

**RESOLUTION OF THE
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
DECLARING CERTAIN REAL PROPERTY NECESSARY FOR PUBLIC PURPOSES
AND AUTHORIZING THE ACQUISITION THEREOF
WESTSIDE PURPLE LINE EXTENSION PROJECT SECTION 2
PARCEL NO. W-3605**

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 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 interest consists of the acquisition of a permanent subsurface tunnel easement, as described more specifically in the legal description (Exhibit A), depicted on the Plat Map (Exhibit B), and described in the Subsurface Easement (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 Westside Purple Line Extension Section 2 ("Project");

(b.) The environmental impacts of the Project were evaluated in the Final Environmental Impact Statement/Final Environmental Impact Report (FEIS/FEIR), which was certified by the Board on April 26, 2012 and May 24, 2012. The Board found that in accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15162, no subsequent or supplemental Environmental Impact Report is required for the Project, and the FEIS/FEIR documents are consistent with CEQA; and;

(c.) The Board has reviewed and considered the FEIS/FEIR, before and as part of the process of determining whether to acquire the above-referenced Property.

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.) Environmental review consistent with the California Environmental Quality Act (CEQA) for the Project has been previously certified by this Board.

Section 6.

Pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is appropriated 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 appropriated, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use as it exists or may reasonably be expected to exist in the future.

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.

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 23rd day of May, 2019.

MICHELLE JACKSON
LACMTA Secretary

Date: _____

ATTACHMENTS

- 1 - Legal Description (Exhibit "A")
- 2 - Plat Map (Exhibit "B")
- 3 - Subsurface Easement (Exhibit "C")

EXHIBIT A
LEGAL DESCRIPTION

LEGAL DESCRIPTION

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF BEVERLY HILLS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

THAT PORTION OF LOT 843 OF TRACT NO. 7710, AS PER MAP RECORDED IN BOOK 83, PAGES 94 AND 95 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LYING WITHIN THE FOLLOWING DESCRIBED LAND:

PARCEL "A"

COMMENCING AT THE CENTERLINE INTERSECTION OF MORENO DRIVE AND YOUNG DRIVE AS SHOWN ON RECORD OF SURVEY MAP, RECORDED IN BOOK 157, PAGES 63 AND 64 OF RECORDS OF SURVEY, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, SAID INTERSECTION BEING ON A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 1746.96 FEET, A RADIAL LINE TO SAID INTERSECTION BEARS SOUTH 37°06'19" WEST; THENCE SOUTHEASTERLY ALONG SAID CENTERLINE OF MORENO DRIVE AND SAID CURVE 89.18 FEET THROUGH A CENTRAL ANGLE OF 02°55'29"; THENCE RADIAL TO SAID CURVE SOUTH 34°10'50" WEST, 30.00 FEET TO A POINT ON THE NORTHEASTERLY LINE OF SAID LOT 843, SAID POINT BEING ON A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 1776.96 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 34°10'50" WEST, SAID POINT ALSO BEING THE **POINT OF BEGINNING**; THENCE SOUTHEASTERLY ALONG SAID NORTHEASTERLY LINE AND SAID CURVE 70.01 FEET THROUGH A CENTRAL ANGLE OF 02°15'27" TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 1154.50 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 53°31'06" EAST; THENCE SOUTHWESTERLY ALONG SAID CURVE 366.07 FEET THROUGH A CENTRAL ANGLE OF 18°10'02" TO A POINT HEREINAFTER KNOWN AS POINT "A"; THENCE NORTH 31°32'33" WEST, 70.05 FEET TO A POINT HEREINAFTER KNOWN AS POINT "B" SAID POINT BEING ON A NON-TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 1084.50 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 35°35'40" EAST; THENCE NORTHEASTERLY ALONG SAID CURVE 335.07 FEET THROUGH A CENTRAL ANGLE OF 17°42'07" TO THE **POINT OF BEGINNING**.

THE UPPER ELEVATION LIMIT OF THE SUBSURFACE EASEMENT HEREIN DESCRIBED AS PARCEL "A", IS A HORIZONTAL PLANE WITH AN ELEVATION OF +215.00 FEET AND THE LOWER ELEVATION LIMIT OF THE SUBSURFACE EASEMENT HEREIN DESCRIBED IS A HORIZONTAL PLANE WITH AN ELEVATION OF +160.00 FEET, BASED ON THE NAVD-88 DATUM ELEVATION OF 285.39 FEET FOR CITY OF LOS ANGELES BENCHMARK NO. 13-13450. THE UPPER LIMIT OF THIS EASEMENT VARIES FROM APPROXIMATELY 34 TO 63 FEET BELOW FINISH GRADE (EXISTING SURFACE ELEVATION IN JANUARY OF 2011), AND THE LOWER LIMIT OF THIS EASEMENT VARIES FROM APPROXIMATELY 89 TO 118 FEET BELOW FINISH GRADE (EXISTING SURFACE ELEVATION IN JANUARY OF 2011). THESE ELEVATIONS WERE DETERMINED FROM THE LOS ANGELES METRO WESTSIDE SUBWAY EXTENSION PROJECT – SECTION 2 PROJECT DEFINITION DRAWINGS.

PARCEL "B"

BEGINNING AT THE ABOVE DESCRIBED POINT "A", SAID POINT BEING ON A NON-TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 1649.14 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 35°10'43" EAST; THENCE SOUTHWESTERLY ALONG SAID CURVE 160.35 FEET THROUGH A CENTRAL ANGLE OF 05°34'16"; THENCE NON-TANGENT TO SAID CURVE SOUTH 60°01'55" WEST, 18.14 FEET TO A POINT ON THE NORTHEASTERLY LINE OF LOT 2 OF TRACT NO. 11964, AS PER MAP RECORDED IN BOOK 259, PAGE 33 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE NORTH 30°33'21" WEST, 69.87 FEET ALONG SAID NORTHEASTERLY LINE; THENCE NORTH 59°58'27"

EAST, 0.86 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 3975.64 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 30°17'34" EAST; THENCE NORTHEASTERLY ALONG SAID CURVE 101.47 FEET THROUGH A CENTRAL ANGLE OF 01°27'44" TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 2011.79 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 32°46'42" EAST; THENCE NORTHEASTERLY ALONG SAID CURVE 74.95 FEET THROUGH A CENTRAL ANGLE OF 02°08'05" TO THE ABOVE DESCRIBED POINT "B"; THENCE SOUTH 31°32'33" EAST, 70.05 FEET TO THE POINT OF **BEGINNING**.

THE UPPER ELEVATION LIMIT OF THE SUBSURFACE EASEMENT HEREIN DESCRIBED AS PARCEL "B", IS A HORIZONTAL PLANE WITH AN ELEVATION OF +221.00 FEET AND THE LOWER ELEVATION LIMIT OF THE SUBSURFACE EASEMENT HEREIN DESCRIBED IS A HORIZONTAL PLANE WITH AN ELEVATION OF +172.00 FEET, BASED ON THE NAVD-88 DATUM ELEVATION OF 285.39 FEET FOR CITY OF LOS ANGELES BENCHMARK NO. 13-13450. THE UPPER LIMIT OF THIS EASEMENT VARIES FROM APPROXIMATELY 56 TO 63 FEET BELOW FINISH GRADE (EXISTING SURFACE ELEVATION IN JANUARY OF 2011), AND THE LOWER LIMIT OF THIS EASEMENT VARIES FROM APPROXIMATELY 105 TO 112 FEET BELOW FINISH GRADE (EXISTING SURFACE ELEVATION IN JANUARY OF 2011). THESE ELEVATIONS WERE DETERMINED FROM THE LOS ANGELES METRO WESTSIDE SUBWAY EXTENSION PROJECT – SECTION 2 PROJECT DEFINITION DRAWINGS.

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:


JAMES L. ELLIOTT, P.L.S. 6334



9-25-18
DATE

AFFECTS APN: 4319-001-900

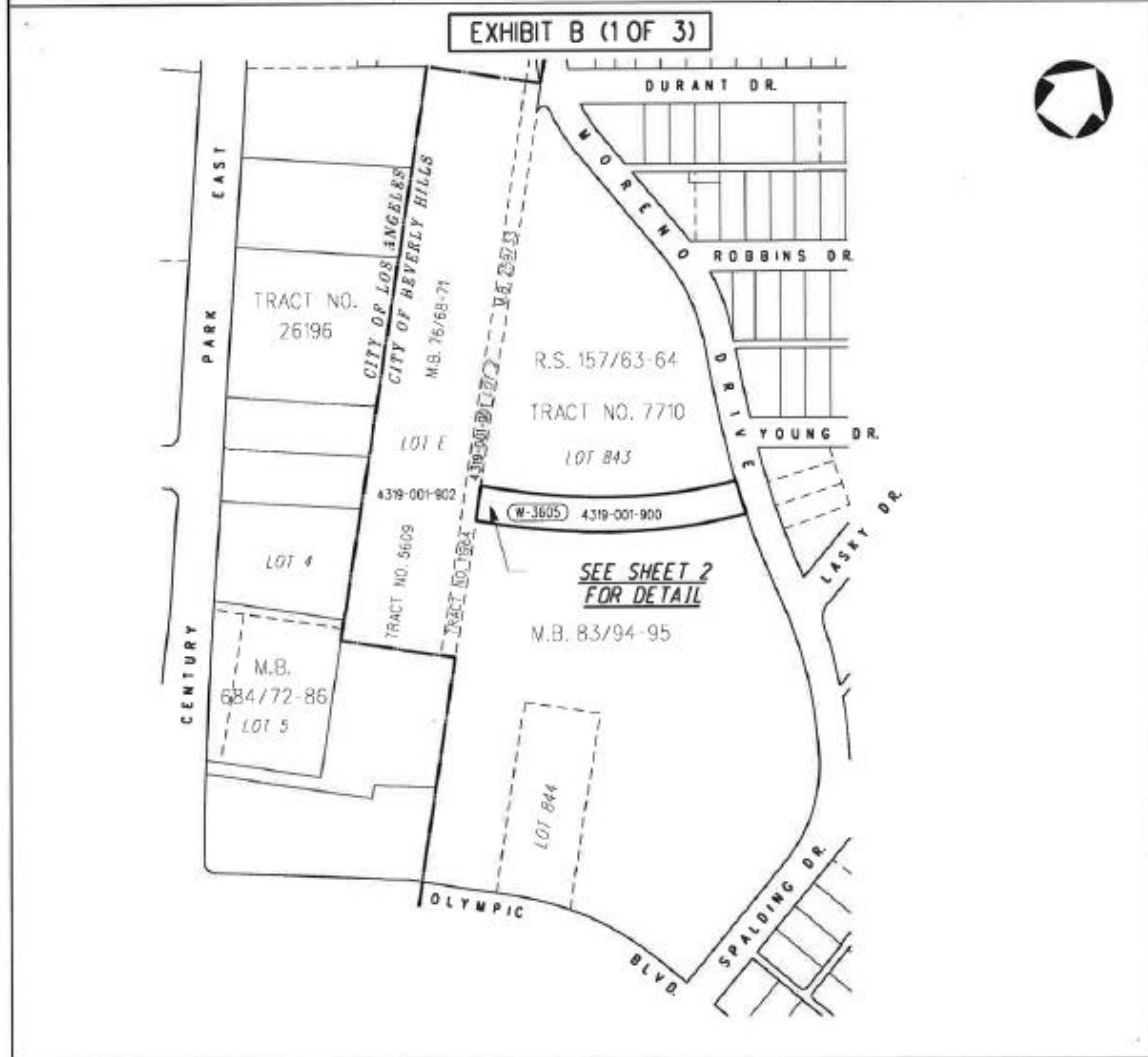
W-3605

**EXHIBIT B
PLAT MAP**

EXHIBIT B

Plat Map of the Required Subsurface Easement, Parcel W-3605 (1 of 3)

GRANTOR : LOS ANGELES UNIFIED SCHOOL DISTRICT		The data shown on this map and/or plat are collected from public sources and are subject to field verification.	
DESCRIPTION : PORTION OF LOT 843 OF TRACT NO. 7710 M.B. 83/94-95			
BENCH MARK :			
TITLE REPORT :	FIDELITY NATIONAL TITE CO. NO. 997-23077629-WL3	ADDRESS :	241 S. MORENO DR. BEVERLY HILLS, CA 90212
ASSESSOR'S REF. :	4319-001-900	R.O.W. REFERENCE :	R-3601: W-3605
		NO.	DATE
		REVISION DESCRIPTION	

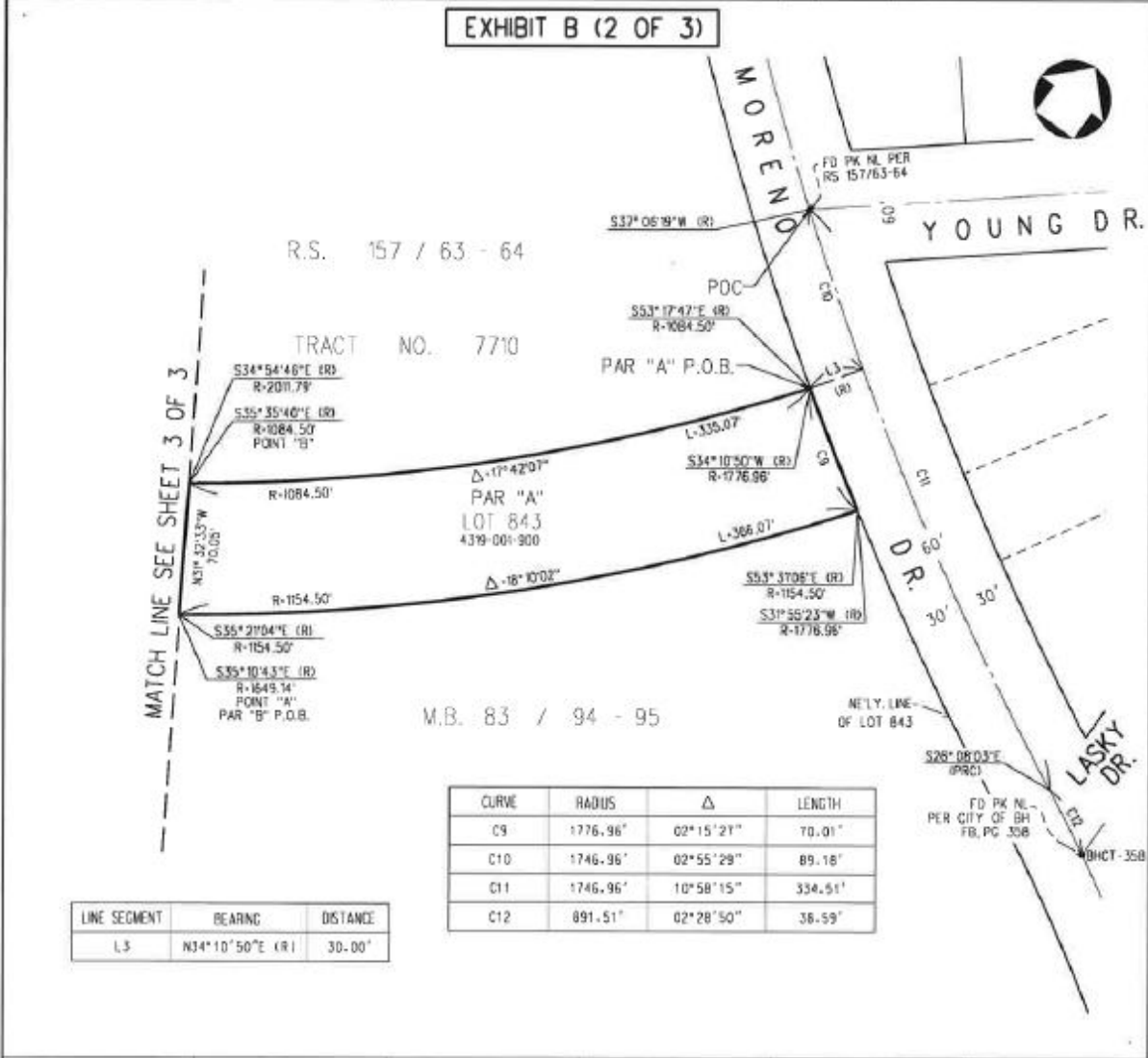


PARCEL	TOTAL	W-3605	
AREA - SQUARE FEET	18.92± Ac.	36,959	

	LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY	<p><i>PARCEL PLAT</i></p> <p>W-3605</p> <p>SHEET 1 OF 3</p>	CONTRACT NO./DESIGN UNIT
	APPROVED BY: MTA PROJECT MANAGER		SCALE: 1" = 300' DATE: 09/11/2018 DRAWN BY: T. RAINEY CHECKED BY: J. NEDLIK REV. DATE: REV. NO.

Plat Map of the Required Subsurface Easement, Parcel W-3605 (2 of 3)

GRANTOR : LOS ANGELES UNIFIED SCHOOL DISTRICT		The data shown on this map and/or plat are compiled from public sources and are subject to field verification.	
DESCRIPTION : PORTION OF LOT 843 OF TRACT NO. 7710 M.B. 83/94-95			
BENCH MARK :			
TITLE REPORT : FIDELITY NATIONAL TITLE CO. NO. 997-23071629-M.3	ADDRESS : 241 S. MORENO DR. BEVERLY HILLS, CA 90212		
ASSESSOR'S REF. : 4319-001-900	R.O.W. REFERENCE : R-3601 W-3605	NO.	DATE
		REVISION DESCRIPTION	



CURVE	RADIUS	Δ	LENGTH
C9	1776.96'	02°15'21"	70.01'
C10	1746.96'	02°55'29"	89.18'
C11	1746.96'	10°58'15"	334.51'
C12	891.51'	02°28'50"	38.59'

LINE SEGMENT	BEARING	DISTANCE
L3	N34°10'50"E (R)	30.00'

PARCEL	TOTAL	W-3605
AREA - SQUARE FEET	18.92± Ac.	36,959

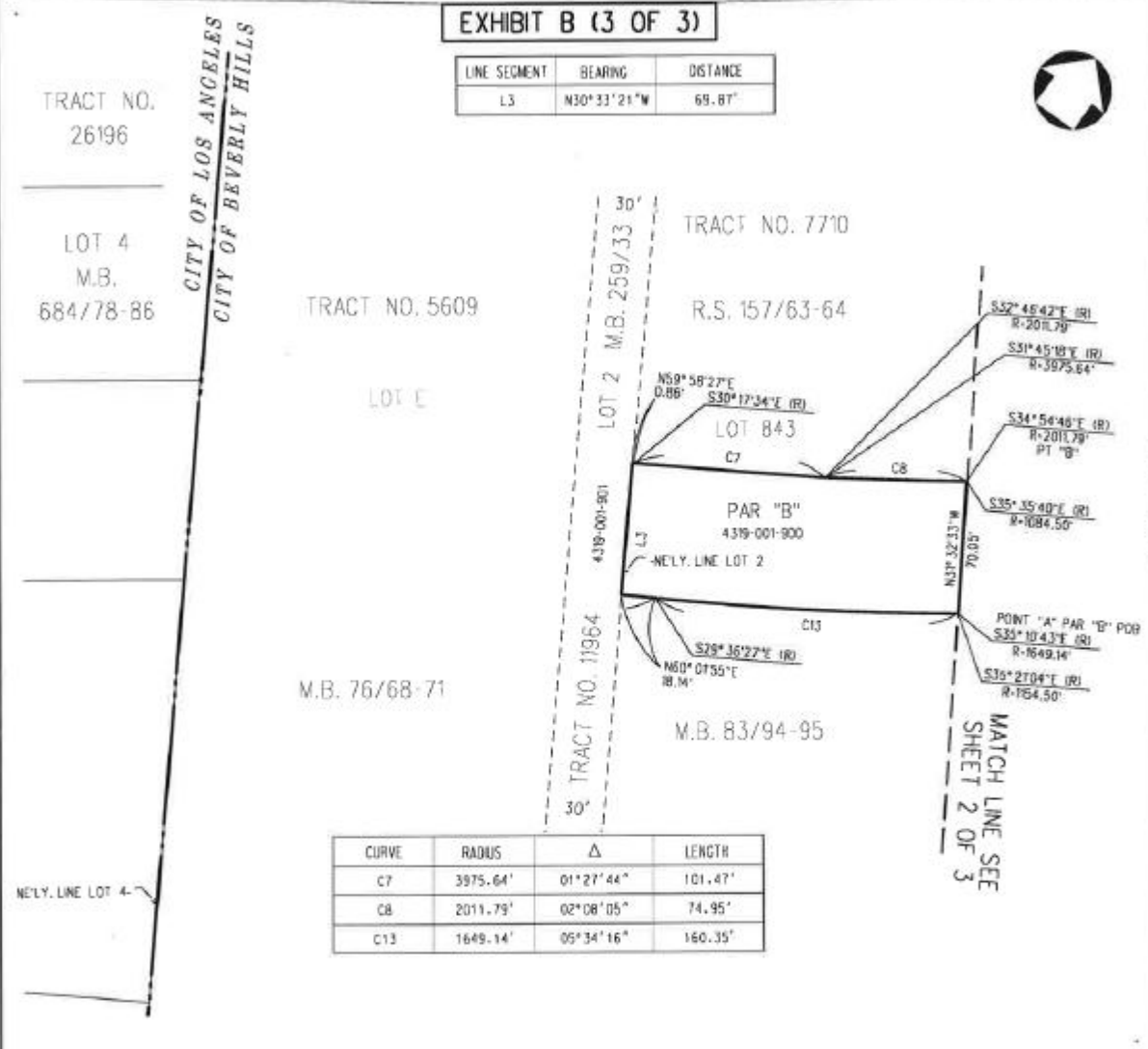
 LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY	<h2 style="margin: 0;">PARCEL PLAT</h2> <h3 style="margin: 0;">W-3605</h3> <p style="margin: 0;">SHEET 2 OF 3</p>	CONTRACT NO./DESIGN UNIT SCALE DATE DRAWN BY CHECKED BY REV. DATE REV. NO.
	APPROVED BY: MTA PROJECT MANAGER DATE	T. RAINEY J. NEELIK

Plat Map of the Required Subsurface Easement, Parcel W-3605 (3 of 3)

GRANTOR : LOS ANGELES UNIFIED SCHOOL DISTRICT		The data shown on this map and/or plat are compiled from public sources and are subject to field verification.		
DESCRIPTION : PORTION OF LOT 843 OF TRACT NO. 7710 M.B. 83/94-95				
BENCH MARK :				
TITLE REPORT : FIDELITY NATIONAL TITLE CO. NO. 997-23071629-M.3	ADDRESS : 241 S. MORENO DR. BEVERLY HILLS, CA 90212			
ASSESSOR'S REF. : 4319-001-900	R.O.W. REFERENCE : R-3601; W-3605	NO.	DATE	REVISION DESCRIPTION

EXHIBIT B (3 OF 3)

LINE SEGMENT	BEARING	DISTANCE
L3	N30°33'21"W	69.87'



CURVE	RADIUS	Δ	LENGTH
C7	3975.64'	01°27'44"	101.47'
C8	2011.79'	02°08'05"	74.95'
C13	1649.14'	05°34'16"	160.35'

PARCEL	TOTAL	W-3605
AREA - SQUARE FEET	18.92± Ac.	36.959

<p>LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY</p>	<p>APPROVED BY:</p> <p>DATE: 10/18/18</p>	<p>CONTRACT NO./DESIGN UNIT</p> <p>SCALE: 1"=80'</p> <p>DATE: 09/11/2018</p> <p>DRAWN BY: T. RAINEY</p> <p>CHECKED BY: J. NEDLIK</p> <p>REV. DATE: REV. NO.:</p>
	<p>PARCEL PLAT</p> <p>W-3605</p> <p>SHEET 3 OF 3</p>	

EXHIBIT C
SUBSURFACE EASEMENT

EXHIBIT C

SUBSURFACE EASEMENT

A perpetual, assignable and exclusive subsurface easement ("Easement") to the LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY ("LACMTA"), its successors, and assigns.

This Easement shall be for use by LACMTA and its "Permittees" (which term refers to the officers, directors, employees, agents, contractors, licensees, customers, visitors, invitees, tenants and concessionaires of LACMTA) to construct, maintain, repair, operate, replace, relocate, remove, use and occupy LACMTA's improvements for mass transit purposes, including, but not limited to, a portion of an underground rail tunnel, and all incidental uses related thereto ("LACMTA's Facilities"). LACMTA intends to use the Easement to operate and provide rail train service as part of LACMTA's rail transit operations.

There shall be no building or use of any property upon, above, or contiguous to the Easement that would interfere with, damage or endanger LACMTA's Facilities, or the excavation, construction, maintenance, replacement, enjoyment or use thereof. In order to ensure the structural integrity of LACMTA's Facilities, there shall be no excavation or construction above or adjacent to the Easement without LACMTA's express written consent, and after LACMTA's review of the plans and specifications for excavation or construction. LACMTA's right to consent to such excavation or construction is limited to this purpose, and LACMTA may not unreasonably withhold its consent.

The Easement and all the provisions hereof shall inure to the benefit of, and be binding upon, all parties who claim an interest in the property and LACMTA, and their respective successors and assigns.