

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: May 7, 2013

Reference No.: 2.4a.(2)
Action Item

From: NORMA ORTEGA
Chief Financial Officer

Prepared by: Brent L. 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 Resolutions of Necessity (Resolution) C-21039, C-21040, and C-21041 summarized on the following page. These Resolutions are for a transportation project on Interstate 10 in District 7, in the cities of Baldwin Park and West Covina.

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 owners are contesting the adoption of the Resolutions and have requested an appearance before the Commission. The primary concern and objection expressed by the property owners 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. The owners' objections and the Department's responses are contained in Attachments B, C, and D.

BACKGROUND:

Discussions have taken place with the property owners, who have 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 Resolutions will not interrupt the Department's efforts to secure an equitable settlement. In accordance with statutory requirements, the owners have been advised that the Department is requesting the Resolutions at this time. Adoption of the Resolutions will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules.

Discussions have been ongoing between the property owners and the Department to address and resolve the issues. Progress has been made but in order to keep the schedule, the Department is requesting that these appearances proceed to the May 7, 2013 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 the subject properties.

C-21039 - Plaza West Covina, LP, a Delaware limited partnership

07-LA-10-PM 35.0 - Parcel 79817-1 - EA 1170U9.

Right of Way Certification (RWC) Date: 05/30/13; Ready to List (RTL) Date: 05/31/13.

Freeway - construct high occupancy vehicle (HOV) lanes and soundwalls. Authorizes condemnation of land in fee for a State highway. Located in the city of West Covina at 100 South California Avenue. Assessor's Parcel Number (APN) 8474-007-030. Attachment B

C-21040 - Plaza West Covina, LP, a Delaware limited partnership

07-LA-10-PM 35.0 - Parcel 79818-1, 2, 3, 01-01 - EA 1170U9.

RWC Date: 05/30/13; RTL Date: 05/31/13. Freeway - construct HOV lanes and soundwalls.

Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction purposes, a temporary easement for the purpose of removing existing improvements which straddle the right of way line, and land in fee which is a remnant and would be of little market value. Located in the city of West Covina at 110 South California Avenue. APN 8474-007-031. Attachment C

C-21041 - Plaza West Covina, LP, a Delaware limited partnership

07-LA-10-PM 35.0 - Parcel 80160-1 - EA 1170U9.

RWC Date: 05/30/13; RTL Date: 05/31/13. Freeway - construct HOV lanes and soundwalls.

Authorizes condemnation of a temporary easement for construction purposes. Located in the city of West Covina near 100A and 100B South California Avenue. APN 8474-007-040. Attachment D

Attachments:

Attachment A - Project Information

Exhibit A1 through A5 - Project Maps

Attachment B - Parcel Panel Report for Resolution C-21039

Exhibit B1 - Parcel Map for Resolution C-21039

Attachment C - Parcel Panel Report for Resolution C-21040

Exhibit C1 - Parcel Map for Resolution C-21040

Attachment D - Parcel Panel Report for Resolution C-21041

Exhibit D1 - Parcel Map for Resolution C-21041

PROJECT INFORMATION

PROJECT DATA	07-LA-10-PM 33.2/37.2 Expenditure Authorization 1170U9
<u>Location:</u>	Interstate 10 (I-10) in Los Angeles county, in the cities of Baldwin Park and West Covina
<u>Limits:</u>	From 0.1 mile west of Puente Avenue Undercrossing to 0.2 mile east of Hollenbeck Street Undercrossing
<u>Cost:</u>	Programmed construction cost: \$134,760,000.00 Current right of way cost estimate: \$20,980,000.00
<u>Funding Source:</u>	Construction Mitigation and Air Quality Improvement Program (CMAQ), Traffic Congestion Relief Program (TCRP), and State Transportation Improvement Program (STIP)
<u>Number of Lanes:</u>	Existing: eight mixed-flow lanes and two auxiliary lanes Proposed: eight mixed-flow lanes, two high occupancy vehicle (HOV) lanes, and two auxiliary lanes
<u>Proposed Major Features:</u>	Freeway widening, constructing retaining walls, soundwalls, widening seven bridges, constructing two new bridges, realigning affected ramps, and removal and relocation of eastbound I-10 off-ramp to northbound Vincent Avenue
<u>Traffic:</u>	Existing (year 2001): 205,000 to 258,000 Annual Daily Traffic (ADT) Proposed (year 2031): 328,000 to 412,800 ADT

NEED FOR THE PROJECT

I-10 is an east-west freeway which provides commuter access from Riverside County, San Bernardino County, and the San Gabriel Valley, to the Los Angeles Central Business District. This project is part of a larger effort to extend HOV lanes from the existing El Monte Busway terminus at Baldwin Avenue in El Monte east to the Los Angeles/San Bernardino County line and beyond to Interstate 15. The extension of the HOV lanes in each direction is intended to reduce congestion by encouraging ridesharing, thus increasing the person-carrying capacity of the freeway and potentially decreasing the number of cars present on the freeway.

Within the project limits, I-10 currently is an eight-lane freeway with auxiliary lanes in both directions between local interchanges, with a concrete barrier median. Peak-hour operating

conditions are currently at level of service which exceeds capacity, and travel demand forecasts indicate that traffic volumes are expected to increase by almost 60 percent by the year 2031 if no improvements are made.

The I-10 corridor presently operates over capacity, resulting in traffic congestion, increased energy consumption, air quality impacts, increased traffic accidents, and general deterioration of commuter comfort levels. Projected growth in the region will exacerbate these problems, resulting in anticipated drops in the level of service in both the westbound direction of I-10 during the morning peak hours and the eastbound direction of I-10 during the afternoon peak hours.

The project will reduce congestion by encouraging ridesharing, thus increasing the person-carrying capacity of the freeway and improving the mobility. Additionally, the HOV lanes will improve traffic operations along the entire I-10 corridor, including the mixed flow lanes and local arterials while minimizing environmental and economic impacts. With projected population growth trends indicating increased transportation demand, the need for the HOV lane improvements along I-10 will continue to increase.

PROJECT PLANNING AND LOCATION

The Project Report and initial Environmental Document were approved on 12/31/02, National Environmental Policy Act revalidation was approved on 05/24/12 and California Environmental Quality Act Environmental Impact Report was approved on 06/15/12. The current programmed construction cost is \$134,760,000.00 with the primary sources of funding coming from State (STIP and TCRP) and Federal (CMAQ) funds. The project has a tentative date for Right of Way Certification of 05/30/13, with a Ready to List Date of 05/31/13 and a tentative Advertising date of 09/16/13.

The Preferred Alternative selected for this project is the “Non-Standard” HOV alternative. This alternative provides for the construction of an HOV lane in each direction along I-10. The typical features associated with this alternative are: ten-foot left shoulder, eleven-foot HOV lane, two-foot buffer, eleven-foot No. 1 mixed-flow lane, three-twelve foot mixed-flow outside lanes, a twelve-foot auxiliary lane where applicable, and a ten-foot outside shoulder in each direction. This alternative was selected as it maintains safety, operation benefits, and provides flexibility in the future, while minimizing right of way impact and project costs. The project also includes the widening of seven existing undercrossings, the construction of two new undercrossings, realignment of affected on/off ramps, and construction of retaining walls and soundwalls.

The following Alternatives were considered for this project, but were rejected for the reasons as stated below:

- “No Action”
This alternative represents future baseline conditions in the year 2031 and provides a baseline scenario for comparison with the proposed alternative.

The “No Action” (No Build) alternative assumes no changes will be made to the existing facility. This Alternative was eliminated because it is not consistent with local and regional plans of the Metropolitan Transportation Agency (MTA) and the Department of Transportation (Department), as additional traffic demands will not be satisfied. Without improvements to I-10, safety, travel times, fuel consumption, and air quality will deteriorate throughout the project area.

- “Standard HOV”

The Standard HOV alternative also provides for the construction of a HOV lane in each direction, however, it proposes a standard ten-foot median and twelve-foot lanes. This will require typical mainline widening of approximately twenty-three feet in each direction. This would result in the a minimum acquisition of a ten-foot sliver of right of way along Garvey Avenue, which in turn will result in the full acquisition of many residential and commercial properties. It would also have substantial utility impacts, and construction disturbances. In addition to the sliver acquisition along Garvey Avenue, significant right of way impacts are likely to happen at the local interchanges, as the ramps would have to be reconfigured to provide acceptable geometrics. Vertical clearance constraints would be magnified and, in turn, so would the drainage and utility work associated with the profile lowering. When compared to the Non-Standard HOV alternative (the preferred alternative), the Standard HOV alternative provides only nominal operational benefits and safety improvements, yet has a substantially higher cost and right of way impacts. For these reasons, this alternative was eliminated from further consideration.

- “Additional General Purpose Lanes”

This alternative adds one mixed-flow lane in each direction instead of a HOV lane, and was discussed in the Project Study Report (PSR). It is no longer being considered as it is not compatible with the Federal Highway Administration (FHWA), Department, MTA, and the Southern California Associated Governments (SCAG’s) policies to increase the people carrying capacity of freeway widening.

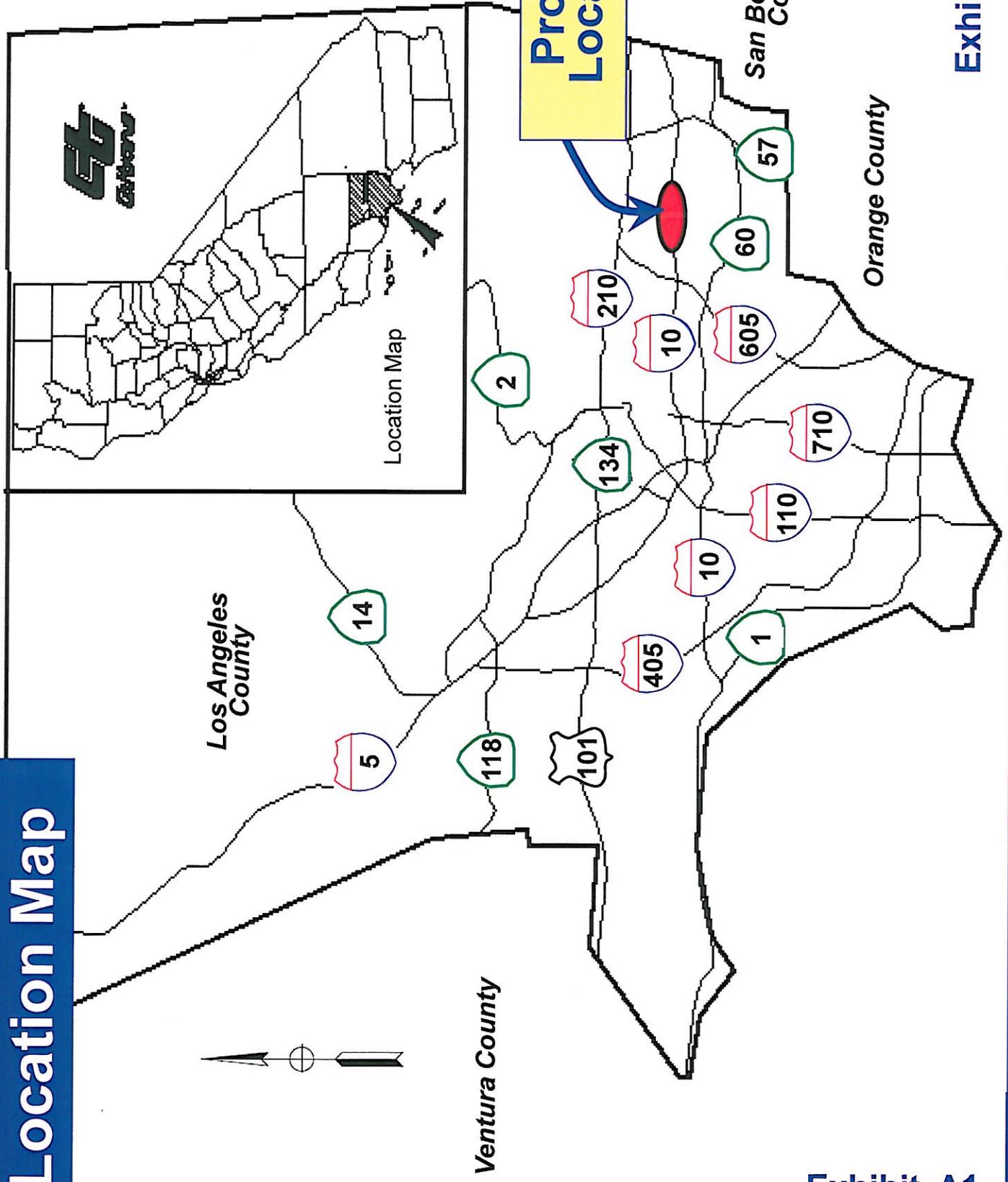
- “Elevated Facility”

This alternative would have utilized the existing median to construct a viaduct over the existing freeway. It was discarded in the PSR because of excessive right of way costs for the elevated HOV viaduct especially at the egress ingress areas.

- “Traffic System Management (TSM)”

TSM measures such as ramp metering and auxiliary lanes have been or are being implemented. However, major construction would be necessary to improve traffic level of service significantly. Additionally, this alternative is not compatible with the FHWA, Department, MTA and SCAG’s policies to increase the people carrying capacity of freeway widening.

Location Map



Project Location

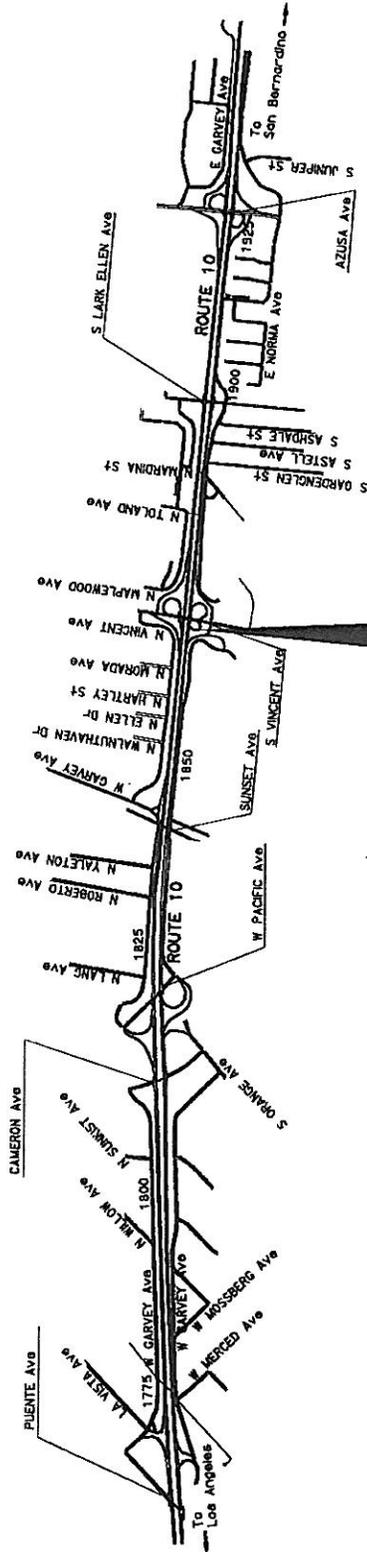
Exhibit A1

Exhibit A1

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.

STATE OF CALIFORNIA
 DEPARTMENT OF TRANSPORTATION
 STATE HIGHWAY

IN BALDWIN PARK FROM 0.1 MILE WEST
 OF PUENTE AVENUE TO 0.3 MILE WEST
 OF CITRUS STREET IN WEST COVINA

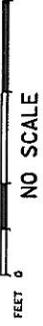


PROJECT SITE
 79817

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

RIGHT OF WAY
 RESOLUTION OF NECESSITY

EXHIBIT A



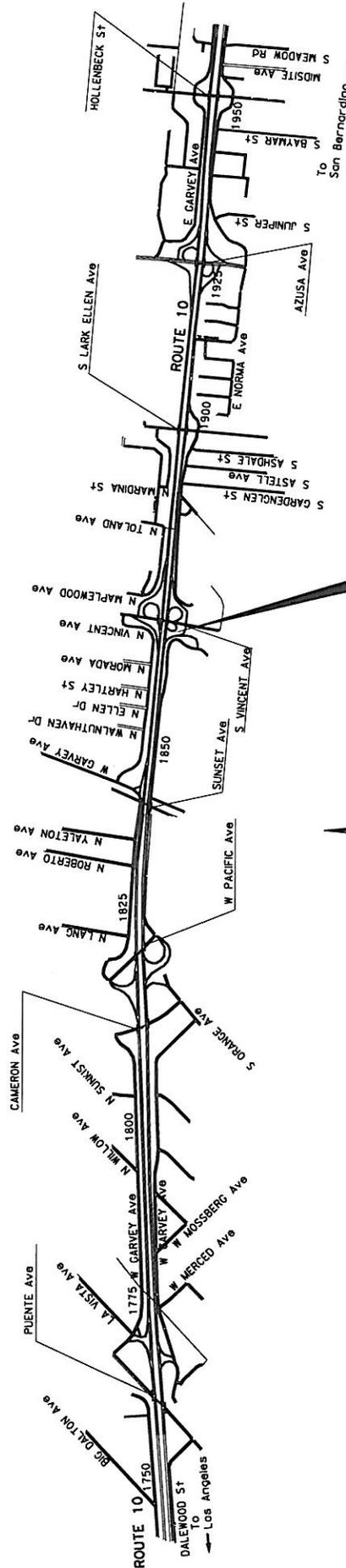
DISTRICT	COUNTY	ROUTE	SHEET	PM	SHEET NO.	TOTAL SHEETS
07	LA	10	35.0		1	1

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STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

STATE HIGHWAY

IN BALWIN PARK FROM 0.1 MILE WEST
OF PUENTE AVENUE TO 0.3 MILE WEST
OF CITRUS STREET IN WEST COVINA



PROJECT SITE
79818

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

RIGHT OF WAY
RESOLUTION OF NECESSITY

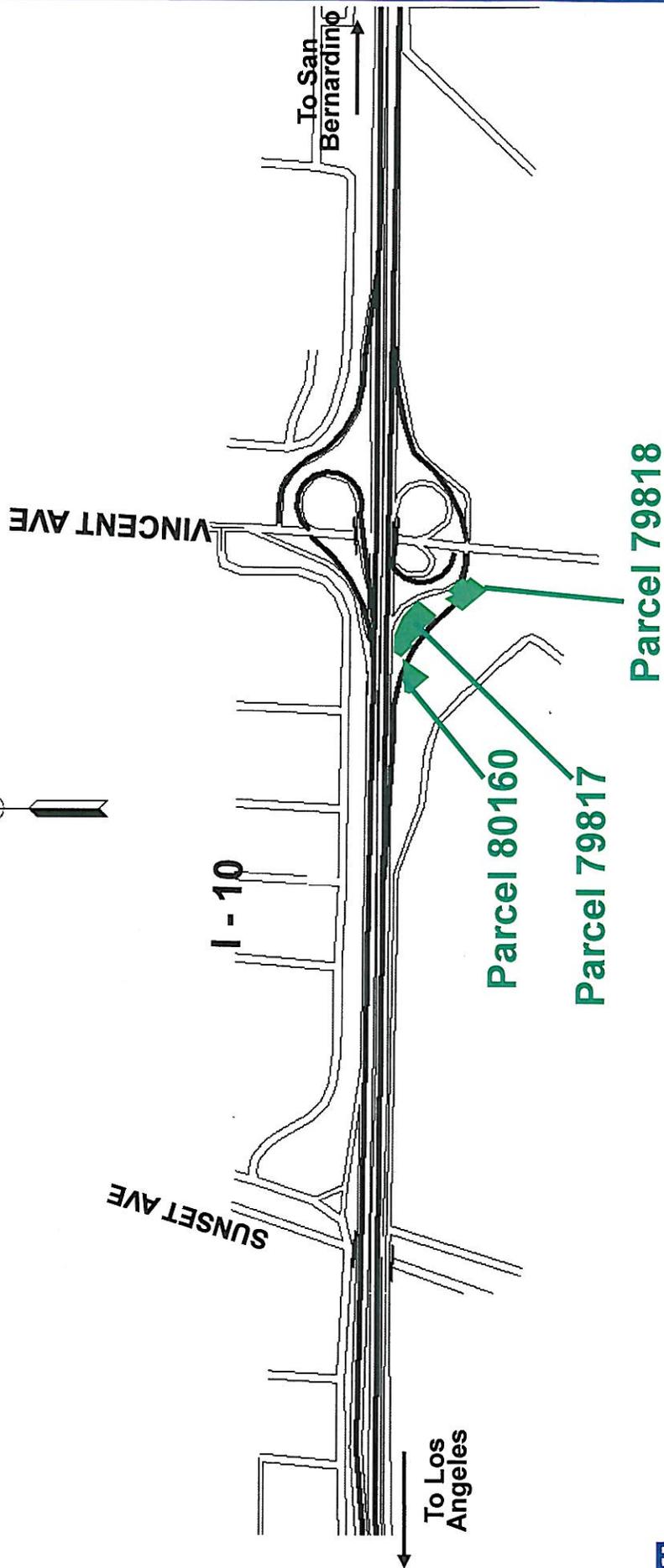
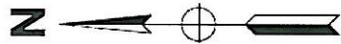
EXHIBIT A

NOT TO SCALE

DISTRICT	COUNTY	ROUTE	SHEET	PM	SHEET NO.	TOTAL SHEETS
07	LA	10	35.0		1	1

Exhibit A3

Project Location



PARCEL PANEL REPORT

PARCEL DATA

Property Owner: Plaza West Covina, LP, a Delaware limited partnership/Westfield LLC

Parcel Location: 100 South California Avenue (Westfield Mall) in the city of West Covina.
Assessor Parcel Number: 8474-007-030

Present Use: Commercial retail (AT&T Wireless) and a vacant restaurant (Bob's Big Boy)

Zoning: Regional Commercial

Area of Property: 11,258 Square Feet (SF)

Area Required: Parcel 79817-1: 11,258 SF - Fee

PARCEL DESCRIPTION

The subject parcel is located at 100 South California Avenue in the city of West Covina, directly adjacent to the eastbound Interstate 10 (I-10) off-ramp to Vincent Avenue. Irregular in shape and consisting of 11,258 SF, the subject property is categorized as a "pad", which is defined as separate building site within a shopping center (the Westfield Mall). Access to the site and use of the surrounding common areas for parking, sidewalks, landscaping, etc., is provided via a Reciprocal Easement Agreement (REA) with the surrounding property owners. The REA in part sets forth the easements and restrictive covenants for use of the property as part of the overall shopping center. The property is improved with an 8,962 SF single story Class D Structure, which has been segregated into two separate units. The current mixed use structure encompasses both a restaurant and a commercial retail space. The restaurant previously occupied by Bob's Big Boy is currently vacant, and the retail space is currently occupied by AT&T Wireless.

NEED FOR SUBJECT PROPERTY

The subject property is impacted as a result of the I-10 freeway widening to accommodate the addition of HOV lanes, and is primarily needed due to the realignment of the eastbound I-10 off-ramp to Vincent Avenue. The existing eastbound off-ramp and cloverleaf/loop ramp to northbound Vincent Avenue located in the southeast quadrant of the I-10/Vincent Avenue interchange will be eliminated, and the new eastbound I-10 off-ramp to both north and southbound Vincent Avenue will be constructed in the southwest quadrant of the interchange. As a result, the subject property cannot be avoided and the entire property must be acquired.

RESOLUTION OF NECESSITY REVIEW PANEL REPORT

The Condemnation Review Panel (Panel) met in Los Angeles on February 13, 2013. The Panel members included Robert Dauffenbach, Panel Chair, Department of Transportation (Department) Headquarters (HQ's) Division of Right of Way and Land Surveys; Linda Harrel, Department's 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 attorney John Murphy, and Westfield representatives John Goodwin and James Clark.

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's representative 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.

The following is a description of the primary concern/contention expressed by the owner's representatives, followed by the Department's response:

Owner Contends:

Ramp closures and construction scheduling will impact their business by making access to the Westfield Mall difficult for their customers.

Department Response:

Written specifications have been added to the project that prohibits the highway contractor from closing any two consecutive off-ramps at the same time, as well as performing construction activities on eastbound I-10 in the vicinity of the Westfield Mall during the peak holiday season between the Monday proceeding the Thanksgiving holiday weekend and January 2nd.

DEPARTMENT'S CONTACTS

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

Type of Contact	Number of Contacts
Mailing of information	4+
E-Mail of information	25+
Telephone contacts	25+
Personal / meeting contacts	8+

STATUTORY OFFER TO PURCHASE

The Department has appraised the subject property and offered the full amount of the appraisal to the owners 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 California Transportation Commission (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.

ROBERT W. DAUFFENBACH
Acting Chief
Office of Project Delivery
Division of Right of Way and Land Surveys
Panel Chair

I concur with the Panel's recommendation:

KARLA SUTLIFF
Chief Engineer

**PERSONS ATTENDING CONDEMNATION PANEL REVIEW MEETING
HEARING ON FEBRUARY 13, 2013**

Robert Dauffenbach, 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

John Murphy, Murphy & Evertz, Attorney for Westfield
John Goodwin, Westfield
James Clark, Westfield

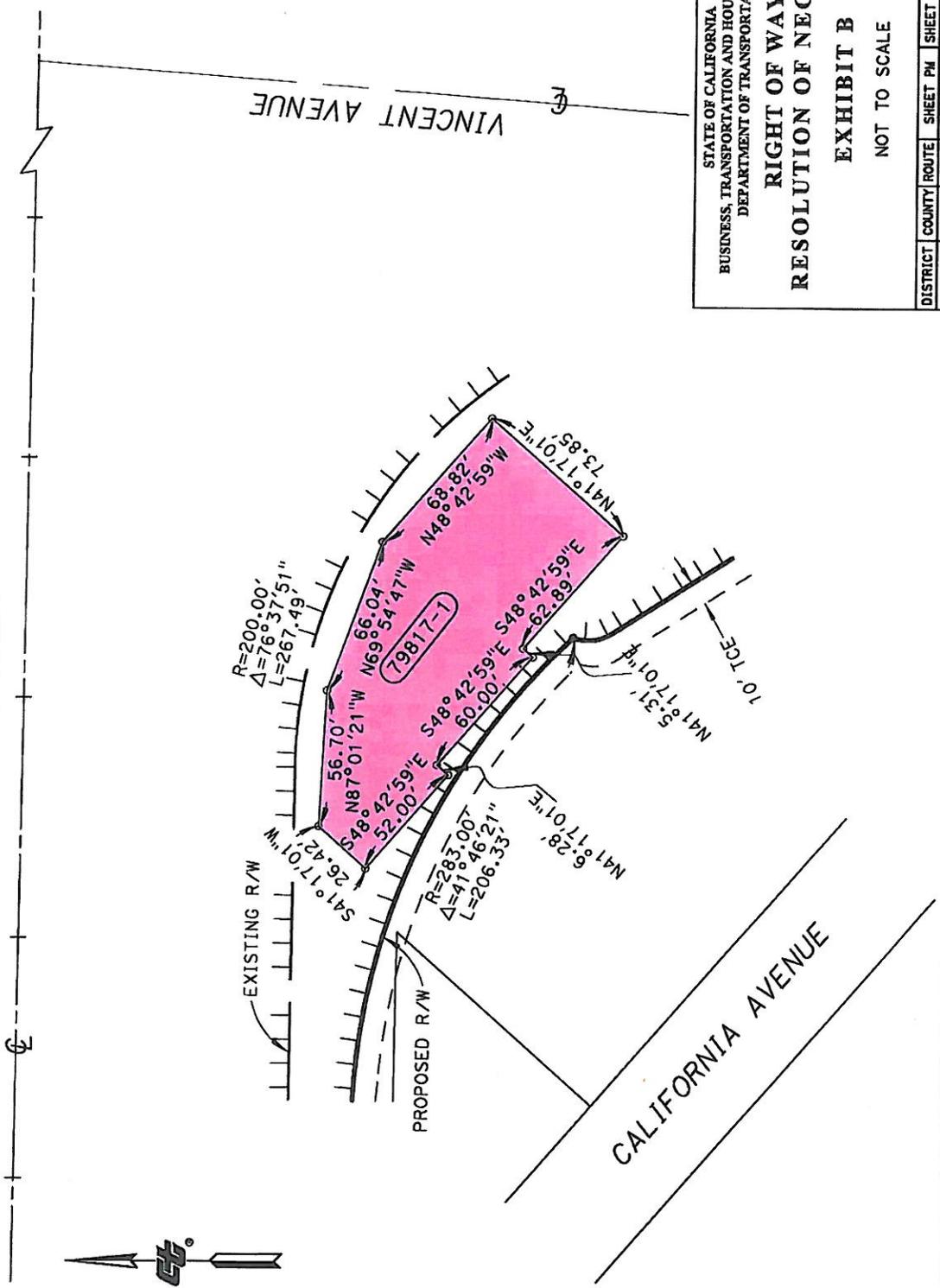
Michael Miles, District 7, District Director
Gregg Magaziner, District 7, Acting Deputy District Director, Design
Nader Gobran, District 7, Design Manager
Andrew P. Nierenberg, District 7, Deputy District Director, Right of Way
Yoshiko Henslee, District 7, Supervising Right of Way Agent
James Marsella, District 7, Senior Right of Way Agent
Edward Francis, District 7, Senior Right of Way Agent
Stan Jacobs, District 7, Right of Way Agent

CITY OF WEST COVINA COUNTY OF LOS ANGELES

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PARCEL MAP NO. 51590
M.B. 1204 / 71-85

ROUTE 10 FREEWAY



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	10	35.0		1	1

PARCEL PANEL REPORT

PARCEL DATA

Property Owner: Plaza West Covina, LP, a Delaware limited partnership/Westfield LLC

Parcel Location: 110 South California Avenue (Westfield Mall) in the city of West Covina.
Assessor Parcel Number: 8474-007-031

Present Use: Restaurant (California Pizza Kitchen)

Zoning: Regional Commercial

Area of Property: 6,549 Square Feet (SF)

Area Required:

Parcel 79818-1:	2,848 SF - Fee
Parcel 79818-2:	1,015 SF - Temporary Construction Easement (TCE)
Parcel 79818-3:	2,686 SF - Temporary Demolition Easement (TDE)
Parcel 79818-01-01:	3,701 SF - Excess

PARCEL DESCRIPTION

The subject parcel is located at 110 South California Avenue in the city of West Covina, directly adjacent to the eastbound Interstate 10 (I-10) off-ramp to Vincent Avenue. Irregular in shape and consisting of 6,549 SF, the subject property is categorized as a “pad”, which is defined as separate building site within a shopping center (the Westfield Mall). Access to the site and use of the surrounding common areas for parking, sidewalks, landscaping, etc., is provided via a Reciprocal Easement Agreement (REA) with the surrounding property owner. The REA in part sets forth the easements and restrictive covenants for use of the property as part of the overall shopping center. The property is improved with a 6,006 SF single story Class D Restaurant Structure, which is separately owned and occupied by California Pizza Kitchen.

NEED FOR SUBJECT PROPERTY

The subject property is impacted because of the I-10 freeway widening to accommodate the addition of high occupancy vehicle lanes, and is primarily needed due to the realignment of the eastbound I-10 off-ramp to Vincent Avenue. The existing eastbound off-ramp and cloverleaf/loop ramp to northbound Vincent Avenue located in the southeast quadrant of the I-10/Vincent Avenue interchange will be eliminated, and the new eastbound I-10 off-ramp to both north and southbound Vincent Avenue will be constructed in the southwest quadrant of the interchange.

The project requirements consist of a 2,848 SF fee acquisition and an adjacent 1,015 SF TCE which is ten feet wide, located south of the fee acquisition. The purpose of the fee acquisition is for the reconstruction of the Vincent Avenue interchange, specifically the eastbound on and

off-ramps to and from southbound Vincent Avenue. The TCE is required in part to accommodate grading and construction of the ramps. The fee acquisition severs the entire northerly (rear) perimeter of the subject property, encompassing over 47 percent (%) of primary improvements, and 43% of the total land area. As a result, remaining property (3,701 SF of excess land) is incapable of independent development, and considered to be an uneconomic remnant. Therefore, a 2,686 SF temporary demolition easement is also required for the removal the subject's primary improvements which straddle the right of way line. Given the above, the subject property cannot be avoided and the entire property must be acquired.

RESOLUTION OF NECESSITY REVIEW PANEL REPORT

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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's representative 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.

The following is a description of the primary concern/contention expressed by the owner's representatives, followed by the Department's response:

Owner Contends:

Ramp closures and construction scheduling will impact their business by making access to the Westfield Mall difficult for their customers.

Department Response:

Written specifications have been added to the project that prohibits the highway contractor from closing any two consecutive off-ramps at the same time, as well as performing construction activities on eastbound I-10 in the vicinity of the Westfield Mall during the peak holiday season between the Monday proceeding the Thanksgiving holiday weekend and January 2nd.

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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.
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Acting Chief
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Division of Right of Way and Land Surveys
Panel Chair

I concur with the Panel's recommendation:

KARLA SUTLIFF
Chief Engineer

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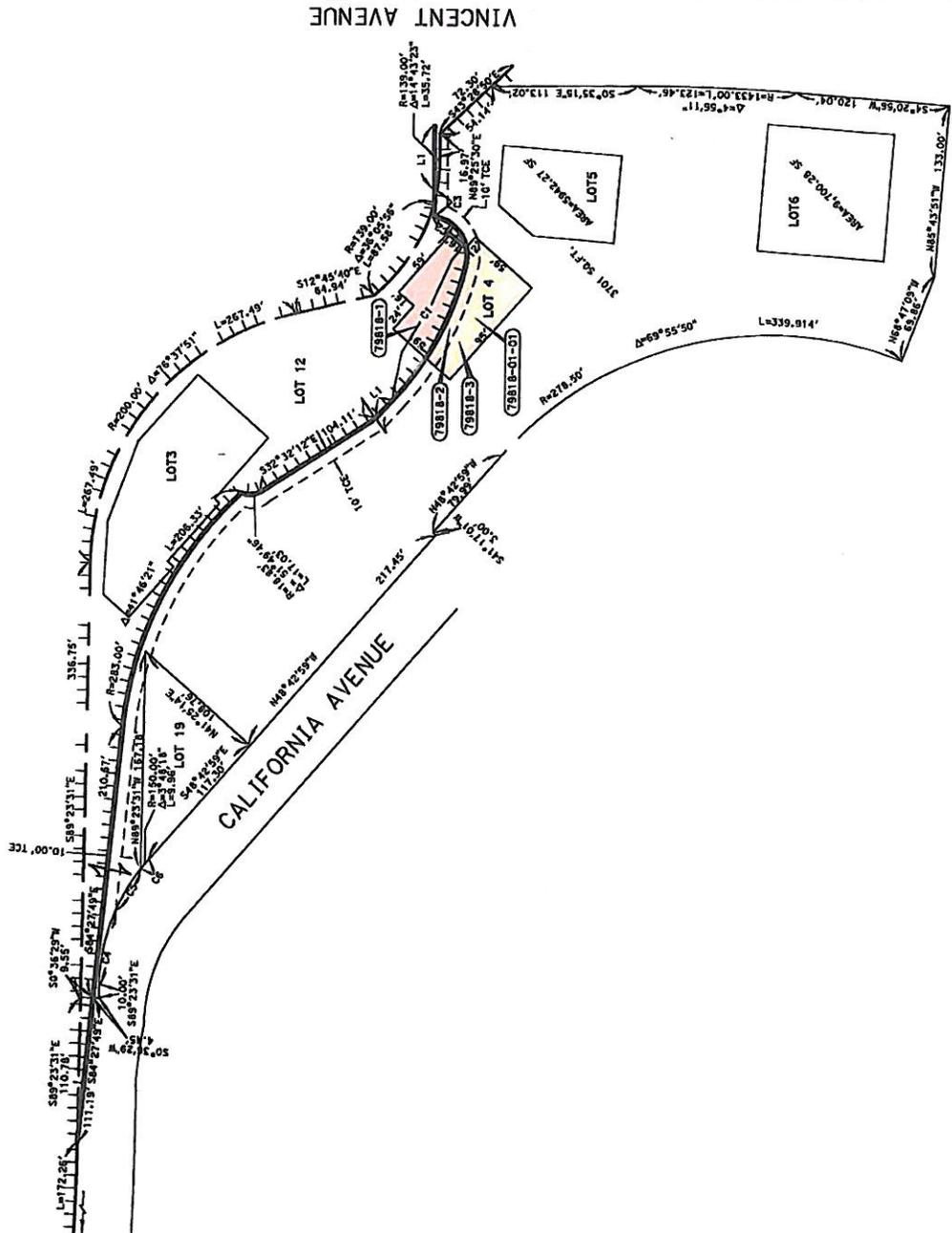
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CITY OF WEST COVINA COUNTY OF LOS ANGELES

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TRACT MAP NO. 51590
MB 1204 / 71-85

☐ RTE 10 FREEWAY



NO.	RADIUS	DELTA	LENGTH
C1	235.47'	30°33'35"	150.17'
C2	30.82'	93°32'29"	50.32'
C3	245.00'	5°13'33"	22.35'
C4	150.00'	22°40'04"	58.34'
C5	150.00'	14°12'10"	31.18'
C6	150.00'	3°48'15"	3.59'

NO.	BEARING	DISTANCE
L1	S48°56'23"E	20.51'
L2	N89°20'14"E	47.50'

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	10	35.0		1	1

PARCEL PANEL REPORT

PARCEL DATA

<u>Property Owner:</u>	Plaza West Covina, LP, a Delaware limited partnership/Westfield LLC
<u>Parcel Location:</u>	Adjacent to 100A and 100B South California Avenue (Westfield Mall) in the city of West Covina. Assessor Parcel Number: 8474-007-040
<u>Present Use:</u>	Commercial retail parking area
<u>Zoning:</u>	Regional Commercial
<u>Area of Property:</u>	6,931 Square Feet (SF)
<u>Area Required:</u>	Parcel 80160-1: 39 SF, - Temporary Construction Easement (TCE)

PARCEL DESCRIPTION

The subject parcel is located in the city of West Covina adjacent to Interstate 10 (I-10) and identified as assessor parcel number 8474-007-040. The site is a small triangular shaped piece of land consisting of approximately 6,931 SF. The site includes frontage along California Avenue which curves and runs into the mall road, which is parallel to I-10. The site is basically paved and striped for parking, with other miscellaneous site improvements such as landscaped areas and a large pylon sign, which supports the adjoining retail uses for the Westfield Mall. The large pylon sign is located outside the proposed right of way and will not be affected by the project. The site is utilized by consumers, visitors and workers of the surrounding commercial/retail establishments.

NEED FOR SUBJECT PROPERTY

The subject property is impacted as a result of the I-10 freeway widening to accommodate the addition of high occupancy vehicle lanes, and is primarily needed due to the realignment of the eastbound I-10 off-ramp to Vincent Avenue. The project requirements consist of a 39 SF TCE which cannot be avoided as it is part of a much larger TCE which encumbers the adjacent properties. The TCE is needed to allow access and working room for the Department of Transportation's (Department) highway contractor. The TCE area is improved with asphalt paving and will not be excavated. Any disruption of the site improvements within the area will be replaced in kind by the highway contractor.

RESOLUTION OF NECESSITY REVIEW PANEL REPORT

The Condemnation Review Panel (Panel) met in Los Angeles on February 13, 2013. The Panel members included Robert Dauffenbach, Panel Chair, Department Headquarters (HQ's) Division of Right of Way and Land Surveys; Linda Harrel, Department's 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 attorney John Murphy, and Westfield representatives John Goodwin and James Clark.

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's representative 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.

The following is a description of the primary concern/contention expressed by the owner's representatives, followed by the Department's response:

Owner Contends:

Ramp closures and construction scheduling will impact their business by making access to the Westfield Mall difficult for their customers.

Department Response:

Written specifications have been added to the project that prohibits the highway contractor from closing any two consecutive off-ramps at the same time, as well as performing construction activities on eastbound I-10 in the vicinity of the Westfield Mall during the peak holiday season between the Monday proceeding the Thanksgiving holiday weekend and January 2nd.

DEPARTMENT'S CONTACTS

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

Type of Contact	Number of Contacts
Mailing of information	4+
E-Mail of information	25+
Telephone contacts	25+
Personal / meeting contacts	8+

STATUTORY OFFER TO PURCHASE

The Department has appraised the subject property and offered the full amount of the appraisal to the owners 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 California Transportation Commission (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.

ROBERT W. DAUFFENBACH
Acting Chief
Office of Project Delivery
Division of Right of Way and Land Surveys
Panel Chair

I concur with the Panel's recommendation:

KARLA SUTLIFF
Chief Engineer

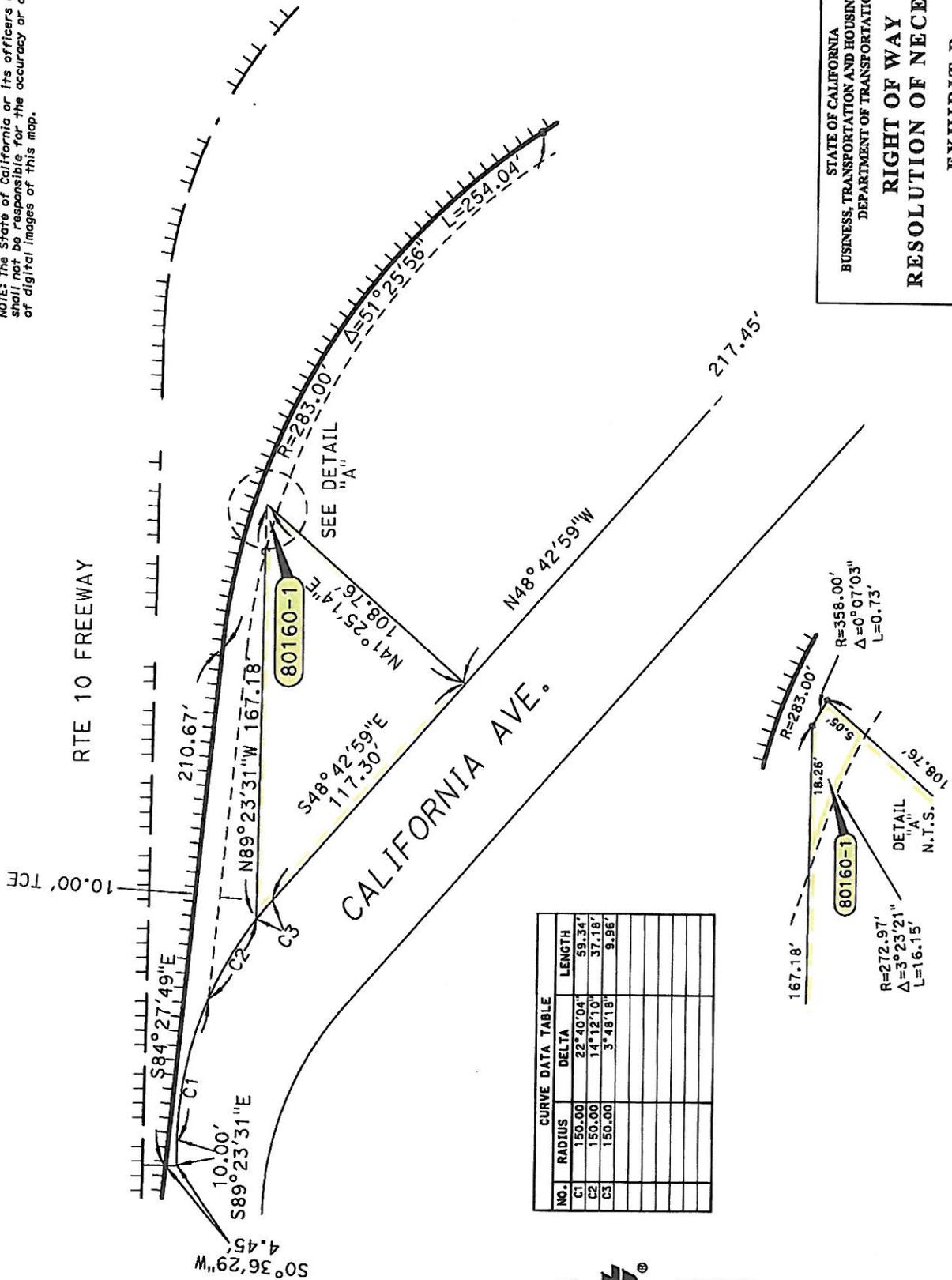
**PERSONS ATTENDING CONDEMNATION PANEL REVIEW MEETING
HEARING ON FEBRUARY 13, 2013**

Robert Dauffenbach, 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

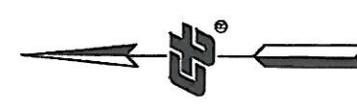
John Murphy, Murphy & Evertz, Attorney for Westfield
John Goodwin, Westfield
James Clark, Westfield

Michael Miles, District 7, District Director
Gregg Magaziner, District 7, Acting Deputy District Director, Design
Nader Gobran, District 7, Design Manager
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
Edward Francis, District 7, Senior Right of Way Agent
Stan Jacobs, District 7, Right of Way Agent

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.



CURVE DATA TABLE			
NO.	RADIUS	DELTA	LENGTH
C1	150.00	22°40'04"	59.34'
C2	150.00	14°12'10"	37.18'
C3	150.00	3°48'18"	9.96'



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

**RIGHT OF WAY
 RESOLUTION OF NECESSITY
 EXHIBIT B**

FEET 0 15 30 60 90

DISTRICT	COUNTY	ROUTE	SHEET	PM	SHEET NO.	TOTAL SHEETS
7	LA	10	35.0		2	2

CITY OF WEST COVINA