

MEMORANDUM

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: October 16-17, 2025

From: STEVEN KECK, Chief Financial Officer

Reference Number: 2.4a., Action Item

Prepared By: René Fletcher, Chief
Division of Right of Way and Land Surveys

Subject: **RESOLUTIONS OF NECESSITY - APPEARANCE**

ISSUE:

Should the California Transportation Commission (Commission) adopt Resolutions of Necessity (Resolutions) C-22578 and C-22579, for those parcels, whose Owners are contesting the declared findings of the California Department of Transportation (Department) under Section 1245.230 of the Code of Civil Procedure?

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

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

In this case, the property Owners are contesting the Resolutions and have requested an appearance before the Commission. The primary concerns and objections expressed by the property Owners through their attorney are that the public interest and necessity do not require the proposed project, the proposed project is not planned or located in the manner that will be most compatible with the greatest public good and the least private injury, the property sought to be acquired is not necessary for the project, and that a valid offer to acquire the property in accordance with Government Code Section 7267.2 has not been made. The property Owners' objections and the Department's responses are contained in the Parcel Panel Reports (Attachments B and C).

RECOMMENDATION:

The Department recommends that the Commission adopt Resolution C-22578 and C-22579 summarized on the following pages. These Resolutions are for a transportation project on State Route 1 (SR 1) in District 7, in Los Angeles County.

BACKGROUND:

Discussions have taken place with the Owners, who have been offered the full amount of the Department's appraisal and, where applicable, advised of any relocation assistance benefits to which they may subsequently be entitled. Adoption of these Resolutions will not interrupt the Department's efforts to secure an equitable settlement. In accordance with statutory requirements, the Owners have been advised that the Department is requesting the Resolutions at the Commission's October 16-17, 2025 meeting. Adoption will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules.

Discussions have been ongoing between the property Owners and the Department to address and resolve the issues. Progress has been made, but in order to keep the project schedule, the Department is requesting that this appearance proceed to the October 16-17, 2025 Commission meeting. Legal possession will allow the construction activities on these parcels to commence, thereby avoiding and/or mitigating considerable right of way delay costs that will accrue if efforts to initiate the condemnation process are not taken immediately to secure legal possession of the subject properties.

C-22578 - Bom Wetlands MB SPV, LLC, a Delaware limited liability company

07-LA-1-Postmile (PM) 0.13 - Parcel 81943-1, 2 - Expenditure Authorization (EA) 320909.

Right of Way Certification (RWC) Date: 08/01/26; Ready to List (RTL) Date: 09/01/26.

Conventional highway - upgrade bridge railing and widen bridge width. Authorizes condemnation of temporary easements for ingress, egress, and construction purposes. Located in the city of Long Beach at 6701 East Pacific Coast Highway (SR 1).

Assessor's Parcel Number (APN) 7237-020-043.

C-22579 - Los Cerritos Wetlands, LLC, a California limited liability company

07-LA-1-PM 0.10 - Parcel 82034-1 - EA 320909.

RWC Date: 08/01/26; RTL Date: 09/01/26. Conventional highway - upgrade bridge railing and widen bridge width. Authorizes condemnation of a temporary easement for construction purposes. Located on the northbound (NB) side of SR 1 along and near the San Gabriel River Bridge. APN 7237-020-003.

Attachments and Exhibits:

Attachment A - Project Information

Exhibit A - Project Maps

Attachment B - Parcel Panel Report for Resolution C-22578

Exhibit B1 - Parcel Maps

Exhibit B2 - Resolution of Necessity C-22578

Attachment C - Parcel Panel Report for Resolution C-22579

Exhibit C1 - Parcel Maps

Exhibit C2 - Resolution of Necessity C-22579

Attachment D - Property Owner's letters to the Commission dated October 23, 2024 (Bom
Wetlands) and December 17, 2024 (Los Cerritos Wetlands)

Attachment A

PROJECT INFORMATION

PROJECT DATA

07-Ora/LA-1-PM 33.6/0.2
Project ID: 0716000043 (EA 320909)

Location: In Orange and Los Angeles Counties, on SR 1 in the cities of Seal Beach and Long Beach from 0.1 miles south to 0.2 miles north of the San Gabriel River (Bridge No. 530060)

Limits: From 1st Street in Orange County to Studebaker Road in Los Angeles County

Cost: Construction cost estimate: \$31,125,000 (Capital)
Current right of way cost estimate: \$9,832,000 (Capital)

Funding Source: State Highway Operation and Protection Program (SHOPP), Bridge Rehabilitation and Replacement Program

Number of Lanes: Existing: SR 1 - 4 lane conventional highway
Proposed: SR 1 - 4 lane conventional highway

Proposed Major Features: Bridge rail upgrade and widening. Other project features include: Roadway widening, Class II bike lanes, standard median, Americans with Disabilities Act (ADA) compliant sidewalks, driveway and curb ramps

Traffic: Existing (year 2020): 39,500 Annual Average Daily Traffic (AADT)
Proposed (year 2030): 45,842 AADT

NEED FOR THE PROJECT

The project will enhance safety and mobility for bicycle, pedestrian and vehicular traffic. There is a need to upgrade the existing San Gabriel River Bridge rails and improve active transportation features within project limits.

The existing facility has a non-standard sidewalk, shoulder, bicycle, and median widths which would be brought to current design standards. The proposed upgrades of sidewalks, access road driveway ramps, and curb ramps would be ADA compliant. Approximately 220 feet of new sidewalk is proposed on the southwest (SW) end of the bridge to provide pedestrian sidewalk continuity. Bridge railings would be replaced to meet the Manual for Access Safety Hardware (MASH) compliance.

The project addresses safety deficiencies caused by the non-standard bridge railings, insufficient bridge width, and lack of adequate pedestrian infrastructure. The existing bridge will need to be widened in order to meet current lane and shoulder safety requirements.

Safety is the Department's number one priority, and the project is in line with the Department's goal to operate and maintain a safe and reliable transportation system for all users.

PROJECT PLANNING AND LOCATION

The project was originally recommended for bridge rail upgrade to be programmed in the 2018 SHOPP. It was later determined that the bridge rails could not be upgraded to the current MASH standards without widening the bridge. Since widening was imminent, it was decided that widening the bridge to meet current design standards was more cost effective and would address the active transportation deficiencies of the facility.

The Project Report (PR) evaluated three alternatives: no-build alternative 1, build alternative 2, and build alternative 3. The build alternative 3, selected as the preferred alternative, involves widening the San Gabriel River Bridge on one side of the structure, upgrading the existing non-standard railings to meet current standards, and adding pedestrian infrastructure. This alternative was selected because it addresses safety deficiencies while minimizing right of way impacts on surrounding properties. Additionally, it has less impact on the existing utilities and the environment compared to build alternative 2, making it the most efficient and least disruptive

option. The build alternative 2 proposes a more extensive bridge widening on both sides of the structure that would require a larger right of way acquisition and result in additional impacts on adjacent properties. This alternative was rejected due to the increased right of way impacts and higher costs. Lastly, no-build alternative 1 would leave existing safety hazards unaddressed, posing long-term risks to the traveling public.

A Construction method for the bridge widening and pile driving from atop of the existing bridge was also considered to reduce or minimize impacts to the surrounding properties. However, this construction method was eliminated as the existing bridge would not be able to sustain the loading and vibration from the heavy construction equipment needed to drive the proposed pile foundations for the widening.

The preferred alternative (build alternative 3) proposes to widen the San Gabriel River bridge by approximately 24 feet in the NB direction, resulting in a 12-foot median, two 12-foot lanes in each direction, 8-foot outside shoulders which co-share a 6-foot-wide Class II Bike Lane with a 2-foot striped buffer, and 8-foot bridge sidewalks. The widened bridge would be approximately 96 feet wide with a 2-foot concrete bridge barrier on each side. As a result of the bridge widening, the roadway portion of SR 1 would be partially widened to transition with the bridge widening. Other works include construction of retaining walls, bridge approach slabs, sidewalk gap closure, sidewalk upgrades, access road driveway ramps, and curb ramps to be ADA compliant, upgraded raised median island, and coldplane and overlay of the existing roadway.

The project received an environmental determination of an Initial Study with Mitigated Negative Declaration (IS/MND) under the California Environmental Quality Act (CEQA) and an Environmental Assessment with Finding of No Significant Impact (EA/FONSI) in compliance with the National Environmental Policy Act (NEPA). The IS/MND and EA/FONSI was signed on July 28, 2022, and the PR was approved on December 21, 2022. This project is programmed in the current SHOPP under the Bridge Rehabilitation and Replacement Program with a fiscal year delivery of 2025-26. A Supplemental PR was approved on August 27, 2025 which updated the original PR with respect to a post mile adjustment, additional scope of work, reprogramming the project to the 2025 SHOPP by revising the project delivery schedule, and updating the Right of Way Capital, Construction Support and Construction Capital costs using the same EA 32090. The updated Right of Way capital cost estimate is \$9,832,000 and the updated Construction cost is estimated to be \$31,125,000. RWC is scheduled for August 1, 2026, with an RTL Date of September 1, 2026. Advertisement is tentatively set for January 15, 2027.

Exhibit A

Project Vicinity







Project Location

ROUTE 1 (PCH)

Los Cerritos Parcel

San Gabriel River

Attachment B

PARCEL PANEL REPORT

<u>Property Owner:</u>	Bom Wetlands MB SPV, LLC, a Delaware limited liability company
<u>Parcel Location:</u>	6701 East Pacific Coast Highway, in the City of Long Beach APN: 7237-020-043.
<u>Present Use:</u>	Vacant Unimproved Land
<u>Zoning:</u>	Specific Plan District (SP2), Industrial
<u>Area of Property:</u>	184,953 square feet (SF)
<u>Area Required:</u>	Parcel 81943-1: 1,508 SF - Temporary Construction Easement (TCE) Parcel 81943-2: 1,853 SF - Temporary Access Easement (TAE)

PARCEL DESCRIPTION

The subject property is located at 6701 East Pacific Coast Highway (SR 1), in the city of Long Beach. This vacant unimproved site is mostly rectangular in shape, and encompasses 184,953 SF or 4.25 acres. The property is adjacent to the NB lanes of Pacific Coast Highway at the corner of Pacific Coast Highway and Studebaker Road, and borders the San Gabriel River to the southeast (SE). Access to the property is provided from Studebaker Road.

NEED FOR THE SUBJECT PROPERTY

Encompassing a total land area of approximately 4.25 acres, the larger parcel is mostly rectangular-shaped vacant land located in the city of Long Beach. The parcel is adjacent to the NB side of Pacific Coast Highway (SR 1) at the corner of SR 1 and Studebaker Road, bordering the San Gabriel River to the SE and near the Pacific Ocean to the SW. The project requires a 1,508 SF TCE and a 1,853 SF TAE from the owner’s property bordering the San Gabriel River. The TCE is needed to provide space for a temporary trestle during construction, and support construction equipment that will be used to drive piles into the riverbed to support the bridge widening. The TCE is also required to provide room to allow the contractor to work around the existing utilities that are adjacent to and/or attached to the bridge, while the TAE is needed to provide access to the construction area. Without acquiring these easements, the proposed bridge improvements cannot be constructed.

RESOLUTION OF NECESSITY REVIEW PANEL REPORT

The Condemnation Review Panel (Panel) conducted an online Microsoft Teams meeting on July 25, 2025. The Panel members included Jennifer Wisniewski, Panel Chair, Department Headquarters (HQ's) Division of Right of Way and Land Surveys; Erick Solares, Department's Los Angeles Legal Division; Tina Lucas, Department HQ's Division of Design; and Mark Zgombic, Department HQ's Division of Right of Way and Land Surveys, Secretary to the Panel. Representing the property Owners at the meeting were attorneys Michael Leifer and Erin Naderi from Palmieri Hennessey & Leifer, LLP.

This report summarizes the findings of the Panel with regard to the four criteria required for a Resolution of Necessity and makes a recommendation to the Department's Chief Engineer. The four criteria are as follows:

The public interest and necessity require the proposed project.

This project proposes to upgrade the San Gabriel River Bridge and adjoining roadway to enhance safety and ensure compliance with current safety and traffic standards. The project addresses safety deficiencies caused by non-standard bridge railings, insufficient bridge width, and lack of adequate pedestrian infrastructure. If these issues are not corrected, the safety of motorists and pedestrians would be at risk.

The proposed project is planned or located in the manner that will be most compatible with the greatest public good and least private injury.

An IS/MND and an EA/FONSI pursuant to the CEQA and the NEPA were completed in July 2022 for this project, and a Hazardous Waste Assessment was also completed in March 2022.

The PR evaluated three alternatives: no-build alternative 1, build alternative 2, and build alternative 3. The build alternative 3, selected as the preferred alternative, involves widening the San Gabriel River Bridge on one side of the structure, upgrading the existing non-standard railings to meet current standards, and adding pedestrian infrastructure. This alternative was selected because it addresses safety deficiencies while minimizing right of way impacts on surrounding properties. Additionally, it has less impact on the existing utilities and the environment compared to build alternative 2, making it the most efficient and least disruptive option. The build alternative 2 proposes a more extensive bridge widening on both sides of the structure that would require a larger right of way acquisition and result in additional impacts on adjacent properties. This alternative was rejected due to the increased right of way impacts and higher costs. Lastly, no-build alternative 1 would leave existing safety hazards unaddressed, posing long-term risks to the traveling public.

The property rights to be condemned are necessary for the proposed project.

Encompassing a total land area of approximately 4.25 acres, the larger parcel is mostly rectangular-shaped vacant land located in the city of Long Beach. The parcel is adjacent to the NB side of Pacific Coast Highway (SR 1) at the corner of SR 1 and Studebaker Road, bordering the San Gabriel River to the SE and near the Pacific Ocean to the SW. The project requires a 1,508 SF TCE and a 1,853 SF TAE from the owner's property bordering the San Gabriel River. The TCE is needed to provide space for a temporary trestle during construction, and support construction equipment that will be used to drive piles into the riverbed to support the bridge widening. The TCE is also required to provide room to allow the contractor to work around the existing utilities that are adjacent to and/or attached to the bridge, while the TAE is needed to provide access to the construction area. Without acquiring these easements, the proposed bridge improvements cannot be constructed.

An offer to purchase in accordance with Government Code Section 7267.2 has been made to the owners of record.

A staff appraisal that established just compensation was approved by District 7 Right of Way management on July 17, 2024. On August 1, 2024, the first written offer (FWO) of just compensation was sent via email to the property Owner's attorney and confirmed as received.

The following is a description of the primary concerns and/or objections expressed by the Owner's attorney, followed by the Department's response:

Owner Contends:

As it relates to the subject property, the public interest and necessity do not require the project.

Department's Response:

This project proposes to upgrade the San Gabriel River Bridge and adjoining roadway to enhance safety and ensure compliance with current structural and traffic standards. If these issues are not corrected, the safety of motorists and pedestrians would be at risk.

Owner Contends:

The project has not been planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

Department's Response:

An IS/MND and an EA/FONSI pursuant to the CEQA and the NEPA were completed in July 2022 for this project, and a Hazardous Waste Assessment was also completed in March 2022.

The PR evaluated three alternatives: no-build alternative 1, build alternative 2, and build alternative 3. The build alternative 3, selected as the preferred alternative, involves widening the San Gabriel River Bridge on one side of the structure, upgrading the existing non-standard railings to meet current standards, and adding pedestrian infrastructure. This alternative was selected because it addresses safety deficiencies while minimizing right of way impacts on surrounding properties. Additionally, it has less impact on the existing utilities and the environment compared to build alternative 2, making it the most efficient and least disruptive option. The build alternative 2 proposes a more extensive bridge widening on both sides of the structure that would require a larger right of way acquisition and result in additional impacts on adjacent properties. This alternative was rejected due to the increased right of way impacts and higher costs. Lastly, no-build alternative 1 would leave existing safety hazards unaddressed, posing long-term risks to the traveling public.

Owner Contends:

The portions of the subject property sought to be acquired are not necessary for the project.

Department's Response:

The project requires a 1,508 SF TCE and a 1,853 SF TAE from the Owner's property bordering the San Gabriel River. The TCE is needed to provide space for a temporary trestle during construction, and support construction equipment that will be used to drive piles into the riverbed to support the bridge widening. The TCE is also required to provide room to allow the contractor to work around the existing utilities that are adjacent to and/or attached to the bridge, while the TAE is needed to provide access to the construction area. The size of these temporary easements was calculated in part on the minimum area needed for the bridge construction equipment that will be used. Without acquiring these easements, the proposed bridge improvements cannot be constructed.

Owner Contends:

The Department has not made the requisite Government Code Section 7267.2 offer. The offer made does not comply with the constitutional principles of just compensation and does not offer compensation for the property interests sought to be acquired.

Department's Response:

The Department has complied with Government Code 7267.2 by having a fair market value appraisal prepared which it believes to be just compensation for the property interests sought to be acquired. The Department's appraisal was approved by District 7 Right of Way management on July 17, 2024, and on August 1, 2024, the Department made the requisite offer to the attorney for the Owners of record to acquire the property in the full amount of that appraisal.

Owner Contends:

The Commission is incapable of conducting a fair, legal and impartial hearing on the proposed adoption of the Resolution.

Department's Response:

The Commission, which is responsible for adopting the Resolution, is an independent public agency whose members are appointed by the Governor, the Senate Rules Committee and the Speaker of the Assembly. The Commission neither rubber stamps nor has a predetermined result when the RON is presented. The Commission is dedicated to ensuring a safe, financially sustainable, world-class multimodal transportation system.

The Department's role in the process is to address and attempt to resolve the issues brought forward to the Commission prior to the adoption of the Resolution. The Department is required to take numerous steps including conducting a District Condemnation Evaluation Meeting and Condemnation Panel Review Meeting, both of which were held with the Owners and/or their attorneys to afford an opportunity to express concerns or objections to the adoption of the Resolution.

Owner Contends:

The Department states the bridge is deteriorating. Has the Department made a study as to the bridge's structural integrity and has the bridge been compromised in any way? If not, the bridge is not really deteriorating, and the Department just wants to upgrade it. Also, what is the estimated life of the bridge after the upgrade?

Department's Response:

The existing bridge is not deteriorating according to the latest Structure, Maintenance & Inspection (SM&I) report. The bridge is in good condition and was seismically retrofitted in 1994. The bridge is rated for legal loads and 5 permit loading for vehicles traveling 45 miles per hour (mph). Even though the seismic loads have increased since the 1994 retrofit, the bridge is not vulnerable to any major seismic event since it is not on the SM&I Strain List. Also adding the Structure Approach Slabs to this existing structure has made it more seismically resistant and stable to longitudinal movement.

The Department proposes to upgrade the existing bridge and widen it for the purpose and need described below:

Purpose:

The purpose of this project is to enhance safety, and mobility for pedestrians, bicyclists, and vehicular traffic. The structure was identified in the State's Bridge Rail Program for bridge rail replacement.

Need:

The need of this project is to bring the bridge railing up to the current MASH collision standards and widen the bridge to meet current lane and shoulder roadway standards. The existing bridge alone will not improve the current lane and shoulder safety requirements without the widening.

The remaining service life of the structure is estimated as 40 to 50 years by SM&I.

Owner Contends:

Can the Department provide a list of the construction equipment that will be used for the project as well as a schedule list of the project’s critical events? Timelines are needed for the issuance of the coastal permit, as well as confirming that the temporary easement end dates are still achievable.

Department’s Response:

A potential list of construction equipment includes the following:

- 238-300 Ton Cranes
- Telescopic forklift and cranes
- Loaders
- Vibrating hammers
- Pile Driving hammers, such as a Delmag Pile hammer
- Pile driving lead
- Utilities trucks and vehicles
- Welding generators and machines
- Compressors and generators
- Cast-In-Steel-Shell (CISS) Piles (24” – 60” steel shell piles) as temp storage/loading prior to construction installation
- 30-52 meter concrete pump vehicles
- Concrete trucks

Please note that multiple types of equipment is anticipated to be operated within the zone of work, depending on contractor’s sequence of work, and choice of means and method. Potentially more than one crane will be used during the installation of pile driving, or concrete I-girders.

Regarding project timelines, the following delivery schedule includes some of the critical project milestone dates:

Delivery Schedule and Project Milestones		Milestone Date (Month/Day/Year)	Milestone Designation (Target/Actual)
RIGHT OF WAY CERTIFICATION		08/01/26	T
READY TO LIST		09/01/26	T
HEADQUARTERS ADVERTISE		01/15/27	T
AWARD		04/01/27	T

APPROVE CONTRACT		05/01/27	T
CONTRACT ACCEPTANCE		12/30/28	T
END PROJECT		04/30/30	T

As proposed, the above project schedule allows for the time needed to obtain a coastal permit, and for the proposed work and construction activities to be completed as planned for the project. All activities within the temporary easements associated with the subject property are anticipated to be completed prior to their expiration date of February 1, 2028.

Owner Contends:

Will the proposed bicycle lane have a painted lane, or will it be a protected lane, such as K-rail or the like?

Department’s Response:

The proposed bike lane will be a painted Class II Bike Lane.

Owner Contends:

Does the Department have all the mitigation rights or environmental credits needed to work in the flood control channel? Will the project require a permit from the Coastal Commission?

Department’s Response:

Mitigation credits will be purchased off-site at both the Los Cerritos Wetlands property (Parcel 82034) and the Seal Beach Wildlife Refuge property at the Seal Beach Navy Base. The project will require a Coastal Development Permit (CDP) from the California Coastal Commission. A conditional permit from the Coastal Commission was provided to the Department in July of 2025, which is subject to the Department obtaining possession of the right of way requirements needed for the project.

Owner Contends:

What is the difference between the TCE (sub-parcel 81943-1) and the TAE (sub-parcel 81943-2), and what will each easement be used for?

Department’s Response:

Two of the more common temporary easements are both a TCE and a TAE. These types of easements are generally used to facilitate construction of a project, and either terminate at the end of construction or at the end of a specific use period. The TCE will be used for specific construction purposes and to provide space for a temporary trestle (a temporary platform over water for construction equipment and personnel to construct bridge widening) during construction, and support construction equipment that will be used to drive piles into the riverbed to support the bridge widening. The TCE will also provide room to allow the contractor to work around the existing utilities that are adjacent to and/or attached to the bridge. The TAE will be graded and used by the highway contractor for vehicular and pedestrian ingress and egress to and from the TCE area. Upon completion of the project, these temporary easement areas will be restored to their original condition by the highway contractor once construction is completed.

Owner Contends:

Will the TCE be fenced off and how will construction activities be monitored during construction to ensure that the Department or its contractors stay within the footprint of the TCE?

Department's Response:

Temporary orange net fencing would be installed, demarcating the easterly boundary of the TCE as well as the TAE, from the Owner's remaining property. The temporary trestle and related construction activities will not encroach beyond the footprint of the TCE and TAE.

Department construction representatives will routinely be onsite to administer the construction activities with the contractor to address all the project requirements, along with enforcing the contractor's contractual obligation within the TCE and TAE and securing/protecting the area of work.

Owner Contends:

Has an analysis been made as to the widening on both sides of the bridge, and if so, why was that alternative not chosen?

Department's Response:

Three alternatives were evaluated for the project: no-build alternative 1, build alternative 2 (widening on both sides of the bridge), and build alternative 3 (the preferred alternative).

No-build alternative 1 would leave existing safety hazards and deficiencies unaddressed, posing long-term risks to the traveling public.

The build alternative 2 proposed to widen the bridge by 12 feet on each side of the bridge structure that would require a larger right of way acquisition, additional impacts to and relocation of existing utilities located underneath the bridge structure on the southbound (SB) side, and result in additional impacts on adjacent properties. This alternative was rejected due to the increased right of way impacts and higher costs.

The build alternative 3, selected as the preferred alternative, involves widening the San Gabriel River Bridge by 24 feet on one side of the bridge only, upgrading the existing non-standard railings on both sides of the bridge to meet current standards, and adding pedestrian infrastructure. This alternative was selected because it addresses safety deficiencies while minimizing right of way impacts on surrounding properties. Widening on the east, high side of the bridge would provide greater vertical clearance for the bike trail below. During future bridge replacement, the widened portion on one side could be salvaged and act as a standalone bridge for traffic handling during construction. This alternative reduces impacts on existing utilities and the environment by avoiding utility relocations on the SB side of the bridge and affecting fewer parcels. All these benefits make the one side widening the most efficient and least disruptive option compared to the dual side widening (build alternative 2).

DEPARTMENT CONTACTS

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

Type of Contact	Number of Contacts
Mailing of information	6+
Emails	14
Telephone	3
In Person Meetings	*0
Virtual Meetings	2

* Due to the property Owner’s attorney’s preference, no personal meetings were scheduled and all communications have taken place via email prior to the initiation of condemnation.

STATUTORY OFFER TO PURCHASE

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

PANEL RECOMMENDATION

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

- The public interest and necessity require the proposed project.
- The proposed project is planned or located in the manner that will be most compatible with the greatest public good and least private injury.
- The property rights to be condemned are necessary for the proposed project.
- An offer to purchase in compliance with Government Code Section 7267.2 has been made to the owners of record.

The Panel recommends submitting this Resolution of Necessity to the Commission.

Jennifer Wisniewski

JENNIFER WISNIEWSKI
Chief (Acting), Office of Project Delivery
HQ Division of Right of Way and Land Surveys
Panel Chair

I concur with the Panel's recommendation:

Donna Berry

DONNA BERRY
Chief Engineer

**PERSONS ATTENDING CONDEMNATION PANEL REVIEW
MEETING ON JULY 25, 2025**

Jennifer Wisniewski, HQ's Division of Right of Way and Land Surveys, Panel Chair
Erick Solares, Los Angeles Legal Division, Panel Member
Tina Lucas, HQ's Division of Design, Panel Member
Mark Zgombic, HQ's Division of Right of Way and Land Surveys, Panel Secretary

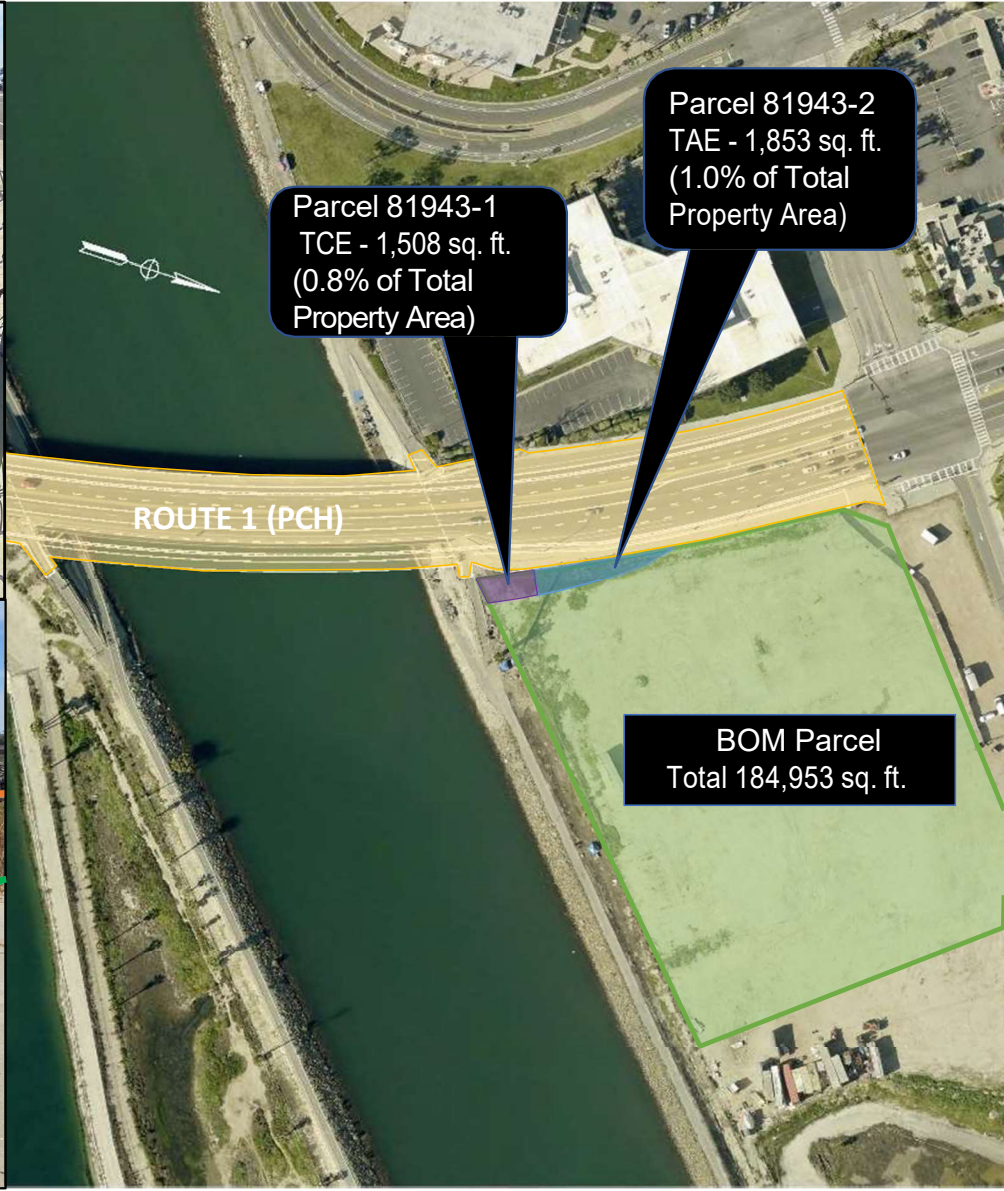
Gloria Roberts, District Director, District 7
Andy Liao, Assistant District Division Chief, District 7 Design
Asadour Terterian, Office Chief, District 7 Design
Gordon Leung, Senior Transportation Engineer, District 7 Design
Hayson Zeng, Project Engineer, District 7 Design
Richard Tran, Project Engineer, District 7 Design
Quynh Nguyen, Senior Bridge Engineer, District 7
Dan Murdoch, Deputy District Director, District 7 Right of Way
Zoltan Elo, Principal Right of Way Agent, District 7 Right of Way
Michael Means, Senior Right of Way Agent, District 7 Right of Way
Rizwan Tanvir, HQ's Project Delivery Chief of Staff / Assistant Chief Engineer

Michael H. Leifer, Palmieri Hennessey & Leifer, LLP - Attorney for Property Owner
Erin B. Naderi, Palmieri Hennessey & Leifer, LLP - Attorney for Property Owner

Exhibit B1



**TAE Area
Looking South**



**Parcel 81943-1
TCE - 1,508 sq. ft.
(0.8% of Total
Property Area)**

**Parcel 81943-2
TAE - 1,853 sq. ft.
(1.0% of Total
Property Area)**

**BOM Parcel
Total 184,953 sq. ft.**

ROUTE 1 (PCH)

CITY OF LONG BEACH COUNTY OF LOS ANGELES

**DETAIL A
NO SCALE
81943-2**



- LEGEND**
- PMB PARCEL MAP BOOK
 - POB POINT OF BEGINNING
 - POC POINT OF COMMENCEMENT
 - TAE TEMPORARY ACCESS EASEMENT
 - TCE TEMPORARY CONSTRUCTION EASEMENT
 - TPOB TRUE POINT OF BEGINNING

PARCEL 4
PARCEL MAP NO. 19212
PMB 260/93-94

TAE EXPIRES
2/1/2028

81943-2
SEE DETAIL A

TCE EXPIRES
2/1/2028

81943-1
SEE DETAIL B

72'

89143-2
TPOB

89143-1 POB & 89143-2 POC

LOS ANGELES COUNTY
SAN GABRIEL RIVER
FLOOD CONTROL DISTRICT

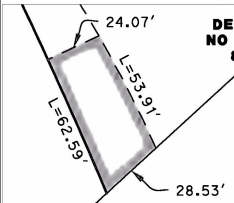
STUDEBAKER ROAD

PACIFIC COAST HIGHWAY

VARIES



**DETAIL B
NO SCALE
81943-1**



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

STATE OF CALIFORNIA
CALIFORNIA STATE TRANSPORTATION AGENCY
DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY RESOLUTION OF NECESSITY EXHIBIT B

NO SCALE

EA: 32090 RW MAP: P23698-1 DATE: 9/13/2024

DISTRICT	COUNTY	ROUTE	SHEET	PM	SHEET NO.	TOTAL SHEETS
7	LA	1	0.13		1	1

Exhibit B2

1 **TRANSPORTATION COMMISSION**
2 **RESOLUTION NO.**

3 **C-22578**

4 CALIFORNIA TRANSPORTATION COMMISSION
5 RESOLUTION OF NECESSITY
6 TO ACQUIRE CERTAIN REAL PROPERTY
7 OR INTEREST IN REAL PROPERTY BY EMINENT DOMAIN
8 HIGHWAY 07-LA-1-PM 0.13 PARCEL 81943-1, 2
9 OWNER: Bom Wetlands MB SPV, LLC, a Delaware Limited Liability Company

10 Resolved by the California Transportation Commission after notice (and hearing)
11 pursuant to Code of Civil Procedure Section 1245.235 that it finds and determines and
12 hereby declares that:

13 The hereinafter described real property is necessary for State Highway purposes
14 and is to be acquired by eminent domain pursuant to Streets and Highways Code Section
15 102 and Code of Civil Procedure Section 1240.510 in that the property being acquired is for
16 a compatible use;

17 The public interest and necessity require the proposed public project, namely a State
18 highway;

19 The proposed project is planned and located in the manner that will be most
20 compatible with the greatest public good and the least private injury;

21 The property sought to be acquired and described by this resolution is necessary for
22 the public project;

23 The offer required by Section 7267.2 of the Government Code has been made to the
24 owner or owners of record; and be it further

RESOLVED by this Commission that the Department of Transportation be and said
Department is hereby authorized and empowered;

APPROVED AS TO FORM AND PROCEDURE

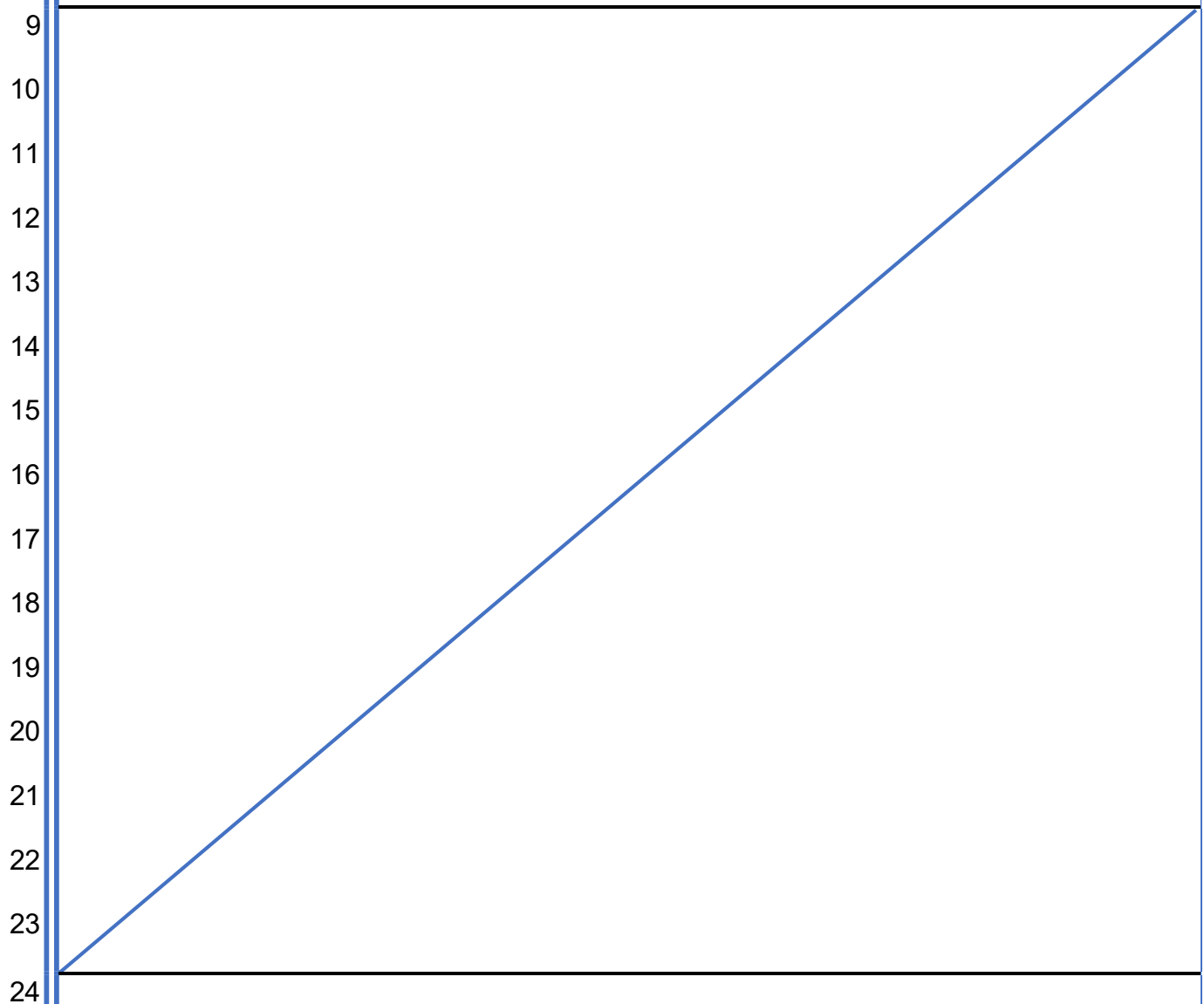
APPROVAL RECOMMENDED

Attorney, Department of Transportation

DIVISION OF RIGHT OF WAY

1 To acquire, in the name of the People of the State of California, in fee simple
2 absolute, unless a lesser estate is hereinafter expressly described, the said hereinafter
3 described real property, or interests in real property, by condemnation proceeding or
4 proceedings in accordance with the provisions of the Streets and Highways Code, Code of
5 Civil Procedure and of the Constitution of California relating to eminent domain;

6 The real property or interests in real property, which the Department of
7 Transportation is by this resolution authorized to acquire, is situated in the County of Los
8 Angeles, State of California, Highway 07-LA-1 and described as follows:



Number
81943

RESOLUTION OF NECESSITY DESCRIPTION

Parcel 81943-1: TEMPORARY CONSTRUCTION EASEMENT

For State highway purposes, a TEMPORARY EASEMENT for construction purposes and incidents thereto, upon, over and across that portion of PARCEL 4 as shown on the Parcel Map entitled "PARCEL MAP NO. 19212", in the City of Long Beach, County of Los Angeles, State of California, filed in Book 260, Pages 93 to 94 of Parcel Maps, in the Office of the County Recorder of said County, described as follows:

BEGINNING at the southerly corner of said PARCEL 4, thence along the southwesterly line of said PARCEL 4, from a radial line that bears N 67°02'45" E, northwesterly along a curve to the left with a radius of 2072.00, through an angle of 1°43'51", an arc length of 62.59 feet; thence N 65°18'54" E, 24.07 feet; thence from a radial line that bears N 60°12'09" E, southeasterly along a curve to the right with a radius of 545.00 feet, through an angle of 5°40'03", an arc length of 53.91 feet to a point on the southeasterly line of said PARCEL 4; thence along said southeasterly line, S. 47°29'01" W, 28.53 feet to the POINT OF BEGINNING.

Rights to the above-described temporary easement shall cease and terminate on February 1, 2028. Said rights may also be terminated prior to the above date by STATE upon notice to OWNER.

The bearings and distances used in the above description are on the California Coordinate System of 1983, Epoch 1991.35, Zone 5. Divide the above distances by 1.0000622 to obtain ground level distances.

Number
81943

Parcel 81943-2: TEMPORARY ACCESS EASEMENT

For State highway purposes, a TEMPORARY EASEMENT for ingress to and egress from purposes and incidents thereto, upon, over and across that portion of PARCEL 4 as shown on the Parcel Map entitled "PARCEL MAP NO. 19212", in the City of Long Beach, County of Los Angeles, State of California, filed in Book 260, Pages 93 to 94 of Parcel Maps, in the Office of the County Recorder of said County, described as follows:

COMMENCING at the southerly corner of said PARCEL 4, thence along the southwesterly line of said PARCEL 4, from a radial line that bears N 67°02'45" E, northwesterly along a curve to the left with a radius of 2072.00, through an angle of 1°43'51", an arc length of 62.59 feet to the TRUE POINT OF BEGINNING; thence N 65°18'54" E, 24.07 feet; thence from a radial line that bears N 60°12'09" E, northwesterly along a curve to the left with a radius of 545.00 feet, through an angle of 14°06'25", an arc length of 134.19 feet to a point on the southwesterly line of said PARCEL 4; thence along said southwesterly line, from a radial line that bears N 61°41'40" E, southeasterly along a curve to the right with a radius of 2072.00 feet, through an angle of 3°37'14", an arc length of 130.93 feet to the TRUE POINT OF BEGINNING.

Rights to the above-described temporary easement shall cease and terminate on February 1, 2028. Said rights may also be terminated prior to the above date by STATE upon notice to OWNER.

Number
81943

The bearings and distances used in the above description are on the California Coordinate System of 1983, Epoch 1991.35, Zone 5. Divide the above distances by 1.0000622 to obtain ground level distances.

Attachment C

PARCEL PANEL REPORT

<u>Property Owner:</u>	Los Cerritos Wetlands, LLC, a California limited liability company
<u>Parcel Location:</u>	Along and near Pacific Coast Highway at the San Gabriel River Bridge, in the City of Long Beach APN: 7237-020-003.
<u>Present Use:</u>	Flood Control Channel
<u>Zoning:</u>	Specific Plan District (SP2), Special District
<u>Area of Property:</u>	319,862 SF
<u>Area Required:</u>	Parcel 82034-1: 1,842 SF - TCE

PARCEL DESCRIPTION

The subject property located in the city of Long Beach, on the NB side of Pacific Coast Highway along and near the San Gabriel River Bridge and identified as APN 7237-020-003. The property is in a channelized section of the San Gabriel River. Irregular in shape, the property has a total land area of 319,862 SF, and is bordered by 2nd Street to the northwest and Bolsa Avenue to the SE. Access to the site is via an easement through adjoining property owners. There is a public bike trail on both the northern and southern perimeter of the subject property. The property is located within the SP2 Southeast Area Special District. Surrounding uses include wetlands, open space, public facilities, industrial, multifamily, and commercial zones.

NEED FOR THE SUBJECT PROPERTY

Located on the NB side of Pacific Coast Highway along and near the San Gabriel River Bridge, this 319,862 SF parcel is below grade and primarily lies within the channelized portion of the San Gabriel River, with only small portions of the northern and southern perimeters overlapping part of the public bike path and channel trail. The parcel is a part of the overall river channel providing flood control protection to the area. The project requires an 1,842 SF TCE from the larger parcel. The TCE is needed to provide space for a temporary trestle during construction, and support construction equipment that will be used to drive piles into the riverbed to support the bridge widening. The TCE is also required to provide room to allow the contractor to work around the existing utilities that are adjacent to and/or attached to the bridge. Without acquiring this temporary easement, the proposed bridge improvements cannot be constructed.

RESOLUTION OF NECESSITY REVIEW PANEL REPORT

The Condemnation Review Panel (Panel) conducted an online Microsoft Teams meeting on July 25, 2025. The Panel members included Jennifer Wisniewski, Panel Chair, Department Headquarters (HQ's) Division of Right of Way and Land Surveys; Erick Solares, Department's Los Angeles Legal Division; Tina Lucas, Department HQ's Division of Design; and MarkZgombic, Department HQ's Division of Right of Way and Land Surveys, Secretary to the Panel. Representing the property Owners at the meeting were attorneys Michael Leifer and Erin Naderi from Palmieri Hennessey & Leifer, LLP.

This report summarizes the findings of the Panel with regard to the four criteria required for a Resolution of Necessity and makes a recommendation to the Department's Chief Engineer. The four criteria are as follows:

The public interest and necessity require the proposed project.

This project proposes to upgrade the San Gabriel River Bridge and adjoining roadway to enhance safety and ensure compliance with current structural and traffic standards. The project addresses safety deficiencies caused by non-standard bridge railings, insufficient bridge width, and lack of adequate pedestrian infrastructure. If these issues are not corrected, the safety of motorists and pedestrians would be at risk.

The proposed project is planned or located in the manner that will be most compatible with the greatest public good and least private injury.

An IS/MND and an EA/FONSI pursuant to the CEQA and the NEPA were completed in July 2022 for this project, and a Hazardous Waste Assessment was also completed in March 2022.

The PR evaluated three alternatives: no-build alternative 1, build alternative 2, and build alternative 3. The build alternative 3, selected as the preferred alternative, involves widening the San Gabriel River Bridge on one side of the structure, upgrading the existing non-standard railings to meet current standards, and adding pedestrian infrastructure. This alternative was selected because it addresses safety deficiencies while minimizing right of way impacts on surrounding properties. Additionally, it has less impact on the existing utilities and the environment compared to build alternative 2, making it the most efficient and least disruptive option. The build alternative 2 proposes a more extensive bridge widening on both sides of the structure that would require a larger right of way acquisition and result in additional impacts on adjacent properties. This alternative was rejected due to the increased right of way impacts and higher costs. Lastly, the no-build alternative 1 would leave existing safety hazards unaddressed, posing long-term risks to the traveling public.

The property rights to be condemned are necessary for the proposed project.

The larger parcel is located in the city of Long Beach, on the NB side of Pacific Coast Highway along and near the San Gabriel River Bridge. This 319,862 SF parcel is below grade and primarily lies within the channelized portion of the San Gabriel River, with only small portions of the northern and southern perimeters overlapping part of the public bike path and channel trail. The parcel is a part of the overall river channel providing flood control protection to the area. The project requires an 1,842 SF TCE from the larger parcel. The TCE is needed to provide space for a temporary trestle during construction, and support construction equipment that will be used to drive piles into the riverbed to support the bridge widening. The TCE is also required to provide room to allow the contractor to work around the existing utilities that are adjacent to and/or attached to the bridge. Without acquiring this temporary easement, the proposed bridge improvements cannot be constructed.

An offer to purchase in accordance with Government Code Section 7267.2 has been made to the Owners of record.

A staff appraisal that established just compensation was approved by District 7 Right of Way management on June 4, 2024. On June 12, 2024, the FWO of just compensation was sent via certified mail to the property Owner and confirmed as received by the Owner's attorney on October 8, 2024.

The following is a description of the primary concerns and/or objections expressed by the Owners attorney, followed by the Department's response:

Owner Contends:

As it relates to the subject property, the public interest and necessity do not require the project.

Department's Response:

This project proposes to upgrade the San Gabriel River Bridge and adjoining roadway to enhance safety and ensure compliance with current structural and traffic standards. The project addresses safety deficiencies caused by non-standard bridge railings, insufficient bridge width, and lack of adequate pedestrian infrastructure. If these issues are not corrected, the safety of motorists and pedestrians would be at risk.

Owner Contends:

The project has not been planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

Department's Response:

An IS/MND and an EA/FONSI pursuant to the CEQA and the NEPA were completed in July 2022 for this project, and a Hazardous Waste Assessment was also completed in

March 2022.

The PR evaluated three alternatives: no-build alternative 1, build alternative 2, and build alternative 3. The build alternative 3, selected as the preferred alternative, involves widening the San Gabriel River Bridge on one side of the structure, upgrading the existing non-standard railings to meet current standards, and adding pedestrian infrastructure. This alternative was selected because it addresses safety deficiencies while minimizing right of way impacts on surrounding properties. Additionally, it has less impact on the existing utilities and the environment compared to build alternative 2, making it the most efficient and least disruptive option. The build alternative 2 proposes a more extensive bridge widening on both sides of the structure that would require a larger right of way acquisition and result in additional impacts on adjacent properties. This alternative was rejected due to the increased right of way impacts and higher costs. Lastly, no-build alternative 1 would leave existing safety hazards unaddressed, posing long-term risks to the traveling public.

Owner Contends:

The portions of the subject property sought to be acquired are not necessary for the project.

Department's Response:

The project requires an 1,842 SF TCE from the larger parcel. The TCE is needed to provide space for a temporary trestle during construction, and support construction equipment that will be used to drive piles into the riverbed to support the bridge widening. The TCE is also required to provide room to allow the contractor to work around the existing utilities that are adjacent to and/or attached to the bridge. The size of TCE was calculated in part on the minimum area needed for the bridge construction equipment that will be used. Without acquiring this temporary easement, the proposed bridge improvements cannot be constructed.

Owner Contends:

The Department has not made the requisite Government Code Section 7267.2 offer. The offer made does not comply with the constitutional principles of just compensation and does not offer compensation for the property interests sought to be acquired.

Department's Response:

The Department has complied with Government Code 7267.2 by having a fair market value appraisal prepared which it believes to be just compensation for the property interests sought to be acquired. The Department's appraisal was approved by District 7 Right of Way management on June 4, 2024, and on June 12, 2024, the Department made the requisite offer to the Owners of record to acquire the property in the full amount of that appraisal.

Owner Contends:

The Commission is incapable of conducting a fair, legal and impartial hearing on the proposed adoption of the Resolution.

Department's Response:

The Commission, which is responsible for adopting the Resolution, is an independent public agency whose members are appointed by the Governor, the Senate Rules Committee and the Speaker of the Assembly. The Commission neither rubber stamps nor has a predetermined result when the RON is presented. The Commission is dedicated to ensuring a safe, financially sustainable, world-class multimodal transportation system.

The Department's role in the process is to address and attempt to resolve the issues brought forward to the Commission prior to the adoption of the Resolution. The Department is required to take numerous steps including conducting a District Condemnation Evaluation Meeting and Condemnation Panel Review Meeting, both of which were held with the Owners and/or their attorneys to afford an opportunity to express concerns or objections to the adoption of the Resolution.

Owner Contends:

The Department states the bridge is deteriorating. Has the Department made a study as to the bridge's structural integrity and has the bridge been compromised in any way? If not, the bridge is not really deteriorating, and the Department just wants to upgrade it. Also, what is the estimated life of the bridge after the upgrade?

Department's Response:

The existing bridge is not deteriorating according to the latest SM&I report. The bridge is in good condition and was seismically retrofitted in 1994. The bridge is rated for legal loads and 5 permit loading for vehicles traveling 45 mph. Even though the seismic loads have increased since the 1994 retrofit, the bridge is not vulnerable to any major seismic event since it is not on the SM&I Strain List. Also adding the Structure Approach Slabs to this existing structure has made it more seismically resistant and stable to longitudinal movement.

The Department proposes to upgrade the existing bridge and widen it for the purpose and need described below:

Purpose:

The purpose of this project is to enhance safety, and mobility for pedestrians, bicyclists, and vehicular traffic. The structure was identified in the State's Bridge Rail Program for bridge rail replacement.

Need:

The need of this project is to bring the bridge railing up to the current MASH collision standards and widen the bridge to meet current lane and shoulder roadway standards. The existing bridge alone will not improve the current lane and shoulder safety requirements without the widening.

The remaining service life of the structure is estimated as 40 to 50 years by SM&I.

Owner Contends:

Can the Department provide a list of the construction equipment that will be used for the project as well as a schedule list of the project’s critical events? Timelines are needed for the issuance of the coastal permit, as well as confirming that the temporary easement end dates are still achievable.

A potential list of construction equipment includes the following:

- 238-300 Ton Cranes
- Telescopic forklift and cranes
- Loaders
- Vibrating hammers
- Pile Driving hammers, such as a Delmag Pile hammer
- Pile driving lead
- Utilities trucks and vehicles
- Welding generators and machines
- Compressors and generators
- CISS Piles (24” – 60” steel shell piles) as temp storage/loading prior to construction installation
- 30-52 meter concrete pump vehicles
- Concrete trucks

Please note that multiple types of equipment is anticipated to be operated within the zone of work, depending on contractor’s sequence of work, and choice of means and method. Potentially more than one crane will be used during the installation of pile driving, or concrete I-girders.

Regarding project timelines, the following delivery schedule includes some of the critical project milestone dates:

Delivery Schedule and Project Milestones	Milestone Date (Month/Day/Year)	Milestone Designation (Target/Actual)
RIGHT OF WAY CERTIFICATION	08/01/26	T
READY TO LIST	09/01/26	T
HEADQUARTERS ADVERTISE	01/15/27	T
AWARD	04/01/27	T
APPROVE CONTRACT	05/01/27	T

CONTRACT ACCEPTANCE		12/30/28	T
END PROJECT		04/30/30	T

As proposed, the above project schedule allows for the time needed to obtain a coastal permit, and for the proposed work and construction activities to be completed as planned for the project. All activities within the temporary easements associated with the subject property are anticipated to be completed prior to their expiration date of February 1, 2028.

Owner Contends:

Will the proposed bicycle lane have a painted lane, or will it be a protected lane, such as K-rail or the like?

Department’s Response:

The proposed bike lane will be a painted Class II Bike Lane.

Owner Contends:

Does the Department have all the mitigation rights or environmental credits needed to work in the flood control channel? Will the project require a permit from the Coastal Commission?

Department’s Response:

Mitigation credits will be purchased off-site at both the Los Cerritos Wetlands property (Parcel 82034) and the Seal Beach Wildlife Refuge property at the Seal Beach Navy Base. The project will require a CDP from the California Coastal Commission. A conditional permit from the Coastal Commission was provided to the Department in July of 2025, which is subject to the Department obtaining possession of the right of way requirements needed for the project.

Owner Contends:

Where will the dripline of the temporary trestle be after it is built in relation to the easterly edge of the TCE (sub-parcel 82034-1)? If the dripline is at the edge of the TCE, will encroachment or trespass occur on the property Owner’s remainder property?

Department’s Response:

The temporary trestle (a temporary platform over water for construction equipment and personnel to construct bridge widening) outer and easterly perimeter or boundary would align with the TCE easterly boundary line, corresponding to field survey benchmarks. The dripline of the trestle platform, or easterly edge of the platform would, effectively, be coinciding with the TCE boundary line which will be demarcated by temporary orange net fencing. Construction of the temporary trestle would not encroach beyond the limit of TCE.

Owner Contends:

Will the TCE be fenced off and how will construction activities be monitored during construction to ensure that the Department or its contractors stay within the footprint of the TCE?

Department's Response:

Temporary orange net fencing would be installed, demarcating the easterly boundary of the TCE from the Owner's remaining property. The temporary trestle and related construction activities will not encroach beyond the footprint of the TCE.

Department construction representatives will routinely be onsite to administer the construction activities with the contractor to address all the project requirements, along with enforcing the contractor's contractual obligation within the TCE and securing/protecting the area of work.

Owner Contends:

Has an analysis been made as to the widening on both sides of the bridge, and if so, why was that alternative not chosen?

Department's Response:

Three alternatives were evaluated for the project: no-build alternative 1, build alternative 2 (widening on both sides of the bridge), and build alternative 3 (the preferred alternative).

No-build alternative 1 would leave existing safety hazards unaddressed, posing long-term risks to the traveling public.

The build alternative 2 proposed to widen the bridge by 12 feet on each side of the bridge structure that would require a larger right of way acquisition, additional impacts to and relocation of existing utilities located underneath the bridge structure on the SB side, and result in additional impacts on adjacent properties. This alternative was rejected due to the increased right of way impacts and higher costs.

The build alternative 3, selected as the preferred alternative, involves widening the San Gabriel River Bridge by 24 feet on one side of the bridge only, upgrading the existing non-standard railings on both sides of the bridge to meet current standards, and adding pedestrian infrastructure. This alternative was selected because it addresses safety deficiencies while minimizing right of way impacts on surrounding properties. Widening on the east, high side of the bridge would provide greater vertical clearance for the bike trail below. During future bridge replacement, the widened portion on one side could be salvaged and act as a standalone bridge for traffic handling during construction. This alternative reduces impacts on existing utilities and the environment by avoiding utility relocations on the SB side of the bridge and affecting fewer parcels. All these benefits make the one side widening the most efficient and least disruptive option compared to the dual side widening (build alternative 2).

DEPARTMENT CONTACTS

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

Type of Contact	Number of Contacts
Mailing of information	6+
Emails	7
Telephone	5
In Person Meetings	*0
Virtual Meetings	2

* Due to the property Owner’s attorney’s preference, no personal meetings were scheduled and all communications have taken place via email prior to the initiation of condemnation.

STATUTORY OFFER TO PURCHASE

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

PANEL RECOMMENDATION

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

- The public interest and necessity require the proposed project.
- The proposed project is planned or located in the manner that will be most compatible with the greatest public good and least private injury.
- The property rights to be condemned are necessary for the proposed project.
- An offer to purchase in compliance with Government Code Section 7267.2 has been made to the owners of record.

The Panel recommends submitting this Resolution of Necessity to the Commission.

Jennifer Wisniewski

JENNIFER WISNIEWSKI

Chief (Acting), Office of Project Delivery
HQ Division of Right of Way and Land Surveys
Panel Chair

I concur with the Panel's recommendation:

Donna Berry

DONNA BERRY

Chief Engineer

**PERSONS ATTENDING CONDEMNATION PANEL REVIEW
MEETING ON JULY 25, 2025**

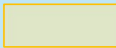
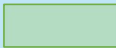

Jennifer Wisniewski, HQ's Division of Right of Way and Land Surveys, Panel Chair
Erick Solares, Los Angeles Legal Division, Panel Member
Tina Lucas, HQ's Division of Design, Panel Member
Mark Zgombic, HQ's Division of Right of Way and Land Surveys, Panel Secretary

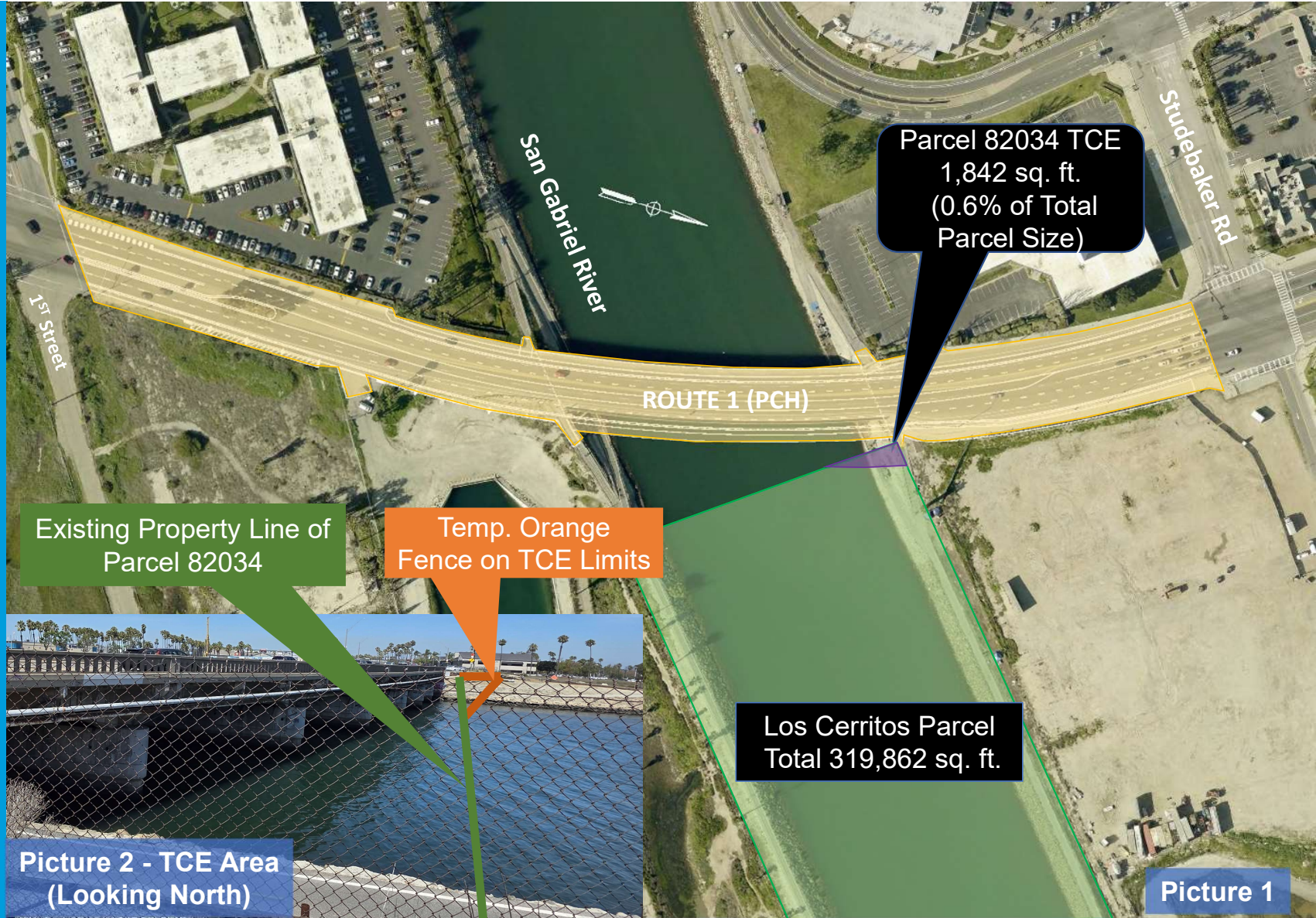
Gloria Roberts, District Director, District 7
Andy Liao, Assistant District Division Chief, District 7 Design
Asadour Terterian, Office Chief, District 7 Design
Gordon Leung, Senior Transportation Engineer, District 7 Design
Hayson Zeng, Project Engineer, District 7 Design
Richard Tran, Project Engineer, District 7 Design
Quynh Nguyen, Senior Bridge Engineer, District 7
Dan Murdoch, Deputy District Director, District 7 Right of Way
Zoltan Elo, Principal Right of Way Agent, District 7 Right of Way
Michael Means, Senior Right of Way Agent, District 7 Right of Way
Rizwan Tanvir, HQ's Project Delivery Chief of Staff / Assistant Chief Engineer

Michael H. Leifer, Palmieri Hennessey & Leifer, LLP - Attorney for Property Owner
Erin B. Naderi, Palmieri Hennessey & Leifer, LLP - Attorney for Property Owner

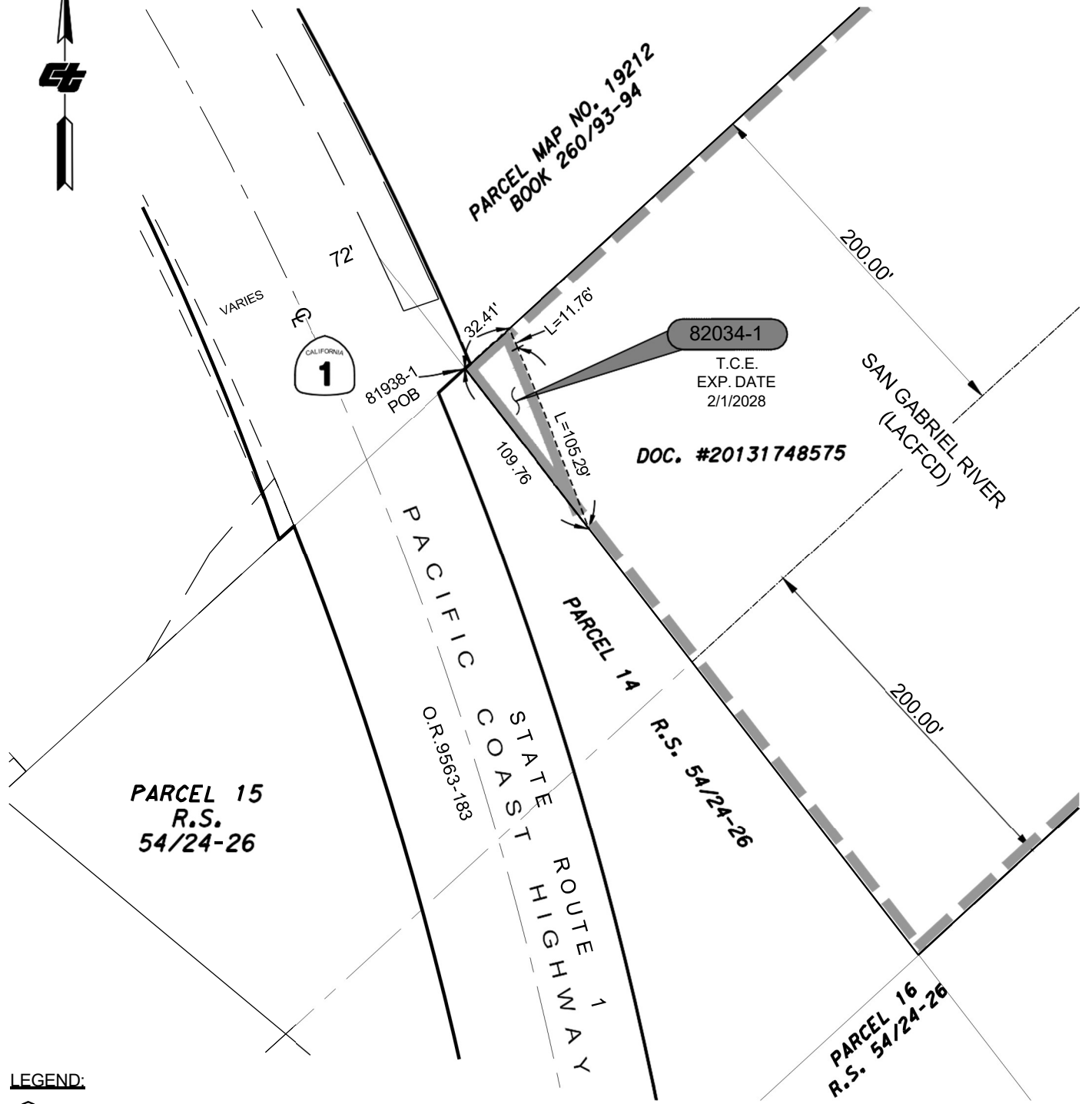
Exhibit C1

Los Cerritos Parcel Acquisition

-  Project Location
-  Los Cerritos Parcel
-  Temporary Construction Easement (TCE)



CITY OF LONG BEACH COUNTY OF LOS ANGELES



LEGEND:

- = PACIFIC COAST HIGHWAY, LA-1
- = LOS ANGELES COUNTY FLOOD CONTROL DISTRICT
- O.R. = OFFICIAL RECORD
- R.S. = RECORD OF SURVEY
- C_L = CENTERLINE
- POB = POINT OF BEGINNING
- TCE = TEMPORARY CONSTRUCTION EASEMENT

NOTE:

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

STATE OF CALIFORNIA
CALIFORNIA STATE TRANSPORTATION AGENCY
DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY
RESOLUTION OF NECESSITY
EXHIBIT "B"

NO SCALE

EA:32090

RW MAP: P23698-1

DATE: 10/24/24

DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
7	LA	1	0.10	1	1

Exhibit C2

1 **TRANSPORTATION COMMISSION**
2 **RESOLUTION NO.**

3 **C-22579**

4 CALIFORNIA TRANSPORTATION COMMISSION
5 RESOLUTION OF NECESSITY
6 TO ACQUIRE CERTAIN REAL PROPERTY
7 OR INTEREST IN REAL PROPERTY BY EMINENT DOMAIN
8 HIGHWAY 07-LA-1-PM 0.10 PARCEL 82034-1
9 OWNER: Los Cerritos Wetlands, LLC, a California limited liability company

10 Resolved by the California Transportation Commission after notice (and hearing)
11 pursuant to Code of Civil Procedure Section 1245.235 that it finds and determines and
12 hereby declares that:

13 The hereinafter described real property is necessary for State Highway purposes
14 and is to be acquired by eminent domain pursuant to Streets and Highways Code Section
15 102 and Code of Civil Procedure Section 1240.510 in that the property being acquired is for
16 a compatible use;

17 The public interest and necessity require the proposed public project, namely a State
18 highway;

19 The proposed project is planned and located in the manner that will be most
20 compatible with the greatest public good and the least private injury;

21 The property sought to be acquired and described by this resolution is necessary for
22 the public project;

23 The offer required by Section 7267.2 of the Government Code has been made to the
24 owner or owners of record, and be it further;

RESOLVED by this Commission that the Department of Transportation be and said
Department is hereby authorized and empowered;

APPROVED AS TO FORM AND PROCEDURE

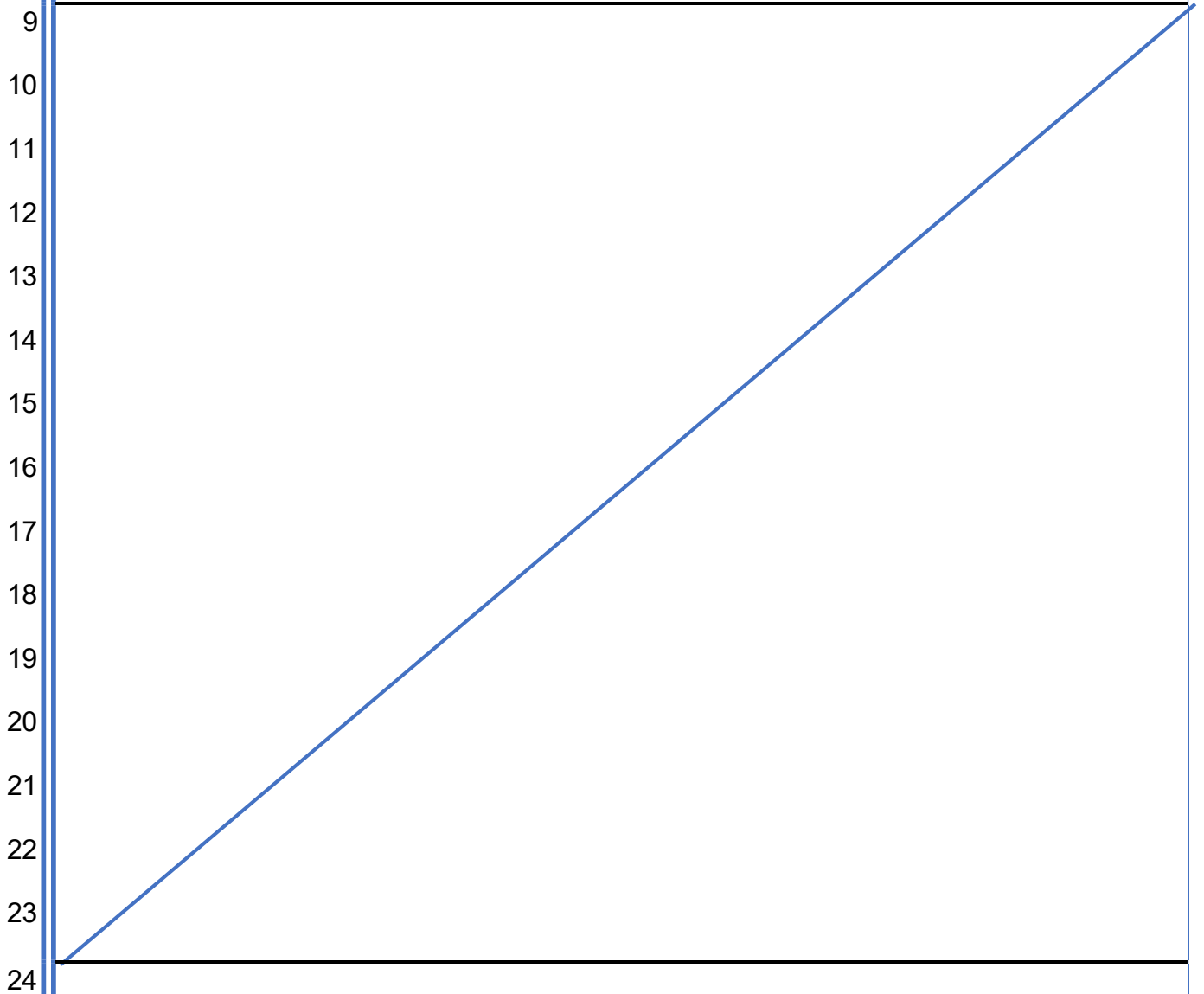
APPROVAL RECOMMENDED

Attorney, Department of Transportation

DIVISION OF RIGHT OF WAY

1 To acquire, in the name of the People of the State of California, in fee simple
2 absolute, unless a lesser estate is hereinafter expressly described, the said hereinafter
3 described real property, or interests in real property, by condemnation proceeding or
4 proceedings in accordance with the provisions of the Streets and Highways Code, Code of
5 Civil Procedure and of the Constitution of California relating to eminent domain;

6 The real property or interests in real property, which the Department of
7 Transportation is by this resolution authorized to acquire, is situated in the County of Los
8 Angeles, State of California, Highway 07-LA-1 and described as follows:



Number
82034

RESOLUTION OF NECESSITY DESCRIPTION

PARCEL 82034-1: TEMPORARY CONSTRUCTION EASEMENT

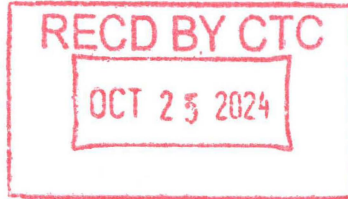
For State highway purposes, a TEMPORARY EASEMENT for construction purposes and incidents thereto, upon, over and across that portion of PARCEL 4 (APN: 7237-020-003) as described in the Grand Deed recorded December 11, 2013 under Document Number 20131748575, Official Records of Los Angeles County, more particularly described as follows:

BEGINNING at the northeasterly corner of PARCEL 14 as shown on the Record of Survey entitled "Record of Survey, in the Cities of Long Beach and Seal Beach" filed in Book 54, Pages 24 to 26, in the Office of the Registrar-Recorder/County Clerk of said County, thence along the northeasterly line of said PARCEL 14, S 37°41'14" E, 109.76 feet; thence from a radial line that bears N 69°58'48" E, northerly along a curve to the left with a radius of 2099.00 feet, through an angle of 2°52'26", an arc length of 105.29 feet to a point of compound curvature; thence along a tangent curve to the left with a radius of 545.00 feet, through an angle of 1°14'10", an arc length of 11.76 feet to a point on the northeasterly prolongation of the northwesterly line of said PARCEL 14; thence along said northeasterly prolongation, S 47°29'01" W, 32.41 feet to the POINT OF BEGINNING.

Rights to the above-described temporary easement shall cease and terminate on February 1, 2028. Said rights may also be terminated prior to the above date by STATE upon notice to OWNER.

The bearings and distances used in the above description are on the California Coordinate System of 1983, Epoch 1991.35, Zone 5. Divide the above distances by 1.0000622 to obtain ground level distances.

Attachment D



October 23, 2024

*Sent to Right of Way
10/25/24
copied to
Tim Sabidman*

VIA OVERNIGHT DELIVERY

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

Re: **California Transportation Commission Consideration of a Resolution of Necessity regarding Parcel Numbers 81943-1 and -2**

Dear Executive Director:

This office represents Bom Wetlands MB SPV, LLC, ("Owner").

The California Transportation Commission's Notice of Intent to Adopt Resolution of Necessity is improper to the extent that the notice purports to require written objection letters to be "filed within the 15-day period set forth above"--i.e., within 15 days from the date of mailing of the notice. It is further improper to the extent that the notice asserts that "a written request to appear should include a statement indicating which of the three conditions listed in the first paragraph above you contend have not been met." Nothing in the Eminent Domain Law or Code of Civil Procedure Section 1245.235 mandate such. Moreover, the property owner does not currently have the information needed to fully state its objections. Among other information, it does not have the staff report, the proposed resolution of necessity to be adopted with the exhibits in support of the requested resolution or other documentation previously requested from State staff.

The property owner reserves the right to an administrative hearing prior to a CTC resolution hearing. The property owner reserves the right to submit objections in advance of or at the resolution of necessity hearing. The property owner reserves the right to request additional information and have some reasonable opportunity to receive and review same.

As a general matter, the property owner objections include, but are not limited to, the following:

- As it relates to the subject property, the public interest and necessity do not require the project.

Executive Director
October 23, 2024
Page 2

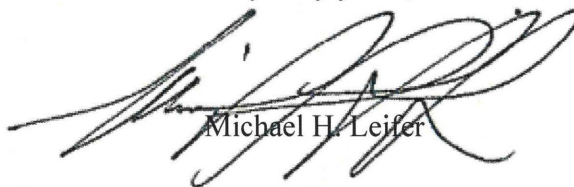
- The project has not been planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
- The portions of the subject property sought to be acquired are not necessary for the project.
- Caltrans has not made the requisite Government Code Section 7267.2 offer. The offer made does not comply with the constitutional principles of just compensation and does not offer compensation for the property interests sought to be acquired.
- The California Transportation Commission is incapable of conducting a fair, legal and impartial hearing on the proposed adoption of the resolution of necessity.

Please provide us with proposed **mutually appropriate date(s) for our consideration for an administrative review** prior to any resolution of necessity hearing.

If the State refuses to provide an administrative review prior to a resolution of necessity hearing, please provide the specific date and time for the resolution of necessity hearing forthwith.

We further request that copies of staff report and the proposed resolution of necessity to be adopted are provided to this office electronically promptly and immediately upon its initial distribution. Thank you.

Very truly yours,



Michael H. Leifer

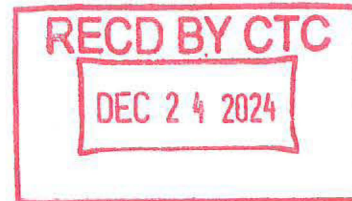
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cc: Tanisha Taylor, Executive Director - via email Tanisha.Taylor@catc.ca.gov
Ailun Kuo – Caltrans Right of Way – via email ailun.kuo@dot.ca.gov

December 17, 2024

VIA OVERNIGHT DELIVERY

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



Re: **California Transportation Commission Consideration of a Resolution of Necessity regarding Parcel Numbers 82034-1**

Dear Executive Director:

This office represents Los Cerritos Wetlands, LLC, ("Owner").

The California Transportation Commission's Notice of Intent to Adopt Resolution of Necessity is improper to the extent that the notice purports to require written objection letters to be "filed within the 15-day period set forth above"--i.e., within 15 days from the date of mailing of the notice. It is further improper to the extent that the notice asserts that "a written request to appear should include a statement indicating which of the three conditions listed in the first paragraph above you contend have not been met." Nothing in the Eminent Domain Law or Code of Civil Procedure Section 1245.235 mandate such. Moreover, the property owner does not currently have the information needed to fully state its objections. Among other information, it does not have the staff report, the proposed resolution of necessity to be adopted with the exhibits in support of the requested resolution or other documentation previously requested from State staff.

The property owner reserves the right to an administrative hearing prior to a CTC resolution hearing. The property owner reserves the right to submit objections in advance of or at the resolution of necessity hearing. The property owner reserves the right to request additional information and have some reasonable opportunity to receive and review same.

As a general matter, the property owner objections include, but are not limited to, the following:

- As it relates to the subject property, the public interest and necessity do not require the project.

Executive Director
California Transportation Commission
Page 2

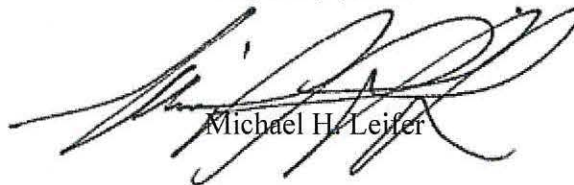
- The project has not been planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
- The portions of the subject property sought to be acquired are not necessary for the project.
- Caltrans has not made the requisite Government Code Section 7267.2 offer. The offer made does not comply with the constitutional principles of just compensation and does not offer compensation for the property interests sought to be acquired.
- The California Transportation Commission is incapable of conducting a fair, legal and impartial hearing on the proposed adoption of the resolution of necessity.

Please provide us with proposed **mutually appropriate date(s) for our consideration for an administrative review** prior to any resolution of necessity hearing.

If the State refuses to provide an administrative review prior to a resolution of necessity hearing, please provide the specific date and time for the resolution of necessity hearing forthwith.

We further request that copies of staff report and the proposed resolution of necessity to be adopted are provided to this office electronically promptly and immediately upon its initial distribution. Thank you.

Very truly yours,



Michael H. Leifer

MHL:mp

cc: Tanisha Taylor, Executive Director - via email Tanisha.Taylor@catc.ca.gov
Ezra Phillips – Caltrans Right of Way – via email Ezra.Phillips@dot.ca.gov