

ATTACHMENT C

**RESOLUTION OF THE
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
DECLARING CERTAIN REAL PROPERTY NECESSARY FOR PUBLIC PURPOSES
AND AUTHORIZING THE ACQUISITION THEREOF
PORTION OF 1657 NADEAU STREET, L.A**

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 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 to be acquired consists of the fee simple interest as designated below, and as described more specifically in the exhibits attached hereto (hereinafter, the "Property"), all of which are incorporated herein by this reference:

| METRO Parcel Number | Assessor's Parcel Number | Parcel Address | Property Owner | Purpose of Acquisition | Property Interest(s) Sought - See Exhibit: |
|----------------------------|---------------------------------|---|-----------------------|--|---|
| Nadeau Street-NW | 6021-018-020 | Portion of 1657 Nadeau Street., Los Angeles, CA 90001 | Fox Holdings, LLC. | Metro Blue Line Pedestrian Swing Gates Project | Fee Simple as shown of Exhibit A & B |

METRO's acquisition of the above property interests is subject to the following limitation:

Construction of temporary or permanent improvements will not adversely impact the normal operations of surface traffic, or performance of utilities in the Project area. During construction, reasonable access to businesses and residences will be maintained at all times

Section 4.

(a) The acquisition of the above-described Property is necessary for the development, construction, operation, and maintenance of the Metro Track Improvement and Safety Enhancement Project ("Project");

(b) The environmental impacts of the Project were evaluated in the Final Environmental Impact Statement/Final Environmental Impact Report (FEIS/FEIR) Initial Study/ Mitigated Negative Declaration.

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; and

(d) The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record.

(6) Environmental review of the Project consistent with the California Environmental Quality Act (CEQA) has occurred.

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.

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 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, and with the concurrence and approval of METRO staff, to make minor adjustments to the scope and descriptions of easements to be acquired in order to ameliorate any claims for severance damages.

Counsel is also authorized to reduce or modify the extent of the interests or property to be acquired so as to reduce the compensation payable in the action where such change would not substantially impair the construction and operation for the project for which the real property is being acquired.

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 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 - Exhibit "1" – Parcel Legal & Plat

EXHIBIT "A"

**LEGAL DESCRIPTIONS
NADEAU STREET/GRAHAM AVENUE**

PARCEL NDE NW PVT:

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 13 WEST, SAN BERNARDINO MERIDIAN ACCORDING TO THE OFFICIAL PLAT THEREOF, IN THE UNINCORPORATED TERRITORY OF COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHERLY LINE OF NADEAU STREET, SAID POINT BEING IN THE SOUTHWEST CORNER OF SOUTHERN PACIFIC RAIL ROAD COMPANY RIGHT-OF-WAY (FORMERLY UNION PACIFIC RAIL ROAD), AS SHOWN ON RECORD OF SURVEY FILED IN BOOK 152, PAGES 14 TO 26, INCLUSIVE OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE ALONG SAID NORTHERLY LINE, N89°35'17"W 10.08 FEET; THENCE LEAVING SAID NORTHERLY LINE, N00°01'55"E 9.09 FEET; THENCE S89°35'17"E 9.01 FEET; THENCE S38°31'57"E 1.71 FEET TO THE WESTERLY LINE OF SAID SOUTHERN PACIFIC RAIL ROAD COMPANY; THENCE ALONG SAID WESTERLY LINE, S00°02'52"E 7.76 FEET TO THE POINT OF BEGINNING.

CONTAINS: 91 SQUARE FEET, MORE OR LESS.

NOTE:

THIS LEGAL DESCRIPTION WAS NOT PREPARED FOR ANY PURPOSE THAT WOULD BE IN VIOLATION OF THE STATE OF CALIFORNIA SUBDIVISION MAP ACT OR LOCAL ORDINANCES OF THE GOVERNING BODY HAVING JURISDICTION.

PREPARED BY:

Stephanie A. Wagner
STEPHANIE A. WAGNER, P.L.S. 5752

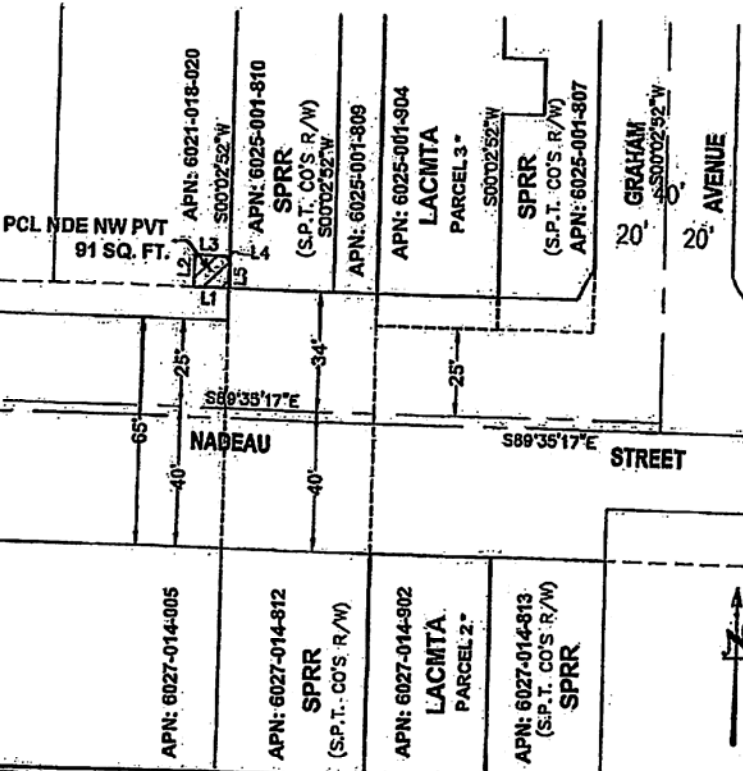
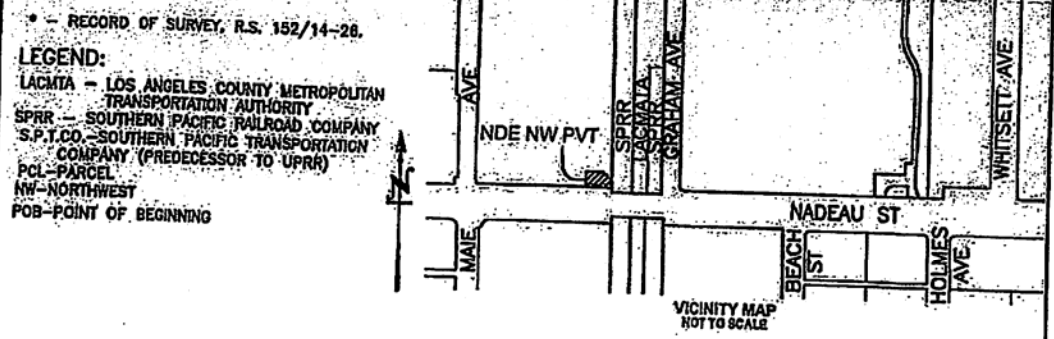
June 12, 2015
DATE:



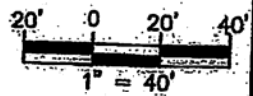
EXHIBIT "B"

Grantor: **FOX HOLDING, LLC**
 Description: **POR NE 1/4 OF SEC 28, T2S, R13W, S.B.M. IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF LOS ANGELES**
 THE BASIS OF BEARINGS IS PER CCS, ZONE 6, NAD 83 (EPOCH 2010), AS DETERMINED LOCALLY BY NGS STATIONS DY1716 AND DY9296.

Assessor's Ref: **6021-018-020** | ROW Ref: | No. | Date | Revision | Description



| LINE | BEARING | LENGTH |
|------|-------------|--------|
| L1 | N89°35'17"W | 10.09' |
| L2 | N00°01'55"E | 9.09' |
| L3 | S89°35'17"E | 8.01' |
| L4 | S38°31'57"E | 1.71' |
| L5 | S00°02'52"W | 7.76' |



Metro
 APPROVED BY: _____
 PROJECT MANAGER
 PREPARED BY: *Stephanie Wagner* DATE: _____
 CHECKED BY: _____
 DATE: _____

METRO BLUE LINE PEDESTRIAN GATE INSTALLATION
 NADEAU STREET / GRAHAM AVENUE
 UNINCORPORATED TERRITORY OF THE COUNTY OF LOS ANGELES
 DATE: **06/12/2015**
 SCALE: **1" = 50'**
 REV. No. | DATE:
 REV. No. | DATE:
 PARCEL No. **NDE NW PVT**