

**RESOLUTION OF THE
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
DECLARING CERTAIN REAL PROPERTY INTERESTS NECESSARY FOR PUBLIC
PURPOSES AND AUTHORIZING THE ACQUISITION THEREOF THROUGH THE
EXERCISE OF EMINENT DOMAIN
WHITTIER BOULEVARD/PAINTER AVENUE INTERSECTION IMPROVEMENT
PROJECT ("PROJECT") APN: 8142-033-052 CPN: 81782-1**

THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY BOARD OF DIRECTORS ("BOARD") 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 are to be taken for public use, namely, 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 and 130220.5, 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 28-month Temporary Construction Easement ("TCE"), as described more specifically in the legal descriptions (Exhibits "A-2") and depicted in the plat map (Exhibit "B-2"), (hereinafter, the "Property Interest").

The TCE consists of the following:

The TCE identified as CPN 81782-1 is located at the southern end of the parcel along Whittier Blvd. It has a total area of ±2,425 square feet and has an estimated 2 week to 2 months exclusive use Construction Period. The TCE is needed to provide access to the contractor for the reconstruction of the existing driveway and sidewalk improvements within Caltrans right of way. The site improvements within the TCE area are being replaced in kind or protected in place.

The term for the TCE shall have a duration up to twenty-eight (28) months. The TCE is scheduled to commence upon the Project Right of Way Certification or as soon thereafter as agreed by the underlying fee owner or ordered by the Court, but in all events will automatically expire no later than June 19, 2026. The TCE term shall include within it with the remainder of the 28-month TCE term non-exclusive allowing fee owner's use of the TCE area to the extent it does not interfere with any Project construction activities.

Section 4.

(a.) The acquisition of the above-described Property Interests is necessary for the development, construction, operation, and maintenance of the Whittier Boulevard/Painter Avenue Intersection Improvement Project ("Project");

(b.) The Project Approval and Environmental Document (PAED) Phase of the project was approved by the City of Whittier in March 2018 (ED) and Caltrans in June 2018 (PA). A Mitigated Negative Declaration (MND) was prepared pursuant to the California Environmental Quality Act (CEQA).

(c.) Accordingly, LACMTA has fulfilled the necessary statutory 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 said offer was transmitted together with the accompanying statement of, and summary of the basis for, the amount established as just compensation, which offers and accompanying statements/summaries were in a form and contained all of the factual disclosures provided by Government Code Section 7267.2(a).

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.

That 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 and each person whose property is to be acquired by eminent domain was given an opportunity to be heard.

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 Interests described above by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of said 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 Interest, and, with the concurrence and approval of LACMTA Staff, to make minor adjustments to the scope and descriptions of easements or other Property to be acquired in order to ameliorate any claims for severance damages.

Counsel is further authorized to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary actions to complete the acquisition, including stipulations as to judgment and other matters, and causing all payments to be made. If settlement cannot be reached, Counsel is authorized to proceed to resolve the proceedings by means of jury trial. Counsel is further authorized to associate with, at its election, a private law firm for the preparation and prosecution of said proceedings.

I, COLLETTE LANGSTON, Board Clerk 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 Los

Angeles County Metropolitan Transportation Authority at a meeting held on the 23rd day of March, 2023.

COLLETTE LANGSTON
LACMTA Board Clerk

Date: _____

ATTACHMENTS

Exhibit - A-2--Legal Description

Exhibit - B-2 --Plat Map

LEGAL DESCRIPTION

EXHIBIT "A"
LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT
(APN 8142-033-052)

PARCEL 81782-1

THOSE PORTIONS OF LOTS 2 AND 3 OF THE MAP OF CORYELL'S SUBDIVISION, IN THE CITY OF WHITTIER, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 37, PAGE 82 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHEAST LINE OF WHITTIER BOULEVARD, LYING PARALLEL WITH AND DISTANT 40 FEET NORTHEASTERLY FROM THE CENTERLINE OF SAID WHITTIER BOULEVARD, WITH THE EAST LINE OF WASHINGTON AVENUE, LYING PARALLEL WITH AND DISTANT 28.5 FEET EASTERLY FROM THE CENTERLINE OF SAID WASHINGTON AVENUE, THENCE ALONG SAID EAST LINE, NORTH 00°07'35" EAST, A DISTANCE OF 21.11 FEET;
THENCE LEAVING SAID EAST LINE, NORTH 89°48'09" EAST, 5.00 FEET;
THENCE SOUTH 00°07'38" WEST, 17.03 FEET;
THENCE SOUTH 25°41'38" EAST, 9.27 FEET;
THENCE SOUTH 55°50'40" EAST, 29.30 FEET;
THENCE SOUTH 56°50'42" EAST, 11.06 FEET;
THENCE NORTH 33°59'12" EAST, 3.40 FEET;
THENCE SOUTH 56°00'48" EAST, 122.14 FEET;
THENCE NORTH 33°59'21" EAST, 25.00 FEET;
THENCE SOUTH 56°00'48" EAST, 26.22 FEET;
THENCE SOUTH 0°13'15" EAST, 22.01 FEET;
THENCE SOUTH 77°50'14" EAST, 14.44 FEET;
THENCE SOUTH 33°59'12" WEST, 12.17 FEET;
THENCE SOUTH 56°00'48" EAST, 74.87 FEET MORE OR LESS TO THE EAST LINE OF SAID LOT 3;
THENCE SOUTHERLY ALONG SAID EAST LINE SOUTH 00°08'46" WEST, 6.02 FEET TO SAID NORTHEAST LINE OF WHITTIER BOULEVARD;
THENCE NORTHWESTERLY ALONG SAID NORTHEAST LINE, NORTH 56°00'48" WEST, 302.57 FEET TO THE **POINT OF BEGINNING.**

CONTAINING 2425 SQUARE FEET, MORE OR LESS.

ALL AS SHOWN ON EXHIBIT "B", ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

THIS DESCRIPTION AND THE ACCOMPANYING EXHIBITS WERE PREPARED BY ME OR UNDER MY DIRECTION IN ACCORDANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT.

Maria Hall 11/8/2022

Maria Hall, PLS 9300



PLAT MAP

