

**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
METRO G LINE (ORANGE) BUS RAPID TRANSIT IMPROVEMENTS PROJECT,
("PROJECT") – PARCEL NO. MOL-008**

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 Permanent Street Easement and a 67-month Temporary Construction Easement ("TCE"), as described more specifically in the legal descriptions (Exhibit "A-1" and "A-2"), respectively, and depicted in the plat maps (Exhibit "B-1" and "B-2"), respectively, attached hereto (hereinafter, the "Property Interests"). The actual construction time frame related to each property will have a duration of approximately six (6) months. Additionally, access for ingress and egress will be maintained during construction to minimize impacts to the property and/or the property occupants.

Section 4.

(j.) The acquisition of the above-described Property Interests is necessary for the development, construction, operation, and maintenance of the Metro G Line (Orange) Bus Rapid Transit Improvement Project ("Project");

- (k.) In July 2018, the Board approved a determination that the Project is Statutorily Exempt, pursuant to CEQA Guidelines Section 15275(a) (Public Resources Code Section 21080(b)(11)) and is consistent with the intent of the legislature to facilitate “passenger and commuter services” improvements to HOV lanes already in use. In July 2018, the Board authorized the filing of a CEQA Notice of Exemption (NOE) for the Project with the Los Angeles County Clerk
- (l.) 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:

- (m.) The public interest and necessity require the proposed Project;
- (n.) 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;
- (o.) The Property sought to be acquired, which has been described herein, is necessary for the proposed Project;
- (p.) 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, 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 Metropolitan Transportation Authority at a meeting held on the 25th day of August 2022.



COLLETTE LANGSTON
LACMTA Board Clerk

Date: JANUARY 10, 2023

ATTACHMENTS
Exhibit A-1 and A-2 – Legal Descriptions
Exhibit B-1 and B-2 – Plat Maps

Parcel MOL-008 – Legal Description

LEGAL DESCRIPTION

ACQUISITION AREA

APN# 2110-003-036

That certain parcel of land situated in the City of Los Angeles, County of Los Angeles, State of California, being that portion of Lot 1 of Tract No. 5596, as per map recorded in Book 61, Page 44 of maps, being more particularly described as follows:

BEGINNING at the southwest corner of that certain document Granted to City of Los Angeles, recorded March 13, 1962, Instrument Number 4337 of Official Records, said point also being 30.00 feet southerly and parallel to the northerly line of Lot 1 of said Tract No. 5596; thence easterly along the southerly line of said Instrument Number 4337, North $89^{\circ}16'26''$ East, a distance of 58.63 feet to **TRUE POINT OF BEGINNING**; thence continuing along said line, North $89^{\circ}16'26''$ East, a distance of 40.00 feet to the beginning of a 20.00 foot radius curve, concave southwesterly; thence along said curve through a central angle of $90^{\circ}59'31''$, an arc length of 31.76 feet; thence leaving said line North $48^{\circ}11'29''$ West, a distance of 27.14 feet, thence North $87^{\circ}51'49''$ West, a distance of 40.05 feet to the **TRUE POINT OF BEGINNING**.

Containing 177.2 square feet, more or less.

This legal description is not intended to be used in the conveyance of land in violation of the Subdivision Map Act of the State of California.

Subject to easements, covenants, conditions, restrictions, reservations, rights, rights-of-way, and other matters of record, if any.

See Exhibit 'B' attached hereto and made a part hereof.

This legal description was prepared by me or under my direction.



Thomas P. Pilarski, PLS 8732

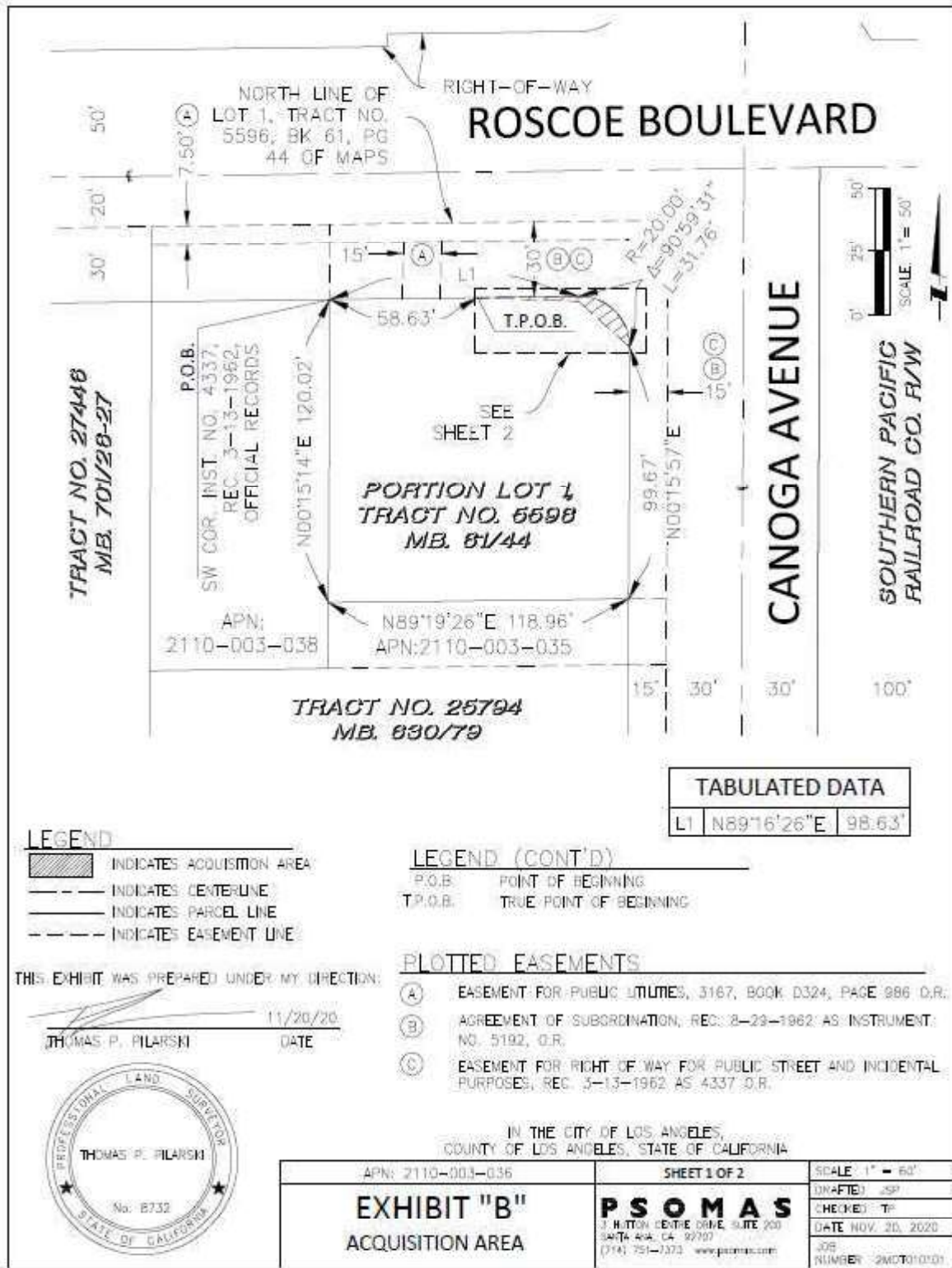
11-20-20

Date



Sheet 2 of 2

Parcel MOL-008 – Plat



Parcel MOL-008 – Legal Description (TCE)

LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT
APN# 2110-003-036

That certain parcel of land situated in the City of Los Angeles, County of Los Angeles, State of California, being that portion of Lot 1 of Tract No. 5596, as per map recorded in Book 61, Page 44 of maps, being more particularly described as follows:

BEGINNING at the southwest corner of that certain document Granted to City of Los Angeles, recorded March 13, 1962, Instrument Number 4337 of Official Records, said point also being 30.00 feet southerly and parallel to the northerly line of Lot 1 of said Tract No. 5596; thence easterly along the southerly line of said Instrument Number 4337, North 89°16'26" East, a distance of 58.63 feet to **TRUE POINT OF BEGINNING**; thence leaving said line, South 87°51'49" East, a distance of 40.05 feet; thence South 48°11'29" East, a distance of 27.14 feet to the southerly terminus of that certain 20.00 foot radius curve concave southwesterly, said curve being the westerly line of said Instrument Number 4337; thence along said west line, South 00°15'57" West, a distance of 5.01 feet; thence leaving said line, North 48°11'29" West, a distance of 30.11 feet; thence South 89°16'26" West, a distance of 37.72 feet; thence North 00°43'34" West, a distance of 5.00 feet to the **TRUE POINT OF BEGINNING**.

Containing 264.0 square feet, more or less.

This legal description is not intended to be used in the conveyance of land in violation of the Subdivision Map Act of the State of California.

Subject to easements, covenants, conditions, restrictions, reservations, rights, rights-of-way, and other matters of record, if any.

See Exhibit 'B' attached hereto and made a part hereof.

This legal description was prepared by me or under my direction.



Thomas P. Pilarski, PLS 8732

11-20-20

Date



Parcel MOL-008 – Plat (TCE)

