



**San Gabriel Valley Council of Governments
Capital Projects and Construction Committee
Special Meeting Agenda
Monday, June 3, 2019 12:00PM
West Covina Community Center, 1st Floor
1444 West Garvey Avenue South, West Covina, CA 91791**

Members of the public may comment on any item on the agenda at the time it is taken up by the Committee. We ask that members of the public come forward to be recognized by the Chair and keep their remarks brief. If several persons wish to address the Committee on a single item, the Chair may impose a three-minute time limit on individual remarks at the beginning of the discussion.

West Covina City Hall is accessible to persons using wheelchairs and with other disabilities. Informational material will be available in large print. Assistive listening devices, materials in other alternate formats, American Sign Language interpreters and other accommodations will be made available upon request.

Requests should be made to Deanna Stanley at 626-962-9292 ext. 142 or dstanley@sgvcog.org
Providing at least 72-hour notice will help ensure availability.

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|-------|---|---------------|-------------|
| I. | Pledge of Allegiance | | |
| II. | Roll Call and Introductions | | |
| III. | Public Comment | | |
| IV. | Approval of Capital Projects and Construction Committee Meeting Minutes of March 25, 2019 | Pages 1 – 3 | Action |
| V. | Approval of the Capital Projects and Construction Committee Special Meeting Minutes of April 22, 2019 | Pages 4 – 5 | Action |
| VI. | Chairman's Remarks | | |
| VII. | Member Comments | | |
| VIII. | Chief Engineers Monthly Report | Pages 6 – 10 | Information |
| IX. | Project Construction Progress Reports | | Information |
| X. | Approval of CPCC Resolution of Necessity No. 19-01 for the Montebello Blvd. Grade Separation Project | Pages 11 – 36 | Action |

The SGVCOG's Capital Project and Construction Committee consists of five (5) regional districts; Northeast, Southeast, Central, Southwest, Northwest, the County of Los Angeles and the San Gabriel Valley Council of Governments. Members of the former Alameda Corridor-East Construction Authority (ACE) Board shall maintain a seat on the Committee unless or until completion of all ACE Project(s) in their respective cities. Each member or alternate shall have one vote. A quorum is 50% of its membership. Action taken by the Committee shall be by simple majority of the members present. All disclosable public records related to this meeting are available at www.theaceproject.org and viewing at the Rivergrade Road office during normal business hours.

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| XI. | Approval of CPCC Resolution of Necessity No. 19-02 for the Montebello Blvd. Grade Separation Project | Pages 37 – 63 | Action |
| XII. | Approval of CPCC Resolution of Necessity No. 19-03 for the Montebello Blvd. Grade Separation Project | Pages 64 – 89 | Action |
| XIII. | Approval of CPCC Resolution of Necessity No. 19-04 for the Montebello Blvd. Grade Separation Project | Pages 90 – 115 | Action |
| XIV. | Approval of amendments and annual task orders for support services needed to deliver the remaining ACE projects from July 1, 2019 through June 30, 2020: | Pages 116 – 119 | Action |
- Burke, Williams & Sorensen, LLC annual task order for \$575,000;
 - Oliver Sandifer & Murphy annual task order for \$593,600;
 - Lubka & White, LLP annual task order for \$282,750;
 - David Lang & Associates annual task order for \$76,189
 - Lee Andrews Group, Inc. annual task order for \$862,327;
 - Epic Land Solutions, Inc. annual task order for \$10,000;
 - HDR Engineering, Inc. annual task order for \$1,085,037;
 - Paragon Partners, Ltd. annual task order for \$831,851;
 - Vasquez and Company annual task order for \$44,000; and
 - Capital Representation Group contract amendment for \$55,000;
 - Prince Global Solutions, LP contract amendment for \$180,000;
 - Ken Spiker & Associates contract amendment for \$65,000;



- LSA Associates, Inc. annual task order for \$378,341;
- Stantec annual task order for \$419,330;
- Wagner Engineering & Survey annual task order for \$61,457

XV.	Approval of Amendment with Southern California Edison for Utility Relocations for the Durfee Avenue Grade Separation Project	Pages 120 – 124	Action
XVI.	Approval to Receive and File Quarterly Progress Reports	Pages 125 – 137	Action
XVII.	Approval to Receive and File Quarterly Mitigation Monitoring Reports.	Pages 138 – 144	Action
XVIII.	Approval to Cancel the June 24, 2019 Capital Projects and Construction Committee Meeting		Action
XIX.	Adjournment		Action



If you would like to receive the Capital Projects and Construction Committee agenda electronically, please email Amy Hanson at ahanson@sgvcog.org



SGVCOG Capital Projects & Construction Committee March 25, 2019 Meeting Minutes

Chair Muela called the meeting of the San Gabriel Valley Capital Projects and Construction Committee to order at 12:01 PM at the City of West Covina Community Center.

1. **Pledge of Allegiance** – Committee member Nancy Lyons lead the pledge of allegiance.

2. **Roll Call:**

In attendance was:

Victoria Muela, Chair, El Monte
Tim Sandoval, Vice Chair, City of Pomona
Becky Shevlin, City of Monrovia
Cory Moss, City of Industry
Cynthia Sternquist, SGVCOG President
Jack Hadjinian, City of Montebello
Nancy Lyons, City of Diamond Bar
Teresa Sebastian-Real, Monterey Park

Staff:

Mark Christoffels, Chief Engineer
Gregory Murphy, Burke Williams & Sorensen, legal counsel
Deanna Stanley
Amy Hanson
Edward Villanueva

Guests:

Ricky Choi, Lee Andrews Group
Natasha DeBenon, Ghirardelli Associates
Robert Delgado, DHS Consulting
Talin Espinoza, Twining
Irantzu Pujadas, Rep. Lowenthal
Jackie Martinez, BKF Engineers

3. **Public Comment** – There were no public comments.
4. **Approval of the Capital Projects & Construction Committee Meeting Minutes of February 25, 2019** – A motion was made by member Hadjinian to approve the minutes of February 25, 2019 and seconded by member Moss.
M/S/C/Hadjinian/Moss/Passed Abstain: Sebastian Real
5. **Chairman Remarks** – Chair Muela recapped the Durfee Avenue groundbreaking ceremony and thanked staff for their efforts for a successful event. Chair Muela reminded the Committee that at the prior meeting the Committee approved a grant application filed with the Ports of Long Beach and LA for funding through the INFRA program. She indicated the ports included two on-dock rail stations and a port highway bridge. She reported that staff

offered to arrange a ports tour to show the three projects that are included in the joint funding application and staff would follow up accordingly.

6. **Member Comments** – Members Hadjinian, Sternquist and Lyons also expressed gratitude for the groundbreaking event and to Chair Muela.
7. **Chief Engineer's Monthly Report** – Mr. Christoffels reported that the agency will soon begin procurement of various support services, necessary for the projects such as legal counsel, and community outreach, some that had been in place since the beginning of the ACE program. He indicated the process would ensure that support services necessary for capital projects could include projects outside of grade separations which were the target of future capital projects.

Member Sandoval arrived.

8. **Project Construction Progress Reports** – Mark Christoffels reviewed construction progress photos for the Fullerton Road and Fairway Drive grade separation projects.
9. **Approval of Amendment No. 3 to the Waterline Relocation Agreement with Rowland Water District for the Fullerton Road Grade Separation Project** – Mr. Christoffels reported that the project team identified additional water lines that required relocation that were not in the original agreement. He indicated in order to move the water lines an amendment to the relocation agreement must be executed and the estimated cost is \$609,000. There were no questions.

A motion was made by member Hadjinian and seconded by member Moss to authorize the Chief Engineer to execute an amendment to the Waterline Relocation Agreement with Rowland Water District for the design, construction and inspection of private water facilities as part of the Fullerton Road grade separation project for a total revised not to exceed amount of \$3,164,271.

M/S/C/Hadjinian/Moss/Unanimous

10. **Approval of Electrical Relocation Work Orders for SCE for the Durfee Avenue Grade Separation Project** – Mr. Christoffels indicated there are Southern California Edison service lines within the project area that require relocation due to the lowering of Durfee Avenue and street modifications for the project. He indicated that in order for this work to move forward, work orders were required and the cost estimated to be \$2 million.

A motion was made by member Hadjinian and seconded by member Shevlin to authorize the Chief Engineer to process Electrical Distribution Work Orders with SCE for the design and construction of underground and aerial electrical facilities as part of the Durfee Avenue grade separation project.

M/S/C/Hadjinian/Shevlin/Unanimous

11. **Presentation on Formation of Quiet Zones** – Mr. Christoffels reviewed the current rules related to horn blowing at railroad crossings. He indicated a Quiet Zone was at least ½ mile of consecutive public highway-rail grade crossings where train horns are routinely not sounded and that they can be established by the Federal Railroad Administration after safety

system/procedure is established. He reviewed the criteria for a quiet zone and various condition scenarios depicting safety measures. He summarized the process for establishing a Quiet Zone and the related costs and obligations involved. Chair Muela thanked Mr. Christoffels for his presentation.

- 12. Approval to Submit Section 190 Grant Application for Funds for the Fairway Drive, Fullerton Road and Durfee Avenue Grade Separation Projects** – Mr. Christoffels indicated Section 190 of the California Streets and Highways Code is a competitive grant program that provides up to \$15 million each year to local agencies for construction of grade separation projects and the agency was seeking to apply for funds for the Fairway Avenue, Fullerton Road and Durfee Avenue projects. He reminded the Committee that out of 36 grade separation projects statewide, Fairway ranked no. 5, Durfee no. 9 and Fullerton ranked no. 16.

A motion was made by member Hadjinian and seconded by member Hepburn to approve a Resolution to authorize the filing of applications seeking Section 190 funds for the Fairway Drive, Durfee Avenue and Fullerton Road grade separation projects and the execution by the Chief Engineer of any all agreements necessary if awarded funds.

M/S/C/Hadjinian/Hepburn/Unanimous

- 13. Approval of Recommendation to SGVCOG Governing Board of Support Position for National Multimodal and Sustainable Freight Infrastructure Act** – Mr. Christoffels indicated Congressman Lowenthal will introduce the National Multimodal and Sustainable Freight Infrastructure Act in spring. The Bill will provide an estimated \$8 billion in revenues for a Freight Trust Fund through a 1% fee imposed on waybills on goods moving domestically by train or truck. He reminded the Committee that the most recent surface transportation legislation included new discretionary grant funds that relied on Highway Trust Funds which was underfunded. Ms. Irantzu Pujadas, from Congressman Lowenthal's office addressed the Committee and indicated the Bill enjoyed bi-partisan support and would be available for such projects as highway and road improvements, rail projects and highway-rail grade separations.

A motion was made by member Sebastian-Real and seconded by member Sandoval to recommend to the SGVCOG Governing Board adoption of a Resolution of support for the National Multimodal and Sustainable Freight Infrastructure Act.

M/S/C/Sebastian Real/Sandoval/Unanimous

- 14. Adjournment** – The meeting was adjourned at 12:50PM. The next meeting will be held on April 22, 2019 at noon.

X 

Deanna Stanley
Committee Clerk



SGVCOG Capital Projects & Construction Committee April 22, 2019 Special Meeting Minutes

Chair Muela called the meeting of the San Gabriel Valley Capital Projects and Construction Committee to order at 9:30AM at 4900 Rivergrade Road, Suite A120, Irwindale, CA.

1. Roll Call:

In attendance was:

Vicky Muela
Nancy Lyons
Becky Shelvin

Staff:

Mark Christoffels, Chief Engineer
Paul Hubler

Guests:

Ricky Choi, Lee Andrews Group


2. Public Comment – There were no public comments.

3. Adjournment – The Committee adjourned at 9:48AM to reconvene at the Port of Long Beach.

4. Reconvene – The Committee reconvened at 10:45AM and joined by members Hadjinian and Moss. The members, along with the following guests boarded a vessel and toured the Ports of Long Beach and Los Angeles:

- John Fasana, SGVCOG Member, Metro Board Member, Duarte Councilmember
- James Shankel, Senior Freight Planning Specialist, Caltrans
- Waqas Rehman, Planning & Development Director, Supervisor Hilda Solis
- Josh Nelson, City Engineer, Industry
- Sam Pedrosa, Public Affairs Manager, Industry
- Allison Yoh, Director of Transportation Planning, Port of Long Beach
- Bianca Villanueva, Acting Government Relations Director, Port of Long Beach
- Nina Turner, Government Relations staff, Port of Long Beach
- Mario Gonzalez, Community Relations Director, Port of Long Beach
- Jennifer Cohen, Policy & Legislative Affairs Director, Port of LA
- Marisela Caraballo DiRuggiero, Legislative Affairs Director, Port of LA
- Stefanie Rockwell, Government Affairs Analyst, Port of LA
- Kerry Cartwright, Director of Goods Movement, Port of LA

- 5. Adjournment** – The meeting was adjourned at 1:30PM. The next meeting will be held on June 3, 2019 at noon.

X 

Deanna Stanley
Committee Clerk



Memo to: Capital Projects and Construction Committee Members & Alternates

From: Mark Christoffels
Chief Engineer

Date: June 3, 2019

SUBJECT: Chief Engineer's Monthly Report

The following are items of note since the last meeting:

ACE Projects Awarded \$15 Million – The California Department of Transportation (Caltrans) awarded \$15 million of Section 190 Grade Separation Programs funds to Fullerton Road, Durfee Avenue and Fairway Drive projects. Each project will get \$5 million from this award. The Section 190 Program is a competitive grant program which provides up to \$15 million each year in state funding to local agencies for construction of grade separation projects or projects that improve safety and/or expedite the movement of vehicles around rail crossings.

Legislative Meetings – During the SGVCOG/ACE legislative trip to Washington, DC from May 7-10, we met with DOT officials and the San Gabriel Valley's Congressional representatives to advocate for the ACE/ports application seeking \$62 million in federal INFRA grant funding. DOT staff advised us that the freight and highway grant program is vastly oversubscribed, with \$850 million available to award and \$9 billion requested. Our Congressional representatives assured us they will continue their advocacy efforts on behalf of our grant application. We also attended a Congressional reception hosted by the Los Angeles County Board of Supervisors.

CTC Hearing – On May 15th I testified before the California Transportation Commission hearing to seek their approval to allow agencies with project savings under the Trade Corridor Improvement Fund (TCIF) program to be used on projects that are programmed to receive SB1 funds such as our Montebello and Turnbull projects. This item was approved and will provide a buffer for recent cost increases on the projects.

TCIF Legislation – At staff's request, the Mobility 21 coalition and the Regional CEO group sent letters opposing Senate Bill 498 (Hurtado) which would divert TCIF program savings away from infrastructure projects in Southern California and to a new program intended to provide grants to short-line railroads in the Central Valley. The groups also opposed a 2019-2020 budget request to provide a legislatively directed earmark of \$7.2 million in TCIF to these short-line railroads. SB 498 could jeopardize an estimated \$20 million in TCIF savings for the ACE projects.

ACE Projects Selected Project of the Year – The Construction Management Association of America (CMAA) Southern California Chapter during a ceremony on May 15th awarded the San Gabriel Trench Project the Transportation/Infrastructure Project of the Year in the more than \$100 million category and the Puente Avenue grade separation project in the more than \$10 million category. Senior Project Manager Phil Bameo attended the ceremony and accepted the awards for both projects which he oversaw.

Contracting – The SGVCOG has delegated the Chief Engineer the authority to approve new contracts or change orders for previously approved contracts within certain limits, with a requirement that staff formally report such contract action. The following has been approved since the last Committee meeting:

CONSULTANT/VENDOR	REASON FOR CHANGE	CHANGE AMOUNT	TOTAL CONTRACT VALUE
Walsh Construction	San Gabriel Trench Project: CCO# 061: CN# 128 – Pedestrian Ramps – Scope Changes; CN#141 – Additional Pedestrian Ramp Work	\$65,236.00	\$172,728,150.84
Walsh Construction	San Gabriel Trench Project: CCO# 062: CN# 139 – Del Mar OH SE Corner Parkway Drain; CN#147 – Non-TRO Costs: Temporary Material Delay Costs, Instrumentation and Monitoring, Temporary Traffic Control; SWPPP, Malcolm Drilling Escalation, Pacific Waterproofing and Restoration Inc., Roadway Work, Structure Work	\$524,491.30	\$173,252,642.14
Walsh Construction	San Gabriel Trench Project: CCO# 063: CN# 152 – AUSD Bus Access Road; CN# 179 – Trestle Piles at Alhambra Wash	\$161,448.00	\$173,414,090.14
Walsh Construction	San Gabriel Trench Project: CCO# 064: CN# 140 – Additional Fencing Changes; CN# 173 – Furnish and Install Roadside Signs – Mission Rd.	(\$1,101.00)	\$173,412,989.14
Walsh Construction	San Gabriel Trench Project: CCO# 065: CN# 142 – San Gabriel Blvd. OH Median Backfill and Walnut Grove Median HMA Cap; CN# 150 – UPRR Modification near Walnut Grove	\$49,770.00	\$173,462,759.14
Walsh Construction	San Gabriel Trench Project: CCO# 066: CN# 123 – Restoration of Traffic Loops at Del Mar/El Monte/Mission Dr. Intersection; CN# 143 – Installation of City Plaques at San Gabriel OH; CN#	(\$2,320.00)	\$173,460,439.14

	144 – Elimination of Lettering for Decorative Sidewalk at San Gabriel Blvd. OH; CN# 162 – Drip Remove Control Valve Box & Upsizing of Balt Valve Boxes		
Burke, Williams & Sorensen, LLP	Adding a Subconsultant to Task Order No. 2	\$0.00	\$6,648,000.00
HNTB Corporation	Special Works Assignment Authorization (Traffic Counts) to Task Order No. 2 for Turnbull Canyon Road Grade Separation Project	\$2,300.00	\$4,868,799.00
HNTB Corporation	Special Works Assignment Authorization (Additional Utility Potholes) to Task Order No. 2 for Turnbull Canyon Road Grade Separation Project	\$31,731.00	\$4,868,799.00
HNTB Corporation	Additional Work Assignment to Task Order No. 2 for Turnbull Canyon Road Grade Separation Project	\$174,759.00	\$4,868,799.00
HNTB Corporation	Key Personnel Substitution to Task Order No. 1 for Turnbull Canyon Road Grade Separation Project	\$0.00	\$1,908,209.00
AECOM	Budget Reallocation for Task Order No. 4 for Durfee Ave. Grade Separation Projects	\$0.00	\$4,131,782.00
Shimmick Construction	Fullerton Road Grade Separation Project: CCO# 012: PCO #019.01 – Increase of Bid Item No. B-008, Roadway Excavation	\$255,000.00	\$83,116,536.22
Lubka and White, LLP	Task Order No. 6, Revision No. 1 Increase contract amount for FY2019 Construction related Legal Services and adding two subconsultants	\$130,000.00	\$230,000.00
Paragon Partners	Budget Reallocation for FY2018-19 for ACE Grade Separation Projects	\$0.00	\$443,912.00
Moffatt & Nichol	Extend Task Order No. 2 term through June 30, 2019 for Durfee Avenue Grade Separation Project	\$0.00	\$3,537,804.00
Moffatt & Nichol	Special Works Assignment Authorization (Perform Traffic Counts for Section 190 Funding Application) to Task Order No. 4 for Montebello Blvd. Road Grade Separation Project	\$5,000.00	\$7,518,100.00

Moffatt & Nichol	Special Works Assignment Authorization (BUILD Grant Application and BCA Analysis) to Task Order No. 4 for Montebello Blvd. Road Grade Separation Project	\$16,850.00	\$7,518,100.00
Prescience Corporation	Extend Task Order No. 1 term through March 31, 2020 for Durfee Avenue Grade Separation Project	\$0.00	\$235,979.00
Railpros, Inc.	Additional Work Assignment to Task Order No. 3 for Pomona At-Grade Crossing Safety Improvement Project	\$37,534.00	\$1,537,170.00
CWE	Extend Task Order No. 1 term through July 31, 2019 for Rio Hondo River and Tributaries Project	\$0.00	\$272,337.00
CH2M Hill, Inc.	Adding new classification to Task Order 4 for Fairway Dr. Grade Separation Project	\$0.00	\$2,299,129.00
OHL USA, Inc.	Puente Ave Grade Separation Project: CCO# 016: CN# 022 – Labor and Equipment Escalation; CN# 023 – Extended Shorting Rental; CN# 024 – Concrete Escalation; CN# 025 – Equipment Standby; CN# 026 – Extended SWPPP and Traffic Control; CN# 027 – Extended Field Office; CN# 028 – Railroad Shoofly Removal Entend BI 10 & 11	\$323,907.92	\$40,742,283.54

Community Outreach Update – Staff conducted the following project outreach activities:

- Distributed construction alert notices regarding demolition of vacant industrial buildings for the Durfee Avenue project;
- Distributed construction alert notices regarding weeknight and 55-hour weekend closure of Fullerton Road ramps on State Route 60 for the Fullerton Road project;
- Distributed construction alert notices regarding intermittent lane impacts to Diamond Plaza on Fullerton Road for intersection improvements for the Fullerton Road project;
- Distributed construction alert notices regarding 5-day weekday closure of State Route 60 ramps for the Fullerton Road project;
- Distributed construction alert notice regarding 7-day weekday closure of State Route 60 ramps for the Fullerton Road project;

- Distributed construction alert notices regarding daytime and nighttime closures of State Route 60 ramps for the Fullerton Road project;
- Distributed construction alert notice regarding Fullerton Road closure between Gale Avenue and Railroad Street for the Fullerton Road Project;
- Distributed construction alert notices regarding overnight ramp and traffic lane closures on Lemon Avenue and Golden Springs Drive for road work for the State Route 60 Lemon Avenue Interchange Project;
- Provided staff support for a Committee tour of the San Pedro Bay port complex;
- Provided staff support for a tour of the Fullerton Road project for students from National Defense University;
- Provided presentation at a community group meeting in Rowland Heights for the Fullerton Road and Fairway Drive projects; and,
- Conducted ongoing community outreach and support activities for the Fairway Drive, Fullerton Road, Durfee Avenue, Turnbull Canyon Road and Montebello Corridor grade separation projects.

MEMO TO: Capital Projects and Construction Committee Members and Alternates

FROM: Mark Christoffels
Chief Engineer

DATE: June 3, 2019

SUBJECT: CPCC Resolution of Necessity for Property Acquisition – No. 19-01
Montebello Boulevard Grade Separation Project
Owner: Joe Bezerra, Jr. and Magdalena Rivas-Bezerra, Trustees of the
Bezerra Family Trust
Property Address: 801 W. Olympic Blvd., Montebello, CA 90640
SGVCOG Parcel No.: 209Y
APN: 6350-018-007

RECOMMENDATION: Staff recommends the San Gabriel Valley Council of Governments ("SGVCOG") Capital Projects and Construction Committee:

1. Conduct a hearing on the proposed CPCC Resolution 19-01 of the SGVCOG finding and determining that the public interest, convenience and necessity require the acquisition of certain property for public purposes; and
2. Review the evidence presented, including this staff report and public comments, and close the hearing; and
3. Adopt the attached CPCC Resolution 19-01 authorizing the commencement of eminent domain proceedings so as to acquire the property discussed herein. This requires an affirmative TWO-THIRDS (2/3) vote of the SGVCOG Capital Projects and Construction Committee.

BACKGROUND: SGVCOG was formed pursuant to the California Joint Powers law (Govt. Code section 6500 et seq.) to address regional issues including the implementation of the Alameda Corridor East Project ("ACE Project"). The ACE Project is a multi-phase project that will improve the safety and efficiency of railroad crossings from Los Angeles, east to San Bernardino County to mitigate some of the impacts created by increased rail traffic from the Ports of Long Beach and Los Angeles.

Included in the ACE Project is a grade separation of the existing at-grade crossing of Montebello Boulevard and the Union Pacific Railroad (UPRR) mainline (Los Angeles Subdivision). This grade separation project (hereinafter, the "Project") calls for constructing a roadway underpass on Montebello Boulevard between W. Los Angeles Avenue to the north and Greenwood Avenue to the south, which will eliminate the existing

at-grade crossing with the UPRR by lowering Montebello Boulevard under the existing railroad tracks. The underpass will be constructed utilizing a combination of slopes and vertical retaining walls along the eastern and western limits of the Montebello Boulevard public right-of-way. The Project will eliminate current and future long delays of traffic at the crossing and is statutorily exempt from CEQA pursuant to Public Resources Code section 21080.13.

The parcel identified in CPCC Resolution 19-01 (the "Property") consists of land, approximately 28,140 square feet in size, and includes a one-story self-service gas station with a food booth and eight fueling stations.

On February 21, 2019, SGVCOG Staff tendered an offer to the Property's owner in the amount of \$2,850,000.00 for the entire fee simple interest in, and \$262,875.00 for the fixtures and equipment associated with, the Property.

SGVCOG Staff and its Right of Way agents have attempted in earnest to negotiate a settlement agreement, and although negotiations are ongoing and will continue, the acquisition of the Property has not been consummated. SGVCOG requires possession and use of the Property before work on the property can commence and as there are no assurances that an agreement between the parties will be reached in order to meet the construction schedule, a Resolution of Necessity is being requested.

Pursuant to California Government Code sections 6500 et seq., 7267.2, 37350.5, and 40401 et seq. and 40404, and California Code of Civil Procedure Section 1230.010 et seq., 1240.410 and 1240.020, and Section 19, Article I of the California Constitution, and other authorities, SGVCOG is authorized to acquire the aforementioned subject property in its entirety by eminent domain, provided certain procedural steps are followed.

SGVCOG must make an offer to purchase to the property owner, which offer must be transmitted in writing, based upon an appraisal. SGVCOG tendered statutory Offers to Purchase to the Property owner as required by law based upon approved appraisals **(Exhibits 1 and 2)**. To date, the offers have not been accepted.

It is now necessary that an action in eminent domain be commenced to acquire the property interests referenced above. Prior to the filing of the action, SGVCOG must hold a hearing on the proposed Resolution of Necessity, **(Exhibit 3)** and provide the owner of the affected property an opportunity to be heard, provided that the owner has timely filed a request to be heard in writing with SGVCOG prior to the hearing.

In addition, the hearing must be duly noticed. Attached is a copy of the Notice of Hearing and Request to Be Heard, which were delivered in accordance with the applicable statutes **(Exhibit 4)**.

After conducting the public hearing, if the Committee finds that the public necessity so requires, SGVCOG should adopt the attached CPCC Resolution of Necessity 19-01, authorizing condemnation proceedings for the purpose of acquiring the Property.

The findings, which need to be made, are as set forth in the Resolution of Necessity. Specifically, the Committee must find:

1. That the public interest and necessity require the acquisition of the proposed project.

As proposed, the Project will serve public purposes, as discussed above;

2. That the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

SGVCOG evaluated different grade separation configurations and multiple variations of design details of the selected underpass alternative to identify any overall project cost and real estate impact reductions. Based on the foregoing, it was determined that Project is a primary arterial street, serving multiple residential and commercial areas. The Project will eliminate the possibility of train—vehicle collisions at this location and the effect of stopped and moving trains on vehicular traffic capacity.

3. That the Property is necessary for the proposed Project.

Full acquisition is needed for the realignment of Montebello Blvd., the relocation of existing utilities and the Grade Separation under the Railroad and Olympic Blvd. The realignment of Montebello Blvd. severs the property and leaves an uneconomic remnant requiring SGVCOG to purchase the property as a full fee acquisition. Without the full fee acquisition of the parcel the proposed Montebello Blvd. Grade Separation Project cannot be constructed.

4. That SGVCOG made the offer to purchase as required by section 7267.2 of the California Government Code.

The Statutory Offer to Purchase was tendered to the owner of the Property on February 21, 2019.

5. That the necessary notice of hearing to consider the adoption of the Resolution of Necessity has been given, as required by Code of Civil Procedure section 1245.235.

As evidenced by Exhibit 3, this has been done.

6. That SGVCOG has complied with CEQA.

The Project is categorically exempt pursuant to Public Resources Code section 21080.13 and Section 15282(g) of the CEQA Guidelines. The Legislature created an absolute exemption for railroad grade separations via Public Resources Code § 21080.13, which provides that CEQA “does not apply to any railroad grade separation project which eliminates an existing grade crossing or which reconstructs an existing grade separation.” Cal. Pub. Res. Code § 21080.13. The Project eliminates an existing grade crossing and is therefore, exempt from CEQA.

Questions relating to value are not relevant to this proceeding. However, that does not mean that negotiations for the acquisition of the property interests are at an end. If SGVCOG adopts the Resolution of Necessity, after the hearing, negotiations for the acquisition of the property interests may continue.

ATTACHMENTS

Exhibit 1 – Offer Letter dated February 14, 2019 (fee simple)

Exhibit 2 – Offer Letter dated February 14, 2019 (fixtures and equipment)

Exhibit 3 – CPCC Resolution of Necessity No. 19-01 with Exhibits

Exhibit 4 – Notice of Hearing and Request to Be Heard

Exhibit 1
CPCC Resolution of Necessity No. 19-01
Offer Letter (Fee Simple)



San Gabriel Valley Council of Governments

4900 Rivergrade Rd. Ste. A120 Irwindale, CA 91706 (626) 962-9292 fax (626) 962-3552 www.theSGVCOGproject.org



February 14, 2019

HAND-DELIVERED

Joe Bezerra, Jr. and Magdalena Rivas-Bezerra,
Trustees of the Bezerra Family Trust dated May 23, 1997
801 W. Olympic Blvd
Montebello, CA 90640

RE: Offer to Acquire Property Rights
Montebello Grade Separation Project
Property Address: 801 W. Olympic Blvd
Montebello, CA 90640
SGVCOG Parcel No.: 209Y

Dear Mr. & Mrs. Bezerra:

San Gabriel Valley Council of Governments ("SGVCOG") is planning to construct the Montebello Grade Separation Project ("Project") in the City of Montebello, California.

The Project will consist of a grade separation of Montebello Boulevard and the Union Pacific Railroad (UPRR) between Mines Avenue and Los Angeles Avenue, which will require the lowering of Montebello Boulevard under the existing UPRR tracks. The Project will serve the public interest by eliminating crossing collisions, queuing, congestion, and by reducing vehicle emissions at the underpass.

As a part of this project, SGVCOG will need to acquire rights from a number of properties, ranging from full acquisitions to temporary construction easements. It has been determined that the project will require the use of your property located at 801 W. Olympic Blvd, Montebello, CA 90640, bearing Los Angeles County Assessor Parcel Number (APN) 6350-018-007 and which is referred to as SGVCOG Parcel No. 209Y. The property interest to be acquired is a 28,140 square foot fee simple acquisition. If acquired as anticipated, the property is scheduled to be used within two years of its acquisition.

It is the policy of SGVCOG to acquire property, which is in private ownership, only when it is essential to do so, and through voluntary purchase, if possible. While SGVCOG has the power of eminent domain, condemnation has not been authorized with respect to the subject property as of this date.

California law requires that before making an offer for the acquisition of real property for the Project, SGVCOG must: obtain an appraisal to determine the fair market value of the real property being acquired; establish an amount which it believes to be Just Compensation for that property; and make an offer to the owner for an amount not less than the Just Compensation so determined. Accordingly, SGVCOG has had your property appraised to determine its fair market value, as defined in California Code of Civil Procedure Section 1263.320. It was appraised in accordance with commonly accepted appraisal standards and included consideration of the Highest and Best Use of the land, the land's current use and any improvements located thereon. The appraisal has been completed and reviewed, and SGVCOG has determined a contingent amount, pending the outcome of environmental due diligence (including a Phase II investigation), which constitutes Just Compensation for the real property.

Subject to the results of the environmental due diligence that SGVCCOG has yet to complete on the subject property, SGVCOG hereby contingently offers you the sum of Two Million Eight Hundred Fifty Thousand and 00/100 Dollars (\$2,850,000.00) for the acquisition of APN 6350-018-007. The enclosed Appraisal Summary Statement dated November 20, 2018 (Attachment No. 2) outlines the basis for this contingent offer.

The amount of the contingent offer is predicated on the assumption that there exists no hazardous substance, product, waste, or other material of any nature whatsoever which is or becomes listed, regulated, or addressed pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 United States Code Section 9601 et seq., on the subject property. Furthermore, please be advised that the amount offered is subject to an environmental site inspection, and the cost to remediate any identified problems may affect the valuation of the subject property. SGVCOG retains its right, following the completion and consideration of the results of SGVCOG's environmental due diligence efforts, to withdraw, or change any or all of the terms of this contingent offer, including a revised offer price. At such time, the contingency associated with this offer shall be removed and a formal non contingent offer may be tendered by SGVCOG.

Please be advised that the amount offered does not include any relocation assistance payments to which you or the occupant of the subject property may be entitled.

This is a contingent offer to purchase your property designated as SGVCOG Parcel No. 209Y free of all liens and other encumbrances, except as may be expressly agreed to by SGVCOG. If more than one person has an interest in the property which SGVCOG is seeking to acquire, all parties with such interests must accept this offer.

If you are not satisfied with SGVCOG's contingent offer, you are encouraged to present to us any material you believe to be relevant to the value of the property. This material

will be carefully considered by SGVCOG, and if, in SGVCOG's opinion, the additional information warrants a change in the offer, SGVCOG's offer will be adjusted accordingly.

You may engage a State of California Certified Appraiser to provide you with an independent opinion of the value of the portion of your property necessary for the project. If you do so, SGVCOG will reimburse you an amount up to \$5,000.00 for an appraisal performed for you by your certified appraiser. Please submit a copy of the invoice from your appraiser with your request for reimbursement.

California regulations provide that each owner from whom SGVCOG purchases real property or an interest therein, or each tenant owning improvements on said property, be provided with information relating to the acquisition procedures pursuant to the Government Code, Paragraph 7267.2(a). This information is included in the Acquisition Handbook enclosed herewith.

If for any reason you should see fit not to accept SGVCOG's contingent offer, please be advised that this letter, the offer made herein, and all matters stated herein are made under the provisions of, inter alia, California Evidence Code Section 1152, and shall not be admissible as evidence in any eminent domain proceeding which may subsequently be instituted for acquisition of the subject property, or in any other action.

SGVCOG has retained HDR Engineering, Inc. (HDR) to work with you throughout this process. Mr. Albert Harmon of HDR is available to meet with you and respond to any questions you may have relating to this contingent offer. He can be reached at (951) 320-7368. If SGVCOG's contingent offer is acceptable, please have the appropriate person sign the acceptance on the enclosed copy of this letter and return the signed copy to Mr. Albert Harmon. Upon receipt of your acceptance, you will be forwarded an Agreement of Purchase and Sale and Joint Escrow Instructions.

Sincerely,



Mark Christoffels
San Gabriel Valley Council of Governments
Chief Engineer

Dated: 2/2/19

ACCEPTANCE

The foregoing contingent offer of the San Gabriel Valley Council of Governments for acquisition of the property described above is hereby accepted:

By: _____ Dated: _____

Name: _____

Its: _____

Exhibit 2
CPCC Resolution of Necessity No. 19-01
Offer Letter (Fixtures and Equipment)



San Gabriel Valley Council of Governments

4900 Rivergrade Rd. Ste. A120 Irwindale, CA 91706 (626) 962-9292 fax (626) 962-3552 www.theSGVCOGproject.org



February 14, 2019

HAND-DELIVERED

Joe Bezerra, Jr. and Magdalena Rivas-Bezerra,
Trustees of the Bezerra Family Trust dated May 23, 1997
801 W. Olympic Blvd
Montebello, CA 90640

**SUBJECT: NOTICE OF INTENT TO ACQUIRE FIXTURES AND EQUIPMENT
Montebello Boulevard Grade Separation Project**

Shell Station

Property Address: 801 W. Olympic Blvd, Montebello, CA 90640

APN: 6350-018-007

SGVCOG Parcel No.: 209Y

Dear Joe Bezerra Jr. and Magdalena Rivas-Bezerra:

San Gabriel Valley Council of Governments ("SGVCOG") is planning to construct the Montebello Boulevard Grade Separation Project ("Project") in the City of Montebello, CA.

The Project will consist of a grade separation of Montebello Boulevard and the Union Pacific Railroad (UPRR) between Mines Avenue and Los Angeles Avenue, which will require the lowering of Montebello Boulevard under the existing UPRR tracks. The Project will serve the public interest by eliminating crossing collisions, queuing, and congestion, and by reducing vehicle emissions at the underpass.

As a part of this project, SGVCOG will need to determine probable compensation to the appropriate business ownerships as a result of the acquisition and/or relocation of the subject business' assets. It has been determined that the project will require the use of your property located at 801 W. Olympic Blvd, Montebello, California 90640, bearing Los Angeles County Assessor Parcel Number (APN) 6350-018-007 and which is referred to as SGVCOG Parcel No. 209Y.

NOTICE OF INTENT TO ACQUIRE

This business is within the project area and, therefore, SGVCOG intends to acquire your interest in the Fixtures and Equipment considered to be improvements pertaining to the realty. A list of such Fixtures and Equipment is enclosed herewith as Exhibit A.

OFFER TO PURCHASE

To determine the fair market value of your Fixtures and Equipment considered to be improvements pertaining to the realty, SGVCOG has had them appraised by a qualified appraiser and hereby offers the total amount of Two Hundred Sixty-Two Thousand Eight Hundred Seventy-Five and 00/100 Dollars (\$262,875.00) as fair market value in exchange for lien-free title to your interest in said Fixtures and Equipment. The attached list identifies the Fixtures and Equipment.

This offer is the full amount that SGVCOG believes to be just compensation for Fixtures and Equipment believed to be owned by you. It is not less than the approved appraisal of the fair market value of the property.

If you are not satisfied with SGVCOG's offer, you are encouraged to present to us any material you believe to be relevant to the value of the property. This material will be carefully considered by SGVCOG, and if, in SGVCOG's opinion, the additional information warrants a change in the offer, SGVCOG's offer will be adjusted accordingly.

If SGVCOG's offer of Two Hundred Sixty-Two Thousand Eight Hundred Seventy-Five and 00/100 Dollars (\$262,875.00) for the acquisition of your Fixtures and Equipment is accepted, please have the appropriate person(s) sign the acceptance on the enclosed copy of this letter, and return the signed copy to HDR Engineering, Inc., Attn: Mr. Albert Harmon, 2280 Market Street, Suite 100, Riverside, CA 92501. Upon receipt of your acceptance, you will be forwarded an Acquisition Agreement.

If for any reason you should see fit not to accept SGVCOG's offer, please be advised that this letter, the offer made herein, and all matters stated herein are made under the provisions of, inter alia, California Evidence Code Section 1152 and 1154, and shall not be admissible as evidence in any eminent domain proceeding which may subsequently be instituted for acquisition of the subject property, or in any other action.

SGVCOG has retained HDR Engineering, Inc. (HDR) to work with you throughout this process. Mr. Albert Harmon of HDR is available to meet with you and respond to any questions you may have relating to this offer. He can be reached at (951) 320-7368.

Sincerely,



Mark Christoffels
San Gabriel Valley Council of Governments
Chief Engineer

Dated: 2/19/19

ACCEPTANCE

The foregoing offer of the San Gabriel Valley Council of Governments for acquisition of the property described above is hereby accepted:

By: _____ Dated: _____

Name: _____

Its: _____

Exhibit 3

CPCC Resolution of Necessity No. 19-01 with Exhibits

CPCC RESOLUTION NO. 19-01

A RESOLUTION OF THE SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS CAPITAL PROJECTS AND CONSTRUCTION COMMITTEE FINDING AND DETERMINING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN PROPERTY FOR PUBLIC PURPOSES

THE SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS CAPITAL PROJECTS
AND CONSTRUCTION COMMITTEE DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Capital Projects and Construction Committee (“Committee”) of the San Gabriel Valley Council of Governments finds, determines and declares the following recitals to be true and correct:

- (a) The San Gabriel Valley Council of Governments is authorized by statute and pursuant to that certain Joint Powers Agreement dated September 17, 1998, as amended, to acquire property by eminent domain within the City of Montebello, County of Los Angeles, CA for the Montebello Boulevard Grade Separation Project (“Project”) as part of the Alameda Corridor East – Gateway to America Project; and.
- (b) The public interest and necessity require the Montebello Boulevard Grade Separation Project located in Los Angeles County, City of Montebello, State of CA as part of the SGVCOG Project, which includes railroad crossing safety and efficiency improvements and all uses appurtenant thereto intended to partially mitigate the impacts of increased rail traffic from the completed Alameda Corridor on motor vehicle traffic (the “Project”); and
- (c) The Project is planned and located in a manner that will be the most compatible with the greatest public good and least private injury; and
- (d) The real property to be acquired (collectively the “Property”) is located at 801 W. Olympic Blvd., in the City of Montebello, Los Angeles County, State of CA and bears the APN: 6350-018-007. The Property is legally described in attached Exhibit A, and is incorporated herein by reference and made a part hereof; and
- (e) The taking of the Property is necessary for the Project and such taking is authorized by Section 19, Article I of the California Constitution, Sections 6500 et seq., 37350.5, 40401 et seq. and 40404 of the California Government Code, Section 1230.010 et seq., 1240.020 and 1240.410 of the California Code of Civil Procedure, and other applicable law; and

- (f) The offer to purchase required by California Government Code Section 7267.2 has been made to the owner of the Property;
- (g) The necessary notice of hearing on this Resolution has been given, as required by Code of Civil Procedure section 1245.235;
- (h) The San Gabriel Valley Council of Governments has fully complied with the California Environmental Quality Act (“CEQA”) as the Project is statutorily exempt pursuant to Public Resources Code section 21080.13 and Section 15282(g) of the CEQA Guidelines; and
- (i) The San Gabriel Valley Council of Governments has complied with all conditions and statutory requirements necessary to exercise the power of eminent domain (the “right to take”) to acquire the Property; and

SECTION 2. The Committee hereby declares that it is its intention of the San Gabriel Valley Council of Governments to acquire said Property in accordance with the provision of the laws of the State of California governing condemnation procedures.

SECTION 3. The Committee further finds that if any portion of the area of the Property has been appropriated to some public use, the public uses to which it is to be applied by the San Gabriel Valley Council of Governments, as described above, are more necessary and paramount public uses, pursuant to Code of Civil Procedure section 1240.610 or, alternatively, are compatible with those other uses pursuant to Code of Civil Procedure section 1260.510.

SECTION 4. Legal counsel for the San Gabriel Valley Council of Governments is authorized and directed to prepare, institute and prosecute such proceedings in the proper Court having jurisdiction thereof as may be necessary for the acquisition of said Property, including the filing of an application for an Order for Possession prior to judgment.

SECTION 5. This Resolution shall be effective immediately upon its adoption.

SECTION 6. The Clerk of the Committee shall certify the adoption of this Resolution and certify this record to be a full true, correct copy of the action taken.

PASSED, APPROVED AND ADOPTED this 3rd day of June, 2019.

ATTEST:

Deanna Stanley, Committee Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF WEST COVINA)

I HEREBY CERTIFY that the foregoing CPCC Resolution 19-01 was duly adopted by San Gabriel Valley Council of Governments Capital Projects and Construction Committee at a regular meeting thereof, held on the 3rd day of June, 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Deanna Stanley, Committee Clerk

EXHIBIT A
Legal Description

EXHIBIT "A"

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

THE EASTERLY 151.50 FEET, AS MEASURED ON THE NORTHERLY LINE OF LOT 24 OF RESUBDIVISION OF A PORTION OF MONTEBELLO, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 3, PAGE 27 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM THAT PORTION INCLUDED WITHIN THE FOLLOWING DESCRIBED LAND:

BEGINNING AT A POINT IN THE NORTHERLY LINE OF SAID LOT 24, SAID POINT BEING DISTANT WESTERLY ON SAID NORTHERLY LINE 30.00 FEET FROM THE NORTHEAST CORNER OF SAID LOT 24; THENCE EASTERLY ALONG SAID NORTHERLY LINE 30.00 FEET TO SAID NORTHEAST CORNER;
THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID LOT 24 TO THE SOUTHEAST CORNER THEREOF;
THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 24, TO THE INTERSECTION WITH A LINE WHICH IS PARALLEL TO AND DISTANT 10.00 FEET, MEASURED AT RIGHT ANGLES, FROM SAID EASTERLY LINE;
THENCE NORTHERLY ALONG SAID PARALLEL LINE TO A POINT WHICH IS DISTANT 20.00 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM SAID NORTHERLY LINE, SAID POINT ALSO BEING THE TANGENT POINT OF A CURVE OF 20.00 FOOT RADIUS, CONCAVE TO THE SOUTHWEST;
THENCE NORTHERLY AND WESTERLY ALONG SAID CURVE TO THE POINT OF BEGINNING.

Assessor's Parcel Number: 6350-018-007

Exhibit 4
CPCC Resolution of Necessity No. 19-01
Notice of Hearing and Request to Be Heard



San Gabriel Valley Council of Governments

4900 Rivergrade Rd. Ste. A120 Irwindale, CA 91706 (626) 962-9292 fax (626) 962-3552 www.theaceproject.org



NOTICE OF HEARING (Cal. Code Civ. Proc. § 1245.235)

NOTICE OF HEARING REGARDING THE INTENTION OF THE SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS CAPITAL PROJECTS AND CONSTRUCTION COMMITTEE TO CONSIDER THE ADOPTION OF A RESOLUTION FINDING AND DETERMINING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN PROPERTY FOR PUBLIC PURPOSES

**TO: Joe Bezerra, Jr. and Magdalena Rivas-Bezerra, Trustees of the Bezerra Family Trust,
801 W. Olympic Blvd., Montebello, CA 90640
Jamie Fischer, attorney at law
801 S. Grand Ave. 11th Floor
Los Angeles, CA 90017**

Notice of the Intent of the Capital Projects and Construction Committee of the San Gabriel Valley Council of Governments to Consider a Resolution of Necessity.

YOU ARE HEREBY NOTIFIED, pursuant to Code of Civil Procedure Section 1230.010, *et seq.*, that the Capital Projects and Construction Committee of the San Gabriel Valley Council of Governments ("Committee") intends to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of certain real property ("Property") in connection with the Montebello Boulevard Grade Separation Project ("Project") as part of the Alameda Corridor East – Gateway to America Project.

The Property is located at 801 W. Olympic Blvd., in the City of Montebello, Los Angeles County, State of CA and bears the APN: 6350-018-007. The Property is legally described in attached Exhibit A and are depicted on attached Exhibit B.

The hearing will be held on **June 3, 2019 at 12 p.m.** or as soon thereafter as the Committee can hear said matter, at West Covina City Hall 1444 W. Garvey Ave S, West Covina, CA 91790.

You, as a person claiming or having an interest in and to the Property, are hereby notified that you have the right to appear and be heard on the issues to be considered at that hearing. The issues which will be considered are set forth in California Code of Civil Procedure Section 1240.030, and include:

1. Whether the public interest and necessity require the Project;

2. Whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
3. Whether the Property sought to be acquired is necessary for this Project;
4. Whether the offer to purchase as required by section 7267.2 of the California Government Code has been made to the owner of the property;
5. Whether the Committee has statutory authority to acquire the Property by eminent domain;
6. Whether the Committee fully complied with the California Environmental Quality Act ("CEQA"); and
7. Whether the Committee has complied with all conditions and statutory requirements necessary to exercise the power of eminent domain to acquire the Property, as well as any other matter regarding the right to take said Property by eminent domain;

A copy of the proposed Resolution of Necessity will be available on the San Gabriel Valley Council of Governments website prior to the June 3, 2019 hearing.

If you wish to be heard at this hearing, you MUST FILE A WRITTEN REQUEST, indicating your intent to appear and be heard within 15 days after the date of mailing of this Notice. Failure to file a written request to appear and be heard within 15 days after the date of mailing of this Notice may result in a waiver of the right to appear and be heard by the Board. The written request to appear and be heard should be filed with:

San Gabriel Valley Council of Governments
1000 S. Fremont Ave.
Unit 42 – Bldg. A-10N, Suite 10-210
Alhambra, CA 91803

If you elect not to appear and not to be heard, you will only be foreclosed from raising in a court of law the issues that are the subject of this noticed hearing and that are concerned with the right to take the Property by eminent domain.

The amount of the compensation to be paid for the acquisition of the Property is not a matter or issue being heard by the Committee at this time. Your nonappearance at this noticed hearing will not prevent you from claiming greater compensation, as may be determined by a court of law in accordance with the laws of the State of California. This notice is not intended to foreclose future negotiations between you and the Committee on the amount of compensation to be paid for the Property. For further information, contact Timothy Green at 951-320-7349.



Timothy Green
Senior Project Manager
HDR, Inc., Real Estate Services

Dated and Mailed: May 17, 2019.

Attachments:

Exhibit A – Legal Description

**REQUEST TO BE HEARD ON RESOLUTION OF NECESSITY
FOR THE ACQUISITION OF CERTAIN REAL PROPERTY**

Name _____ Telephone _____

Address

Date _____ Signature _____

DECLARATION OF PROOF OF SERVICE BY CERTIFIED MAIL

I, the undersigned, declare as follows:

I am over the age of 18 and not a party to the above-entitled action. My business address is 2280 Market Street Suite 100, Riverside CA, 92501.

On Friday May 17, 2019, I served true copies of the foregoing Notice of Hearing on each of the following named persons by placing for deposit, by certified mail return receipt requested, in the United States Postal Service sealed envelopes containing the same on said date **at the United States Post Office located at 1 League, Irvine CA, 92602** and addressed respectively, as follows:

**Joe Bezerra, Jr. and Magdalena Rivas-Bezerra, Trustees of the Bezerra Family Trust,
801 W. Olympic Blvd., Montebello, CA 90640
Jamie Fischer, attorney at law
801 S. Grand Ave. 11th Floor
Los Angeles, CA 90017**

I am familiar with the Post Office's practice for collecting and processing of correspondence for mailing at said address. The correspondence referenced above to would be deposited in the United States Postal Service that same day in the ordinary course of business; and said envelopes were sealed and placed for collection and mailing on the date following ordinary business practices.

I declare under penalty of perjury, under laws of the State of California that the foregoing is true and correct.

Executed on May 17, 2019 at Irvine, California.



Arvin Yazdan

EXHIBIT "A"

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

THE EASTERLY 151.50 FEET, AS MEASURED ON THE NORTHERLY LINE OF LOT 24 OF RESUBDIVISION OF A PORTION OF MONTEBELLO, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 3, PAGE 27 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM THAT PORTION INCLUDED WITHIN THE FOLLOWING DESCRIBED LAND:

BEGINNING AT A POINT IN THE NORTHERLY LINE OF SAID LOT 24, SAID POINT BEING DISTANT WESTERLY ON SAID NORTHERLY LINE 30.00 FEET FROM THE NORTHEAST CORNER OF SAID LOT 24; THENCE EASTERLY ALONG SAID NORTHERLY LINE 30.00 FEET TO SAID NORTHEAST CORNER;
THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID LOT 24 TO THE SOUTHEAST CORNER THEREOF;
THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 24, TO THE INTERSECTION WITH A LINE WHICH IS PARALLEL TO AND DISTANT 10.00 FEET, MEASURED AT RIGHT ANGLES, FROM SAID EASTERLY LINE;
THENCE NORTHERLY ALONG SAID PARALLEL LINE TO A POINT WHICH IS DISTANT 20.00 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM SAID NORTHERLY LINE, SAID POINT ALSO BEING THE TANGENT POINT OF A CURVE OF 20.00 FOOT RADIUS, CONCAVE TO THE SOUTHWEST;
THENCE NORTHERLY AND WESTERLY ALONG SAID CURVE TO THE POINT OF BEGINNING.

Assessor's Parcel Number: 6350-018-007



MEMO TO: Capital Projects and Construction Committee Members and Alternates

FROM: Mark Christoffels
Chief Engineer

DATE: June 3, 2019

SUBJECT: CPCC Resolution of Necessity for Property Acquisition – No. 19-02
Montebello Boulevard Grade Separation Project
Owner: Luis Ramirez, an unmarried man, and Leonardo Ramirez, a married man as his sole and separate property, as joint tenants
Property Address: 801 W. Olympic Blvd., Montebello, CA 90640
SGVCOG Parcel Nos.: 209S & T
APN: 6350-021-029 & 6350-021-035
Address: 439 Montebello Way, Montebello, CA 90640

RECOMMENDATION: Staff recommends the San Gabriel Valley Council of Governments ("SGVCOG") Capital Projects and Construction Committee:

1. Conduct a hearing on the proposed CPCC Resolution 19-02 of the SGVCOG finding and determining that the public interest, convenience and necessity require the acquisition of certain property for public purposes; and
2. Review the evidence presented, including this staff report and public comments, and close the hearing; and
3. Adopt the attached CPCC Resolution 19-02 authorizing the commencement of eminent domain proceedings so as to acquire the property discussed herein. This requires an affirmative TWO-THIRDS (2/3) vote of the SGVCOG Capital Projects and Construction Committee.

BACKGROUND: SGVCOG was formed pursuant to the California Joint Powers law (Govt. Code section 6500 et seq.) to address regional issues including the implementation of the Alameda Corridor East Project ("ACE Project"). The ACE Project is a multi-phase project that will improve the safety and efficiency of railroad crossings from Los Angeles, east to San Bernardino County to mitigate some of the impacts created by increased rail traffic from the Ports of Long Beach and Los Angeles.

Included in the ACE Project is a grade separation of the existing at-grade crossing of Montebello Boulevard and the Union Pacific Railroad (UPRR) mainline (Los Angeles Subdivision). This grade separation project (hereinafter, the "Project") calls for constructing a roadway underpass on Montebello Boulevard between W. Los Angeles

Avenue to the north and Greenwood Avenue to the south, which will eliminate the existing at-grade crossing with the UPRR by lowering Montebello Boulevard under the existing railroad tracks. The underpass will be constructed utilizing a combination of slopes and vertical retaining walls along the eastern and western limits of the Montebello Boulevard public right-of-way. The Project will eliminate current and future long delays of traffic at the crossing and is statutorily exempt from CEQA pursuant to Public Resources Code section 21080.13.

The parcel identified in CPCC Resolution 19-02 (the "Property") consists of land, approximately 9,010 square feet in size, and includes a one story, concrete block auto repair building operated by Otani Radiator & Auto Service containing approximately 3,022 square feet.

On or about February 19, 2019, SGVCOG Staff tendered an offer to the Property's owner in the amount of \$900,000.00 for the entire fee simple interest in the Property. On or about February 21, 2019, SGVCOG Staff tendered an offer to the Property's owner in the amount of \$42,275.00 for the fixtures and equipment associated with the Property.

SGVCOG Staff and its Right of Way agents have attempted in earnest to negotiate a settlement agreement, and although negotiations are ongoing and will continue, the acquisition of the Property has not been consummated. SGVCOG requires possession and use of the Property before work on the property can commence and as there are no assurances that an agreement between the parties will be reached in order to meet the construction schedule, a Resolution of Necessity is being requested.

Pursuant to California Government Code sections 6500 et seq., 7267.2, 37350.5, and 40401 et seq. and 40404, and California Code of Civil Procedure Section 1230.010 et seq., 1240.410 and 1240.020, and Section 19, Article I of the California Constitution, and other authorities, SGVCOG is authorized to acquire the aforementioned subject property in its entirety by eminent domain, provided certain procedural steps are followed.

SGVCOG must make an offer to purchase to the property owner, which offer must be transmitted in writing, based upon an appraisal. SGVCOG tendered statutory Offers to Purchase to the Property owner as required by law based upon approved appraisals **(Exhibits 1 and 2)**. To date, the offer has not been accepted.

It is now necessary that an action in eminent domain be commenced to acquire the property interests referenced above. Prior to the filing of the action, SGVCOG must hold a hearing on the proposed Resolution of Necessity, **(Exhibit 3)** and provide the owner of the affected property an opportunity to be heard, provided that the owner has timely filed a request to be heard in writing with SGVCOG prior to the hearing.

In addition, the hearing must be duly noticed. Attached is a copy of the Notice of Hearing and Request to Be Heard, which were delivered in accordance with the applicable statutes **(Exhibit 4)**.

After conducting the public hearing, if the Committee finds that the public necessity so requires, SGVCOG should adopt the attached CPCC Resolution of Necessity 19-02, authorizing condemnation proceedings for the purpose of acquiring the Property.

The findings, which need to be made, are as set forth in the Resolution of Necessity. Specifically, the Committee must find:

1. That the public interest and necessity require the acquisition of the proposed project.

As proposed, the Project will serve public purposes, as discussed above;

2. That the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

SGVCOG evaluated different grade separation configurations and multiple variations of design details of the selected underpass alternative to identify any overall project cost and real estate impact reductions. Based on the foregoing, it was determined that Project is a primary arterial street, serving multiple residential and commercial areas. The Project will eliminate the possibility of train—vehicle collisions at this location and the effect of stopped and moving trains on vehicular traffic capacity.

3. That the Property is necessary for the proposed Project.

Full acquisition is needed for the realignment of Montebello Blvd., the relocation of existing utilities and the Grade Separation under the Railroad and Olympic Blvd. The realignment of Montebello Blvd. severs the property and leaves an uneconomic remnant requiring SGVCOG to purchase the property as a full fee acquisition. Without the full fee acquisition of the parcel the proposed Montebello Blvd. Grade Separation Project cannot be constructed.

4. That SGVCOG made the offer to purchase as required by section 7267.2 of the California Government Code.

The Statutory Offer to Purchase was tendered to the owner of the Property on February 21, 2019.

5. That the necessary notice of hearing to consider the adoption of the Resolution of Necessity has been given, as required by Code of Civil Procedure section 1245.235.

6. That SGVCOG has complied with CEQA.

The Project is categorically exempt pursuant to Public Resources Code section 21080.13 and Section 15282(g) of the CEQA Guidelines. The Legislature created an absolute exemption for railroad grade separations via Public Resources Code § 21080.13, which provides that CEQA “does not apply to any railroad grade separation project which eliminates an existing grade crossing or which reconstructs an existing grade separation.” Cal. Pub. Res. Code § 21080.13. The Project eliminates an existing grade crossing and is therefore, exempt from CEQA.

Questions relating to value are not relevant to this proceeding. However, that does not mean that negotiations for the acquisition of the property interests are at an end. If SGVCOG adopts the Resolution of Necessity, after the hearing, negotiations for the acquisition of the property interests may continue.

ATTACHMENTS

Exhibit 1 – Offer Letter dated February 14, 2019 (fee simple)

Exhibit 2 – Offer Letter dated February 14, 2019 (fixtures and equipment)

Exhibit 3 – CPCC Resolution of Necessity No. 19-02 with Exhibits

Exhibit 4 – CPCC Resolution of Necessity No. 19-02 Notice of Hearing and Request to Be Heard

Exhibit 1
CPCC Resolution of Necessity No. 19-02
Offer Letter (Fee Simple)



San Gabriel Valley Council of Governments

4900 Rivergrade Rd. Ste. A120 Irwindale, CA 91706 (626) 962-9292 fax (626) 962-3552 www.theSGVCOGproject.org



February 14, 2019

HAND-DELIVERED

Luis & Leonardo Ramirez
439 Montebello Way
Montebello, CA 90640

RE: Offer to Acquire Property Rights
Montebello Boulevard Grade Separation Project
Property Address: 439 Montebello Way
Montebello, CA 90640
SGVCOG Parcel No.: 209S & 209T

Dear Luis & Leonardo Ramirez:

San Gabriel Valley Council of Governments ("SGVCOG") is planning to construct the Montebello Boulevard Grade Separation Project ("Project") in the City of Montebello, California.

The Project will consist of a grade separation of Montebello Boulevard and the Union Pacific Railroad (UPRR) between Mines Avenue and Los Angeles Avenue, which will require the lowering of Montebello Boulevard under the existing UPRR tracks. The Project will serve the public interest by eliminating crossing collisions, queuing, congestion, and by reducing vehicle emissions at the underpass.

As a part of this project, SGVCOG will need to acquire rights from a number of properties, ranging from full acquisitions to temporary construction easements. It has been determined that the project will require the use of your property located at 439 Montebello Way, Montebello, CA 90640, bearing Los Angeles County Assessor Parcel Number (APN) 6350-021-029 & 6350-021-035 and which is referred to as SGVCOG Parcel No. 209S & 209T. The property interest to be acquired is a 9,010 square foot fee simple acquisition. If acquired as anticipated, the property is scheduled to be used within two years of its acquisition.

It is the policy of SGVCOG to acquire property, which is in private ownership, only when it is essential to do so, and through voluntary purchase, if possible. While SGVCOG has the power of eminent domain, condemnation has not been authorized with respect to the subject property as of this date.

California law requires that before making an offer for the acquisition of real property for the Project, SGVCOG must: obtain an appraisal to determine the fair market value of the

real property being acquired; establish an amount which it believes to be Just Compensation for that property; and make an offer to the owner for an amount not less than the Just Compensation so determined. Accordingly, SGVCOG has had your property appraised to determine its fair market value, as defined in California Code of Civil Procedure Section 1263.320. It was appraised in accordance with commonly accepted appraisal standards and included consideration of the Highest and Best Use of the land, the land's current use and any improvements located thereon. The appraisal has been completed and reviewed, and SGVCOG has determined a contingent amount, pending the outcome of environmental due diligence (including a Phase II investigation), which constitutes Just Compensation for the real property.

Subject to the results of the environmental due diligence that SGVCOG has yet to complete on the subject property, SGVCOG hereby contingently offers you the sum of Nine Hundred Thousand and 00/100 Dollars (\$900,000.00) for the acquisition of APN(s) 6350-021-029 & 6350-021-035. The enclosed Appraisal Summary Statement dated November 12, 2018 (Attachment No. 2) outlines the basis for this contingent offer.

The amount of the contingent offer is predicated on the assumption that there exists no hazardous substance, product, waste, or other material of any nature whatsoever which is or becomes listed, regulated, or addressed pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 United States Code Section 9601 et seq., on the subject property. Furthermore, please be advised that the amount contingently offered is subject to an environmental site inspection, and the cost to remediate any identified problems may affect the valuation of the subject property. SGVCOG retains its right, following the completion and consideration of the results of SGVCOG's environmental due diligence efforts, to withdraw, or change any or all of the terms of this contingent offer, including a revised offer price. At such time, the contingency associated with this offer shall be removed and a formal non contingent offer may be tendered by SGVCOG

Please be advised that the contingent amount offered does not include any relocation assistance payments to which you or the occupant of the subject property may be entitled.

This is a contingent offer to purchase your property designated as SGVCOG Parcel No. 209S & 209T free of all liens and other encumbrances, except as may be expressly agreed to by SGVCOG. If more than one person has an interest in the property which SGVCOG is seeking to acquire, all parties with such interests must accept this offer.

If you are not satisfied with SGVCOG's contingent offer, you are encouraged to present to us any material you believe to be relevant to the value of the property. This material will be carefully considered by SGVCOG, and if, in SGVCOG's opinion, the additional information warrants a change in the offer, SGVCOG's offer will be adjusted accordingly.

You may engage a State of California Certified Appraiser to provide you with an independent opinion of the value of the portion of your property necessary for the project. If you do so, SGVCOG will reimburse you an amount up to \$5,000.00 for an appraisal performed for you by your certified appraiser. Please submit a copy of the invoice from your appraiser with your request for reimbursement.

California regulations provide that each owner from whom SGVCOG purchases real property or an interest therein, or each tenant owning improvements on said property, be provided with information relating to the acquisition procedures pursuant to the Government Code, Paragraph 7267.2(a). This information is included in the Acquisition Handbook enclosed herewith.

If for any reason you should see fit not to accept SGVCOG's contingent offer, please be advised that this letter, the offer made herein, and all matters stated herein are made under the provisions of, inter alia, California Evidence Code Section 1152, and shall not be admissible as evidence in any eminent domain proceeding which may subsequently be instituted for acquisition of the subject property, or in any other action.

SGVCOG has retained HDR Engineering, Inc. (HDR) to work with you throughout this process. Mr. Albert Harmon of HDR is available to meet with you and respond to any questions you may have relating to this contingent offer. He can be reached at (951) 320-7368. If SGVCOG's contingent offer is acceptable, please have the appropriate person sign the acceptance on the enclosed copy of this letter and return the signed copy to Mr. Albert Harmon. Upon receipt of your acceptance, you will be forwarded an Agreement of Purchase and Sale and Joint Escrow Instructions.

Sincerely,



Mark Christoffels
San Gabriel Valley Council of Governments
Chief Engineer

Dated: 2/19/19

ACCEPTANCE

The foregoing contingent offer of the San Gabriel Valley Council of Governments for acquisition of the property described above is hereby accepted:

By: _____

Dated: _____

Name: _____

Its: _____

Exhibit 2
CPCC Resolution of Necessity No. 19-02
Offer Letter (Fixtures and Equipment)



San Gabriel Valley Council of Governments

4900 Rivergrade Rd. Ste. A120 Irwindale, CA 91706 (626) 962-9292 fax (626) 962-3552 www.theSGVCOGproject.org



February 14, 2019

HAND-DELIVERED

Luis & Leonardo Ramirez
439 Montebello Way
Montebello, CA 90640

**SUBJECT: NOTICE OF INTENT TO ACQUIRE FIXTURES AND EQUIPMENT
Montebello Boulevard Grade Separation Project**

Otani Radiator & Auto Service

Property Address: 439 Montebello Way, Montebello, CA 90640

APN: 6350-021-029 & 6350-021-035

SGVCOG Parcel No.: 209S & 209T

Dear Luis & Leonardo Ramirez:

San Gabriel Valley Council of Governments ("SGVCOG") is planning to construct the Montebello Boulevard Grade Separation Project ("Project") in the City of Montebello, CA.

The Project will consist of a grade separation of Montebello Boulevard and the Union Pacific Railroad (UPRR) between Mines Avenue and Los Angeles Avenue, which will require the lowering of Montebello Boulevard under the existing UPRR tracks. The Project will serve the public interest by eliminating crossing collisions, queuing, and congestion, and by reducing vehicle emissions at the underpass.

As a part of this project, SGVCOG will need to determine probable compensation to the appropriate business ownerships as a result of the acquisition and/or relocation of the subject business' assets. It has been determined that the project will require the use of your property located at 439 Montebello Way, Montebello, California 90640, bearing Los Angeles County Assessor Parcel Number (APN) 6350-021-029 & 6350-021-035 and which is referred to as SGVCOG Parcel No. 209S & 209T.

NOTICE OF INTENT TO ACQUIRE

This business is within the project area and, therefore, SGVCOG intends to acquire your interest in the Fixtures and Equipment considered to be improvements pertaining to the realty. A list of such Fixtures and Equipment is enclosed herewith as Exhibit A.

OFFER TO PURCHASE

To determine the fair market value of your Fixtures and Equipment considered to be improvements pertaining to the realty, SGVCOG has had them appraised by a qualified appraiser and hereby offers the total amount of Forty-Two Thousand Two Hundred Seventy-Five and 00/100 Dollars (\$42,275.00) as fair market value in exchange for lien-free title to your interest in said Fixtures and Equipment. The attached list identifies the Fixtures and Equipment.

This offer is the full amount that SGVCOG believes to be just compensation for Fixtures and Equipment believed to be owned by you. It is not less than the approved appraisal of the fair market value of the property.

If you are not satisfied with SGVCOG's offer, you are encouraged to present to us any material you believe to be relevant to the value of the property. This material will be carefully considered by SGVCOG, and if, in SGVCOG's opinion, the additional information warrants a change in the offer, SGVCOG's offer will be adjusted accordingly.

If SGVCOG's offer of Forty-Two Thousand Two Hundred Seventy-Five and 00/100 Dollars (\$42,275.00) for the acquisition of your Fixtures and Equipment is accepted, please have the appropriate person(s) sign the acceptance on the enclosed copy of this letter, and return the signed copy to HDR Engineering, Inc., Attn: Mr. Albert Harmon, 2280 Market Street, Suite 100, Riverside, CA 92501. Upon receipt of your acceptance, you will be forwarded an Acquisition Agreement.

If for any reason you should see fit not to accept SGVCOG's offer, please be advised that this letter, the offer made herein, and all matters stated herein are made under the provisions of, inter alia, California Evidence Code Section 1152 and 1154, and shall not be admissible as evidence in any eminent domain proceeding which may subsequently be instituted for acquisition of the subject property, or in any other action.

SGVCOG has retained HDR Engineering, Inc. (HDR) to work with you throughout this process. Mr. Albert Harmon of HDR is available to meet with you and respond to any questions you may have relating to this offer. He can be reached at (951) 320-7368.

Sincerely,



Mark Christoffels
San Gabriel Valley Council of Governments
Chief Engineer

Dated: 2/21/19

ACCEPTANCE

The foregoing offer of the San Gabriel Valley Council of Governments for acquisition of the property described above is hereby accepted:

By: _____ Dated: _____

Name: _____

Its: _____

Exhibit 3

CPCC Resolution of Necessity No. 19-02 with Exhibits

CPCC RESOLUTION NO. 19-02

A RESOLUTION OF THE SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS CAPITAL PROJECTS AND CONSTRUCTION COMMITTEE FINDING AND DETERMINING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN PROPERTY FOR PUBLIC PURPOSES

**THE SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS CAPITAL PROJECTS
AND CONSTRUCTION COMMITTEE DOES HEREBY RESOLVE AS FOLLOWS:**

SECTION 1. The Capital Projects and Construction Committee (“Committee”) of the San Gabriel Valley Council of Governments finds, determines and declares the following recitals to be true and correct:

- (a) The San Gabriel Valley Council of Governments is authorized by statute and pursuant to that certain Joint Powers Agreement dated September 17, 1998, as amended, to acquire property by eminent domain within the City of Montebello, County of Los Angeles, CA for the Montebello Boulevard Grade Separation Project (“Project”) as part of the Alameda Corridor East – Gateway to America Project; and.
- (b) The public interest and necessity require the Montebello Boulevard Grade Separation Project located in Los Angeles County, City of Montebello, State of CA as part of the SGVCOG Project, which includes railroad crossing safety and efficiency improvements and all uses appurtenant thereto intended to partially mitigate the impacts of increased rail traffic from the completed Alameda Corridor on motor vehicle traffic (the “Project”); and
- (c) The Project is planned and located in a manner that will be the most compatible with the greatest public good and least private injury; and
- (d) The real property to be acquired (collectively the “Property”) is located at 439 Montebello Way, in the City of Montebello, Los Angeles County, State of CA and bears the APN: 6350-021-035 & 6350-021-029. The Property is legally described in attached Exhibit A, and is incorporated herein by reference and made a part hereof; and
- (e) The taking of the Property is necessary for the Project and such taking is authorized by Section 19, Article I of the California Constitution, Sections 6500 et seq., 37350.5, 40401 et seq. and 40404 of the California Government Code, Section 1230.010 et seq., 1240.020 and 1240.410 of the California Code of Civil

- Procedure, and other applicable law; and
- (f) The offer to purchase required by California Government Code Section 7267.2 has been made to the owner of the Property;
 - (g) The necessary notice of hearing on this Resolution has been given, as required by Code of Civil Procedure section 1245.235;
 - (h) The San Gabriel Valley Council of Governments has fully complied with the California Environmental Quality Act (“CEQA”) as the Project is statutorily exempt pursuant to Public Resources Code section 21080.13 and Section 15282(g) of the CEQA Guidelines; and
 - (i) The San Gabriel Valley Council of Governments has complied with all conditions and statutory requirements necessary to exercise the power of eminent domain (the “right to take”) to acquire the Property; and

SECTION 2. The Committee hereby declares that it is its intention of the San Gabriel Valley Council of Governments to acquire said Property in accordance with the provision of the laws of the State of California governing condemnation procedures.

SECTION 3. The Committee further finds that if any portion of the area of the Property has been appropriated to some public use, the public uses to which it is to be applied by the San Gabriel Valley Council of Governments, as described above, are more necessary and paramount public uses, pursuant to Code of Civil Procedure section 1240.610 or, alternatively, are compatible with those other uses pursuant to Code of Civil Procedure section 1260.510.

SECTION 4. Legal counsel for the San Gabriel Valley Council of Governments is authorized and directed to prepare, institute and prosecute such proceedings in the proper Court having jurisdiction thereof as may be necessary for the acquisition of said Property, including the filing of an application for an Order for Possession prior to judgment.

SECTION 5. This Resolution shall be effective immediately upon its adoption.

SECTION 6. The Clerk of the Committee shall certify the adoption of this Resolution and certify this record to be a full true, correct copy of the action taken.

PASSED, APPROVED AND ADOPTED this 3rd day of June, 2019.

ATTEST:

Deanna Stanley, Committee Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF WEST COVINA)

I HEREBY CERTIFY that the foregoing CPCC Resolution 19-02 was duly adopted by San Gabriel Valley Council of Governments Capital Projects and Construction Committee at a regular meeting thereof, held on the 3rd day of June, 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Deanna Stanley, Committee Clerk

EXHIBIT A
Legal Description

EXHIBIT "A"

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL A:

THAT PORTION OF LOT 15 IN RESUBDIVISION OF A PORTION OF MONTEBELLO, IN THE CITY OF MONTEBELLO, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON MAP RECORDED IN BOOK 3, PAGE 27 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE CENTER LINE OF MONTEBELLO BOULEVARD, FORMERLY CEDAR AVENUE, AS SHOWN ON SAID MAP, DISTANT NORTH 14°27' EAST, 203 FEET FROM THE INTERSECTION OF SAID CENTER LINE WITH THE SOUTHWESTERLY LINE OF SAID RESUBDIVISION AS SHOWN ON SAID MAP; THENCE NORTH 14°27' EAST, 140 FEET TO THE NORTHEASTERLY CORNER OF THE LAND DESCRIBED IN CERTIFICATE OF TITLE NO. J-6334, ON FILE IN THE OFFICE OF THE REGISTRAR OF TITLES OF SAID COUNTY; THENCE NORTH 83°56' WEST, 366 FEET TO A POINT IN THE NORTHERLY LINE OF SAID LAND, DISTANT SOUTH 83°56' EAST, 273.69 FEET FROM THE NORTHWESTERLY CORNER OF SAID LAND, SAID POINT BEING MARKED BY ONE INCH IRON PIPE; THENCE SOUTH 14°27' WEST, 140 FEET TO A POINT IN THE SOUTHERLY LINE OF SAID LAND, BEING MARKED BY A ONE INCH IRON PIPE; THENCE SOUTH 83°56' EAST, 366 FEET TO THE POINT OF BEGINNING.

EXCEPT THEREFROM THAT PORTION OF SAID LAND LYING SOUTHEASTERLY OF A LINE THAT IS PARALLEL WITH AND DISTANT 60.00 FEET NORTHWESTERLY MEASURED AT RIGHT ANGLES AND/OR RADIALLY OF THE FOLLOWING DESCRIBED LINE;

BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF GREENWOOD STREET (NOW GREENWOOD AVENUE), WITH THE CENTER LINE OF ASH STREET (NOW MINES AVENUE), AS SAID STREETS ARE SHOWN ON THE MAP OF EL CARMEL TRACT, RECORDED IN BOOK 7, PAGES 134 AND 135 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE ALONG THE CENTER LINE OF SAID GREENWOOD AVENUE, NORTH 26°22'00" EAST, 58.27 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 500.00 FEET; THENCE NORTHEASTERLY AND EASTERLY ALONG SAID LAST MENTIONED CURVE AN ARC DISTANCE OF 471.77 FEET; THENCE TANGENT TO SAID LAST MENTIONED CURVE NORTH 80°25'38" EAST, 723.84 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 500.00 FEET, SAID LAST MENTIONED CURVE BEING TANGENT AT ITS NORTHERLY TERMINUS WITH THE CENTER LINE OF CEDAR AVENUE (NOW MONTEBELLO BOULEVARD), AS SHOWN ON SAID MAP OF THE RESUBDIVISION OF A PORTION OF MONTEBELLO; THENCE NORTHEASTERLY AND NORTHERLY ALONG SAID LAST MENTIONED CURVE, AN ARC DISTANCE OF 575.76 FEET TO THE CENTER LINE OF SAID CEDAR AVENUE, SUBJECT TO OUTSTANDING ENCUMBRANCES THEREON.

PARCEL B:

PARCEL 1 OF PARCEL MAP NO. 3992, IN THE CITY OF MONTEBELLO, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON A MAP FILED IN BOOK 47 PAGE 92 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

LA #4819-9305-3591 v1

Assessor's Parcel Number: 6350-021-029 & 6350-021-035

Montebello Corridor Grade Separation

APN: 6350-021-035 & 6350-021-029

Parcel No.: 209S & 209T

LA #4811-0460-2775 v1

Page 5

Exhibit 4
CPCC Resolution of Necessity No. 19-02
Notice of Hearing and Request to Be Heard



San Gabriel Valley Council of Governments

4900 Rivergrade Rd. Ste. A120 Irwindale, CA 91706 (626) 962-9292 fax (626) 962-3552 www.theaceproject.org



NOTICE OF HEARING (Cal. Code Civ. Proc. § 1245.235)

NOTICE OF HEARING REGARDING THE INTENTION OF THE SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS CAPITAL PROJECTS AND CONSTRUCTION COMMITTEE TO CONSIDER THE ADOPTION OF A RESOLUTION FINDING AND DETERMINING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN PROPERTY FOR PUBLIC PURPOSES

**TO: Luis Ramirez, an unmarried man, and Leonardo Ramirez, a married man
as his sole and separate property, as joint tenants
439 Montebello Way
Montebello, CA 90640
Jamie Fischer, attorney at law
801 S. Grand Ave. 11th Floor
Los Angeles, CA 90017**

Notice of the Intent of the Capital Projects and Construction Committee of the San Gabriel Valley Council of Governments to Consider a Resolution of Necessity.

YOU ARE HEREBY NOTIFIED, pursuant to Code of Civil Procedure Section 1230.010, *et seq.*, that the Capital Projects and Construction Committee of the San Gabriel Valley Council of Governments ("Committee") intends to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of certain real property ("Property") in connection with the Montebello Boulevard Grade Separation Project ("Project") as part of the Alameda Corridor East – Gateway to America Project.

The Property is located at 439 Montebello Way, in the City of Montebello, Los Angeles County, State of CA and bears the APN: 6350-021-035 & 6350-021-029. The Property is legally described in attached Exhibit A and are depicted on attached Exhibit B.

The hearing will be held on **June 3, 2019 at 12 p.m.** or as soon thereafter as the Committee can hear said matter, at West Covina City Hall 1444 W. Garvey Ave S, West Covina, CA 91790.

You, as a person claiming or having an interest in and to the Property, are hereby notified that you have the right to appear and be heard on the issues to be considered at that hearing. The issues which will be considered are set forth in California Code of Civil Procedure Section 1240.030, and include:

1. Whether the public interest and necessity require the Project;

2. Whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
3. Whether the Property sought to be acquired is necessary for this Project;
4. Whether the offer to purchase as required by section 7267.2 of the California Government Code has been made to the owner of the property;
5. Whether the Committee has statutory authority to acquire the Property by eminent domain;
6. Whether the Committee fully complied with the California Environmental Quality Act ("CEQA"); and
7. Whether the Committee has complied with all conditions and statutory requirements necessary to exercise the power of eminent domain to acquire the Property, as well as any other matter regarding the right to take said Property by eminent domain;

A copy of the proposed Resolution of Necessity will be available on the San Gabriel Valley Council of Governments website prior to the June 3, 2019 hearing.

If you wish to be heard at this hearing, you MUST FILE A WRITTEN REQUEST, indicating your intent to appear and be heard within 15 days after the date of mailing of this Notice. Failure to file a written request to appear and be heard within 15 days after the date of mailing of this Notice may result in a waiver of the right to appear and be heard by the Board. The written request to appear and be heard should be filed with:

San Gabriel Valley Council of Governments
1000 S. Fremont Ave.
Unit 42 – Bldg. A-10N, Suite 10-210
Alhambra, CA 91803

If you elect not to appear and not to be heard, you will only be foreclosed from raising in a court of law the issues that are the subject of this noticed hearing and that are concerned with the right to take the Property by eminent domain.

The amount of the compensation to be paid for the acquisition of the Property is not a matter or issue being heard by the Committee at this time. Your nonappearance at this noticed hearing will not prevent you from claiming greater compensation, as may be determined by a court of law in accordance with the laws of the State of California. This notice is not intended to foreclose future negotiations between you and the Committee on the amount of compensation to be paid for the Property.

For further information, contact Timothy Green at 951-320-7349.

A handwritten signature in black ink, appearing to read "Timothy Green", with a stylized flourish at the end.

Timothy Green
Senior Project Manager
HDR, Inc., Real Estate Services

Dated and Mailed: May 17, 2019.

Attachments:

Exhibit A – Legal Description

**REQUEST TO BE HEARD ON RESOLUTION OF NECESSITY
FOR THE ACQUISITION OF CERTAIN REAL PROPERTY**

Name _____ Telephone _____

Address

Date _____ Signature _____

DECLARATION OF PROOF OF SERVICE BY CERTIFIED MAIL

I, the undersigned, declare as follows:

I am over the age of 18 and not a party to the above-entitled action. My business address is 2280 Market Street, Suite 100, Riverside CA, 92501.

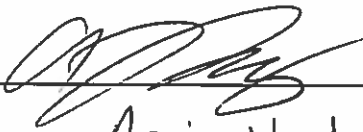
On Friday May 17, 2019, I served true copies of the foregoing Notice of Hearing on each of the following named persons by placing for deposit, by certified mail return receipt requested, in the United States Postal Service sealed envelopes containing the same on said date **at the United States Post Office located at 1 League, Irvine CA, 92602** and addressed respectively, as follows:

Luis Ramirez, an unmarried man, and Leonardo Ramirez, a married man as his sole and separate property, as joint tenants
439 Montebello Way
Montebello, CA 90640
Jamie Fischer, attorney at law
801 S. Grand Ave. 11th Floor
Los Angeles, CA 90017

I am familiar with the Post Office's practice for collecting and processing of correspondence for mailing at said address. The correspondence referenced above to would be deposited in the United States Postal Service that same day in the ordinary course of business; and said envelopes were sealed and placed for collection and mailing on the date following ordinary business practices.

I declare under penalty of perjury, under laws of the State of California that the foregoing is true and correct.

Executed on May 17, 2019 at Irvine, California.



Arvin Yazdan

EXHIBIT "A"

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL A:

THAT PORTION OF LOT 15 IN RESUBDIVISION OF A PORTION OF MONTEBELLO, IN THE CITY OF MONTEBELLO, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON MAP RECORDED IN BOOK 3, PAGE 27 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

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BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF GREENWOOD STREET (NOW GREENWOOD AVENUE), WITH THE CENTER LINE OF ASH STREET (NOW MINES AVENUE), AS SAID STREETS ARE SHOWN ON THE MAP OF EL CARMEL TRACT, RECORDED IN BOOK 7, PAGES 134 AND 135 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE ALONG THE CENTER LINE OF SAID GREENWOOD AVENUE, NORTH 26°22'00" EAST, 58.27 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 500.00 FEET; THENCE NORTHEASTERLY AND EASTERLY ALONG SAID LAST MENTIONED CURVE AN ARC DISTANCE OF 471.77 FEET; THENCE TANGENT TO SAID LAST MENTIONED CURVE NORTH 80°25'38" EAST, 723.84 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 500.00 FEET, SAID LAST MENTIONED CURVE BEING TANGENT AT IS NORTHERLY TERMINUS WITH THE CENTER LINE OF CEDAR AVENUE (NOW MONTEBELLO BOULEVARD), AS SHOWN ON SAID MAP OF THE RESUBDIVISION OF A PORTION OF MONTEBELLO; THENCE NORTHEASTERLY AND NORTHERLY ALONG SAID LAST MENTIONED CURVE, AN ARC DISTANCE OF 575.76 FEET TO THE CENTER LINE OF SAID CEDAR AVENUE, SUBJECT TO OUTSTANDING ENCUMBRANCES THEREON.

PARCEL B:

PARCEL 1 OF PARCEL MAP NO. 3992, IN THE CITY OF MONTEBELLO, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON A MAP FILED IN BOOK 47 PAGE 92 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

Assessor's Parcel Number: 6350-021-029 & 6350-021-035

MEMO TO: Capital Projects and Construction Committee Members and Alternates

FROM: Mark Christoffels
Chief Engineer

DATE: June 3, 2019

SUBJECT: CPCC Resolution of Necessity for Property Acquisition – No. 19-03
Montebello Boulevard Grade Separation Project
Owner: The Magic Wand Carwash, Inc., a California corporation
Property Address: 801 W. Olympic Blvd., Montebello, CA 90640
SGVCOG Parcel No.: 209R
APN: 6350-021-030
Address: 443 Montebello Way, Montebello CA 90640

RECOMMENDATION: Staff recommends the San Gabriel Valley Council of Governments ("SGVCOG") Capital Projects and Construction Committee:

1. Conduct a hearing on the proposed CPCC Resolution 19-03 of the SGVCOG finding and determining that the public interest, convenience and necessity require the acquisition of certain property for public purposes; and
2. Review the evidence presented, including this staff report and public comments, and close the hearing; and
3. Adopt the attached CPCC Resolution 19-03 authorizing the commencement of eminent domain proceedings so as to acquire the property discussed herein. This requires an affirmative TWO-THIRDS (2/3) vote of the SGVCOG Capital Projects and Construction Committee.

BACKGROUND: SGVCOG was formed pursuant to the California Joint Powers law (Govt. Code section 6500 et seq.) to address regional issues including the implementation of the Alameda Corridor East Project ("ACE Project"). The ACE Project is a multi-phase project that will improve the safety and efficiency of railroad crossings from Los Angeles, east to San Bernardino County to mitigate some of the impacts created by increased rail traffic from the Ports of Long Beach and Los Angeles.

Included in the ACE Project is a grade separation of the existing at-grade crossing of Montebello Boulevard and the Union Pacific Railroad (UPRR) mainline (Los Angeles Subdivision). This grade separation project (hereinafter, the "Project") calls for constructing a roadway underpass on Montebello Boulevard between W. Los Angeles Avenue to the north and Greenwood Avenue to the south, which will eliminate the existing

at-grade crossing with the UPRR by lowering Montebello Boulevard under the existing railroad tracks. The underpass will be constructed utilizing a combination of slopes and vertical retaining walls along the eastern and western limits of the Montebello Boulevard public right-of-way. The Project will eliminate current and future long delays of traffic at the crossing and is statutorily exempt from CEQA pursuant to Public Resources Code section 21080.13.

The parcel identified in CPCC Resolution 19-03 (the "Property") consists of land, approximately 16,666 square feet in size, and includes a one-story 2,505 square foot light industrial building and a self-service car wash facility.

On January 24, 2019, SGVCOG Staff tendered an offer to the Property's owner in the amount of \$900,000.00 for the entire fee simple interest in, and \$403,435.00 for the fixtures and equipment associated with, the Property.

SGVCOG Staff and its Right of Way agents have attempted in earnest to negotiate a settlement agreement, and although negotiations are ongoing and will continue, the acquisition of the Property has not been consummated. SGVCOG requires possession and use of the Property before work on the property can commence and as there are no assurances that an agreement between the parties will be reached in order to meet the construction schedule, a Resolution of Necessity is being requested.

Pursuant to California Government Code sections 6500 et seq., 7267.2, 37350.5, and 40401 et seq. and 40404, and California Code of Civil Procedure Section 1230.010 et seq., 1240.410 and 1240.020, and Section 19, Article I of the California Constitution, and other authorities, SGVCOG is authorized to acquire the aforementioned subject property in its entirety by eminent domain, provided certain procedural steps are followed.

SGVCOG must make an offer to purchase to the property owner, which offer must be transmitted in writing, based upon an appraisal. SGVCOG tendered statutory Offers to Purchase to the Property owner as required by law based upon approved appraisals **(Exhibits 1 and 2)**. To date, the offers have not been accepted.

It is now necessary that an action in eminent domain be commenced to acquire the property interests referenced above. Prior to the filing of the action, SGVCOG must hold a hearing on the proposed Resolution of Necessity, **(Exhibit 3)** and provide the owner of the affected property an opportunity to be heard, provided that the owner has timely filed a request to be heard in writing with SGVCOG prior to the hearing.

In addition, the hearing must be duly noticed. Attached is a copy of the Notice of Hearing and Request to Be Heard, which were delivered in accordance with the applicable statutes **(Exhibit 4)**.

After conducting the public hearing, if the Committee finds that the public necessity so requires, SGVCOG should adopt the attached CPCC Resolution of Necessity 19-03, authorizing condemnation proceedings for the purpose of acquiring the Property.

The findings, which need to be made, are as set forth in the Resolution of Necessity. Specifically, the Committee must find:

1. That the public interest and necessity require the acquisition of the proposed project.

As proposed, the Project will serve public purposes, as discussed above;

2. That the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

SGVCOG evaluated different grade separation configurations and multiple variations of design details of the selected underpass alternative to identify any overall project cost and real estate impact reductions. Based on the foregoing, it was determined that Project is a primary arterial street, serving multiple residential and commercial areas. The Project will eliminate the possibility of train—vehicle collisions at this location and the effect of stopped and moving trains on vehicular traffic capacity.

3. That the Property is necessary for the proposed Project.

Full acquisition is needed for the realignment of Montebello Blvd., the relocation of existing utilities and the Grade Separation under the Railroad and Olympic Blvd. The realignment of Montebello Blvd. severs the property and leaves an uneconomic remnant requiring SGVCOG to purchase the property as a full fee acquisition. Without the full fee acquisition of the parcel the proposed Montebello Blvd. Grade Separation Project cannot be constructed.

4. That SGVCOG made the offer to purchase as required by section 7267.2 of the California Government Code.

As evidenced by Exhibits 1 and 2, the Statutory Offers to Purchase were tendered to the owner of the Property on January 24, 2019.

5. That the necessary notice of hearing to consider the adoption of the Resolution of Necessity has been given, as required by Code of Civil Procedure section 1245.235.

As evidenced by Exhibit 4, this has been done.

6. That SGVCOG has complied with CEQA.

The Project is categorically exempt pursuant to Public Resources Code section 21080.13 and Section 15282(g) of the CEQA Guidelines. The Legislature created an absolute exemption for railroad grade separations via Public Resources Code § 21080.13, which provides that CEQA “does not apply to any railroad grade separation project which eliminates an existing grade crossing or which reconstructs an existing grade separation.” Cal. Pub. Res. Code § 21080.13. The Project eliminates an existing grade crossing and is therefore, exempt from CEQA.

Questions relating to value are not relevant to this proceeding. However, that does not mean that negotiations for the acquisition of the property interests are at an end. If SGVCOG adopts the Resolution of Necessity, after the hearing, negotiations for the acquisition of the property interests may continue.

ATTACHMENTS

Exhibit 1- Offer Letter dated January 24, 2019 (fee simple)

Exhibit 2- Offer Letter dated January 24, 2019 (Fixtures & Equipment)

Exhibit 3- CPCC Resolution of Necessity No. 19-03 with Exhibits

Exhibit 4- Notice of Hearing and Request to Be Heard

Exhibit 1
CPCC Resolution of Necessity No. 19-03
Offer Letter (Fee Simple)



San Gabriel Valley Council of Governments

4900 Rivergrade Rd. Ste. A120 Irwindale, CA 91706 (626) 962-9292 fax (626) 962-3552 www.theSGVCOGproject.org



January 24, 2019

HAND-DELIVERED

Magic Wand Carwash
PO Box 4221
Sunland, CA 91041

RE: Offer to Acquire Property Rights
Montebello Grade Separation Project
Property Address: 443 Montebello Way
Montebello, CA 90640
SGVCOG Parcel No.: 209R

Dear Property Owner:

San Gabriel Valley Council of Governments ("SGVCOG") is planning to construct the Montebello Grade Separation Project ("Project") in the City of Montebello, California.

The Project will consist of a grade separation of Montebello Boulevard and the Union Pacific Railroad (UPRR) between Mines Avenue and Los Angeles Avenue, which will require the lowering of Montebello Boulevard under the existing UPRR tracks. The Project will serve the public interest by eliminating crossing collisions, queuing, congestion, and by reducing vehicle emissions at the underpass.

As a part of this project, SGVCOG will need to acquire rights from a number of properties, ranging from full acquisitions to temporary construction easements. It has been determined that the project will require the use of your property located at 443 Montebello Way, Montebello, CA 90640, bearing Los Angeles County Assessor Parcel Number (APN) 6350-021-030 and which is referred to as SGVCOG Parcel No. 209R. The property interest to be acquired is a 16,666 square foot fee simple acquisition. If acquired as anticipated, the property is scheduled to be used within two years of its acquisition.

It is the policy of SGVCOG to acquire property, which is in private ownership, only when it is essential to do so, and through voluntary purchase, if possible. While SGVCOG has the power of eminent domain, condemnation has not been authorized with respect to the subject property as of this date.

California law requires that before making an offer for the acquisition of real property for the Project, SGVCOG must: obtain an appraisal to determine the fair market value of the real property being acquired; establish an amount which it believes to be Just Compensation for that property; and make an offer to the owner for an amount not less

than the Just Compensation so determined. Accordingly, SGVCOG has had your property appraised to determine its fair market value, as defined in California Code of Civil Procedure Section 1263.320. It was appraised in accordance with commonly accepted appraisal standards and included consideration of the Highest and Best Use of the land, the land's current use and any improvements located thereon. The appraisal has been completed and reviewed, and SGVCOG has determined an amount which constitutes Just Compensation for the real property.

SGVCOG hereby offers you the sum of Nine Hundred Thousand and 00/100 Dollars (\$900,000.00) for the acquisition of APN 6350-021-030. The enclosed Appraisal Summary Statement dated October 12, 2018 (Attachment No. 2) outlines the basis for this offer.

The amount of the offer is predicated on the assumption that there exists no hazardous substance, product, waste, or other material of any nature whatsoever which is or becomes listed, regulated, or addressed pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 United States Code Section 9601 et seq., on the subject property. Furthermore, please be advised that the amount offered is subject to an environmental site inspection, and the cost to remediate any identified problems may affect the valuation of the subject property.

Please be advised that the amount offered does not include any relocation assistance payments to which you or the occupant of the subject property may be entitled.

This is an offer to purchase your property designated as SGVCOG Parcel No. 209R free of all liens and other encumbrances, except as may be expressly agreed to by SGVCOG. If more than one person has an interest in the property which SGVCOG is seeking to acquire, all parties with such interests must accept this offer.

If you are not satisfied with SGVCOG's offer, you are encouraged to present to us any material you believe to be relevant to the value of the property. This material will be carefully considered by SGVCOG, and if, in SGVCOG's opinion, the additional information warrants a change in the offer, SGVCOG's offer will be adjusted accordingly.

You may engage a State of California Certified Appraiser to provide you with an independent opinion of the value of the portion of your property necessary for the project. If you do so, SGVCOG will reimburse you an amount up to \$5,000.00 for an appraisal performed for you by your certified appraiser. Please submit a copy of the invoice from your appraiser with your request for reimbursement.

California regulations provide that each owner from whom SGVCOG purchases real property or an interest therein, or each tenant owning improvements on said property, be provided with information relating to the acquisition procedures pursuant to the

Government Code, Paragraph 7267.2(a). This information is included in the Acquisition Handbook enclosed herewith.

If for any reason you should see fit not to accept SGVCOG's offer, please be advised that this letter, the offer made herein, and all matters stated herein are made under the provisions of, inter alia, California Evidence Code Section 1152, and shall not be admissible as evidence in any eminent domain proceeding which may subsequently be instituted for acquisition of the subject property, or in any other action.

SGVCOG has retained HDR Engineering, Inc. (HDR) to work with you throughout this process. Mr. Albert Harmon of HDR is available to meet with you and respond to any questions you may have relating to this offer. He can be reached at (951) 320-7368. If SGVCOG's offer is acceptable, please have the appropriate person sign the acceptance on the enclosed copy of this letter and return the signed copy to Mr. Albert Harmon. Upon receipt of your acceptance, you will be forwarded an Agreement of Purchase and Sale and Joint Escrow Instructions.

Sincerely,



Mark Christoffels
San Gabriel Valley Council of Governments
Chief Engineer

Dated: 1/25/19

ACCEPTANCE

The foregoing offer of the San Gabriel Valley Council of Governments for acquisition of the property described above is hereby accepted:

By: _____ Dated: _____

Name: _____

Its: _____

Exhibit 2

CPCC Resolution of Necessity No. 19-03

Offer Letter (Fixtures and Equipment)



San Gabriel Valley Council of Governments

4900 Rivergrade Rd. Ste. A120 Irwindale, CA 91706 (626) 962-9292 fax (626) 962-3552 www.theSGVCOGproject.org



January 24, 2019

HAND-DELIVERED

Magic Wand Carwash
PO Box 4221
Sunland, CA 91041

**SUBJECT: NOTICE OF INTENT TO ACQUIRE FIXTURES AND EQUIPMENT
Montebello Grade Separation Project**

Magic Wand Carwash
Property Address: 443 Montebello Way, Montebello, CA 90640
APN: 6350-021-030
SGVCOG Parcel No.: 209R

Dear Property Owner:

San Gabriel Valley Council of Governments ("SGVCOG") is planning to construct the Montebello Boulevard Grade Separation Project ("Project") in the City of Montebello, CA.

The Project will consist of a grade separation of Montebello Boulevard and the Union Pacific Railroad (UPRR) between Mines Avenue and Los Angeles Avenue, which will require the lowering of Montebello Boulevard under the existing UPRR tracks. The Project will serve the public interest by eliminating crossing collisions, queuing, and congestion, and by reducing vehicle emissions at the underpass.

As a part of this project, SGVCOG will need to determine probable compensation to the appropriate business ownerships as a result of the acquisition and/or relocation of the subject business' assets. It has been determined that the project will require the use of your property located at 443 Montebello Way, Montebello, California 90640, bearing Los Angeles County Assessor Parcel Number (APN) 6350-021-030 and which is referred to as SGVCOG Parcel No. 209R.

NOTICE OF INTENT TO ACQUIRE

This business is within the project area and, therefore, SGVCOG intends to acquire your interest in the Fixtures and Equipment considered to be improvements pertaining to the realty. A list of such Fixtures and Equipment is enclosed herewith as Exhibit A.

OFFER TO PURCHASE

To determine the fair market value of your Fixtures and Equipment considered to be improvements pertaining to the realty, SGVCOG has had them appraised by a qualified appraiser and hereby offers the total amount of Four Hundred Three Thousand Four Hundred Thirty Five and 00/100 Dollars (\$403,435.00) as fair market value in exchange for lien-free title to your interest in said Fixtures and Equipment. The attached list identifies the Fixtures and Equipment.

This offer is the full amount that SGVCOG believes to be just compensation for Fixtures and Equipment believed to be owned by you. It is not less than the approved appraisal of the fair market value of the property.

If you are not satisfied with SGVCOG's offer, you are encouraged to present to us any material you believe to be relevant to the value of the property. This material will be carefully considered by SGVCOG, and if, in SGVCOG's opinion, the additional information warrants a change in the offer, SGVCOG's offer will be adjusted accordingly.

If SGVCOG's offer of Four Hundred Three Thousand Four Hundred Thirty Five and 00/100 Dollars (\$403,435.00) for the acquisition of your Fixtures and Equipment is accepted, please have the appropriate person(s) sign the acceptance on the enclosed copy of this letter, and return the signed copy to HDR Engineering, Inc., Attn: Mr. Hernando Avilez, 2280 Market Street, Suite 100, Riverside, CA 92501. Upon receipt of your acceptance, you will be forwarded an Acquisition Agreement.

If for any reason you should see fit not to accept SGVCOG's offer, please be advised that this letter, the offer made herein, and all matters stated herein are made under the provisions of, inter alia, California Evidence Code Section 1152 and 1154, and shall not be admissible as evidence in any eminent domain proceeding which may subsequently be instituted for acquisition of the subject property, or in any other action.

SGVCOG has retained HDR Engineering, Inc. (HDR) to work with you throughout this process. Mr. Hernando Avilez of HDR is available to meet with you and respond to any questions you may have relating to this offer. He can be reached at (951) 320-7307.

Sincerely,



Mark Christoffels
San Gabriel Valley Council of Governments
Chief Engineer

Dated: 1/25/19

ACCEPTANCE

The foregoing offer of the San Gabriel Valley Council of Governments for acquisition of the property described above is hereby accepted:

By: _____ Dated: _____

Name: _____

Its: _____

Exhibit 3

CPCC Resolution of Necessity No. 19-03 with Exhibits

CPCC RESOLUTION NO. 19-03

A RESOLUTION OF THE SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS CAPITAL PROJECTS AND CONSTRUCTION COMMITTEE FINDING AND DETERMINING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN PROPERTY FOR PUBLIC PURPOSES

**THE SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS CAPITAL PROJECTS
AND CONSTRUCTION COMMITTEE DOES HEREBY RESOLVE AS FOLLOWS:**

SECTION 1. The Capital Projects and Construction Committee (“Committee”) of the San Gabriel Valley Council of Governments finds, determines and declares the following recitals to be true and correct:

- (a) The San Gabriel Valley Council of Governments is authorized by statute and pursuant to that certain Joint Powers Agreement dated September 17, 1998, as amended, to acquire property by eminent domain within the City of Montebello, County of Los Angeles, CA for the Montebello Boulevard Grade Separation Project (“Project”) as part of the Alameda Corridor East – Gateway to America Project; and.
- (b) The public interest and necessity require the Montebello Boulevard Grade Separation Project located in Los Angeles County, City of Montebello, State of CA as part of the SGVCOG Project, which includes railroad crossing safety and efficiency improvements and all uses appurtenant thereto intended to partially mitigate the impacts of increased rail traffic from the completed Alameda Corridor on motor vehicle traffic (the “Project”); and
- (c) The Project is planned and located in a manner that will be the most compatible with the greatest public good and least private injury; and
- (d) The real property to be acquired (collectively the “Property”) is located at 443 Montebello Way, in the City of Montebello, Los Angeles County, State of CA and bears the APN: 6350-021-030. The Property is legally described in attached Exhibit A, and is incorporated herein by reference and made a part hereof; and
- (e) The taking of the Property is necessary for the Project and such taking is authorized by Section 19, Article I of the California Constitution, Sections 6500 et seq., 37350.5, 40401 et seq. and 40404 of the California Government Code, Section 1230.010 et seq., 1240.020 and 1240.410 of the California Code of Civil Procedure, and other applicable law; and

- (f) The offer to purchase required by California Government Code Section 7267.2 has been made to the owner of the Property;
- (g) The necessary notice of hearing on this Resolution has been given, as required by Code of Civil Procedure section 1245.235;
- (h) The San Gabriel Valley Council of Governments has fully complied with the California Environmental Quality Act (“CEQA”) as the Project is statutorily exempt pursuant to Public Resources Code section 21080.13 and Section 15282(g) of the CEQA Guidelines; and
- (i) The San Gabriel Valley Council of Governments has complied with all conditions and statutory requirements necessary to exercise the power of eminent domain (the “right to take”) to acquire the Property; and

SECTION 2. The Committee hereby declares that it is its intention of the San Gabriel Valley Council of Governments to acquire said Property in accordance with the provision of the laws of the State of California governing condemnation procedures.

SECTION 3. The Committee further finds that if any portion of the area of the Property has been appropriated to some public use, the public uses to which it is to be applied by the San Gabriel Valley Council of Governments, as described above, are more necessary and paramount public uses, pursuant to Code of Civil Procedure section 1240.610 or, alternatively, are compatible with those other uses pursuant to Code of Civil Procedure section 1260.510.

SECTION 4. Legal counsel for the San Gabriel Valley Council of Governments is authorized and directed to prepare, institute and prosecute such proceedings in the proper Court having jurisdiction thereof as may be necessary for the acquisition of said Property, including the filing of an application for an Order for Possession prior to judgment.

SECTION 5. This Resolution shall be effective immediately upon its adoption.

SECTION 6. The Clerk of the Committee shall certify the adoption of this Resolution and certify this record to be a full true, correct copy of the action taken.

PASSED, APPROVED AND ADOPTED this 3rd day of June, 2019.

ATTEST:

Deanna Stanley, Committee Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF WEST COVINA)

I HEREBY CERTIFY that the foregoing CPCC Resolution 19-03 was duly adopted by San Gabriel Valley Council of Governments Capital Projects and Construction Committee at a regular meeting thereof, held on the 3rd day of June, 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Deanna Stanley, Committee Clerk

EXHIBIT A
Legal Description

EXHIBIT "A"

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL 2 OF PARCEL MAP NO. 3992, IN THE CITY OF MONTEBELLO, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON MAP FILED IN BOOK 47, PAGE 92, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT FROM THAT PORTION OF PARCELS 2 AND 3 WITHIN LOT 69 OF EL CARMEL TRACT AS PER MAP RECORDED IN BOOK 7, PAGES 134 AND 135 OF MAPS, ALL OIL, GAS AND MINERALS IN AND UNDER SAID LAND, BUT WITHOUT RIGHT OF ENTRY ON THE SURFACE OF SAID LAND, EXCEPT BELOW A DEPTH OF 500 FEET, AS RESERVED BY FRED M. HUBBARD AND VELMA HUBBARD, HUSBAND AND WIFE, BY DEED RECORDED MAY 31, 1955 IN BOOK 47916, PAGE 426 OFFICIAL RECORDS.

Assessor's Parcel Number: 6350-021-030

Exhibit 4
CPCC Resolution of Necessity No. 19-03
Notice of Hearing and Request to Be Heard



San Gabriel Valley Council of Governments

4900 Rivergrade Rd. Ste. A120 Irwindale, CA 91706 (626) 962-9292 fax (626) 962-3552 www.theaceproject.org



NOTICE OF HEARING (Cal. Code Civ. Proc. § 1245.235)

NOTICE OF HEARING REGARDING THE INTENTION OF THE SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS CAPITAL PROJECTS AND CONSTRUCTION COMMITTEE TO CONSIDER THE ADOPTION OF A RESOLUTION FINDING AND DETERMINING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN PROPERTY FOR PUBLIC PURPOSES

**TO: The Magic Wand Car Wash, Inc.
P.O. Box 4221, Sunland, CA 91041
443 Montebello Way, Montebello, CA 90640
Jamie Fischer, attorney at law
801 S. Grand Ave. 11th Floor
Los Angeles, CA 90017**

Notice of the Intent of the Capital Projects and Construction Committee of the San Gabriel Valley Council of Governments to Consider a Resolution of Necessity.

YOU ARE HEREBY NOTIFIED, pursuant to Code of Civil Procedure Section 1230.010, *et seq.*, that the Capital Projects and Construction Committee of the San Gabriel Valley Council of Governments ("Committee") intends to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of certain real property ("Property") in connection with the Montebello Boulevard Grade Separation Project ("Project") as part of the Alameda Corridor East – Gateway to America Project.

The Property is located at 443 Montebello Way, in the City of Montebello, Los Angeles County, State of CA and bears the APN: 6350-021-030. The Property is legally described in attached Exhibit A and are depicted on attached Exhibit B.

The hearing will be held on **June 3, 2019 at 12 p.m.** or as soon thereafter as the Committee can hear said matter, at West Covina City Hall 1444 W. Garvey Ave S, West Covina, CA 91790.

You, as a person claiming or having an interest in and to the Property, are hereby notified that you have the right to appear and be heard on the issues to be considered at that hearing. The issues which will be considered are set forth in California Code of Civil Procedure Section 1240.030, and include:

1. Whether the public interest and necessity require the Project;

2. Whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
3. Whether the Property sought to be acquired is necessary for this Project;
4. Whether the offer to purchase as required by section 7267.2 of the California Government Code has been made to the owner of the property;
5. Whether the Committee has statutory authority to acquire the Property by eminent domain;
6. Whether the Committee fully complied with the California Environmental Quality Act ("CEQA"); and
7. Whether the Committee has complied with all conditions and statutory requirements necessary to exercise the power of eminent domain to acquire the Property, as well as any other matter regarding the right to take said Property by eminent domain;

A copy of the proposed Resolution of Necessity will be available on the San Gabriel Valley Council of Governments website prior to the June 3, 2019 hearing.

If you wish to be heard at this hearing, you **MUST FILE A WRITTEN REQUEST**, indicating your intent to appear and be heard within 15 days after the date of mailing of this Notice. Failure to file a written request to appear and be heard within 15 days after the date of mailing of this Notice may result in a waiver of the right to appear and be heard by the Board. The written request to appear and be heard should be filed with:

San Gabriel Valley Council of Governments
1000 S. Fremont Ave.
Unit 42 – Bldg. A-10N, Suite 10-210
Alhambra, CA 91803

If you elect not to appear and not to be heard, you will only be foreclosed from raising in a court of law the issues that are the subject of this noticed hearing and that are concerned with the right to take the Property by eminent domain.

The amount of the compensation to be paid for the acquisition of the Property is not a matter or issue being heard by the Committee at this time. Your nonappearance at this noticed hearing will not prevent you from claiming greater compensation, as may be determined by a court of law in accordance with the laws of the State of California. This notice is not intended to foreclose future negotiations between you and the Committee on the amount of compensation to be paid for the Property.

For further information, contact Timothy Green at 951-320-7349.

A handwritten signature in black ink, appearing to read "Timothy Green", positioned above a horizontal line.

Timothy Green
Senior Project Manager
HDR, Inc., Real Estate Services

Dated and Mailed: May 17, 2019.

Attachments:

Exhibit A – Legal Description

**REQUEST TO BE HEARD ON RESOLUTION OF NECESSITY
FOR THE ACQUISITION OF CERTAIN REAL PROPERTY**

Name _____ Telephone _____

Address

Date _____ Signature _____

DECLARATION OF PROOF OF SERVICE BY CERTIFIED MAIL

I, the undersigned, declare as follows:

I am over the age of 18 and not a party to the above-entitled action. My business address is 2280 Market Street, Suite 100, Riverside CA, 92501.


On Friday May 17, 2019, I served true copies of the foregoing Notice of Hearing on each of the following named persons by placing for deposit, by certified mail return receipt requested, in the United States Postal Service sealed envelopes containing the same on said date **at the United States Post Office located at 1 League, Irvine CA, 92602** and addressed respectively, as follows:

**The Magic Wand Car Wash, Inc.
P.O. Box 4221, Sunland, CA 91041
443 Montebello Way, Montebello, CA 90640
Jamie Fischer, attorney at law
801 S. Grand Ave. 11th Floor
Los Angeles, CA 90017**

I am familiar with the Post Office's practice for collecting and processing of correspondence for mailing at said address. The correspondence referenced above to would be deposited in the United States Postal Service that same day in the ordinary course of business; and said envelopes were sealed and placed for collection and mailing on the date following ordinary business practices.

I declare under penalty of perjury, under laws of the State of California that the foregoing is true and correct.

Executed on May 17, 2019 at Irvine, California.



Arvin Yazdani

EXHIBIT "A"

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL 2 OF PARCEL MAP NO. 3992, IN THE CITY OF MONTEBELLO, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON MAP FILED IN BOOK 47, PAGE 92, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT FROM THAT PORTION OF PARCELS 2 AND 3 WITHIN LOT 69 OF EL CARMEL TRACT AS PER MAP RECORDED IN BOOK 7, PAGES 134 AND 135 OF MAPS, ALL OIL, GAS AND MINERALS IN AND UNDER SAID LAND, BUT WITHOUT RIGHT OF ENTRY ON THE SURFACE OF SAID LAND, EXCEPT BELOW A DEPTH OF 500 FEET, AS RESERVED BY FRED M. HUBBARD AND VELMA HUBBARD, HUSBAND AND WIFE, BY DEED RECORDED MAY 31, 1955 IN BOOK 47916, PAGE 426 OFFICIAL RECORDS.

Assessor's Parcel Number: 6350-021-030



MEMO TO: Capital Projects and Construction Committee Members and Alternates

FROM: Mark Christoffels
Chief Engineer

DATE: June 3, 2019

SUBJECT: CPCC Resolution of Necessity for Property Acquisition – No. 19-04
Montebello Boulevard Grade Separation Project
Owner: Miguel G. Sahagun, a married man, as his sole and separate property
SGVCOG Parcel No.: 209X
APN: 6350-021-020
Address: 403 S. Montebello Blvd., Montebello, CA 90640

RECOMMENDATION: Staff recommends the San Gabriel Valley Council of Governments ("SGVCOG") Capital Projects and Construction Committee:

1. Conduct a hearing on the proposed CPCC Resolution 19-04 of the SGVCOG finding and determining that the public interest, convenience and necessity require the acquisition of certain property for public purposes; and
2. Review the evidence presented, including this staff report and public comments, and close the hearing; and
3. Adopt the attached CPCC Resolution 19-04 authorizing the commencement of eminent domain proceedings so as to acquire the property discussed herein. This requires an affirmative TWO-THIRDS (2/3) vote of the SGVCOG Capital Projects and Construction Committee.

BACKGROUND: SGVCOG was formed pursuant to the California Joint Powers law (Govt. Code section 6500 et seq.) to address regional issues including the implementation of the Alameda Corridor East Project ("ACE Project"). The ACE Project is a multi-phase project that will improve the safety and efficiency of railroad crossings from Los Angeles, east to San Bernardino County to mitigate some of the impacts created by increased rail traffic from the Ports of Long Beach and Los Angeles.

Included in the ACE Project is a grade separation of the existing at-grade crossing of Montebello Boulevard and the Union Pacific Railroad (UPRR) mainline (Los Angeles Subdivision). This grade separation project (hereinafter, the "Project") calls for constructing a roadway underpass on Montebello Boulevard between W. Los Angeles Avenue to the north and Greenwood Avenue to the south, which will eliminate the existing

at-grade crossing with the UPRR by lowering Montebello Boulevard under the existing railroad tracks. The underpass will be constructed utilizing a combination of slopes and vertical retaining walls along the eastern and western limits of the Montebello Boulevard public right-of-way. The Project will eliminate current and future long delays of traffic at the crossing and is statutorily exempt from CEQA pursuant to Public Resources Code section 21080.13.

The parcel identified in CPCC Resolution 19-04 (the "Property") consists of land, approximately 8,710 square feet in size, and a one story, wood framed light industrial building approximately 4,613 square feet in size.

On or about February 25, 2019, SGVCOG Staff tendered an offer to the Property's owner in the amount of \$1,100,000.00 for the entire fee simple interest in, and \$9,500.00 for the fixtures and equipment associated with, the Property.

SGVCOG Staff and its Right of Way agents have attempted in earnest to negotiate a settlement agreement, and although negotiations are ongoing and will continue, the acquisition of the Property has not been consummated. SGVCOG requires possession and use of the Property before work on the property can commence and as there are no assurances that an agreement between the parties will be reached in order to meet the construction schedule, a Resolution of Necessity is being requested.

Pursuant to California Government Code sections 6500 et seq., 7267.2, 37350.5, and 40401 et seq. and 40404, and California Code of Civil Procedure Section 1230.010 et seq., 1240.410 and 1240.020, and Section 19, Article I of the California Constitution, and other authorities, SGVCOG is authorized to acquire the aforementioned subject property in its entirety by eminent domain, provided certain procedural steps are followed.

SGVCOG must make an offer to purchase to the property owner, which offer must be transmitted in writing, based upon an appraisal. SGVCOG tendered statutory Offers to Purchase to the Property owner as required by law based upon approved appraisals **(Exhibits 1 and 2)**. To date, the offer has not been accepted.

It is now necessary that an action in eminent domain be commenced to acquire the property interests referenced above. Prior to the filing of the action, SGVCOG must hold a hearing on the proposed Resolution of Necessity, **(Exhibit 3)** and provide the owner of the affected property an opportunity to be heard, provided that the owner has timely filed a request to be heard in writing with SGVCOG prior to the hearing.

In addition, the hearing must be duly noticed. Attached is a copy of the Notice of Hearing and Request to Be Heard, which were delivered in accordance with the applicable statutes **(Exhibit 4)**.

After conducting the public hearing, if the Committee finds that the public necessity so requires, SGVCOG should adopt the attached CPCC Resolution of Necessity 19-04, authorizing condemnation proceedings for the purpose of acquiring the Property.

The findings, which need to be made, are as set forth in the Resolution of Necessity. Specifically, the Committee must find:

1. That the public interest and necessity require the acquisition of the proposed project.

As proposed, the Project will serve public purposes, as discussed above;

2. That the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

SGVCOG evaluated different grade separation configurations and multiple variations of design details of the selected underpass alternative to identify any overall project cost and real estate impact reductions. Based on the foregoing, it was determined that Project is a primary arterial street, serving multiple residential and commercial areas. The Project will eliminate the possibility of train—vehicle collisions at this location and the effect of stopped and moving trains on vehicular traffic capacity.

3. That the Property is necessary for the proposed Project.

Full acquisition is needed for the realignment of Montebello Blvd., the relocation of existing utilities and the Grade Separation under the Railroad and Olympic Blvd. The realignment of Montebello Blvd. severs the property and leaves an uneconomic remnant requiring SGVCOG to purchase the property as a full fee acquisition. Without the full fee acquisition of the parcel the proposed Montebello Blvd. Grade Separation Project cannot be constructed.

4. That SGVCOG made the offer to purchase as required by section 7267.2 of the California Government Code.

The Statutory Offer to Purchase was tendered to the owner of the Property on February 21, 2019.

5. That the necessary notice of hearing to consider the adoption of the Resolution of Necessity has been given, as required by Code of Civil Procedure section 1245.235.

As evidenced by Exhibit 4, this has been done.

6. That SGVCOG has complied with CEQA.

The Project is categorically exempt pursuant to Public Resources Code section 21080.13 and Section 15282(g) of the CEQA Guidelines. The Legislature created an absolute exemption for railroad grade separations via Public Resources Code § 21080.13, which provides that CEQA “does not apply to any railroad grade separation project which eliminates an existing grade crossing or which reconstructs an existing grade separation.” Cal. Pub. Res. Code § 21080.13. The Project eliminates an existing grade crossing and is therefore, exempt from CEQA.

Questions relating to value are not relevant to this proceeding. However, that does not mean that negotiations for the acquisition of the property interests are at an end. If SGVCOG adopts the Resolution of Necessity, after the hearing, negotiations for the acquisition of the property interests may continue.

ATTACHMENTS

Exhibit 1- Offer Letter dated February 18, 2019 (fee simple)

Exhibit 2- Offer Letter dated February 18, 2019 (fixtures and equipment)

Exhibit 2- CPCC Resolution of Necessity No. 19-04 with Exhibits

Exhibit 3- Notice of Hearing and Request to Be Heard

Exhibit 1
CPCC Resolution of Necessity No. 19-04
Offer Letter (Fee Simple)



San Gabriel Valley Council of Governments

4900 Rivergrade Rd. Ste. A120 Irwindale, CA 91706 (626) 962-9292 fax (626) 962-3552 www.theSGVCOGproject.org



January 18, 2019

HAND-DELIVERED

Miguel G Sahagun
403 S. Montebello Blvd
Montebello, CA 90640

RE: Offer to Acquire Property Rights
Montebello Grade Separation Project
Property Address: 403 S. Montebello Blvd
Montebello, CA 90640
SGVCOG Parcel No.: 209X

Dear Mr. Sahagun:

San Gabriel Valley Council of Governments ("SGVCOG") is planning to construct the Montebello Boulevard Grade Separation Project ("Project") in the City of Montebello, California.

The Project will consist of a grade separation of Montebello Boulevard and the Union Pacific Railroad (UPRR) between Mines Avenue and Los Angeles Avenue, which will require the lowering of Montebello Boulevard under the existing UPRR tracks. The Project will serve the public interest by eliminating crossing collisions, queuing, congestion, and by reducing vehicle emissions at the underpass.

As a part of this project, SGVCOG will need to acquire rights from a number of properties, ranging from full acquisitions to temporary construction easements. It has been determined that the project will require the use of your property located at 403 S. Montebello Blvd, Montebello, CA 90640, bearing Los Angeles County Assessor Parcel Number (APN) 6350-021-020 and which is referred to as SGVCOG Parcel No. 209X. The property interest to be acquired is a 4,613 square foot fee simple acquisition. If acquired as anticipated, the property is scheduled to be used within two years of its acquisition.

It is the policy of SGVCOG to acquire property, which is in private ownership, only when it is essential to do so, and through voluntary purchase, if possible. While SGVCOG has the power of eminent domain, condemnation has not been authorized with respect to the subject property as of this date.

California law requires that before making an offer for the acquisition of real property for the Project, SGVCOG must: obtain an appraisal to determine the fair market value of the real property being acquired; establish an amount which it believes to be Just

Compensation for that property; and make an offer to the owner for an amount not less than the Just Compensation so determined. Accordingly, SGVCOG has had your property appraised to determine its fair market value, as defined in California Code of Civil Procedure Section 1263.320. It was appraised in accordance with commonly accepted appraisal standards and included consideration of the Highest and Best Use of the land, the land's current use and any improvements located thereon. The appraisal has been completed and reviewed, and SGVCOG has determined an amount which constitutes Just Compensation for the real property.

SGVCOG hereby offers you the sum of One Million One Hundred Thousand and 00/100 Dollars (\$1,100,000.00) for the acquisition of 403 S. Montebello Blvd, Montebello, CA 90640. The enclosed Appraisal Summary Statement dated October 18, 2018 (Attachment No. 2) outlines the basis for this offer.

The amount of the offer is predicated on the assumption that there exists no hazardous substance, product, waste, or other material of any nature whatsoever which is or becomes listed, regulated, or addressed pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 United States Code Section 9601 et seq., on the subject property. Furthermore, please be advised that the amount offered is subject to an environmental site inspection, and the cost to remediate any identified problems may affect the valuation of the subject property. SGVCOG retains its right, following the completion and consideration of the results of SGVCOG's environmental due diligence efforts, to withdraw, or change any or all of the terms of this offer, including a revised offer price.

Please be advised that the amount offered does not include any relocation assistance payments to which you or the occupant of the subject property may be entitled.

This is an offer to purchase your property designated as SGVCOG Parcel No. 209X free of all liens and other encumbrances, except as may be expressly agreed to by SGVCOG. If more than one person has an interest in the property which SGVCOG is seeking to acquire, all parties with such interests must accept this offer.

If you are not satisfied with SGVCOG's offer, you are encouraged to present to us any material you believe to be relevant to the value of the property. This material will be carefully considered by SGVCOG, and if, in SGVCOG's opinion, the additional information warrants a change in the offer, SGVCOG's offer will be adjusted accordingly.

You may engage a State of California Certified Appraiser to provide you with an independent opinion of the value of the portion of your property necessary for the project. If you do so, SGVCOG will reimburse you an amount up to \$5,000.00 for an appraisal performed for you by your certified appraiser. Please submit a copy of the invoice from your appraiser with your request for reimbursement.

California regulations provide that each owner from whom SGVCOG purchases real property or an interest therein, or each tenant owning improvements on said property, be provided with information relating to the acquisition procedures pursuant to the Government Code, Paragraph 7267.2(a). This information is included in the Acquisition Handbook enclosed herewith.

If for any reason you should see fit not to accept SGVCOG's offer, please be advised that this letter, the offer made herein, and all matters stated herein are made under the provisions of, inter alia, California Evidence Code Section 1152, and shall not be admissible as evidence in any eminent domain proceeding which may subsequently be instituted for acquisition of the subject property, or in any other action.

SGVCOG has retained HDR Engineering, Inc. (HDR) to work with you throughout this process. Mr. Hernando Avilez of HDR is available to meet with you and respond to any questions you may have relating to this offer. He can be reached at (951) 320-7307. If SGVCOG's offer is acceptable, please have the appropriate person sign the acceptance on the enclosed copy of this letter and return the signed copy to Mr. Hernando Avilez. Upon receipt of your acceptance, you will be forwarded an Agreement of Purchase and Sale and Joint Escrow Instructions.

Sincerely,



Mark Christoffels
San Gabriel Valley Council of Governments
Chief Engineer

Dated: 1/25/19

ACCEPTANCE

The foregoing offer of the San Gabriel Valley Council of Governments for acquisition of the property described above is hereby accepted:

By: _____

Dated: _____

Name: _____

Its: _____

Exhibit 2

CPCC Resolution of Necessity No. 19-04

Offer Letter (Fixtures and Equipment)



San Gabriel Valley Council of Governments

4900 Rivergrade Rd. Ste. A120 Irwindale, CA 91706 (626) 962-9292 fax (626) 962-3552 www.theSGVCOGproject.org



January 18, 2019

HAND-DELIVERED

Miguel G Sahagun
403 S. Montebello Blvd
Montebello, CA 90640

**SUBJECT: NOTICE OF INTENT TO ACQUIRE FIXTURES AND EQUIPMENT
Montebello Grade Separation Project**

Air Design Solutions

Property Address: 403 S. Montebello Blvd, Montebello, CA 90640

APN: 6350-021-020

SGVCOG Parcel No.: 209X

Dear Mr. Sahagun:

San Gabriel Valley Council of Governments ("SGVCOG") is planning to construct the Montebello Boulevard Grade Separation Project ("Project") in the City of Montebello, CA.

The Project will consist of a grade separation of Montebello Boulevard and the Union Pacific Railroad (UPRR) between Mines Avenue and Los Angeles Avenue, which will require the lowering of Montebello Boulevard under the existing UPRR tracks. The Project will serve the public interest by eliminating crossing collisions, queuing, and congestion, and by reducing vehicle emissions at the underpass.

As a part of this project, SGVCOG will need to determine probable compensation to the appropriate business ownerships as a result of the acquisition and/or relocation of the subject business' assets. It has been determined that the project will require the use of your property located at 403 S. Montebello Blvd, Montebello, California 90640, bearing Los Angeles County Assessor Parcel Number (APN) 6350-021-020 and which is referred to as SGVCOG Parcel No. 209X.

NOTICE OF INTENT TO ACQUIRE

This business is within the project area and, therefore, SGVCOG intends to acquire your interest in the Fixtures and Equipment considered to be improvements pertaining to the realty. A list of such Fixtures and Equipment is enclosed herewith as Exhibit A.

OFFER TO PURCHASE

To determine the fair market value of your Fixtures and Equipment considered to be improvements pertaining to the realty, SGVCOG has had them appraised by a qualified appraiser and hereby offers the total amount of Nine Thousand Five Hundred and 00/100 Dollars (\$9,500.00) as fair market value in exchange for lien-free title to your interest in said Fixtures and Equipment. The attached list identifies the Fixtures and Equipment.

This offer is the full amount that SGVCOG believes to be just compensation for Fixtures and Equipment believed to be owned by you. It is not less than the approved appraisal of the fair market value of the property.

If you are not satisfied with SGVCOG's offer, you are encouraged to present to us any material you believe to be relevant to the value of the property. This material will be carefully considered by SGVCOG, and if, in SGVCOG's opinion, the additional information warrants a change in the offer, SGVCOG's offer will be adjusted accordingly.

If SGVCOG's offer of Nine Thousand Five Hundred and 00/100 Dollars (\$9,500.00) for the acquisition of your Fixtures and Equipment is accepted, please have the appropriate person(s) sign the acceptance on the enclosed copy of this letter, and return the signed copy to HDR Engineering, Inc., Attn: Mr. Hernando Avilez, 2280 Market Street, Suite 100, Riverside, CA 92501. Upon receipt of your acceptance, you will be forwarded an Acquisition Agreement.

If for any reason you should see fit not to accept SGVCOG's offer, please be advised that this letter, the offer made herein, and all matters stated herein are made under the provisions of, inter alia, California Evidence Code Section 1152 and 1154, and shall not be admissible as evidence in any eminent domain proceeding which may subsequently be instituted for acquisition of the subject property, or in any other action.

SGVCOG has retained HDR Engineering, Inc. (HDR) to work with you throughout this process. Mr. Hernando Avilez of HDR is available to meet with you and respond to any questions you may have relating to this offer. He can be reached at (951) 320-7307.

Sincerely,


Mark Christoffels
San Gabriel Valley Council of Governments
Chief Engineer

Dated: 1/25/19

ACCEPTANCE

The foregoing offer of the San Gabriel Valley Council of Governments for acquisition of the property described above is hereby accepted:

By: _____

Dated: _____

Name: _____

Its: _____

Exhibit 3

CPCC Resolution of Necessity No. 19-04 with Exhibits

CPCC RESOLUTION NO. 19-04

A RESOLUTION OF THE SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS CAPITAL PROJECTS AND CONSTRUCTION COMMITTEE FINDING AND DETERMINING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN PROPERTY FOR PUBLIC PURPOSES

**THE SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS CAPITAL PROJECTS
AND CONSTRUCTION COMMITTEE DOES HEREBY RESOLVE AS FOLLOWS:**

SECTION 1. The Capital Projects and Construction Committee (“Committee”) of the San Gabriel Valley Council of Governments finds, determines and declares the following recitals to be true and correct:

- (a) The San Gabriel Valley Council of Governments is authorized by statute and pursuant to that certain Joint Powers Agreement dated September 17, 1998, as amended, to acquire property by eminent domain within the City of Montebello, County of Los Angeles, CA for the Montebello Boulevard Grade Separation Project (“Project”) as part of the Alameda Corridor East – Gateway to America Project; and.
- (b) The public interest and necessity require the Montebello Boulevard Grade Separation Project located in Los Angeles County, City of Montebello, State of CA as part of the SGVCOG Project, which includes railroad crossing safety and efficiency improvements and all uses appurtenant thereto intended to partially mitigate the impacts of increased rail traffic from the completed Alameda Corridor on motor vehicle traffic (the “Project”); and
- (c) The Project is planned and located in a manner that will be the most compatible with the greatest public good and least private injury; and
- (d) The real property to be acquired (collectively the “Property”) is located at 403 S. Montebello Blvd., in the City of Montebello, Los Angeles County, State of CA and bears the APN: 6350-021-020. The Property is legally described in attached Exhibit A, and is incorporated herein by reference and made a part hereof; and
- (e) The taking of the Property is necessary for the Project and such taking is authorized by Section 19, Article I of the California Constitution, Sections 6500 et seq., 37350.5, 40401 et seq. and 40404 of the California Government Code, Section 1230.010 et seq., 1240.020 and 1240.410 of the California Code of Civil Procedure, and other applicable law; and

- (f) The offer to purchase required by California Government Code Section 7267.2 has been made to the owner of the Property;
- (g) The necessary notice of hearing on this Resolution has been given, as required by Code of Civil Procedure section 1245.235;
- (h) The San Gabriel Valley Council of Governments has fully complied with the California Environmental Quality Act (“CEQA”) as the Project is statutorily exempt pursuant to Public Resources Code section 21080.13 and Section 15282(g) of the CEQA Guidelines; and
- (i) The San Gabriel Valley Council of Governments has complied with all conditions and statutory requirements necessary to exercise the power of eminent domain (the “right to take”) to acquire the Property; and

SECTION 2. The Committee hereby declares that it is its intention of the San Gabriel Valley Council of Governments to acquire said Property in accordance with the provision of the laws of the State of California governing condemnation procedures.

SECTION 3. The Committee further finds that if any portion of the area of the Property has been appropriated to some public use, the public uses to which it is to be applied by the San Gabriel Valley Council of Governments, as described above, are more necessary and paramount public uses, pursuant to Code of Civil Procedure section 1240.610 or, alternatively, are compatible with those other uses pursuant to Code of Civil Procedure section 1260.510.

SECTION 4. Legal counsel for the San Gabriel Valley Council of Governments is authorized and directed to prepare, institute and prosecute such proceedings in the proper Court having jurisdiction thereof as may be necessary for the acquisition of said Property, including the filing of an application for an Order for Possession prior to judgment.

SECTION 5. This Resolution shall be effective immediately upon its adoption.

SECTION 6. The Clerk of the Committee shall certify the adoption of this Resolution and certify this record to be a full true, correct copy of the action taken.

PASSED, APPROVED AND ADOPTED this 3rd day of June, 2019.

ATTEST:

Deanna Stanley, Committee Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF WEST COVINA)

I HEREBY CERTIFY that the foregoing CPCC Resolution 19-04 was duly adopted by San Gabriel Valley Council of Governments Capital Projects and Construction Committee at a regular meeting thereof, held on the 3rd day of June, 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Deanna Stanley, Committee Clerk

EXHIBIT A
Legal Description

EXHIBIT "A"

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF LOS ANGELES,
STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

LOT 2 OF TRACT NO. 13576, IN THE CITY OF MONTEBELLO, COUNTY OF LOS ANGELES,
STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 272, PAGES 26 AND 27 OF
MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT ALL OIL, GAS AND OTHER HYDROCARBON SUBSTANCES IN, ON AND UNDER
SAID LAND, AND THE RIGHT TO LEASES SAID LAND TO OTHER FOR THE PURPOSE OF
PROSPECTING FOR SAID OIL, GAS AND OTHER HYDROCARBON SUBSTANCES SHALL
BE DONE BY MEANS OF DIRECTIONAL DRILLING, THE SURFACE OPERATIONS FOR
WHICH SHALL BE LOCATED UPON AND OTHER THAN THAT HEREIN DESCRIBED, AS
RESERVED IN THE DEED RECORDED IN BOOK 22888, PAGE 144 OF OFFICIAL
RECORDS.

ALSO EXCEPT THAT PORTION OF SAID LAND, WHICH AS CONDEMNED FOR STREET
PURPOSES BY FINAL DECREE OF CONDEMNATION ENTERED IN THE LOS ANGELES
COUNTY SUPERIOR COURT CASE NO. 936389, IN THE CITY OF MONTEBELLO,
RECORDED FEBRUARY 16, 1970 AS INSTRUMENT NO. 3438 OFFICIAL RECORDS, BY
CASE NO. 992742, RECORDED JUNE 18, 1974 AS INSTRUMENT NO. 3953 OFFICIAL
RECORDS.

Assessor's Parcel Number: 6350-021-020

Exhibit 4
CPCC Resolution of Necessity No. 19-04
Notice of Hearing and Request to Be Heard



San Gabriel Valley Council of Governments

4900 Rivergrade Rd. Ste. A120 Irwindale, CA 91706 (626) 962-9292 fax (626) 962-3552 www.theaceproject.org



NOTICE OF HEARING (Cal. Code Civ. Proc. § 1245.235)

NOTICE OF HEARING REGARDING THE INTENTION OF THE SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS CAPITAL PROJECTS AND CONSTRUCTION COMMITTEE TO CONSIDER THE ADOPTION OF A RESOLUTION FINDING AND DETERMINING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN PROPERTY FOR PUBLIC PURPOSES

**TO: Miguel G. Sahagun
403 S. Montebello Blvd.
Montebello, CA 90640**

Notice of the Intent of the Capital Projects and Construction Committee of the San Gabriel Valley Council of Governments to Consider a Resolution of Necessity.

YOU ARE HEREBY NOTIFIED, pursuant to Code of Civil Procedure Section 1230.010, *et seq.*, that the Capital Projects and Construction Committee of the San Gabriel Valley Council of Governments ("Committee") intends to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of certain real property ("Property") in connection with the Montebello Boulevard Grade Separation Project ("Project") as part of the Alameda Corridor East – Gateway to America Project.

The Property is located at 403 S. Montebello Blvd., Montebello, CA 90640 in the City of Montebello, Los Angeles County, State of CA and bears the APN: 6350-021-020. The Property is legally described in attached Exhibit A and are depicted on attached Exhibit B.

The hearing will be held on **June 3, 2019 at 12 p.m.** or as soon thereafter as the Committee can hear said matter, at West Covina City Hall 1444 W. Garvey Ave S, West Covina, CA 91790.

You, as a person claiming or having an interest in and to the Property, are hereby notified that you have the right to appear and be heard on the issues to be considered at that hearing. The issues which will be considered are set forth in California Code of Civil Procedure Section 1240.030, and include:

1. Whether the public interest and necessity require the Project;
2. Whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;

3. Whether the Property sought to be acquired is necessary for this Project;
4. Whether the offer to purchase as required by section 7267.2 of the California Government Code has been made to the owner of the property;
5. Whether the Committee has statutory authority to acquire the Property by eminent domain;
6. Whether the Committee fully complied with the California Environmental Quality Act ("CEQA"); and
7. Whether the Committee has complied with all conditions and statutory requirements necessary to exercise the power of eminent domain to acquire the Property, as well as any other matter regarding the right to take said Property by eminent domain;

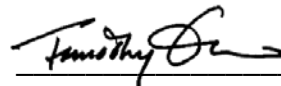
A copy of the proposed Resolution of Necessity will be available on the San Gabriel Valley Council of Governments website prior to the June 3, 2019 hearing.

If you wish to be heard at this hearing, you MUST FILE A WRITTEN REQUEST, indicating your intent to appear and be heard within 15 days after the date of mailing of this Notice. Failure to file a written request to appear and be heard within 15 days after the date of mailing of this Notice may result in a waiver of the right to appear and be heard by the Board. The written request to appear and be heard should be filed with:

San Gabriel Valley Council of Governments
1000 S. Fremont Ave.
Unit 42 – Bldg. A-10N, Suite 10-210
Alhambra, CA 91803

If you elect not to appear and not to be heard, you will only be foreclosed from raising in a court of law the issues that are the subject of this noticed hearing and that are concerned with the right to take the Property by eminent domain.

The amount of the compensation to be paid for the acquisition of the Property is not a matter or issue being heard by the Committee at this time. Your nonappearance at this noticed hearing will not prevent you from claiming greater compensation, as may be determined by a court of law in accordance with the laws of the State of California. This notice is not intended to foreclose future negotiations between you and the Committee on the amount of compensation to be paid for the Property. For further information, contact Timothy Green at 951-320-7349.



Timothy Green
Senior Project Manager
HDR, Inc., Real Estate Services

Dated and Mailed: May 17, 2019.

Attachments:

Exhibit A – Legal Description

**REQUEST TO BE HEARD ON RESOLUTION OF NECESSITY
FOR THE ACQUISITION OF CERTAIN REAL PROPERTY**

Name _____ Telephone _____

Address

Date _____ Signature _____

DECLARATION OF PROOF OF SERVICE BY CERTIFIED MAIL

I, the undersigned, declare as follows:

I am over the age of 18 and not a party to the above-entitled action. My business address is 2280 Market Street, Suite 100, Riverside CA, 92501.

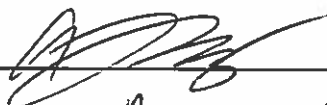
On Friday May 17, 2019, I served true copies of the foregoing Notice of Hearing on each of the following named persons by placing for deposit, by certified mail return receipt requested, in the United States Postal Service sealed envelopes containing the same on said date **at the United States Post Office located at 1 League, Irvine CA, 92602** and addressed respectively, as follows:

**Miguel G. Sahagun
403 S. Montebello Blvd.
Montebello, CA 90640**

I am familiar with the Post Office's practice for collecting and processing of correspondence for mailing at said address. The correspondence referenced above to would be deposited in the United States Postal Service that same day in the ordinary course of business; and said envelopes were sealed and placed for collection and mailing on the date following ordinary business practices.

I declare under penalty of perjury, under laws of the State of California that the foregoing is true and correct.

Executed on May 17, 2019 at Irvine, California.



Arvin Yordan

EXHIBIT "A"

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

LOT 2 OF TRACT NO. 13576, IN THE CITY OF MONTEBELLO, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 272, PAGES 26 AND 27 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT ALL OIL, GAS AND OTHER HYDROCARBON SUBSTANCES IN, ON AND UNDER SAID LAND, AND THE RIGHT TO LEASES SAID LAND TO OTHER FOR THE PURPOSE OF PROSPECTING FOR SAID OIL, GAS AND OTHER HYDROCARBON SUBSTANCES SHALL BE DONE BY MEANS OF DIRECTIONAL DRILLING, THE SURFACE OPERATIONS FOR WHICH SHALL BE LOCATED UPON AND OTHER THAN THAT HEREIN DESCRIBED, AS RESERVED IN THE DEED RECORDED IN BOOK 22888, PAGE 144 OF OFFICIAL RECORDS.

ALSO EXCEPT THAT PORTION OF SAID LAND, WHICH AS CONDEMNED FOR STREET PURPOSES BY FINAL DECREE OF CONDEMNATION ENTERED IN THE LOS ANGELES COUNTY SUPERIOR COURT CASE NO. 936389, IN THE CITY OF MONTEBELLO, RECORDED FEBRUARY 16, 1970 AS INSTRUMENT NO. 3438 OFFICIAL RECORDS, BY CASE NO. 992742, RECORDED JUNE 18, 1974 AS INSTRUMENT NO. 3953 OFFICIAL RECORDS.

Assessor's Parcel Number: 6350-021-020



MEMO TO: Capital Projects and Construction Committee Members and Alternates

FROM: Mark Christoffels
Chief Engineer

DATE: June 3, 2019

SUBJECT: Approval of Annual Task Orders and Amendments for Support Services

RECOMMENDATION: It is recommended that the Committee authorize the Chief Engineer to amend contracts or issue annual task orders for the following contracts for continuing support services needed to deliver the remaining ACE projects from July 1, 2019 through June 30, 2020:

- Burke, Williams & Sorensen, LLC annual task order for \$575,000;
- Capital Representation Group contract amendment for \$55,000;
- David Lang & Associates annual task order for \$76,189
- Epic Land Solutions, Inc. annual task order for \$10,000;
- HDR Engineering, Inc. annual task order for \$1,085,037;
- Ken Spiker & Associates contract amendment for \$65,000;
- LSA Associates, Inc. annual task order for \$378,341;
- Lee Andrews Group, Inc. annual task order for \$862,327;
- Lubka & White, LLP annual task order for \$282,750;
- Oliver Sandifer & Murphy annual task order for \$593,600;
- Paragon Partners, Ltd. annual task order for \$831,851;
- Prince Global Solutions, LP contract amendment for \$180,000;
- Stantec annual task order for \$419,330;
- Vasquez and Company annual task order for \$44,000; and
- Wagner Engineering & Survey annual task order for \$61,457.

These authorizations would include an overall 10% contingency allowance in accordance with normal agency procedures.

BACKGROUND: Continuation of contracted agency support services is necessary for FY 2020. The following is summary of work activities and proposed contract amendments/annual task orders:

- **Burke, Williams & Sorensen** – This firm previously provided general counsel to the Committee and property acquisition legal services for the ACE project. The general counsel services are being resolicited and will not continue through the new fiscal

year. Because there are several pending legal cases for property acquisition that BWS has been involved in, those services will be retained until all pending acquisitions have been completed. These include acquisitions on the Montebello, Fullerton, Durfee and Turnbull projects. It is anticipated that the level of services required from this firm for these services for FY 2020 will require an annual task order in the amount of \$575,000.

- **Capital Representation Group** – This firm provides state legislative supportive services for the SGVCOG/ACE Project. The firm provides assistance in responding to questions/information from legislators and state officials concerning the ACE Project. The firm assists in monitoring transportation related bills/legislations and regulations impacting the ACE Project and attending CTC meetings on behalf of SGVCOG. It is anticipated that the level of services required from this firm for all of SGVCOG's/ACE active projects will require a contract amendment in the amount of \$55,000.
- **David Lang & Associates** – David Lang & Associates is part of SGVCOG's community outreach team, specializing in providing assistance with the Asian community outreach across all SGVCOG/ACE Project. It is anticipated that the level of services required from this firm for all of SGVCOG/ACE active projects will require an annual task order in the amount of \$76,189.
- **Epic Land Solutions, Inc.** – This firm provides property acquisition and relocation assistance services. Epic's current task order is for the Nogales (LA Sub) project. The firm's services include property acquisition, preparation of appraisals and project management. It is anticipated that the level of services required from this firm for project outgrants for the utility companies and completing all property settlements on the Nogales project will require an annual task order in the amount of \$10,000.
- **HDR Engineering** – This firm provides property acquisition and relocation services for the SGVCOG/ACE Project. HDR's project assignments will include Pomona's At Grade Crossing Safety Improvements, Montebello and Turnbull Canyon projects. HDR's scope of work includes ROW impact evaluation, property acquisition, relocation assistance, third party services for appraisals and property management. It is anticipated that the level of services required from this firm for these services will require an annual task order in the amount of \$1,085,037.
- **Ken Spiker & Associates, Inc.** – This firm's role includes coordination of SGVCOG's insurance program, review of evidence of insurance provided by SGVCOG's contractors and consultants, as well as periodic risk assessment and review of SGVCOG's contracts relative to insurance and bond requirements. Their role also includes involvement in coordinating third party claims between SGVCOG and its contractors. The firm will be assisting staff in responding to inquiries from proposers and bidders relevant to insurance requirements on future SGVCOG procurements. It is anticipated that the level of services required from this firm for all of SGVCOG's

active projects will require a contract amendment in the amount of \$65,000. The \$65,000 budget does not include any premiums for policies.

- **LSA Associates, Inc.** – This firm provides environmental services for the SGVCOG/ACE Project including general program management, conducting required environmental mitigation monitoring program for Fairway, Fullerton and Durfee projects and environmental permitting for Montebello and Turnbull projects in accordance with Federal and State regulations. It is anticipated that the level of services required from this firm for these services will require an annual task order in the amount of \$378,341.
- **Lee Andrews Group, Inc.** – This firm provides public outreach services on the SGVCOG/ACE Project. Their scope consists of four full time equivalent positions to support our public information and field community outreach and the production of all public information material (project video, brochures, handouts, community events, advertising, etc.) on all active SGVCOG/ACE projects. It is anticipated that the level of services required from this firm for these services will require an annual task order in the amount of \$862,327.
- **Lubka & White, LLP** – This firm provides construction legal services including legal assistance in bid preparation, bid protests and challenges, review of agreement and bonds for construction projects anticipated to be awarded in FY 2020, as well assistance on on-call construction-related contracts and contractor claims. It is anticipated that the level of services required from this firm for these services will require an annual task order in the amount of \$282,750.
- **Oliver Sandifer & Murphy** – This firm provides property acquisition legal services for the SGVCOG/ACE project. OSM has been assigned with property acquisition legal services for the Nogales, Fairway and Turnbull Canyon projects. It is anticipated that the level of services required from this firm for these services will require an annual task order in the amount of \$593,600.
- **Paragon Partners, Ltd.** – This firm provides right of way acquisition services for the SGVCOG/ACE Project. Paragon's project assignments include Fairway, Durfee and Fullerton projects. In addition, Paragon continues to assist with property matters on the San Gabriel Trench, Puente, Temple and Reservoir projects. Paragon's scope of work includes third party services for appraisals, environmental investigation, closing costs for property acquisitions, relocation assistance, property management and project outgrants. It is anticipated that the level of services required from this firm for these services will require an annual task order in the amount of \$821,850.
- **Prince Global Solutions, LP** – This firm provides assistance to the SGVCOG for federal legislative support in Washington DC. Prince Global Solutions' services include assisting staff in responding to questions/information from congressional members and federal officials regarding pending federal funding requests for the SGVCOG/ACE

Project. It is anticipated that the level of services required from this firm for these services will require an amendment in the amount of \$180,000.

- **Stantec** – This firm provides environmental management services during construction for SGVCOG/ACE Project. These services consist of testing hazardous materials that may be encountered on the project sites and other environmental assessments. The scope for FY 2020 includes work on Durfee, Fairway, and Fullerton projects. It is anticipated that the level of services required from this firm for these services will require an annual task order in the amount of \$419,329.
- **Vasquez and Company** – Vasquez and Company is SGVCOG's certified public accounting firm hired to conduct financial and compliance audits in preparation of all requirement management and financial reports, including the Single Audit Report on federal grant activities. It is anticipated that the level of services required from this firm will require an annual task order in the amount of \$44,000.
- **Wagner Engineering & Survey** – Wagner Engineering & Survey provides property surveys for the ACE Project. Their FY 2020 scope of services includes provide professional land surveying, and mapping services to prepare ALTA/NSPS Land Title Survey maps for the Temple 4th Track project.. It is anticipated that the level of services required from this firm for these services will require an annual task order in the amount of \$61,457.

BUDGET IMPACT: Funds for these contracts were included in the recently SGVCOG Board adopted FY 2020 budget and are being funded with various Federal, State, and local grant funds.

MEMO TO: Capital Projects & Construction Committee Members and Alternates

FROM: Mark Christoffels
Chief Engineer

DATE: June 3, 2019

SUBJECT: Approval of Amendment to Utility Agreement with Southern California Edison Company for the Durfee Avenue Grade Separation Project

RECOMMENDATION: Staff recommends that the Committee authorize the Chief Engineer to execute an Amendment to the Utility Agreement with Southern California Edison Company (SCE) for the design and construction of underground and aerial electrical facilities as part of the Durfee Avenue Grade Separation project for a revised not to exceed amount of \$3,850,000.

BACKGROUND: The Durfee Avenue grade separation project requires the lowering of Durfee Avenue as well as modifications to streets intersecting Durfee Avenue in the vicinity of the rail road crossing. SCE owns electrical facilities within the areas affected by the project, including a Substation, SCE Telecom and Distribution facilities. Several of the affected service lines must be relocated from their current location to underground in order to maintain integrity to their system and to provide service to their various customers.

On March 25, 2019 the Committee authorized the prosecution of work orders provided for the Durfee Avenue Grade Separation project in an amount not to exceed \$2,500,000. This figure was based on preliminary plans. SCE has subsequently completed their field work and construction plans. Based on these final plans and current bid prices, SCE provided an updated cost for their relocation work at \$3,850,000.

Staff has reviewed the supporting documents and believes it is reasonable to proceed with the issuance of the Amendment to the Utility Agreement with SCE for the Durfee Avenue Grade Separation, as requested.

BUDGET IMPACT: Funding for the Southern California Edison relocation work including this amendment is budgeted and will be paid using Measure R funds.

ATTACHMENTS

First Amendment of Utility Agreement No. Durfee.208-SCE



COUNTY	ROUTE/STREET	POST MILE	PROJECT #
LOS ANGELES	Durfee Avenue	UPRR Los Angeles Sub: MP 10.30	Proj 208
Federal Aid No. PNR5-6303 (039)			
Owner's Plan Nos. 879158_0.01 sheets 1- 4; 420862-9 sheet 1 of 1; and 879158_0.01 sheets 1- 4			
FEDERAL PARTICIPATION:		On the Project: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
		On the Utilities: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	

FIRST AMENDMENT TO UTILITY AGREEMENT NO. DURFEE.208-SCE

WHEREAS, the San Gabriel Valley Council of Governments, acting in furtherance of the Alameda Corridor-East Project, hereinafter called AGENCY or LOCAL AGENCY, and Southern California Edison Company, hereinafter called OWNER, have entered into that certain Utility Agreement No. DURFEE.208-SCE, dated May 10, 2018 (the "Agreement"), which Agreement sets forth the terms and conditions pursuant to which OWNER shall relocate, protect and/or adjust certain electric distribution lines and service laterals, Transmission telecom and the Bartolo Substation to accommodate AGENCY's construction of a Grade Separation at the intersection of Durfee Avenue and Union Pacific Rail Road (Los Angeles Subdivision) at Mile Post 10.30, in the City of Pico Rivera, County of Los Angeles, California, hereinafter called the "Project"; and

WHEREAS, LOCAL AGENCY and OWNER are desirous of amending the Agreement to address, among other items, (i) clarification of the scope of work / services to be provided by OWNER and (ii) adjustments in the parties' payment and reconciliation obligations relative to funds paid in consideration of OWNER's performance of the work / services described in the Agreement;

NOW, THEREFORE, in consideration of the foregoing recitals and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, LOCAL AGENCY and OWNER hereby agree to modify and amend the Agreement as follows:

1. Capitalized Terms. All capitalized terms appearing in this *First Amendment to Utility Agreement No. Durfee 208-SCE* ("Amendment") and not specifically defined in this Amendment shall have the same meanings as ascribed in the Agreement.

2. Work to be Performed. Section I of the Agreement ("WORK TO BE PERFORMED") is hereby deleted in its entirety and replaced with the following text:

In accordance with Notice to Owner No. 208.2A, dated April 24, 2018, OWNER shall relocate OWNER's Facilities. All work shall be performed substantially in accordance with the approved and agreed upon Work Order by OWNER: Distribution: workorder#TD1101175, design/dwg #879158_0.01 sheets 1- 4, dated 01/31/19, Bartolo Substation: workorder#902493077, design/dwg #420862-9 sheet 1 of 1, dated 01/16/19 and Trans Telecom: workorder#801781427, design/dwg #879158_0.01 sheets 1- 4, dated 01/31/19. Any deviations from the Work Order described above initiated by either LOCAL AGENCY or OWNER shall be agreed upon by both parties hereto under

a revised Notice to Owner. Such revised Notices to Owner, approved by LOCAL AGENCY and acknowledged by OWNER, will constitute an approved revision to the Work Order described above and are hereby made a part hereof. No work under said deviation shall commence prior to receipt by, and approval of, OWNER of the revised Notice to Owner. Changes in the scope of the work will require an amendment to this Agreement in addition to the revised Notice to Owner.

3. Liability for Work. Section II of the Agreement ("LIABILITY FOR WORK") is hereby deleted in its entirety and replaced with the following text:

LOCAL AGENCY has determined the best engineering and/or most cost-effective solution is to underground the existing utility facilities. Since undergrounding is at LOCAL AGENCY's request, LOCAL AGENCY will pay 100% of underground relocation cost, subject to credits from OWNER (as applicable) as provided in Section IV.A, below.

4. Payment for Work. Section IV of the Agreement ("PAYMENT FOR WORK") is hereby deleted in its entirety and replaced with the following text:

- a. Initial Cost Estimate. The total estimated cost for the work described in Section I, above ("Work") is Three Million Seven Hundred Seventy Three Thousand and No/100 Dollars; \$3,773,000.00 (the "Initial Cost Estimate"). The Initial Cost Estimate includes certain credits based upon the assumed applicability of OWNER's Tariff Rule 20B (*see* Section IV.A.b, below). However, the Initial Cost Estimate does not include an Income Tax Component of Contribution ("ITCC") based upon OWNER's understanding that LOCAL AGENCY's Project is exempt from ITCC charges. In the event that the Internal Revenue Service, state, city, and/or local governmental taxing authority determines that the Project is taxable, LOCAL AGENCY will reimburse OWNER for the full amount of the tax liability, plus interest, penalties, fees and related costs. Such amounts will be paid to OWNER within 60 days after notification of such event by OWENR to LOCAL AGENCY.
- b. Payment of Initial Cost Estimate. This Initial Cost Estimate will be deposited by AGENCY with OWNER within 45 days after execution of the Agreement (*vis-à-vis* Amendment) by the parties hereto. The Initial Cost Estimate shall be delivered to OWNER at the following address and shall reference the identified SCE Project File Number:

Southern California Edison Company
P.O. Box 800
Rosemead, California 91771-0001
Attn: Accounts Receivable
SCE Project File No.: 1727

Notwithstanding any provision herein to the contrary, LOCAL AGENCY acknowledges and agrees that OWNER will not begin the Work unless and until OWNER has received the Initial Cost Estimate.

- c. Reconciliation; Final Bill. OWNER shall submit a final bill to LOCAL AGENCY within 360 days after OWNER's completion of the Work. If LOCAL AGENCY has not received a final bill within 360 days after notification of completion of OWNER's Work, and LOCAL AGENCY has delivered to OWNER fully executed Director's Deeds, Consents to Common Use or Joint Use Agreements as required for OWNER's facilities; LOCAL AGENCY will provide written notification to OWNER of its intent to close its file within

30 days and OWNER hereby acknowledges, to the extent allowed by law, that all remaining costs will be deemed to have been abandoned.

The final billing shall be in the form of an itemized statement of the total costs charged to the Project, less the credits provided for in this Agreement (*see* Section IV.A, below), and less any amounts covered by the Initial Cost Estimate and other payments received by OWNER from LOCAL AGENCY. However, LOCAL AGENCY shall not pay final bills which exceed the estimated cost of this Agreement without documentation of the reason for the increase of said cost from OWNER. If the final bill exceeds OWNER's estimated costs solely as the result of a revised Notice to Owner as provided for in Section I, a copy of said revised Notice to Owner shall suffice as documentation.

- d. Payment of Final Bill; Reimbursement. If the final bill reflects that LOCAL AGENCY owes additional sums to OWNER in relation to the Work, LOCAL AGENCY will tender the additional amounts to OWNER not later than 30 days following LOCAL AGENCY's receipt of the final bill. Conversely, if the final bill reflects that the aggregate value of sums received by OWNER for the Work (including application of any credits) exceed the value of the Work thus performed by OWNER, OWNER shall refund the excess amount to LOCAL AGENCY within 30 days following OWNER's dispatch of the final bill to LOCAL AGENCY. If the paying party fails to timely pay/refund the amount reflected in the final bill, the paying party shall be responsible for paying to the other party, in addition to the amount reflected in the final bill, any and all costs incurred by the other party to collect the past due amount (including, but not limited to, collection agency fees, court costs and attorneys' fees).

5. Credits. The following text is hereby added to the Agreement as Section IV.A:

IV.A. CREDITS

- a. Betterments and Salvage Value. It is understood and agreed that LOCAL AGENCY will not pay for any betterment or increase in capacity of OWNER's Facilities in connection with the Work, and OWNER shall give credit to LOCAL AGENCY, as part of the final bill, for all accrued depreciation on the replaced Facilities and for the salvage value of any material or parts salvaged and retained or sold by OWNER. A betterment shall not include improvements attributable to using modern day equivalents of the replaced systems, equipment, or materials being replaced. Moreover, OWNER's relocation of OWNER's Facilities from overhead-to-underground (as requested by LOCAL AGENCY) does not constitute a betterment. LOCAL AGENCY acknowledges that any reimbursement for salvage must be consistent with OWNER's applicable Tariff.
- b. Tariff Rule 20B. OWNER and LOCAL AGENCY acknowledge that the Work is being processed as an overhead-to-underground conversion pursuant to OWNER's *Tariff Rule 20: Replacement of Overhead with Underground Electric Facilities, Section B* ("Rule 20B"). Provided that all conditions and requirements established in Rule 20B are satisfied, LOCAL AGENCY is entitled to receive certain credits against the cost of the Work. A copy of OWNER's Tariff Rule 20 (which includes Rule 20B) is attached hereto.

Rule 20B credits are presently assumed and accounted for in the Initial Cost Estimate. At the conclusion of the Work, OWNER shall confirm that all Rule 20B conditions and requirements have been satisfied. If OWNER determines that all Rule 20B conditions and requirements have been satisfied, LOCAL AGENCY shall be entitled to keep the Rule 20B credits that are reflected in the Initial Cost Estimate. Conversely, if OWNER

determines that one or more of the Rule 20B conditions and requirements have not been satisfied, the Rules 20B credits shall be withdrawn and said withdrawal shall be reflected in the final bill prepared by OWNER and submitted to LOCAL AGENCY [see Section IV.c, above]).

6. Effect and Ratification. Except as expressly amended or supplemented hereby, the Agreement shall remain in full force and effect without change and is hereby ratified and confirmed.

7. Authority. LOCAL AGENCY and OWNER represent and warrant to one another that (i) each has the legal right, power and authority to enter into this Amendment and to consummate the transactions contemplated hereby and (ii) the execution, delivery and performance of this Amendment has been duly authorized and no other action by LOCAL AGENCY or OWNER is requisite to the valid and binding execution, delivery and performance of this Amendment. Furthermore, LOCAL AGENCY and OWNER each represent, covenant and affirm that the individuals executing this Amendment have the legal power, right and authority to enter into this Amendment and to bind their respective principals/entities to the terms and conditions set forth herein.

8. Counterparts. This Amendment may be executed in multiple counterparts, each of which shall be deemed an original and all of which shall constitute one agreement, and the signature of any party to any counterpart shall be deemed to be a signature to, and may be appended to, any other counterpart. Telecopied and emailed PDF signatures shall be effective for purposes of executing and delivering this Amendment.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment effective as of the day and year written below.

“AGENCY”

SAN GABRIEL VALLEY COUNCIL OF
GOVERNMENTS

By: _____
Mark Christoffels, Chief Engineer

Date: _____

“OWNER”

SOUTHERN CALIFORNIA EDISON

By: _____

(Name) Gregory Ferree

(Title) VP Distribution

Date: 5/14/19

Distribution: 1) Owner, 2) Local Agency

Memo to: Capital Projects and Construction Committee Members & Alternates

From: Mark Christoffels
Chief Engineer

Date: June 3, 2019

SUBJECT: Receive and File: Quarterly Project Progress Reports

RECOMMENDATION: Receive and file the ACE Program and other SGVCOG Capital Projects Quarterly Progress Reports for the period covering the 3rd quarter of Fiscal Year 2019.

BACKGROUND: To keep the Capital Projects and Construction Committee as well as the interested public informed about our progress in designing and constructing the projects in the adopted ACE program as well as other Capital Projects being managed by the SGVCOG, staff prepares and submits to the Committee progress reports on a quarterly basis. The attached reports are prepared by the Project Managers for each respective active project and provide a one-page summary of expenditures, schedules, work completed and to be done, as well as any areas of concerns. In addition to these reports, staff will make an oral presentation to provide updates on the following for the period from January 1, 2018 through March 31, 2019:

- Major Activities Completed
- Construction and Design Progress
- Current Project Schedules
- Current Project Cost Estimates
- Project Funding

SGVCOG
SR-57/SR-60 Confluence Project

As of March 2019

LOCATION:	SR-57 / SR-60 Confluence	CONSTRUCTION MANAGER:	TBD
DESIGN CONSULTANT:	WKE	CONTRACTOR:	TBD

PHOTO	Traffic at confluence	WORK COMPLETED PAST QUARTER
		<p>Final design work initiated</p> <p>Met with County Parks Dept re golf course modifications</p> <p>Initiated utility agreements for relocations</p>


EXPENDITURE STATUS (\$ in Millions)				SCHEDULE ASSESSMENT			
ACTIVITIES	PERCENT EXPENDED	\$ CURRENT ESTIMATE	\$ EXPENDED AMOUNT	MAJOR SCHEDULE ACTIVITIES	PRIOR PLAN	CURRENT PLAN	VARIANCE WEEKS +/-
DESIGN	0%	\$0.0	\$0.0	Environmental			
				CEQA/NEPA	Jun-17	Jun-17	
RIGHT-OF-WAY	0%	\$0.0	\$0.0	Design			
				Notice To Proceed	Sep-18	Sep-18	
				Final PS&E Complete	Sep-21	Sep-21	
CONSTRUCTION	0%	\$0.0	\$0.0	Right-of-Way			
				All Parcels Available	Jan-23	Jan-23	
TOTAL	0%	\$0.0	\$0.0	Construction			
				Notice To Proceed	Jan-24	Jan-24	
				Construction Complete	Jan-28	Jan-28	

AREAS OF CONCERN				CRITICAL ACTIVITIES / 3 MONTH LOOK AHEAD			
None				<p>Identify utility conflicts</p> <p>Identify storm drain modifications</p> <p>Identify parcel takes</p> <p>Coordinate work with LA County Parks for golf course modifications</p> <p>Execute cooperative agreement between SGVCOG and Metro</p>			
ROW ACQUISITION	Plan	Acquired	Remaining				
o Permanent Parcels	TBD	TBD	0				
o Temporary Parcels	TBD	TBD	0				
o Total Parcels	0	0	0				

ALAMEDA CORRIDOR-EAST PROJECT
GRADE SEPARATION - DURFEE AVENUE (City of Pico Rivera)

As of March 2019


LOCATION:	Pico Rivera	CONSTRUCTION MANAGER:	PreScience
DESIGN CONSULTANT:	URS	CONTRACTOR:	Riverside Construction Co.

PHOTO Demolition of Lawrence Studios				WORK COMPLETED PAST QUARTER			
				<ul style="list-style-type: none"> Continued Stakeholder, Utility, and Other Agency Coordination Resubmitted final structural package to UPRR for approval Continued ROW Acquisition Continued Coordination with Private Property Owners for Final Approval of Site Improvements Provided support for eminent domain legal proceedings Issued Limited Notice to Proceed to Contractor 			
EXPENDITURE STATUS (\$ in Millions)				SCHEDULE ASSESSMENT			
ACTIVITIES	PERCENT EXPENDED	\$ CURRENT ESTIMATE	\$ EXPENDED AMOUNT	MAJOR SCHEDULE ACTIVITIES	PRIOR PLAN	CURRENT PLAN	VARIANCE WEEKS +/-
DESIGN	91%	\$10.3	\$9.5	Environmental			
				NEPA/CEQA	Jul-14 A	Jul-14 A	
RIGHT-OF-WAY	75%	\$25.7	\$21.0	Design			
				Notice To Proceed	Oct-12 A	Oct-12 A	
				Final PS&E Complete	Aug-18	Aug-18	0
CONSTRUCTION	0%	\$69.6	\$0.1	Right-of-Way			
				All Parcels Available	May-18 A	May-18 A	
TOTAL	29%	\$105.5	\$30.6	Construction			
				Notice To Proceed	Dec-18	Dec-18	0
				Construction Complete	Sep-21	Sep-21	0
AREAS OF CONCERN				CRITICAL ACTIVITIES / 3 MONTH LOOK AHEAD			
<ul style="list-style-type: none"> SCE and Frontier Work may potentially delay our work. 				<ul style="list-style-type: none"> Frontier to begin their relocation efforts Continue Stakeholder, Utility, and Other Agency Coordination Continue ROW Acquisition Provide support for eminent domain legal proceedings Complete Permit Reviews Issue NTP to Contractor. 			
ROW ACQUISITION	Plan	Acquired	Remaining				
o Permanent Parcels	44	17	27				
o Temporary Parcels	28	11	17				
o Total Parcels	72	28	44				

ALAMEDA CORRIDOR-EAST PROJECT
GRADE SEPARATION - FAIRWAY AVENUE (LA Sub)(City of Industry)

As of March 2019


LOCATION:	City of Industry	CONSTRUCTION MANAGER:	WSP (formerly PB Americas)
DESIGN CONSULTANT:	CH2M Hill	CONTRACTOR:	OHL USA

PHOTO UPRR Shoofly Track Installation				WORK COMPLETED PAST QUARTER			
				<p>Completed the installation of shoofly track along the UPRR ROW.</p> <p>Began the 21" City sewer line installation along Fairway Dr.</p> <p><u>Lemon Avenue Ramps Construction:</u></p> <p>Completed the Phase 2 landscaping and signal work</p> <p>Continued on the Phase 3 landscaping work</p> <p>Continued incorporating Caltrans punch list items on Phases 2&3</p>			
EXPENDITURE STATUS (\$ in Millions)				SCHEDULE ASSESSMENT			
ACTIVITIES	PERCENT EXPENDED	\$ CURRENT ESTIMATE	\$ EXPENDED AMOUNT	MAJOR SCHEDULE ACTIVITIES	PRIOR PLAN	CURRENT PLAN	VARIANCE WEEKS +/-
DESIGN	100%	\$8.2	\$8.2	Environmental			
				IS/ND	Oct-12 A	Oct-12 A	
RIGHT-OF-WAY	74%	\$37.2	\$27.6	Design			
				Notice To Proceed	Apr-11 A	Apr-11 A	
				Final PS&E Complete	Jul-14 A	Jul-14 A	
CONSTRUCTION	63%	\$141.4	\$88.9	Right-of-Way			
				All Parcels Available	Apr-14 A	Apr-14 A	
TOTAL	67%	\$186.9	\$124.7	Construction			
				Notice To Proceed	Dec-14 A	Dec-14 A	
				Construction Complete	Jul-21	Jul-21	0
AREAS OF CONCERN				CRITICAL ACTIVITIES / 3 MONTH LOOK AHEAD			
Fairway - shoofly needs to be approved by UPRR to avoid project delay.				Need to get start on the shoofly track work to catch the Jan 2019 cut over schedule.			
ROW ACQUISITION	Plan	Acquired	Remaining				
o Permanent Parcels	43	13	30				
o Temporary Parcels	27	14	13				
o Total Parcels	70	27	43				

ALAMEDA CORRIDOR-EAST PROJECT
GRADE SEPARATION - FULLERTON ROAD (City of Industry)

As of March 2019

LOCATION:	City of Industry	CONSTRUCTION MANAGER:	Berg & Associates
DESIGN CONSULTANT:	Biggs Cardosa Associates	CONTRACTOR:	Shimmick Construction Co

PHOTO	North Fullerton Road Storm Drain	WORK COMPLETED PAST QUARTER
		<ul style="list-style-type: none"> Continued repair of JPCP in Stage 1C Continued construction on 54" sewer siphon in Stage 2B on Fullerton Rd. north of Railroad St.


EXPENDITURE STATUS (\$ in Millions)				SCHEDULE ASSESSMENT			
ACTIVITIES	PERCENT EXPENDED	\$ CURRENT ESTIMATE	\$ EXPENDED AMOUNT	MAJOR SCHEDULE ACTIVITIES	PRIOR PLAN	CURRENT PLAN	VARIANCE WEEKS +/-
DESIGN	100%	\$10.7	\$10.7	Environmental			
				Categorical Exemption IS/ND	Oct-13 A	Oct-13 A	
RIGHT-OF-WAY	90%	\$27.4	\$24.7	Design			
				Notice To Proceed	Oct-12 A	Oct-12 A	
				Final PS&E Complete	Dec-15 A	Dec-15 A	
CONSTRUCTION	32%	\$114.3	\$36.9	Right-of-Way			
				All Parcels Available	Oct-15 A	Oct-15 A	
TOTAL	47%	\$152.4	\$72.3	Construction			
				Notice To Proceed	Jul-16 A	Jul-16 A	
				Construction Complete	Jun-21	Dec-22	75

AREAS OF CONCERN				CRITICAL ACTIVITIES / 3 MONTH LOOK AHEAD			
<ul style="list-style-type: none"> Need final track lay-out approval from UPRR Need UPRR structures approval of shoring & storm drain box Schedule impacts to the project need to be resolved 				<ul style="list-style-type: none"> Complete Fullerton Road widening at the 60 freeway Complete storm drain work north of Railroad Street Complete LACSD sewer main (siphon) relocation work Start Gale Avenue improvements 			
ROW ACQUISITION	Plan	Acquired	Remaining	Initiate gas transmission line relocation			
o Permanent Parcels	35	25	10	Initiate shoofly grading and hazardous soil removal			
o Temporary Parcels	18	17	1				
o Total Parcels	53	42	11				

ALAMEDA CORRIDOR-EAST PROJECT
MAPLE OVERHEAD CROSSING (City of Montebello)

As of March 2019

LOCATION:	Montebello	CONSTRUCTION MANAGER:	TBD
DESIGN CONSULTANT:	Moffat & Nichol	CONTRACTOR:	TBD

PHOTO	Rendering of Pedestrian Structure	WORK COMPLETED PAST QUARTER
		<ul style="list-style-type: none"> Continued the Right-of-Way Acquisition Phase Continued Coordination with Stakeholders and Impacted Property Owners Continued coordination with project stakeholders


EXPENDITURE STATUS (\$ in Millions)				SCHEDULE ASSESSMENT			
ACTIVITIES	PERCENT EXPENDED	\$ CURRENT ESTIMATE	\$ EXPENDED AMOUNT	MAJOR SCHEDULE ACTIVITIES	PRIOR PLAN	CURRENT PLAN	VARIANCE WEEKS +/-
DESIGN	2%	\$3.5	\$0.0	Environmental			
				CEQA/NEPA	TBD	TBD	
RIGHT-OF-WAY	5%	\$7.4	\$0.5	Design			
				Notice To Proceed	TBD	TBD	
				Final PS&E Complete	TBD	TBD	
CONSTRUCTION	0%	\$13.6	\$0.0	Right-of-Way			
				All Parcels Available	TBD	TBD	
TOTAL	2%	\$24.5	\$0.5	Construction			
				Notice To Proceed	TBD	TBD	
				Construction Complete	TBD	TBD	

AREAS OF CONCERN				CRITICAL ACTIVITIES / 3 MONTH LOOK AHEAD			
Final Design on hold until revised At-Grade Improvements are approved by CPUC, FRA, and UPRR.				<ul style="list-style-type: none"> Submit 35% Plans to UPRR Complete Negotiation of the Final Design Phase Scope and Fee Begin the 65% Design Phase Complete the Right-of-Way Acquisition Phase Continue Coordination with Stakeholders and Impacted Property Owners Obtain Right-of-Entry from School District for Geotech Investigation Perform Additional Soil Borings and Complete Geotechnical Foundation Reports 			
ROW ACQUISITION	Plan	Acquired	Remaining				
o Permanent Parcels	TBD	TBD	0				
o Temporary Parcels	TBD	TBD	0				
o Total Parcels	0	0	0				

ALAMEDA CORRIDOR-EAST PROJECT
AT-GRADE CROSSING SAFETY IMPROVEMENTS (City of Montebello)

As of March 2019


LOCATION:	Montebello	CONSTRUCTION MANAGER:	TBD
DESIGN CONSULTANT:	Moffat & Nichol	CONTRACTOR:	TBD

PHOTO Maple Avenue At-Grade Crossing				WORK COMPLETED PAST QUARTER			
				<ul style="list-style-type: none"> ▪ Refined exhibits for acceptance by CPUC ▪ Commenced preparation of alternative track concepts for UPRR ▪ Continued work on Traffic Study Addendum required for Project rescoping ▪ Continued communications with City staff, including Police and Fire Chiefs, to discuss alternative corridor project design 			
EXPENDITURE STATUS (\$ in Millions)				SCHEDULE ASSESSMENT			
ACTIVITIES	PERCENT EXPENDED	\$ CURRENT ESTIMATE	\$ EXPENDED AMOUNT	MAJOR SCHEDULE ACTIVITIES	PRIOR PLAN	CURRENT PLAN	VARIANCE WEEKS +/-
DESIGN	15%	\$1.1	\$0.2	Environmental			
				CEQA/NEPA	TBD	TBD	
RIGHT-OF-WAY	0%	\$0.0	\$0.0	Design			
				Notice To Proceed	TBD	TBD	
				Final PS&E Complete	TBD	TBD	
CONSTRUCTION	0%	\$5.9	\$0.0	Right-of-Way			
				All Parcels Available	TBD	TBD	
TOTAL	3%	\$7.0	\$0.2	Construction			
				Notice To Proceed	TBD	TBD	
				Construction Complete	TBD	TBD	
AREAS OF CONCERN				CRITICAL ACTIVITIES / 3 MONTH LOOK AHEAD			
Comments by the FRA, CPUC, and UPRR at a recent Diagnostic Meeting require significant changes in the scope of work for the three crossings in order for the improvements to be acceptable to these entities and for the City to be able to consider a Quiet Zone in the future.				<ul style="list-style-type: none"> ▪ Continue work to resolve significant comments from the Diagnostic Meeting prior to beginning the 65% Design Phase ▪ Complete Traffic Study 			
ROW ACQUISITION	Plan	Acquired	Remaining				
o Permanent Parcels	TBD	TBD	0				
o Temporary Parcels	TBD	TBD	0				
o Total Parcels	0	0	0				

ALAMEDA CORRIDOR-EAST PROJECT
GRADE SEPARATION - MONTEBELLO BLVD. (City of Montebello)

As of March 2019


LOCATION:	Montebello	CONSTRUCTION MANAGER:	TBD
DESIGN CONSULTANT:	Moffat & Nichol	CONTRACTOR:	TBD

PHOTO				Montebello Boulevard				WORK COMPLETED PAST QUARTER			
								<ul style="list-style-type: none">Continued the 65% Design PhaseCommenced preparation of alternative concepts for UPRR track configurationsContinued the Right-of-Way Acquisition PhaseObtained Additional Right-of-Entries for Phase II Site InvestigationContinued Coordination with Stakeholders and Impacted Property Owners			
EXPENDITURE STATUS (\$ in Millions)				SCHEDULE ASSESSMENT							
ACTIVITIES		PERCENT EXPENDED	\$ CURRENT ESTIMATE	\$ EXPENDED AMOUNT	MAJOR SCHEDULE ACTIVITIES		PRIOR PLAN	CURRENT PLAN	VARIANCE WEEKS +/-		
DESIGN		39%	\$20.2	\$7.9	Environmental						
					CEQA/NEPA		May-18	Nov-17 A			
RIGHT-OF-WAY		3%	\$33.5	\$0.8	Design						
					Notice To Proceed		Sep-15 A	Sep-15 A			
					Final PS&E Complete		Jan-20	Jan-20	0		
CONSTRUCTION		0%	\$79.6	\$0.0	Right-of-Way						
					All Parcels Available		Jan-20	Jan-20	0		
TOTAL		7%	\$133.3	\$8.7	Construction						
					Notice To Proceed		Jun-20	Jun-20	0		
					Construction Complete		Jun-23	Jun-23	0		
AREAS OF CONCERN				CRITICAL ACTIVITIES / 3 MONTH LOOK AHEAD							
<ul style="list-style-type: none">UPRR temporary track configuration acceptanceProject estimate increases								<ul style="list-style-type: none">Finalize the 65% Design PhaseContinue the Right-of-Way Acquisition PhaseObtain Remaining Right-of-Entries for Phase II Site InvestigationComplete the Phase II Site InvestigationsContinue Coordination with Stakeholders and Impacted Property OwnersPerform Remaining Soil Borings and Complete Geotechnical Foundation ReportsCommence 95% Design PhasePrepare procurement for project CM firmWork with UPRR to obtain conceptual approval of alternative track configurations			
ROW ACQUISITION		Plan	Acquired	Remaining							
o Permanent Parcels		26	1	25							
o Temporary Parcels		44	0	44							
o Total Parcels		70	1	69							

**ALAMEDA CORRIDOR-EAST PROJECT
AT-GRADE CROSSING SAFETY IMPROVEMENTS (City of Pomona)**

As of March 2019


LOCATION:	Pomona	CONSTRUCTION MANAGER:	TBD
DESIGN CONSULTANT:	Railpros	CONTRACTOR:	TBD

PHOTO Pedestrian Crossing at Main Street				WORK COMPLETED PAST QUARTER			
				<p>Received 65% review comments from City and UPRR.</p> <p>Began incorporated the review comments and proceeded to 95% design.</p> <p>Submitted Right of Entry Application to UPRR for pot holing.</p> <p>Complete Hydraulics and Hydrology Study for Palomares.</p> <p>Submitted initial draft of the UPRR COM Agreement to City for comment.</p>			
EXPENDITURE STATUS (\$ in Millions)				SCHEDULE ASSESSMENT			
ACTIVITIES	PERCENT EXPENDED	\$ CURRENT ESTIMATE	\$ EXPENDED AMOUNT	MAJOR SCHEDULE ACTIVITIES	PRIOR PLAN	CURRENT PLAN	VARIANCE WEEKS +/-
DESIGN	60%	\$4.5	\$3.2	Environmental			
				Statutory Exemption	Feb-18	Feb-18 A	
RIGHT-OF-WAY	0%	\$1.1	\$0.0	Design			
				Notice To Proceed	May-15 A	May-15 A	
				Final PS&E Complete	May-19	May-19	0
CONSTRUCTION	0%	\$17.4	\$0.0	Right-of-Way			
				All Parcels Available	N/A	N/A	
TOTAL	14%	\$22.9	\$3.2	Construction			
				Notice To Proceed	Jan-20	Jan-20	0
				Construction Complete	Dec-20	Dec-20	0
AREAS OF CONCERN				CRITICAL ACTIVITIES / 3 MONTH LOOK AHEAD			
None				<p>Schedule Utility Potholing</p> <p>Finalize and submit COM Agreement to UPRR for their review.</p>			
ROW ACQUISITION	Plan	Acquired	Remaining				
o Permanent Parcels	0	0	0				
o Temporary Parcels	0	0	0				
o Total Parcels	0	0	0				

ALAMEDA CORRIDOR-EAST PROJECT
GRADE SEPARATION - PUENTE AVENUE (City of Industry)

As of March 2019

LOCATION:	City of Industry	CONSTRUCTION MANAGER:	AECOM
DESIGN CONSULTANT:	Moffatt & Nichol	CONTRACTOR:	OHL USA

PHOTO	Final Grade Separation Completed	WORK COMPLETED PAST QUARTER
		<p>Pump station close out completed. Outgrant process underway. under way.</p> <p>Disposal of excess property nearly complete. Properties will be in escrow shortly.</p> <p>Received So Cal CMAP Project.</p>

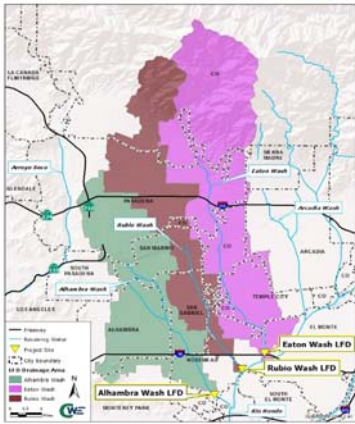
EXPENDITURE STATUS (\$ in Millions)				SCHEDULE ASSESSMENT			
ACTIVITIES	PERCENT EXPENDED	\$ CURRENT ESTIMATE	\$ EXPENDED AMOUNT	MAJOR SCHEDULE ACTIVITIES	PRIOR PLAN	CURRENT PLAN	VARIANCE WEEKS +/-
DESIGN	100%	\$9.4	\$9.4	Environmental			
				Statutory Exemption	Apr-12 A	Apr-12 A	
RIGHT-OF-WAY	100%	\$30.5	\$25.4	Design			
				Notice To Proceed	Apr-11 A	Apr-11 A	
				Final PS&E Complete	Mar-14 A	Mar-14 A	
CONSTRUCTION	99%	\$57.5	\$52.6	Right-of-Way			
				All Parcels Available	Jan-14 A	Jan-14 A	
TOTAL	90%	\$97.4	\$87.4	Construction			
				Notice To Proceed	Sep-14 A	Sep-14 A	
				Construction Complete	Jul-18	Jul-18	0

AREAS OF CONCERN				CRITICAL ACTIVITIES / 3 MONTH LOOK AHEAD			
				Overall project close out pending potential claim resolution. Close out various permits.			
ROW ACQUISITION	Plan	Acquired	Remaining				
o Permanent Parcels	32	24	8				
o Temporary Parcels	3	3	0				
o Total Parcels	35	27	8				

SGVCOG
RIO HONDO LOAD REDUCTION STRATEGY

As of March 2019


LOCATION:	Various	CONSTRUCTION MANAGER:	TBD
DESIGN CONSULTANT:	CWE	CONTRACTOR:	TBD

PHOTO				WORK COMPLETED PAST QUARTER			
				<p>Completed initial environmental studies</p> <p>Completed utility mapping</p> <p>Completed bring activities</p> <p>Continued discussions with San District regarding capacity availability</p> <p>Drafted conceptual plans</p> <p>Continued SB485 meetings with San Gabriel Water Master</p>			
EXPENDITURE STATUS (\$ in Millions)				SCHEDULE ASSESSMENT			
ACTIVITIES	PERCENT EXPENDED	\$ CURRENT ESTIMATE	\$ EXPENDED AMOUNT	MAJOR SCHEDULE ACTIVITIES	PRIOR PLAN	CURRENT PLAN	VARIANCE WEEKS +/-
DESIGN	0%	\$0.0	\$0.0	Environmental			
				CEQA/NEPA	Mar-19	Jul-19	
RIGHT-OF-WAY	0%	\$0.0	\$0.0	Design			
				Notice To Proceed	Oct-18	Oct-18	
				Final PS&E Complete	Feb-19	Dec-19	
CONSTRUCTION	0%	\$0.0	\$0.0	Right-of-Way			
				All Parcels Available	Oct-19	Oct-19	
TOTAL	0%	\$0.0	\$0.0	Construction			
				Notice To Proceed	Dec-19	Jan-20	
				Construction Complete	Dec-20	Dec-20	
AREAS OF CONCERN				CRITICAL ACTIVITIES / 3 MONTH LOOK AHEAD			
Member agencies need to determine lead for facility maintenance				Get consensus on design options			
ROW ACQUISITION	Plan	Acquired	Remaining				
o Permanent Parcels	TBD	TBD	0				
o Temporary Parcels	TBD	TBD	0				
o Total Parcels	0	0	0				

**ALAMEDA CORRIDOR-EAST PROJECT
SAN GABRIEL TRENCH (City of San Gabriel)**

As of March 2019


LOCATION:	City of San Gabriel	CONSTRUCTION MANAGER:	Jacobs Engineering
DESIGN CONSULTANT:	Moffatt & Nichol	CONTRACTOR:	Walsh Construction

PHOTO		Dedication Ceremony		WORK COMPLETED PAST QUARTER			
				<p>Obtained project buy off from UPRR and City of San Gabriel. Excess property disposal in process. Received California Transportation Foundation Award for the entire State as Project of the year. Property Outgrant continue</p>			
EXPENDITURE STATUS (\$ in Millions)				SCHEDULE ASSESSMENT			
ACTIVITIES	PERCENT EXPENDED	\$ CURRENT ESTIMATE	\$ EXPENDED AMOUNT	MAJOR SCHEDULE ACTIVITIES	PRIOR PLAN	CURRENT PLAN	VARIANCE WEEKS +/-
DESIGN	100%	\$33.5	\$33.5	Environmental			
				Statutory Exemption			
				Design			
				NTP for Prel Design	Apr-08 A	Apr-08 A	
				Complete Prel Design	Jun-09 A	Jun-09 A	
				100 % Submittal	Nov-10 A	Nov-10 A	
CONSTRUCTION	99%	\$227.7	\$224.2	Right-of-Way			
				All Parcels Available	Jun-11 A	Jun-11 A	
TOTAL	98%	\$293.7	\$288.5	Construction			
				Notice To Proceed	Nov-11 A	Nov-11 A	
				Construction Complete	May-18	May-18	0
AREAS OF CONCERN				CRITICAL ACTIVITIES / 3 MONTH LOOK AHEAD			
Resolving contractor potential claims				Rubio Wash Claim/Fine from RWQCB resolution is pending. Final project close out pending resolution of all potential claims. Continue to outgrant porperties. Closing out various permits.			
ROW ACQUISITION							
	Plan	Acquired	Remaining				
o Permanent Parcels	64	64	0				
o Temporary Parcels	62	62	0				
o Total Parcels	126	126	0				

ALAMEDA CORRIDOR-EAST PROJECT
GRADE SEPARATION - TURNBULL CANYON ROAD (City of Industry)

As of March 2019

LOCATION:	City of Industry	CONSTRUCTION MANAGER:	TBD
DESIGN CONSULTANT:	HNTB	CONTRACTOR:	TBD

PHOTO Turnbull Overpass Rendering				WORK COMPLETED PAST QUARTER			
				Initiated 65% Design NEPA application to Caltrans is ongoing. Began Right of Way Meetings with Property owners.			
EXPENDITURE STATUS (\$ in Millions)				SCHEDULE ASSESSMENT			
ACTIVITIES	PERCENT EXPENDED	\$ CURRENT ESTIMATE	\$ EXPENDED AMOUNT	MAJOR SCHEDULE ACTIVITIES	PRIOR PLAN	CURRENT PLAN	VARIANCE WEEKS +/-
DESIGN	15%	\$10.1	\$3.1	Environmental			
				Statutory Exemption	Mar-19	Mar-19	0
RIGHT-OF-WAY	0%	\$33.9	\$0.1	Design			
				NTP for Prel Design	Feb-17A	Feb-17A	
				Complete Prel Design	May-18	Jun-18 A	
				100 % Submittal	Jun-19	Jan-20	31
CONSTRUCTION	0%	\$42.3	\$0.0	Right-of-Way			
				All Parcels Available	Oct-19	Mar-20	19
TOTAL	4%	\$86.2	\$3.2	Construction			
				Notice To Proceed	Dec-19	Aug-20	31
				Construction Complete	Sep-22	Jun-23	35
AREAS OF CONCERN				CRITICAL ACTIVITIES / 3 MONTH LOOK AHEAD			
San Jose Creek Bridge design is critical path. ROW acquisition with USPS and LA County may delay project				Comments from 35% is needed to further progress the project. Will begin to meet with property owners impacted by the project. USPS and LA County Property takes may be a challenge.			
ROW ACQUISITION	Plan	Acquired	Remaining				
o Permanent Parcels	TBD	TBD	0				
o Temporary Parcels	TBD	TBD	0				
o Total Parcels	0	0	0				



Memo to: Capital Projects and Construction Committee Members & Alternates

From: Mark Christoffels
Chief Engineer

Date: June 3, 2019

SUBJECT: Receive and File: Environmental Mitigation Monitoring Reports

RECOMMENDATION: Receive and file the ACE Projects Environmental Mitigation Monitoring Reports for the period covering the 3rd quarter of Fiscal Year 2019.

BACKGROUND: Appended to this report are the quarterly environmental mitigation monitoring and public contact reports for each ACE project currently in construction. The monitoring reports track compliance during construction with environmental mitigations and best management practices, as well as a summary of third part complaints and our response.

Construction Mitigation Measure Matrix
The ACE Project
1st Quarter Report (January 1, 2019 – March 31, 2019)
Fairway Drive Grade Separation Project

Mitigation Measure		Mitigation Complete	
<u>Air quality</u>		YES	NO
1. Use low sulfur fuel in construction equipment	<input checked="" type="checkbox"/>		
2. Minimize Dust by Watering (Rule 403)	<input checked="" type="checkbox"/>		
3. Cover Haul Trucks and Operate less than 15 MPH	<input checked="" type="checkbox"/>		
4. Suspend construction operations in unpaved areas when winds are more than 25 MPH	<input checked="" type="checkbox"/>		
5. Ballast wetted as it is unloaded from haul trucks	<input checked="" type="checkbox"/>		
6. Asphalt paving materials comply with SCAQMD Rule 453 regarding compliant paving material	<input checked="" type="checkbox"/>		
<u>Archaeo & Paleo Monitoring</u>		YES	NO
7. Worker education and briefing of monitoring archaeologists and construction inspectors conducted prior to construction	<input checked="" type="checkbox"/>	Worker education briefing was conducted on October 5, 2015	
8. Conduct Paleontological Monitoring where excavation exceeds 1.5 meters (5 ft.) below ground surface (may be reduced as warranted)	<input checked="" type="checkbox"/>	Paleontological monitoring is being conducted on an as needed basis.	
9. Plan in place for preservation and curation of significant paleontologic resources that may be discovered	<input checked="" type="checkbox"/>	Archaeo/Paleo Resource Monitoring, Mitigation and Curation Plan, LSA, January 30, 2015	
<u>Noise & Vibration</u>		YES	NO
10. Conduct construction in a manner that minimizes noise and maintains noise levels below City limits at noise sensitive land uses	<input checked="" type="checkbox"/>		
11. Use effective noise mufflers on equipment	<input checked="" type="checkbox"/>		
12. Minimize noise during the evening, at nighttime, week-ends and holidays	<input checked="" type="checkbox"/>		
13. Noise monitoring conducted to demonstrate compliance with noise limits			<input checked="" type="checkbox"/> There are no sensitive noise receptors. No pile driving is being conducted

14. Vibration monitoring performed during vibration-intensive activities	<input checked="" type="checkbox"/> Preconstruction bldg. condition video is on file at construction office for pre/post construction comparison of bldg. conditions. No pile driving during this phase.
15. Noise blanket used to reduce increased noise level during operation of detour route during construction	<input checked="" type="checkbox"/>

Water Quality & Erosion

	YES	NO
16. No detrimental discharge into drainages and bodies of water	<input checked="" type="checkbox"/> SWPPP compliance monitoring conducted weekly	
17. A Storm Water Pollution Prevention Plan (SWPPP) is available on-site from the RE	<input checked="" type="checkbox"/> 12/29/14 SWPP prepared by Incompli, revised 5/4/15	
18. Construction BMPs used to minimize erosion per SWPPP	<input checked="" type="checkbox"/>	
19. Retaining walls constructed for long-term slope stabilization	<input checked="" type="checkbox"/>	
20. Erosion prevention planting used in conjunction with a geofabric, where feasible	<input checked="" type="checkbox"/> Geofabric is being used to underlay the new concrete for Fairway at the SR-60 undercrossing	

Hazardous Material/Wastes

	YES	NO
21. Construction materials that may adversely affect groundwater stored away from excavation and in a contained area (protected by a berm)	<input checked="" type="checkbox"/>	
22. Construction equipment and materials checked daily for leaks and repaired immediately	<input checked="" type="checkbox"/>	
23. Hazardous waste (including dewatering waste water, aerially deposited lead, etc.) disposed of in accordance with federal, state, and local regulations	<input checked="" type="checkbox"/>	

Biological Resources

	YES	NO
24. Bird surveys conducted prior to pruning and/or tree removal	<input checked="" type="checkbox"/>	

General Construction Conditions

	YES	NO
25. On-site construction manager available at all times	<input checked="" type="checkbox"/>	
26. Minimize interruption to utility services	<input checked="" type="checkbox"/>	
27. Mobile and stationary equipment maintained in proper working order	<input checked="" type="checkbox"/>	
28. Non-potable water used for construction activities, when feasible		<input checked="" type="checkbox"/> Non-potable water is not available nearby

Traffic

	YES	NO
29. Construction coordinated with other major public or private construction projects within a one-mile radius and construction contracts scheduled to avoid overlapping major activities	<input checked="" type="checkbox"/> Ongoing coordination with the Lemon On/off-ramp project.	
30. Haul route should minimize intrusion to residential areas	<input checked="" type="checkbox"/>	
31. Bridge construction that requires street closure scheduled so only one crossing in an area is affected at one time	<input checked="" type="checkbox"/> Fairway is closed between Walnut Dr and Business Pkwy	
32. Local residents and businesses notified in advance of proposed construction activities and road closures	<input checked="" type="checkbox"/>	
33. Detour route to bypass construction area provided during Fairway Drive closure for bridge construction	<input checked="" type="checkbox"/> Fairway is closed and detour signs are in place	
34. Advance notice of proposed transit reroutes and any other changes in stops and service made	<input checked="" type="checkbox"/> Ongoing coordination with LA Metro and Foothill Transit	
35. Traffic handling plans approved by the City of Industry	<input checked="" type="checkbox"/>	
36. Coordinate with City of Industry, LA County and Caltrans to provide advance notice of proposed traffic detours and their duration to the public	<input checked="" type="checkbox"/>	
37. Coordination with Caltrans (including frwy signage) and City of Industry to ensure acceptable traffic operations are maintained on SR-60 segment from WB off-ramp to intersection of Fairway Drive and Gale Avenue/Walnut Drive	<input checked="" type="checkbox"/>	

Public Contacts Quarterly Report

DATE	CONTACT	QUERY	RESOLUTION
1/18/19	Business	Inquiry regarding Fairway Drive ramp opening.	Information provided.
1/24/19	Resident	Inquiry regarding Fairway Drive ramp opening.	Information provided.
3/8/19	Business	Concern regarding signal timing.	Inquiry referred to LACDPW.



Construction Mitigation Measure Matrix
Alameda Corridor-East Project
1st Quarter Report (January 1, 2019 – March 31, 2019)
Fullerton Road Grade Separation Project

Mitigation Measure	Mitigation Complete	
	YES	NO
<u>Air quality</u>		
1. Use low sulfur fuel in construction equipment	<input checked="" type="checkbox"/>	
2. Minimize Dust by Watering (Rule 403)	<input checked="" type="checkbox"/>	
3. Cover Haul Trucks and Operate less than 15 MPH	<input checked="" type="checkbox"/>	
4. Suspend construction operations in unpaved areas when winds are more than 25 MPH	<input checked="" type="checkbox"/>	
5. Ballast wetted as it is unloaded from haul trucks	<input checked="" type="checkbox"/>	
6. Asphalt paving materials comply with SCAQMD Rule 453 regarding compliant paving material	<input checked="" type="checkbox"/>	

Mitigation Measure	Mitigation Complete	
	YES	NO
<u>Archaeo & Paleo Monitoring</u>		
7. Worker education and briefing of monitoring archaeologists and construction inspectors conducted prior to construction	<input checked="" type="checkbox"/> The briefing was completed on January 15, 2018.	
8. Conduct Paleontological Monitoring where excavation exceeds 1.5 meters (5 ft.) below ground surface (may be reduced as warranted)	<input checked="" type="checkbox"/> Grade separation excavation monitoring is being conducted on an as needed basis	
9. Plan in place for preservation and curation of significant paleontologic resources that may be discovered	<input checked="" type="checkbox"/> Archaeo/Paleo Resource Monitoring, Mitigation and Curation Plan, LSA, September 19, 2016	

Mitigation Measure	Mitigation Complete	
	YES	NO
<u>Noise & Vibration</u>		
10. Conduct construction in a manner that minimizes noise and maintains noise levels below City limits at noise sensitive land uses	<input checked="" type="checkbox"/>	
11. Use effective noise mufflers on equipment	<input checked="" type="checkbox"/>	
12. Minimize noise during the evening, at nighttime, week-ends and holidays	<input checked="" type="checkbox"/> Nighttime construction at SR-60 ramps	
13. Noise monitoring conducted to demonstrate compliance with noise limits		<input checked="" type="checkbox"/>

14. Vibration monitoring performed during vibration-intensive activities	<input checked="" type="checkbox"/> Preconstruction video of adjacent bldg. conditions is on file at construction office. Vibration monitoring will be conducted on an as needed basis.
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Water Quality & Erosion

	YES	NO
15. No detrimental discharge into drainages and bodies of water	<input checked="" type="checkbox"/>	
16. A Storm Water Pollution Prevention Plan (SWPPP) is available on-site from the RE	<input checked="" type="checkbox"/> SWPPP by Rincon Consultants, Inc., July 5, 2016, Amendment 2 8/7/17 is on file at construction office	
17. Construction BMPs used to minimize erosion per SWPPP	<input checked="" type="checkbox"/>	
18. Retaining walls constructed for long-term slope stabilization	<input checked="" type="checkbox"/>	
19. Erosion prevention planting used in conjunction with a geofabric, where feasible		<input checked="" type="checkbox"/> N/A in this phase of construction

Hazardous Material/Wastes

	YES	NO
20. Construction materials that may adversely affect groundwater stored away from excavation and in a contained area (protected by a berm)	<input checked="" type="checkbox"/>	
21. Construction equipment and materials checked daily for leaks and repaired immediately	<input checked="" type="checkbox"/>	
22. Hazardous waste (including dewatering waste water, aerially deposited lead, etc.) disposed of in accordance with federal, state, and local regulations	<input checked="" type="checkbox"/>	

Biological Resources

	YES	NO
23. Bird surveys conducted prior to pruning and/or tree removal	<input checked="" type="checkbox"/>	

General Construction Conditions

	YES	NO
24. On-site construction manager available at all times	<input checked="" type="checkbox"/>	
25. Minimize interruption to utility services	<input checked="" type="checkbox"/>	
26. Mobile and stationary equipment maintained in proper working order	<input checked="" type="checkbox"/>	
27. Non-potable water used for construction activities, when feasible		<input checked="" type="checkbox"/> Non-potable water is not available nearby

Traffic

YES

NO

28. Construction coordinated with other major public or private construction projects within a one-mile radius and construction contracts scheduled to avoid overlapping major activities	<input checked="" type="checkbox"/>	
29. Haul route should minimize intrusion to residential areas	<input checked="" type="checkbox"/>	
30. Bridge construction that requires street closure scheduled so only one crossing in an area is affected at one time	<input checked="" type="checkbox"/>	
31. Local residents and businesses notified in advance of proposed construction activities and road closures	<input checked="" type="checkbox"/>	
32. Detour route to bypass construction area provided during Fullerton Road closure for bridge construction	<input checked="" type="checkbox"/>	Fullerton Rd is closed between Railroad St and Rowland/ San Jose
33. Advance notice of proposed transit reroutes and any other changes in stops and service made		<input checked="" type="checkbox"/> N/A
34. Traffic handling plans approved by the City of Industry	<input checked="" type="checkbox"/>	
35. Coordinate with City of Industry and LA County to provide advance notice of proposed traffic detours and their duration to the public	<input checked="" type="checkbox"/>	

Public Contacts Quarterly Report

DATE	CONTACT	QUERY	RESOLUTION
1/29/19	Resident	Complaint regarding traffic due to railroad crossing signal malfunction.	UPRR responded and made repairs. Information provided.
1/29/19	Resident	Complaint regarding traffic and report of unsafe driving maneuvers by motorists.	Inquiry noted. Project information provided.
1/29/19	Business	Inquiry regarding construction schedule for closure of Railroad Street access via Fullerton Road.	Project information provided.
3/12/19	Business	Inquiry regarding re-opening of traffic lanes on Fullerton Road.	Project information provided.
3/12/19	Resident	Inquiry regarding re-opening of traffic lanes on Fullerton Road.	Project information provided.
3/18/19	Resident	Inquiry regarding re-opening of traffic lanes on Fullerton Road and signal timing.	Project information provided. Signal timing inquiry referred to LACDPW.
3/20/19	Business	Inquiry regarding re-opening of traffic lanes on Fullerton Road.	Project information provided.
3/24/19	Business	Request project and detour information.	Project information provided.