda Fong, Department HQ's Division of Design; and Mark Zgombic, Department HQ's Division of Right of Way and Land Surveys, Secretary to the Panel. Representing the property owner at the meeting was Pastor Abel Lara of Norwalk United Methodist Church and attorney, Gary Kovacic, of Sullivan, Workman & Dee, LLP.

This report summarizes the findings of the Panel with regard to the four criteria required for a Resolution of Necessity and makes a recommendation to the Department's Chief Engineer. The primary concern and objection expressed by the property owner is that the proposed project is not planned or located in the manner that will be most compatible with the greatest public good and the least private injury. Specifically owner believes that certain property interests sought to be acquired are unnecessary and feels that vibrations from construction activities and noise from construction equipment would be disruptive to church services. The Department has modified its design to reduce the amount of right-of-way required from the owner and reduce vibrations and noise from construction activities.

The following is a description of the concerns expressed by the owner's representatives, followed by the Department's response:

Owner:

How will freeway access to the church be impacted in the after condition?

Department:

The Department will realign and configure on and off ramps to ease traffic and have more free-flowing traffic operations. Although the location of the southbound off-ramp has moved, the overall distance that a motorist would travel, remains unchanged.

Owner:

Concerned with noise, how it will affect the main sanctuary building and the mitigation measures Department is taking to reduce the impact and what will be height of the soundwall.

Department:

The church representatives have provided that critical hours for noise-sensitive activities occur on Saturdays and Sundays from 9:00am to 9:00pm, and Wednesdays between 6:00pm to 9:00pm. The Department has agreed to restrict construction activities during these times.

Additionally, the soundwall being constructed along the on ramp will be extended the length of the property frontage, tying into an existing wall. This soundwall will provide noise mitigation from the traffic and will be constructed as the first order of work to mitigate construction noise.

The initial timeframe to complete construction activities was estimated at seven months. It is anticipated, based on the above construction restrictions, to take approximately two months to construct the eight foot four inch soundwall, after which the remaining construction noise impacts will be greatly reduced.

Owner:

Will there be increased traffic in the after condition?

Department:

The split diamond interchange design will direct I-5 Imperial Highway off ramp traffic and Norwalk Boulevard/San Antonio Drive on ramp traffic to the collector road, increasing traffic flows in the after condition.

However, traffic movements from I-5 going towards the church will experience fewer conflicts along the collector road as opposed to the current Union Street residential traffic.

Owner:

What affect will the project have on buildings that are close to the proposed right of way line?

Department:

The only structure affected will be the an eight foot by twelve foot storage shed that is adjacent to the right of way fence. The shed will require removal. A revised offer has been made to the owner, that includes the cost to replace the shed. Other structures such

as the main sanctuary and the kitchen room of the main facility will not be directly affected.

Owner:

How many parking spaces will be temporarily lost and for how long?

Department:

Though the appraisal states ten parking spaces along the freeway fence line would be lost temporarily during construction, in actuality, only nine parking spaces would be temporarily lost. The maximum duration of the loss should be considered as the length of time that the temporary construction easement was requested, but will most likely be approximately two months. A further refinement of the time frame can be provided once a contractor is awarded the project, and the contractor has submitted their construction schedule.

Owner:

How will the project affect the electrical transformer (located on the northern portion of the property) and will it affect electrical service?

Department:

The project is not in conflict with the transformer box, so it should not be affected. Southern California Edison has been contacted to confirm that due to changes in the curb location, there are no issues that would require the transformer to be relocated.

DEPARTMENT CONTACTS

The following is a summary of contacts made with the property owner:

Type of Contact	Number of Contacts
Mailing of information	3+
E-Mail of information	10+
Telephone contacts	10+
Personal / meeting contacts	3+

STATUTORY OFFER TO PURCHASE

The Department has appraised the subject property and offered the full amount of the appraisal to the owner of record as required by Government Code Section 7267.2. The property owner has been notified that issues related to compensation are outside the purview of the Commission.

PANEL RECOMMENDATION

The Panel concludes that the Department's project complies with Section 1245.230 of the Code of Civil Procedure in that:

- 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 least private injury.
- The property rights to be condemned are necessary for the proposed project.
- 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 Commission.



DONALD E. GREBE
Chief
Office of Project Delivery
Division of Right of Way and Land Surveys
Panel Chair

I concur with the Panel's recommendation:



ROBERT PIEPLOW
Acting Chief Engineer

**PERSONS ATTENDING THE CONDEMNATION PANEL REVIEW
MEETING ON MARCH 21, 2012**

Donald Grebe, HQ's Division of Right of Way and Land Surveys, Panel Chair
Linda Harrel, Los Angeles Legal Office Attorney, Panel Member
Linda Fong, HQ's Division of Design, Panel Member
Mark Zgombic, HQ's Division of Right of Way and Land Surveys, Panel Secretary

Pastor Able Lara, Property Owner Representative
Gary Kovacic, Attorney for the Property Owner

Michael Miles, District 7, District Director
Bill Reagan, District 7, Deputy District Director, Design
Jerrel Kam, District 7, Office Chief, Office of Design A
Andrew P. Nierenberg, District 7, Deputy District Director, Right of Way
Yoshiko Henslee, District 7, Supervising Right of Way Agent
James Marsella, District 7, Senior Right of Way Agent
Hazel Devine-Williams, District 7, Right of Way Agent



Existing
 Norwalk Blvd
 Undercrossing

Existing Conditions

-  Local Streets
-  Freeway Facilities

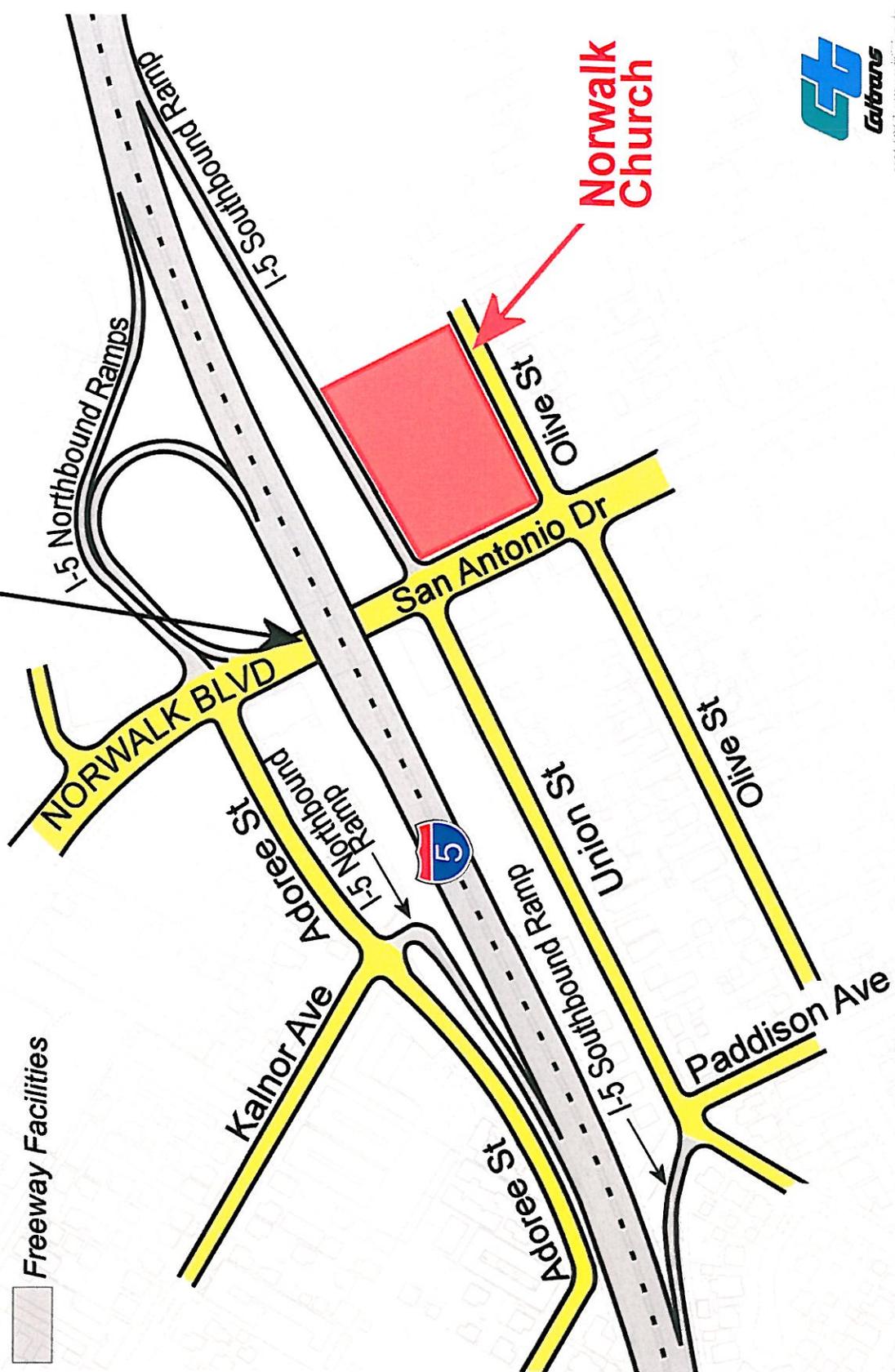
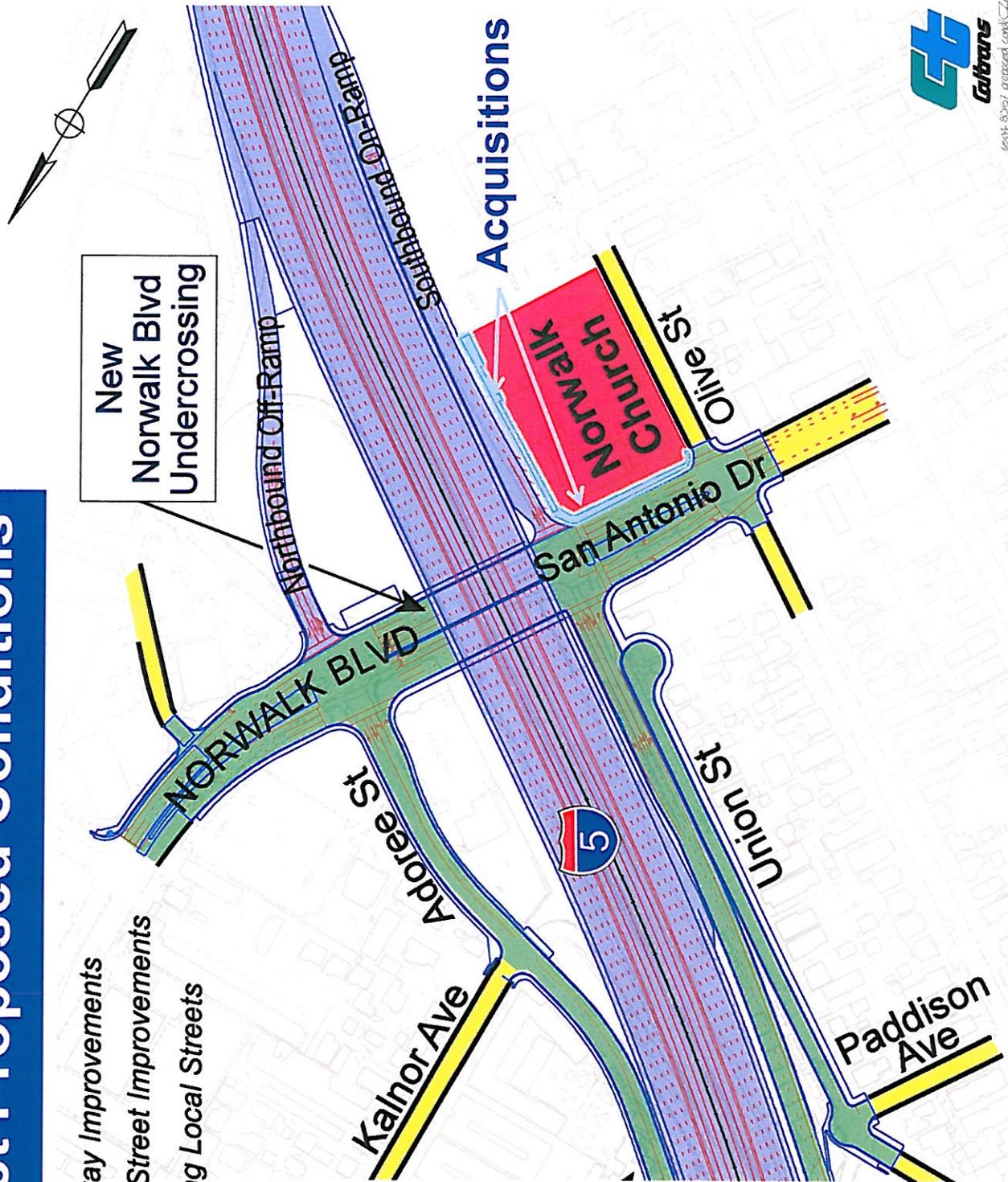


Exhibit B1

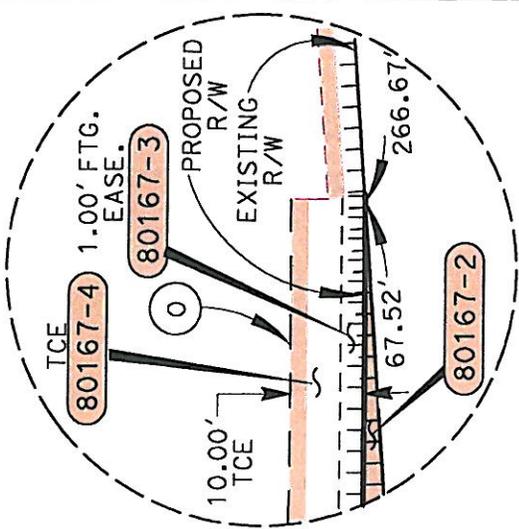
Project Proposed Conditions

- Freeway Improvements
- Local Street Improvements
- Existing Local Streets



CITY OF NORWALK COUNTY OF LOS ANGELES

NOTE: The State of California or its officers or agents shall not be responsible for the accuracy or completeness of digital images of this map.



DETAIL "A"
NO SCALE

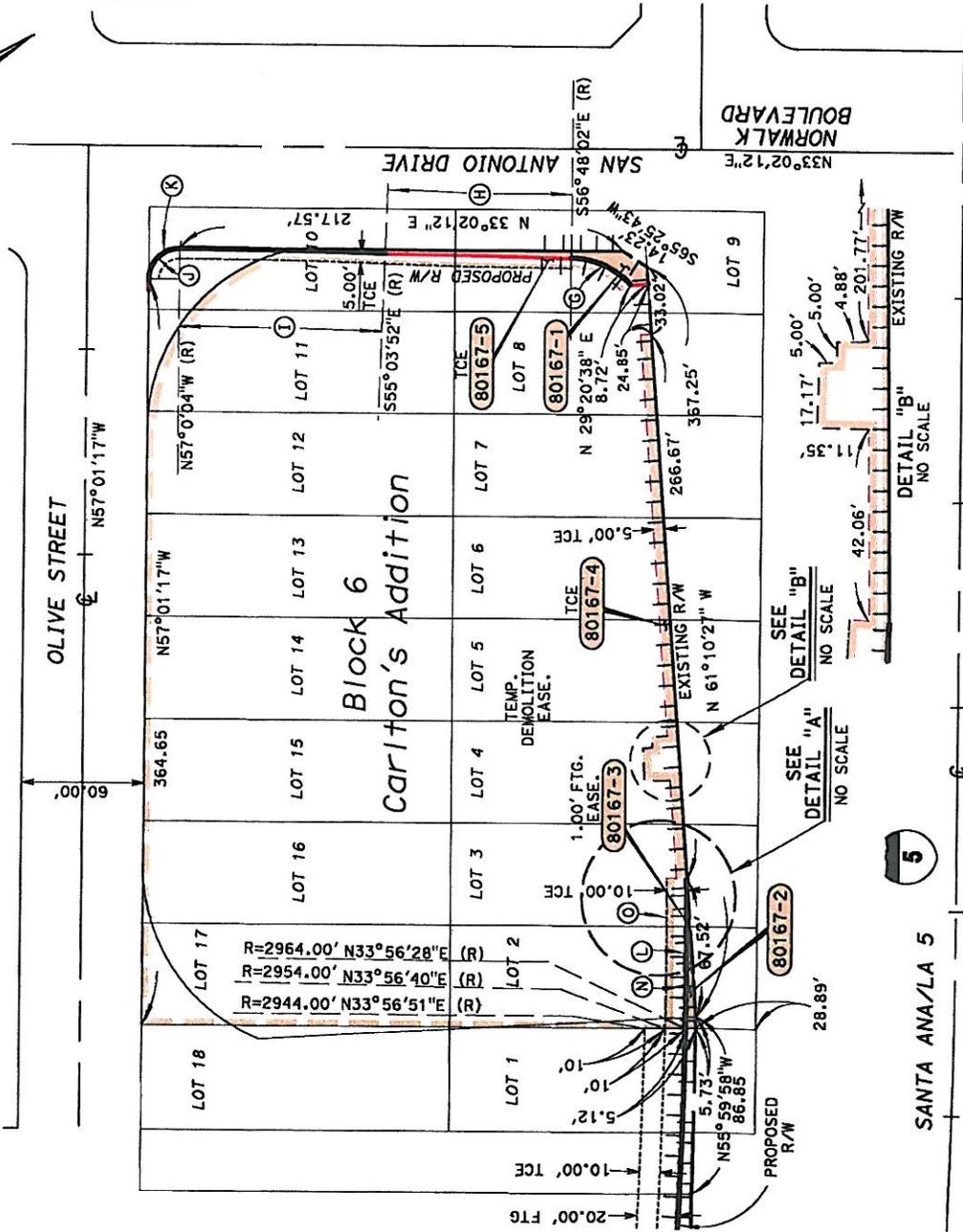
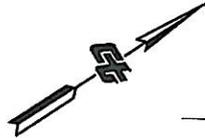
CURVE	RADIUS	DELTA - Δ	LENGTH
G	40.00'	47°04'37"	32.87'
H	3012.00'	1°44'10"	91.27'
I	2988.00'	1°56'13"	100.01'
J	15.00'	90°00'59"	23.57'
K	15.00'	90°03'15"	23.58'
L	2964.00'	1°24'46"	73.08'
N	2963.00'	1°25'09"	73.39'
O	2954.00'	1°25'22"	73.35'

STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION AND HOUSING AGENCY
DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY RESOLUTION OF NECESSITY

EXHIBIT B
NOT TO SCALE

DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
7	LA	5	4.4	1	1



5

SANTA ANA/LA 5

P 3 BK 1 PG 493-494
O R M 7425 PG 20-21