

**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-17 (APN: 8059-029-036) formerly 8059-029-006 and 8059-029-007

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

Section 1.

THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION
AUTHORITY ("LACMTA") 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 interests 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 interests consist of the acquisition of a Utility Overhang Easement and
a 54-month Temporary Construction Easement as described more specifically in the Legal
Descriptions (Exhibit A and Exhibit A-1) and depicted on the Plat Maps (Exhibit B and
Exhibit B-1), 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, LACMTA 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 Property sought to be acquired is also necessary for the purpose specified in Section 1240.350 of the Code of Civil Procedure, to provide temporary access to a public road, and as such the taking of the Property is authorized by Section 1240.350 of the Code of Civil Procedure.

Section 8.

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 9.

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, MICHELE 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 27th day of August, 2020.

Date: _____

MICHELE JACKSON
LACMTA Secretary

ATTACHMENTS

- 1 - Legal Descriptions (Exhibit "A" and Exhibit "A-1")
- 2 - Plat Maps (Exhibit "B" and Exhibit "B-1")

EXHIBIT A

**SOUTHERN CALIFORNIA EDISON COMPANY
OVERHANG EASEMENT
LEGAL DESCRIPTION**

PARCEL A (A.P.N. 8059-029-007)

THAT PORTION OF THE LAND, IN THE CITY OF SANTA FE SPRINGS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DESCRIBED AS PARCEL 2 IN THE GRANT DEED RECORDED JANUARY 21, 1997 AS INSTRUMENT NO. 97-100550, OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE GENERALLY NORTHEASTERLY LINE OF SAID PARCEL 2 AND THE WESTERLY RIGHT-OF-WAY LINE OF MARQUARDT AVENUE AS DESCRIBED IN THE DOCUMENT RECORDED NOVEMBER 24, 1975 AS INSTRUMENT NO. 4294, OF OFFICIAL RECORDS;

THENCE ALONG SAID GENERALLY NORTHEASTERLY LINE NORTH 74°16'14" WEST, 6.25 FEET TO A LINE THAT IS PARALLEL WITH AND 26.00 FEET WESTERLY, MEASURED AT RIGHT ANGLES, OF THE EASTERLY LINE OF SAID INSTRUMENT NO. 4294;

THENCE LEAVING SAID GENERALLY NORTHEASTERLY LINE AND ALONG SAID PARALLEL LINE SOUTH 00°29'29" EAST, 258.89 FEET;

THENCE LEAVING SAID PARALLEL LINE SOUTH 63°20'00" WEST, 14.80 FEET TO THE SOUTHWESTERLY LINE OF SAID PARCEL 2;

THENCE ALONG SAID SOUTHWESTERLY LINE SOUTH 55°52'34" EAST, 6.87 FEET TO A LINE THAT IS PARALLEL WITH AND 6.00 FEET SOUTHEASTERLY, MEASURED AT RIGHT ANGLES, OF THE LAST SAID COURSE DESCRIBED AS "SOUTH 63°20'00" WEST, 14.80 FEET";

THENCE LEAVING SAID SOUTHWESTERLY LINE AND ALONG LAST SAID PARALLEL LINE NORTH 63°20'00" EAST, 15.18 FEET TO SAID WESTERLY RIGHT-OF-WAY LINE;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING FIVE (5) COURSES:

NORTH 00°29'29" WEST, 200.88 FEET;

NORTH 89°30'31" EAST, 2.00 FEET;

NORTH 00°29'29" WEST, 20.00 FEET;

SOUTH 89°30'31" WEST, 2.00 FEET;

NORTH 00°29'29" WEST, 40.01 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 1,689 SQUARE FEET OR 0.039 ACRES, MORE OR LESS.

**LEGAL DESCRIPTION
A.P.N. 8059-029-007**

PARCEL A (TEMPORARY CONSTRUCTION EASEMENT)

THAT PORTION OF THE LAND DESCRIBED IN A DEED TO PAN PACIFIC FIBER, INC., A CALIFORNIA CORPORATION IN THE CITY OF SANTA FE SPRINGS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, PER DOCUMENT RECORDED JANUARY 21, 1997, AS INSTRUMENT NO. 97-100550, OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHEASTERLY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILWAY RIGHT OF WAY 100 FEET WIDE, WITH THE WESTERLY LINE OF THE EASTERLY 40.00 FEET OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 11 WEST, IN THE RANCHO LOS COYOTES AS SHOWN ON THE MAP FILED IN BOOK 284, PAGE 86 OF RECORD OF SURVEYS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY;

THENCE ALONG SAID WESTERLY LINE NORTH 00°29'29" WEST, 42.81 FEET TO THE TRUE POINT OF BEGINNING;

THENCE LEAVING SAID WESTERLY LINE SOUTH 89°30'31" WEST 16.78 FEET;

THENCE NORTH 00°04'51" WEST 52.28 FEET;

THENCE NORTH 89°30'31" EAST 16.40' FEET TO SAID WESTERLY LINE OF SAID EASTERLY 40.00 FEET;

THENCE ALONG SAID WESTERLY LINE SOUTH 00°29'29" EAST 52.28 FEET TO THE TRUE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 867 SQUARE FEET OR 0.020 ACRES, MORE OR LESS.

SUBJECT TO COVENANTS, CONDITIONS, RESERVATIONS, RESTRICTIONS, RIGHTS OF WAY, AND EASEMENTS OF RECORD, IF ANY.

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

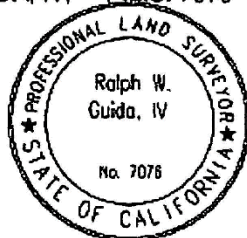
THIS DOCUMENT HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT.



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

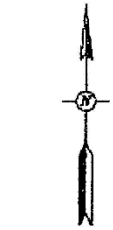
1/4/17

DATE



PLAT TO ACCOMPANY
LEGAL DESCRIPTION

SOUTHERN CALIFORNIA EDISON COMPANY
OVERHANG EASEMENT
IN THE CITY OF SANTA FE SPRINGS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA



SCALE: 1" = 80'

APN: 8059-029-005

APN: 8059-029-006

PORTION OF PARCELS 1 AND 2
INST. NO. 97-100550, O.R.
RECORDED 1/21/1997
14037 MARQUARDT AVENUE
APN: 8059-029-007

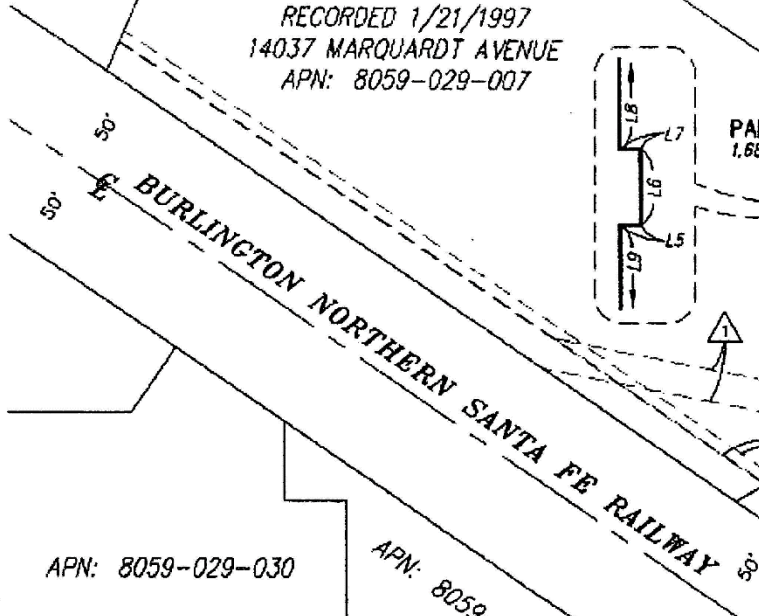
40' 40'

APN: 8059-029-004

P.O.B.

PARCEL A
1,689 SQ.FT.

MARQUARDT AVENUE



APN: 8059-029-030

APN: 8059-029-029

ROSECRANS AVENUE



PREPARED BY ME OR UNDER MY DIRECTION:

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

7/16/18
DATE

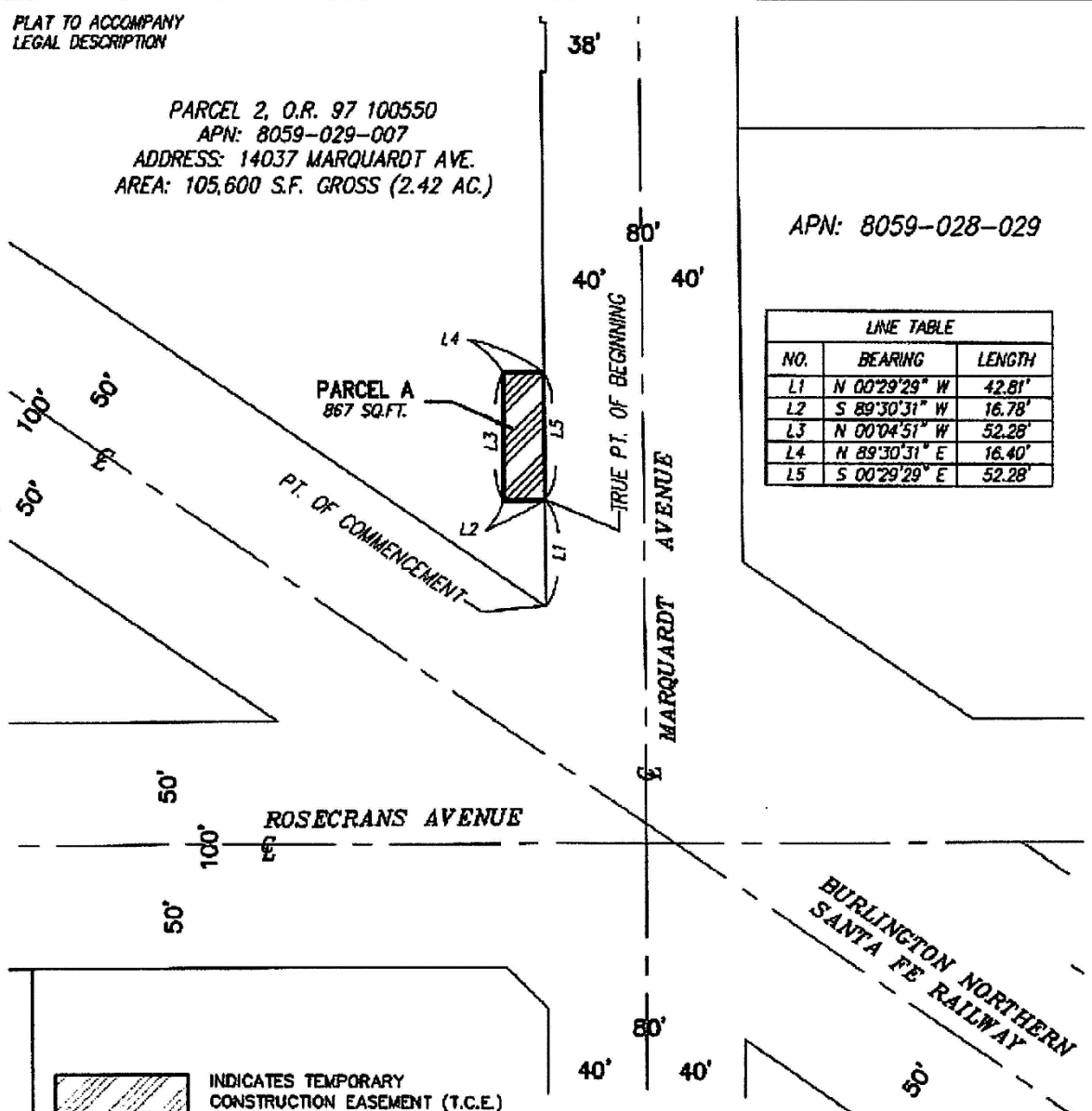
NOTE:
SEE SHEET 2 FOR LEGEND
AND LINE TABLE

PLAT TO ACCOMPANY
LEGAL DESCRIPTION

PARCEL 2, O.R. 97 100550
APN: 8059-029-007
ADDRESS: 14037 MARQUARDT AVE.
AREA: 105,600 S.F. GROSS (2.42 AC.)

APN: 8059-028-029

LINE TABLE		
NO.	BEARING	LENGTH
L1	N 00°29'29" W	42.81'
L2	S 89°30'31" W	16.78'
L3	N 00°04'51" W	52.28'
L4	N 89°30'31" E	16.40'
L5	S 00°29'29" E	52.28'

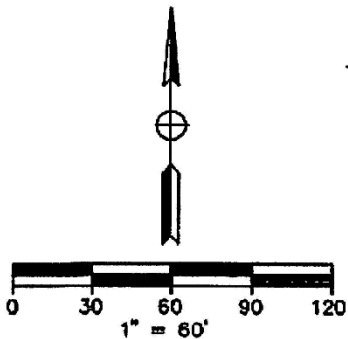


 INDICATES TEMPORARY CONSTRUCTION EASEMENT (T.C.E.)

PREPARED BY ME OR UNDER MY DIRECTION:

Ralph W. Guida, IV 01/04/17
RALPH W. GUIDA, IV DATE
P.L.S. 7076

SHEET 2 OF 2



TEMPORARY
CONSTRUCTION
EASEMENT
APN: 8059-029-007