

**RESOLUTION OF THE
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
DECLARING CERTAIN REAL PROPERTY NECESSARY FOR PUBLIC PURPOSES
AND AUTHORIZING THE ACQUISITION THEREOF FOR
THE ROSECRANS/MARQUARDT GRADE SEPARATION PROJECT PARCEL-RM-27**

THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

Section 1.

THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY ("Metro") is a public entity organized and existing pursuant to Chapter 2 of Division 12 of the California Public Utilities Code (commencing with Section 130050).

Section 2.

The property interest described hereinafter is to be taken for public use, namely, for the Rosecrans/Marquardt Project ("Project") and for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Board to acquire property by eminent domain by California Public Utilities Code Sections 30000-33027, inclusive, and particularly Section 30503 and 30600, Sections 130000-132650, inclusive, and particularly Sections 130051.13, 130220.5, and 132610, Code of Civil Procedure Sections 1230.010-1273.050, inclusive, and particularly Sections 1240.510 and 1240.610, and Article I, Section 19 of the California Constitution.

Section 3.

The property interest consists of the acquisition of fee simple, as described more specifically in the legal description (Exhibit A), depicted on the Plat Map (Exhibit B), and the Improvements Pertaining to Realty (Exhibit C) attached hereto (hereinafter, the "Property"), incorporated herein by this reference.

Section 4.

(a) The acquisition of the above-described Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) As per Section 21080.13 of CQA, all railroad grade separation projects are exempt under CEQA. The Notice of Exemption was given February 29, 2016 from the Governor's Office of Planning & Research. The Draft Environmental Assessment report was issued by the Federal Railroad Administration (FRA) in April 2018, pursuant to 42 USC § 4332, 49 USC § 303 and 64 FR 28545.

Accordingly, Metro has fulfilled the necessary prerequisites to acquire the Property by eminent domain.

Section 5.

The Board hereby declares that it has found and determined each of the following:

- (a) The public interest and necessity require the proposed Project;
- (b) 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;
- (c) The Property sought to be acquired, which has been described herein, is necessary for the proposed Project;
- (d) The offer required by Section 7267.2 of the Government Code has been made to the Owner; and
- (e) The California Environmental Quality does not apply to railroad grade separation projects which eliminate an existing grade crossing, and therefore no environmental document is required for this Project.

Section 6.

Pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property is already devoted.

Section 7.

The notice of intention to adopt this resolution was given by first class mail to each person whose Property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Board on the matters contained herein.

Section 8.

Legal Counsel is hereby authorized and directed to take all steps necessary to commence legal proceedings, in a court of competent jurisdiction, to acquire the Property described above by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and is directed that the total sum of probable just compensation be deposited with the State Treasurer or the Clerk of the Superior Court.

Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property.

Counsel is further authorized to compromise and settle, subject to approval by the Board when required, such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including stipulations as to judgment and other matters, and causing all payments to be made. Counsel is further authorized to associate with, at its election, a private law firm for the preparation and prosecution of said proceedings.

I, MICHELLE JACKSON, Secretary of the Los Angeles County Metropolitan Transportation Authority, do hereby certify that the foregoing Resolution was duly and regularly adopted by a vote of two-thirds of all the members of the Board of the Metropolitan Transportation Authority at a meeting held on the 1st day of December, 2016.

MICHELLE JACKSON
METRO Secretary

Date: _____

ATTACHMENTS

- 1 - Legal Description (Exhibit "A")
- 2 - Plat Map (Exhibit "B")
- 3 - Improvements Pertaining to Realty (Exhibit "C")

**EXHIBIT A
LEGAL DESCRIPTION**

EXHIBIT "A"
LEGAL DESCRIPTION
(A.P.N. 8069-005-001)

THAT PORTION OF LOT 4 OF TRACT NO. 2151, IN THE CITY OF SANTA FE SPRINGS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 27, PAGE 34 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHERLY LINE OF SAID LOT 4, DISTANT NORTH 89° 28' 40" EAST THEREON, 277.44 FEET FROM THE MOST WESTERLY CORNER OF SAID LOT 4; THENCE SOUTH 89° 28' 40" WEST, ALONG SAID NORTHERLY LINE, 277.44 FEET, TO SAID MOST WESTERLY CORNER OF SAID LOT 4; THENCE SOUTH 56° 02' 00" EAST, ALONG THE SOUTHWESTERLY LINE OF SAID LOT 4, 283.64 FEET; THENCE NORTH 16° 43' 20" EAST A DISTANCE OF 147.23 FEET; THENCE NORTH 0° 31' 20" WEST 20 FEET TO THE POINT OF BEGINNING.

SAID LAND BEING A PORTION OF PARCEL F, AS SHOWN IN RECORD OF SURVEY FILED IN BOOK 45, PAGE 29 OF RECORD OF SURVEY OF SAID COUNTY.

EXCEPT THEREFROM ONE-HALF OF ALL OIL, GAS, AND OTHER HYDROCARBONS IN AND UNDER SAID LAND, AS RESERVED IN THE DEED FROM EDWARD G. PADDISON, AND WIFE, RECORDED DECEMBER 17, 1947, AS INSTRUMENT NO. 1052 IN BOOK 25994, PAGE 326, OFFICIAL RECORDS.

ALL RIGHT TITLE AND INTEREST IN AND TO THE USE OF THE SURFACE AND SUBSURFACE AREA TO A DEPTH OF 200 FEET MEASURED FROM THE SURFACE OF SAID LAND WAS DEEDED TO THE RECORD OWNERS AS THEIR INTEREST APPEARED OF RECORD BY DEED RECORDED SEPTEMBER 24, 1956, AS INSTRUMENT NO. 4438 IN BOOK 52385, PAGE 225, OFFICIAL RECORDS.

THE ABOVE DESCRIBED PARCEL CONTAINS 22,717 SQUARE FEET OR 0.522 ACRES, MORE OR LESS.

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE BASED UPON THE CENTERLINE OF ROSECRANS AVENUE BEING NORTH 89°28'40" EAST PER RECORD OF SURVEY FILED IN BOOK 45, PAGE 29, OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

ALL AS MORE PARTICULARLY SHOWN ON EXHIBIT "B", ATTACHED HERETO AND MADE A PART HEREOF.

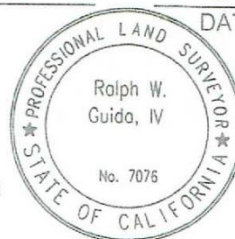
THIS DOCUMENT HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT.



RALPH W. GUIDA, IV, P.L.S. 7076

3/16/2016

DATE



**EXHIBIT B
PLAT MAP**

PLAT TO
ACCOMPANY
LEGAL DESCRIPTION

PREPARED BY ME OR UNDER MY DIRECTION:

Ralph W. Guida, IV

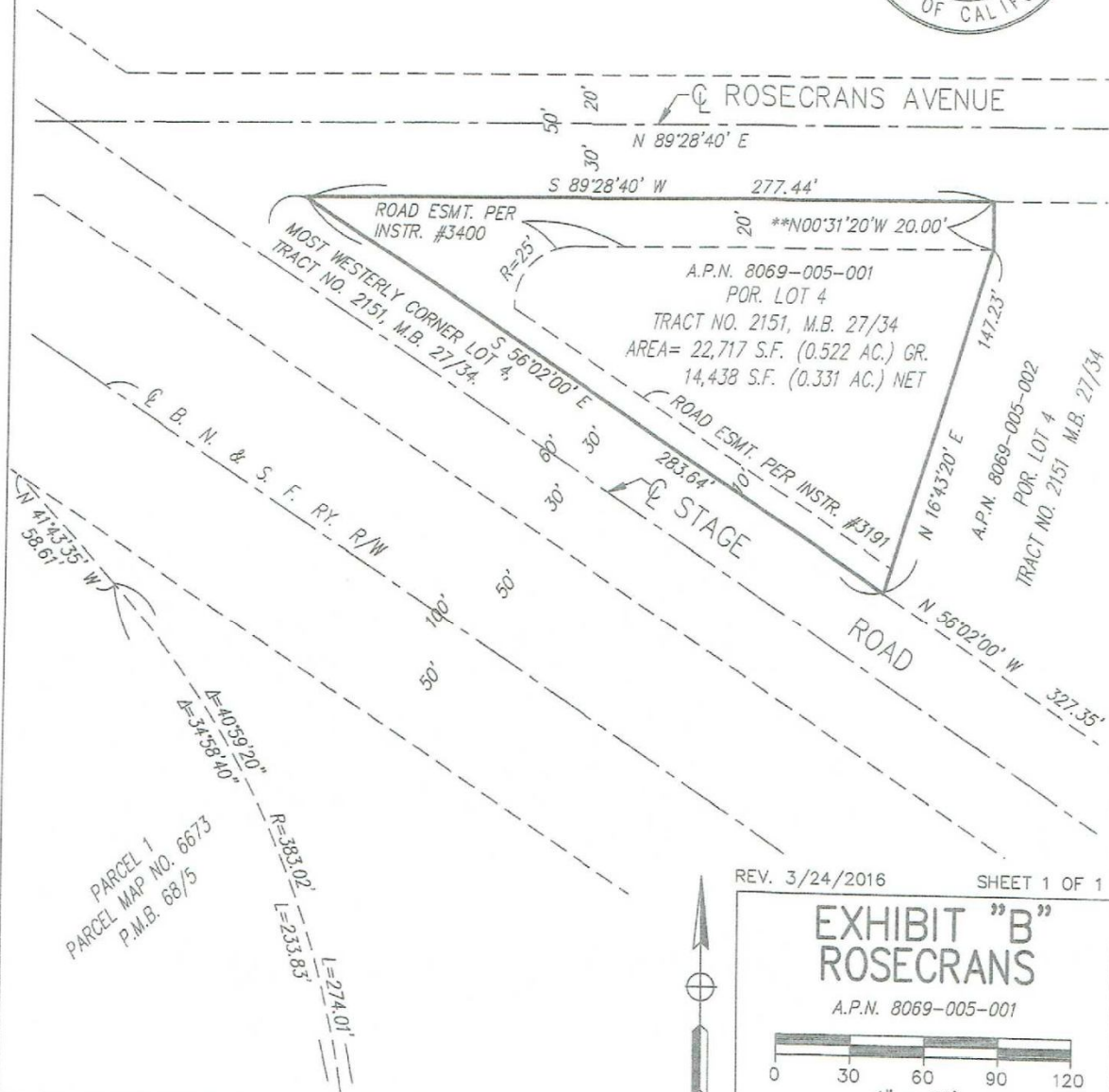
3/24/2016

RALPH W. GUIDA, IV

DATE

P.L.S. 7076 EXP: 12/31/2016

** INDICATES THIS COURSE IS POSSIBLY IN ERROR IN RECORDED GRANT DEED LEGAL AND HAS BEEN CHANGED ON EXHIBITS "A" & "B" FOR CLOSURE PURPOSES AND TO ALSO COINCIDE WITH LEGAL TO EAST.
(COURSE SHOWS AS N9°31'20"W IN LEGAL)



PARCEL 1
PARCEL MAP NO. 6673
P.M.B. 68/5

REV. 3/24/2016 SHEET 1 OF 1

EXHIBIT "B"
ROSECRANS
A.P.N. 8069-005-001

1" = 60'

EXHIBIT C
NON-MOVABLE IMPROVEMENT PERTAINING TO REALTY
(FIXTURES AND EQUIPMENT)

EXHIBIT C

RM-27 - 13840 ROSECRANS AVENUE, SANTA FE SPRINGS, CA 90670
NON-MOVABLE ASSETS –IMPROVEMENTS PERTAINING TO REALTY

Item			Fair Market
No.	Qty.	Description	Value In Use
1	1	Blinds, 20' x 7' @ 13840 Rosecrans Avenue	\$ 250
2	1	Carpet, 2,664 square feet @ 13840 Rosecrans Avenue	5,060
3	1	Blinds, 7' x 15' @ 13844 Rosecrans Avenue	225
4	1	Bullet resistant wall, 4' x 12' with 3 stations @ 13844 Rosecrans Avenue	1,250
			<u>\$ 6,785</u>