

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: March 23-24, 2011

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-20472 summarized on the following page. This Resolution is for widening Alondra Boulevard overcrossing in District 7 on Interstate 5 in the city of Santa Fe Springs, county of Los Angeles.

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 and located in a 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 a written appearance before the Commission to challenge the outstanding issues. 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 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 the Commission's March 23-24, 2011 meeting. Adoption will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules.

C-20472 - Newport Diversified, Inc., a California Corporation

07-LA-5-PM 1.65 - Parcel 79726-1, 2 - EA 215919.

Right of Way Certification Date: 05/10/11; Ready to List Date: 06/01/11. Freeway - widening Alondra Boulevard overcrossing. Authorizes condemnation of temporary easements for construction purposes. Located in the city of Santa Fe Springs at 13963 Alondra Boulevard. Assessor's Parcel Number 8069-014-004.

Attachments:

Attachment A - Owners Written Objections dated September 29, 2010

Attachment B - Department Response dated January 5, 2011

Attachment C - Fact Sheet

Exhibits A and B - Maps

1 copy to Stephen Maller
to Right of Way 10-4-10

LAW OFFICES

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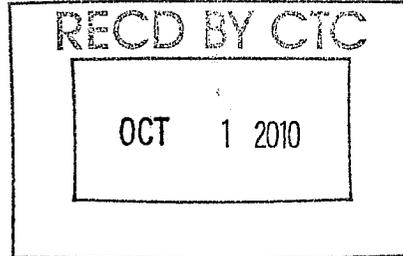
ANGELO J. PALMIERI (1926-1996)
ROBERT F. WALDRON (1927-1998)

ALAN H. WIENER*
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JAMES E. WILHELM*
DENNIS G. TYLER*
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*A PROFESSIONAL CORPORATION

September 29, 2010



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REFER TO FILE NO.
TBD

VIA E-MAIL AND/OR U.S. MAIL

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

Andrew Nierenberg
Deputy District Director
Division of Right of Way
Department of Transportation
Caltrans-District 7
100 South Main Street
Los Angeles, California 90012

Re: Objection to Proposed Adoption of Resolution of Necessity for Acquisition of a Portion of Certain Real Property Identified As 13963 Alondra Blvd., Santa Fe Springs, California (Santa Fe Springs Swap Meet), For Interstate 5 (I-5) Freeway Expansion Project

Dear Executive Director and Mr. Nierenberg:

We have received notice of the California Transportation Commission's ("CTC") intent to adopt a resolution of necessity authorizing the taking of certain portions of the subject property by condemnation for the Interstate 5 (I-5) freeway expansion project. Based upon this notice, the CTC's hearing is scheduled for November 3-4, 2010, in Sacramento, California. No time was specified in the notice.

The purpose of this letter is to provide written objection on behalf of Newport Diversified, Inc. to the adoption of the resolution of necessity in lieu of personally appearing at the hearing. Accordingly, we request that this letter be included as part of the formal record on that agenda item.

Attachment A

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Newport Diversified objects to the adoption of the resolution of necessity on each of the following specific grounds:

1. **The State Failed To Extend A Legitimate Precondemnation Offer Pursuant To Government Code Section 7267.2.**

Government Code section 7267.2 requires that the State make a legitimate offer of just compensation based upon an approved appraisal prior to initiating condemnation proceedings. A written statement and summary basis for the offer must include sufficient details to indicate clearly the basis for the offer. (Gov. Code, § 7267.2, subd. (b).)

The State's precondemnation offer is invalid insofar as it was predicated upon an appraisal that failed to address the considerable damages that have resulted and will result from the acquisition, construction and use of the project in the manner proposed. Though the taking, as proposed, is part and parcel of a much larger project to expand the I-5 freeway, the State's precondemnation offer ignores this fact. The precondemnation offer only provides compensation for the State's taking of two construction easements. The offer ignores any of the damages or impacts to the property owner from the I-5 project as a whole which include, but are not limited to, damages caused by the pending actions for acquisition of a portion of the property for relocation of a Chevron pipeline, and/or adjacent BNSF property.

The precondemnation offer is based on only a portion of the overall project and, as such, is invalid and cannot support the adoption of a resolution of necessity authorizing the acquisition of the interests in the subject property by eminent domain.

2. **The State Failed To Negotiate In Good Faith Pursuant To Government Code Section 7267.1.**

Government Code section 7267.1 imposes an affirmative obligation on a public entity seeking to condemn property to seek to acquire that property first by negotiation. (*Johnston v. Sonoma County Agricultural Preservation & Open Space Dist.* (2002) 100 Cal.App.4th 973.) "The public entity shall make every reasonable effort to acquire expeditiously real property by negotiation." (Gov. Code, § 7267.1, subd. (a).) The duty to negotiate is designed to avoid litigation. "In order to encourage and expedite the acquisition of real property by agreements with owners, to avoid litigation and relieve congestion in the courts, to assure consistent treatment for owners in the public programs, and to promote public confidence in public land acquisition practices, public entities

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shall, to the greatest extent practicable, make every reasonable effort to acquire property by negotiation." (8 Witkin, Summary of Cal. Law (9th ed. 2004) Const. Law, § 972.)

The State's recent "take it or leave it" offer for only two construction easements is an example of the State's refusal to engage in negotiations with the property owner for (a) recognition of the true impacts to the subject property and the swap meet business from the project as currently proposed and extension of a legitimate offer of compensation based thereon; and (b) revisions to the project plans to mitigate potentially devastating impacts to the subject property and Newport Diversified's business operations. Not only has the State refused to address the property owner's concerns regarding the project, but its recent precondemnation offer of compensation was based upon an appraisal that failed to consider any of the aforementioned project impacts and, therefore, did not include any compensation for the resulting damages.

The State's project as currently proposed will result in substantial damages to the subject property and the business operated thereon, which damages the State has neither appraised nor made an offer of compensation to redress. The State's statutory obligation to "make every reasonable effort to acquire expeditiously real property by negotiation" means *nothing* if it does not include either making reasonable efforts to modify project plans to eliminate or mitigate potentially damaging project impacts or making an offer of compensation to pay for the damages that cannot otherwise be mitigated. Here, the State has done neither.

To the extent that the State's offer was predicated upon an appraisal that failed to account for significant project impacts, as partially described above, that offer was inadequate as a matter of law and would not constitute an effort to acquire the property interests "expeditiously and by negotiation" as required by California Government Code section 7267.1. (Gov. Code, § 7267.1.)

3. **The State's 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.**

One of the necessity components that must be analyzed when considering the adoption of a resolution to authorize the taking of private property is whether the proposed project for which the property is sought to be taken is planned or located in a manner that is most compatible with the greatest public good and causes the least private injury. (Code Civ. Proc., § 1240.030, subd. (b).) In the absence of substantial evidence

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supporting the CTC's determination as to the planning and location of the proposed project, the Resolution of Necessity is invalid.

In this case, the I-5 freeway widening project as proposed in "piece-meal" segments exacerbates the damage to the property owner, and therefore violates the "least private injury" prong of the necessity calculus

In addition, the property owner has diligently attempted to work with the City of Santa Fe Springs and Caltrans' staff to minimize the proposed project's anticipated impacts on the subject property and Newport Diversified, Inc.'s business. The State, however, has failed and refused to consider viable project alternatives that would reduce the damaging impacts to the subject property while maintaining (or improving) any claimed beneficial aspects of the project. Because each alternative would enable the CTC to achieve its project objectives at a greatly reduced private injury, the CTC must consider those alternatives before an informed determination can be made as to whether the project as proposed is "most compatible with the greatest public good and the least private injury."

4. The State's Attempt to "Piece Meal" the Project Violates the California Environmental Quality Act.

There should be no debate that the State's taking of the subject property for the I-5 freeway expansion constitutes a "project" within the meaning of CEQA. (Pub. Res. Code, § 21065.) Yet, it appears that the State is attempting to circumvent its duties and obligations under CEQA by "piece mealing" this massive freeway expansion project into small segments. The State's conduct violates the precepts under CEQA and ignores the multitude of potentially significant environmental impacts that might result from the project, including, but not limited to, traffic impacts, air quality, land use planning, ground stability, and noise. As of today's date, the State cannot have completed a proper CEQA analysis since it has not considered the environmental impacts stemming from the entire I-5 freeway expansion project, as a whole.

5. The State Is Incapable Of Conducting A Fair, Legal and Impartial Hearing On The Proposed Adoption Of The Resolution.

The State has already committed itself to the purported project, and taking. As such, any hearing resulting in the adoption of the resolution by the CTC would be a predetermined result. The proposed resolution hearing is a pretense and artifice and any

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resolution adopted under these circumstances would be voidable by a court of competent jurisdiction. (See, *Redevelopment Agency v. Norm's Slauson* (1985) 173 Cal.App.3d 1121, 1127.)

In *Norm's Slauson*, the Court held that the condemning agency's approval of the resolution of necessity was invalid since the agency "simply 'rubber stamped' a predetermined result because, prior to any hearing on the resolution, it (i) entered into an agreement with a developer by which the agency agreed to transfer a portion of defendant/property owner's restaurant, and the developer agreed to construct a condominium thereon; and, (ii) issued and sold tax exempt bonds to pay for the acquisition. (*Norm's Slauson, supra*, 173 Cal.App.3d at p. 1127.) "In short, the agency, without any notice to Norm's [the property owner], in effect sold the property and issued bonds to obtain the money to acquire the property all before taking any steps to condemn the property." (*Id.*, at p. 1125.)

As a condition precedent to the exercise of the power of eminent domain, a public agency "must hold a public hearing to determine whether a particular taking meets the [requirements of Civil Code section 1245.235, i.e., is for a public use, necessary, and designed in such a manner to cause the least private injury]...." (*Norm's Slauson, supra*, 173 Cal.App.3d at p. 1125 [Emphasis added].) "Implicit in this requirement...is the concept that...the [a]gency engage in a good faith and judicious consideration of the pros and cons of the issue and that the decision to take be buttressed by substantial evidence...." (*Id.*, at pp. 1125-6.) "[A]n agency that would take private property...must...conduct a fair hearing and make its determination on the basis of evidence presented in a judicious and nonarbitrary fashion." (*Id.*, at p. 1129.) In the absence of a fair and impartial hearing, the resolution of necessity is void.

If the condemning agency fails to conduct itself in this manner, then the resolution is not entitled to its ordinary conclusive effect and the burden of proving the elements for a particular taking rests on the government agency with the court being the final adjudicator. (*Norm's Slauson, supra*, 173 Cal.App.3d at pp. 1128-1129.) "The governmental agency in such a situation cannot act arbitrarily and then seek the benefit of having its decision afforded the deference to which it might otherwise be entitled." (*Id.*, at p. 1129.)

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In this case, the State's proposed adoption of the Resolution is a sham predicated on a predetermined result for the foregoing reasons:

- Prior to any hearing on this Resolution, the State had already commenced two related eminent domain actions for the purpose of condemning portions of the subject property for construction of the project.
- Both actions are pending in Los Angeles County Superior Court, Case Nos. BC 439277 and BC 440513.
- Though the State has not acquired the property, it has already approved, authorized and apportioned significant funds for construction of these improvements on a portion of the subject project (which it does not yet own), and entered into contracts with the necessary consultants, contractors and/or other personnel to construct same.
- Accordingly, before any hearing on the proposed Resolution, the State has already predetermined that it was going to acquire additional property from Newport Diversified for its Project.
- The State's intent of forcing the property owner to incur additional litigation expenses in *separate* actions for the *same* Project as the *pending* actions is impermissible.

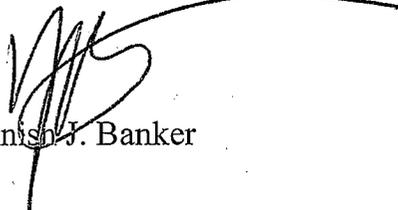
In this case, the State has already predetermined the outcome of the hearing well before it was set by impermissibly and irrevocably committing itself to taking additional portions of the subject property. Accordingly, the State's anticipated approval of the Resolution is invalid because, effectively, the State has no discretion but to approve the Resolution since the State already committed itself to the Project. (See, e.g., *Norm's Slauson, supra*, 173 Cal.App.3d at pp. 1127-30; Code Civ. Proc. § 1245.255, subd. (b).) Accordingly, if the Resolution is adopted, the hearing which led to its adoption will have been a pretense and the State's policy-making board will simply be "rubber stamping" a pre-determined result. Such an action would constitute more than a gross abuse of discretion; it would represent the elimination of any discretion whatsoever. Accordingly, if the Resolution is adopted, it will be subject to attack on this basis.

Based upon the foregoing objections, Newport Diversified respectfully requests that the CTC not adopt the resolution or, at a minimum, continue the hearing on this

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agenda item until such time as the objections are addressed. If the CTC has any questions or comments concerning the content of this letter, it should contact the undersigned at the number listed above.

Very truly yours,



Anish J. Banker

AJB:ab

cc: Maan Faelnar-Belisario

DEPARTMENT OF TRANSPORTATION

Right of Way Division
100 S. Main Street, MS 6
Los Angeles, CA 90012-3606
PHONE (213) 897-1901
FAX (213) 897-5603
TTY (213) 897-4937



January 5, 2011

Mr. Anish J. Banker
Law Offices of Palmieri, Tyler, Wiener, Wilhelm & Waldron, LLP.
2603 Main Street
East Tower – Suite 1300
Irvine, CA 92614-4281

VIA CERTIFIED MAIL

07-LA-5-K.P. 1.65

EA 07-215919

Parcel No. 79726-1

AIN 8069-014-004

Grantor: Newport Diversified, Inc., a
California Corporation

Re: **Newport Diversified, Inc., a California Corporation**
13963 Alondra Blvd., Santa Fe Springs, CA 90670

Dear Mr. Banker:

This letter is in response to your letter dated September 29, 2010, also addressed to the Executive Director of the California Transportation Commission (Commission). In your letter, you addressed specific concerns and objections to the Commission's proposed action on several grounds regarding the above reference parcel.

Per your written request, your letter will be submitted to the Commission in lieu of a personal appearance and will be part of the official record presented to the Commission at its March 23-24, 2011, meeting to be held in San Diego, California and not the January 19-20, 2011 Commission meeting as previously indicated."

The following is the Department's response to the concerns and objections set forth in your letter to the Commission:

1. **The State Failed to Extend A Legitimate Pre-condemnation Offer Pursuant to Government Code Section 7267.2**

The State's offer was based on the State's fair market value appraisal for your client's property. A first written offer was made to your client's representatives, Rick Landis and Peter Pizadeh, on July 6, 2010. This offer addressed the two temporary construction easements needed in conjunction with the change in grade elevation at the intersection of Alondra Boulevard and Freeway Drive. Subsequent meetings were held with various individuals and entities, including your client's representatives, the City of Santa Fe Springs, Caltrans Right of Way staff and Caltrans Design staff, to address your client's concerns and technical issues. Caltrans

Mr. Anish J. Banker
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subsequently amended the original appraisal to address shuttle service and the pylon sign located on an adjacent property. An amended appraisal addressing the shuttle service for vendors and patrons entering the subject parcel and the pylon sign located on an adjacent property was complete and a revised first written offer was mailed to both Rick Landis and Peter Pizadeh on August 19, 2010.

We presume you are referring to both the Carmenita Project (Caltrans EA 07-2159C) and the Alondra Project (Caltrans EA 07-21591) in your reference to "overall project". There are two projects that impact your client's property. Parcel 79519 is part of the Carmenita Project. Parcel 79726 (subject of this inquiry) is part of the Alondra Project. Fair Market Value and impacts to the property are addressed in the separate projects.

2. **The State Failed to Negotiate In Good Faith Pursuant to Government Code Section 7267.1**

The Acquisition agent, Maan Faelnar-Belisario has been in contact with your client's representatives, including face to face meetings, telephone calls, e-mail with grantor's consultant, Pirezadeh & Associates, Inc., and the State remains ready and willing to engage in continued negotiations. We have suggested and placed an incentive system to encourage the contractors on early completion of construction activities in the area to minimize impact to the business.

3. **The State's 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 overall purpose of the project is to increase the capacity for the freeway in order to improve mobility for motorists and improve safety and access. The work involves the addition of one HOV lane and one Mixed Flow lane in each direction, reconstruction of the Alondra Avenue Bridge, Alondra Avenue/North Fork Coyote Creek Bridge and North Fork Coyote Creek Bridge and reconstructs adjacent frontage roads.

Segmenting a larger project is done with the greatest public good and least private injury in mind. The State plans a large project such as this in phases or segments in order to manage the construction and the funding efficiently. Closing all ramps at once for the 6 ½ mile stretch would create great damage to the communities and the businesses in the area. The traffic circulation problems would be prolonged as well. Also, the start of the project may be delayed because of the additional time that would be needed to obtain possession of all the required right of way which is necessary prior to the award of the construction contract.

The manner in which the Alondra Project is planned is basically reducing the impact on the communities as well as reducing the impact on the right of way activities on this parcel. Incentives will be placed in the contract to encourage early completion of the Alondra structure and the Freeway Drive / Alondra Blvd. intersection to reduce impacts.

4. **The State's Attempt to "Piece Meal" the Project Violates the California Environmental Quality Act.**

The acquisition of various easements of the subject property is not considered a "project" pursuant to the California Environmental Quality Act (CEQA). Proposed easements of the subject property are however considered right-of-way impacts of two related projects.

The first project anticipated to impact the subject property is the Interstate 5 at Carmenita Road Interchange Improvement Project (Carmenita Project, Caltrans EA 07-2159C). Pursuant to CEQA, impacts to the natural and human environment that may result from construction and operation of the Carmenita Project were documented in an Initial Study, which led to a Negative Declaration, signed April 19, 2002. A Notice of Determination was filed for the Carmenita Project on April 24, 2002. The need for various forms of easements on the subject property was identified during the project's final design. Updated right-of-way impacts were evaluated and determined not to change the findings of the approved Negative Declaration.

The second project anticipated to impact the subject property is the Alondra Segment of the Interstate 5 Corridor Improvement Project (Corridor Project), which includes the entire stretch of Interstate 5 from State Route 91 to Interstate 605. Your client's parcel is within Segment 1 (Alondra Project, Caltrans EA 07-21592). Pursuant to CEQA, impacts to the natural and human environment that may result from construction and operation of the Corridor Project were documented, pursuant to CEQA, in an Environmental Impact Report (EIR), which was certified on June 11, 2008. A Notice of Determination was filed for the Corridor Project on June 16, 2008.

Anticipated order of impact to the subject property may change based on funding or other unforeseeable project issue that could result in schedule changes.

Both the Carmenita and the Alondra Projects, have demonstrable logical termini. Both environmental documents identified and referred to the other as related projects. In addition, the Corridor Project EIR identifies and considers the impacts of the Carmenita Project as cumulative impacts. Given the exhaustive environmental reviews that have been completed for both projects, the State is in compliance with CEQA.

5. **The State Is Incapable Of Conducting A Fair, Legal and Impartial Hearing On The Proposed Adoption Of The Resolution.**

You have cited *Redevelopment Agency v. Norm's Slauson* (1985) 173 Cal.App.3d 1121, for the proposition that the State's actions regarding the Alondra Project, specifically your client's property, is a "predetermined result" such that the hearing before the CTC would be a mere sham resulting in a rubber stamping of the project.

However, your reliance on this case (hereinafter cited as "*Norm's Slauson*") is misplaced; factually, this case bears absolutely no relation to the facts of the Alondra Project. Prior to the condemnation proceedings in *Norm's Slauson*, the local entity had made an agreement with a private developer that it would take four lots owned by Norm's and sell these lots to this developer (by means of the issuance and sales of tax exempt city bonds). The City did not inform Norm's of this arrangement, and then,

after public hearings on the proposed condemnation of the lots, obtained a resolution of necessity and proceeded to trial. The trial court ruled that the Agency had no right to take the property and the Court of Appeal upheld the decision. The Court of Appeal stated that "In short, the agency, without any notice to Norm's, sold the property", *Norm's Slauson, supra*, at 1125. These actions on the part of the City were an abuse of discretion, *Norm's Slauson, supra* at 1126, and therefore "the hearing which led to the adoption of the resolution of necessity was a sham and the Agency's policy making board simply 'rubber stamped' a predetermined result. *Norm's Slauson, supra*, at 1127.

No similar facts exist with respect to the Alondra Project. Your client's property is necessary for a public project which is necessary for a public purpose and the taking of the particular property is compatible with the greatest public good and the least private injury. **Code of Civil Procedure**, section 1245.235. The State is not engaged in a private sale of the affected property, as was the case in *Norm's Slauson*. The State has held public meetings, and has and continues to solicit public input and work to find solutions to mitigate or minimize impact due to the project.

There is no "predetermined result" for the Alondra Project. The California Transportation Commission (CTC), which is responsible for adopting the Resolution of Necessity (RON), is an independent public agency whose members are appointed by the Governor, the Senate Rules Committee and the Speaker of the Assembly. The CTC neither rubber stamps or has a predetermined result when a RON is presented. The CTC is dedicated to ensuring a safe, financially sustainable, world-class multimodal transportation system.

Prior to obtaining the RON, the State is required to take numerous steps. Some of these steps include a District Condemnation Evaluation Meeting and Condemnation Panel Review Meeting, both of which afford your client the opportunity for input.

The State must present substantial evidence to the CTC of the existence of the three basic requirements under **Code of Civil Procedure**, section 1240.030 and your client has the right to appear before the CTC to challenge whether:

1. The public interest and necessity require the project;
2. The project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; and
3. The property sought to be condemned is necessary for the project.

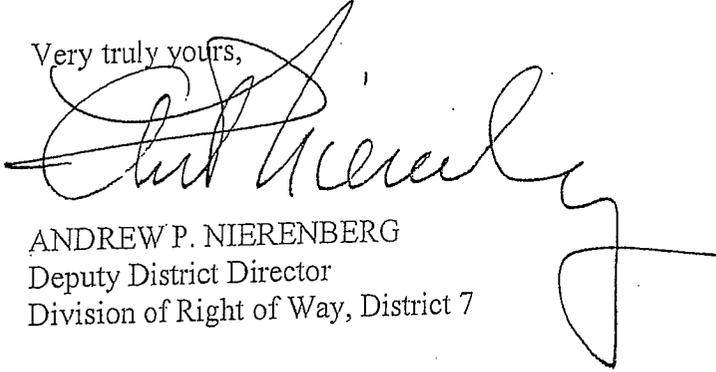
In arriving at its decision, the State has and continues to engage in a good faith and judicious consideration of the pros and cons of the issue and believes that the decision to take is buttressed by substantial evidence of the existence of the three basic requirements set forth in **Code of Civil Procedure**, section 1240.30.

Again we would like to reiterate that per your written request, your letter will be submitted to the Commission in lieu of a personal appearance and be made part of the official record presented to the Commission at its March 23rd and 24th, 2011 meeting to be held in San Diego, California.

Mr. Anish J. Banker
January 5, 2011
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If you have any questions, please feel free to call Acquisition agent, Maan Faelnar-Belisario at (213) 897-0640.

Very truly yours,

A handwritten signature in black ink, appearing to read "Andrew P. Nierenberg". The signature is fluid and cursive, with a large initial "A" and a long horizontal stroke at the end.

ANDREW P. NIERENBERG
Deputy District Director
Division of Right of Way, District 7

Resolution of Necessity Appearance Fact Sheet

PROJECT DATA	07-LA-5-PM 1.2/2.1 Expenditure Authorization 215919
<u>Location:</u>	Interstate 5 (I-5) in Los Angeles County in the city of Santa Fe Springs
<u>Limits:</u>	From Valley View Avenue Overcrossing to 1,000 feet north of the Alondra Boulevard Overcrossing
<u>Cost:</u>	Programmed construction cost: \$65,555,000 Current right of way cost estimate: \$30,000,000
<u>Funding Source:</u>	Traffic Congestion Relief Program, Congestion Mitigation and Air Quality, State Transportation Improvement Program, Proposition 1B State-Local Partnership Program, Federal Demonstration Fund, Transportation Equity Act for the 21st Century, and Local Proposition C.
<u>Number of Lanes:</u>	Existing: three mixed-flow lanes in each direction Proposed: four mixed-flow lanes in each direction plus one high occupancy vehicle lane in each direction
<u>Proposed Major Features:</u>	Raising profile of Alondra Boulevard Overcrossing and Freeway Drive to provide mandatory clearance over I-5.
<u>Traffic:</u>	Existing I-5 (year 2005): 96,130 Annual Daily Traffic (ADT) Proposed I-5 (year 2030): 156,655 ADT
PARCEL DATA	
<u>Property Owner:</u>	Newport Diversified, Inc., a California Corporation
<u>Parcel Location:</u>	13963 Alondra Boulevard, Santa Fe Springs Assessor Parcel Number 8069-014-004
<u>Present Use:</u>	Old Drive Inn Theater / Swap Meet Zoned M2- FOZ: Heavy Manufacturing with Freeway Overlay Zone
<u>Area of Property:</u>	717,298 Square Feet (SF)
<u>Area Required:</u>	Parcel 79726-1 - 24,608 SF - Temporary Construction Easement Parcel 79726-2 - 2,651 SF - Temporary Construction Easement

COUNTY OF LOS ANGELES
CITY OF SANTA FE SPRINGS

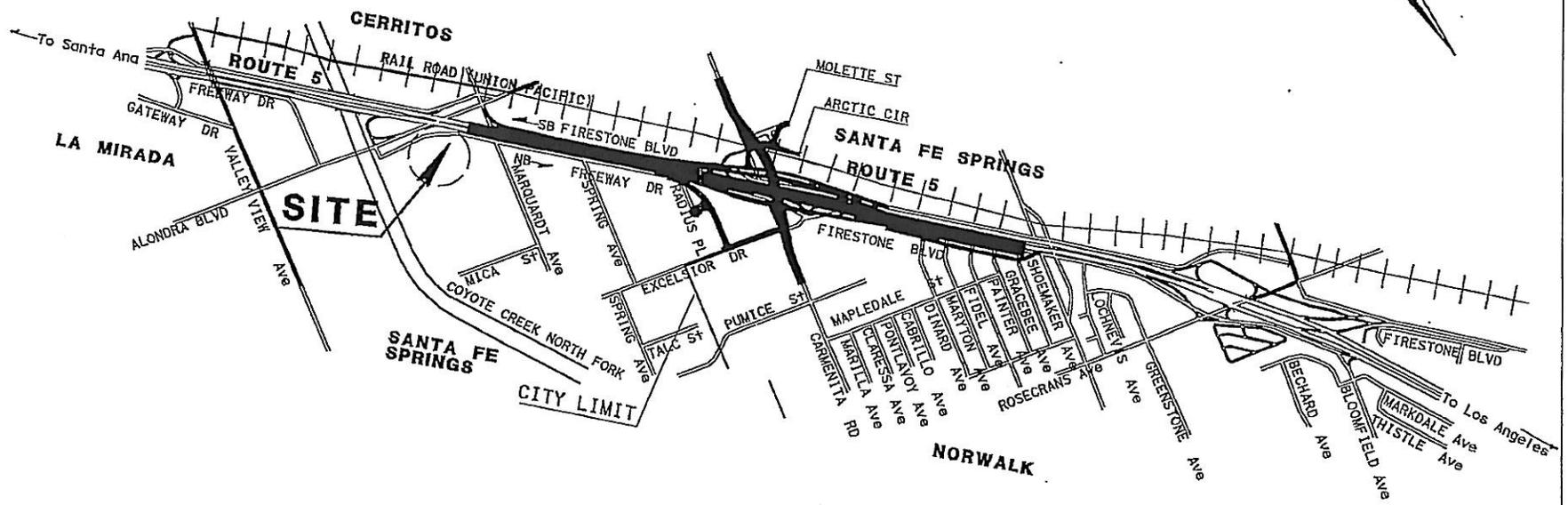
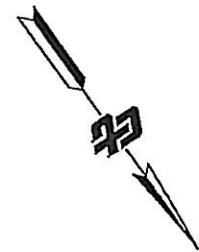


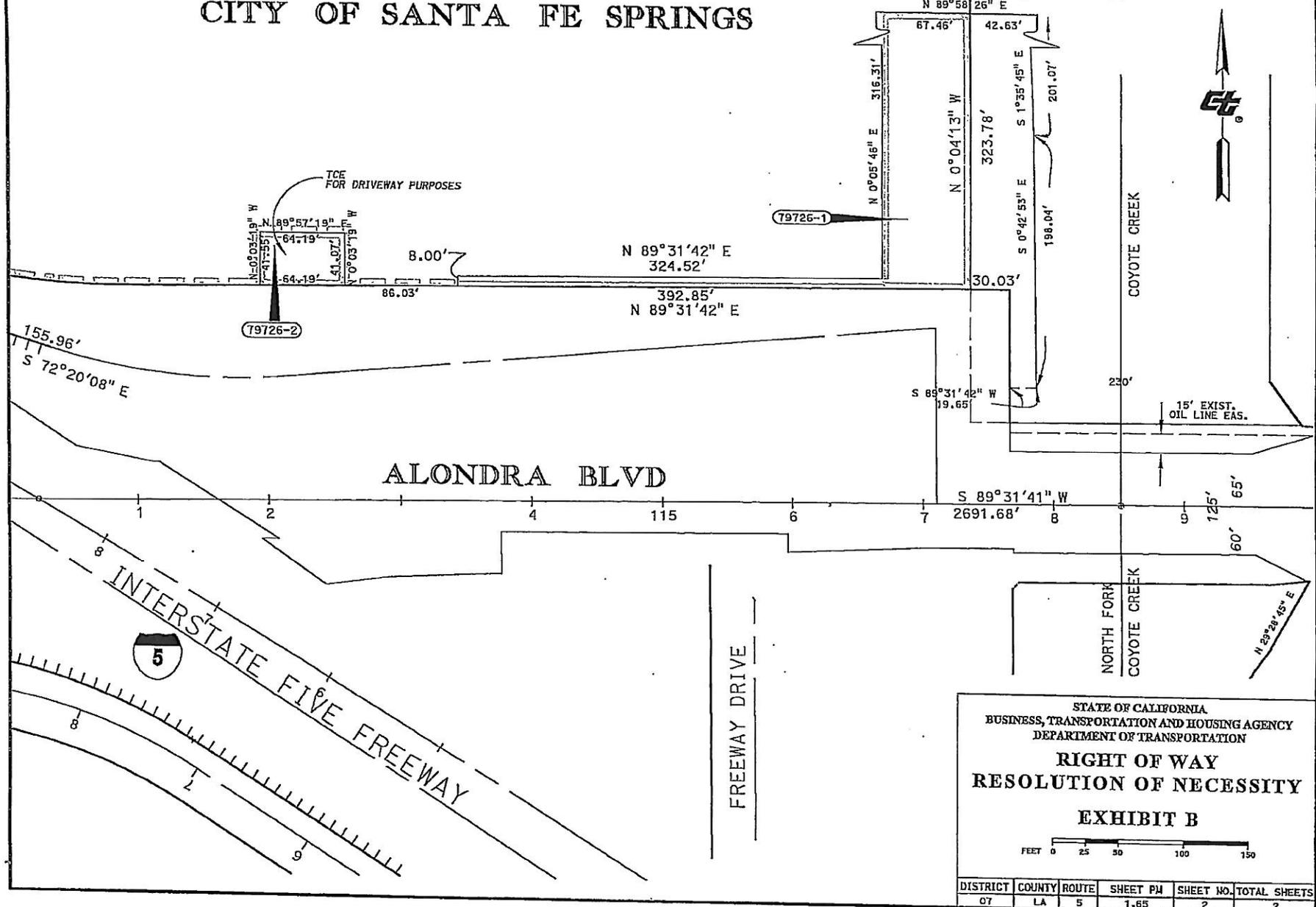
EXHIBIT "A"
VICINITY MAP
PARCEL 79726
07-LA-5-PM. 1.65

NO SCALE DATE 1-28-2011

Exhibit A

COUNTY OF LOS ANGELES
CITY OF SANTA FE SPRINGS

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
BUSINESS, TRANSPORTATION AND HOUSING AGENCY
DEPARTMENT OF TRANSPORTATION

**RIGHT OF WAY
RESOLUTION OF NECESSITY**

EXHIBIT B

FEET 0 25 50 100 150

DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
07	LA	5	1.65	2	2

Exhibit B