

**ATTACHMENT B**

**STAFF REPORT REGARDING THE RESCISSION OF THE RESOLUTION OF NECESSITY TO ACQUIRE A SUBSURFACE EASEMENT AND A GROUTING EASEMENT ON PROJECT PARCELS RC-449 AND RC-449-1 (“PROPERTY”)**

**BACKGROUND**

The Property was included in the initial design for the construction and operation of the Regional Connector Transit Corridor ("Project"). The address, owners of record ("Owners") as indicated by a title report prepared by Chicago Title Company, physical description, and nature of the property interests sought to be acquired for the Project are summarized as follows:

<b>Assessor Parcel Number</b>	<b>Parcel Address</b>	<b>Property Owners</b>	<b>Purpose of Acquisition</b>	<b>Property Interest(s) Sought</b>	<b>METRO Project Parcel #s</b>
5161-017-009	321 East 2nd Street, Los Angeles, CA	Birnbaum 321, LLC, Catherine Diane - The Stavrum Family Trust, Donald Mahaffey, Elaine Allison, Edward & Dena Bless, Hull's Hope LLC, EMatli, LLC, Larry Parker, MBJJ Investments LLC, Moylan Family Trust LLC, Peter Wernecke & Renee DeForest, Read C 321, LLC- Kathleen Koski Read, Vijay K. Pavuluri & Padmaja Akkineni, and Neoteric Alpha, LLC	Construction and Operation of the tunnel	Subsurface easement and grouting easement	RC-449 and 449-1

A written offer for the property interests comprising Project Parcels RC-449 and 449-1 was mailed to the Owners by letter dated November 5, 2014. Staff engaged in negotiations with all the owners; however, the offer was not accepted by all the Owners, and consequently, a negotiated agreement was not been reached. To maintain the Project schedule staff prepared and the METRO Board approved a Resolution of Necessity on February 26, 2015 to commence an eminent domain action to acquire the Property.

The Property consists of a subsurface easement and a grouting easement. The subsurface easement (RC-449) was thought to be required for the tunnel alignment and contains a total of 51 square feet (as described in the Legal Description attached hereto as Exhibit "A-1" and as depicted on the Plat Map attached hereto as Exhibit "B-1"). The grouting easement (RC-449-1) was thought to be required for the installation of

permanent grout underground between building foundations and the top of the tunnel excavations to reduce ground movements that may be caused by the tunneling (as described in the Legal Description attached hereto as Exhibit "A-2" and as depicted on the Plat Map attached hereto as Exhibit "B-2").

Subsequent to approval of the Resolution of Necessity, METRO Project staff, engineers and contractors determined that the 51 square foot subsurface easement and 1,849 square feet in subsurface grouting easements for the installation of permanent grout underground between building foundations were no longer needed. The contractor's design and approach eliminates the need for permeation grouting and grouting easements at this location. Further METRO has determined that it will be able to construct its Project tunnel without the need to take the 51 square foot subsurface easement under the Property that was previously contemplated. As such, METRO will not be seeking to acquire an interest in the Property and prepared a Decertification Memorandum for the Property (Exhibit "C").

It is recommended that based on the above Evidence, the Board approve the resolution to rescind the Resolution of Necessity to acquire the property through an eminent domain action, METRO's offer contained in its November 5, 2014 offer letter, and any other offer made by METRO for the property interests discussed above.

## **CONCLUSION**

Staff recommends that the Board approve the Resolution to Rescind.

## **ATTACHMENTS**

- 1 - Exhibit "A-1" Legal Description (RC-449)
- 2 - Exhibit "B-1" Plat Map (RC-449)
- 3 - Exhibit "A-2" Legal Description (RC-449-1)
- 4 - Exhibit "B-2" Plat Map (RC-449-1)

EXHIBIT "A-1"

LEGAL DESCRIPTION FOR SUBSURFACE EASEMENT PURPOSES  
PARCEL NUMBER RC-449

THOSE PORTIONS OF LOTS 9 THROUGH 13 OF THE WOODWORTH TRACT, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 12 PAGE 92 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOW:

COMMENCING AT THE MOST SOUTHERLY CORNER OF SAID LOT 13, SAID CORNER ALSO BEING IN THE NORTHWESTERLY LINE OF 2ND STREET, 60.00 FEET WIDE, AS SHOWN IN SAID TRACT; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 13 N38°27'38"E 13.00 FEET TO A LINE PARALLEL WITH AND DISTANT NORTHEASTERLY 13.00 FEET FROM THE SOUTHWESTERLY LINE OF SAID LOTS 12 AND 13 AND THE **TRUE POINT OF BEGINNING**; THENCE ALONG SAID PARALLEL LINE N51°33'13"W 30.11 FEET; THENCE LEAVING SAID PARALLEL LINE S55°48'40"E 8.05 FEET TO A POINT IN THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 584.00 FEET, A RADIAL LINE THROUGH SAID POINT BEARS S30°59'42"W; THENCE SOUTHEASTERLY ALONG SAID CURVE AN ARC LENGTH OF 22.34 FEET THROUGH A CENTRAL ANGLE OF 02°11'31" TO THE SOUTHEASTERLY LINE OF SAID LOT 13; THENCE ALONG SAID SOUTHEASTERLY LINE S38°27'38"W 3.92 FEET TO THE **TRUE POINT OF BEGINNING**.

THE UPPER LIMIT OF THE SUBSURFACE EASEMENT HEREIN ABOVE DESCRIBED IS A HORIZONTAL PLANE HAVING AN AVERAGE ELEVATION OF +252 FEET ABOVE MEAN SEA LEVEL PER THE CITY OF LOS ANGELES BENCH MARK NO. 12-03189. THIS EASEMENT IS APPROXIMATELY +/-15 FEET BELOW FINISH GRADE (SURFACE ELEVATION). THIS DEPTH ELEVATION WAS DETERMINED FROM THE L.A. METRO REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT PRELIMINARY ENGINEERING PLANS.

CONTAINS: 51 SQUARE FEET.

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, 2012*  
DATE:



EXHIBIT "B-1"

Grantor: SEE BELOW  
 Description: WOODWORTH TRACT, BOOK 12 PAGE 92  
 PORTIONS OF LOTS 9 TO 13

THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.

Title Report: CHICAGO TITLE COMPANY ORD. # 116740332-X02  
 Assessor's Ref: 5161-017-009 ROW Ref: R-106 & RC-107 No. Date Revision Description

LINE TABLE		
LINE	BEARING	LENGTH
L1	S38°27'38"W	13.00'
L2	N51°33'13"W	30.11'
L3	S55°48'40"E	8.05'
L4	S38°27'38"W	3.92'

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	584.00'	22.34'	2°11'31"

GRANTOR: DANIEL AND SHAWNE MOYLAN, TRUSTEES FOR THE MOYLAN FAMILY TRUST A MOYLAN FAMILY TRUST LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 2.840% INTEREST; VJAY PAVULURI AND PADMAJA AKKINENI, HUSBAND AND WIFE AS JOINT TENANTS, AS TO AN UNDIVIDED 5.458% INTEREST; NEOTERIC ALPHA LLC, AN ILLINOIS, LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED .852% INTEREST; LARRY PARKER, AS TO AN UNDIVIDED 2.74% INTEREST; BIRNBAUM 321, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 3.090% INTEREST; READ C 321, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 3.400% INTEREST; EDWARD BLESS AND DENA BLESS, TRUSTEES OF THE BLESS FAMILY TRUST DATED MAY 4, 2001, OR ANY SUCCESSOR TRUSTEE THEREUNDER, AS TO AN UNDIVIDED 4.530% INTEREST; EMATLI, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 5.600% INTEREST; EMATLI, LLC, LLC, AS TO AN UNDIVIDED 3.340% INTEREST; THE STAVRUM FAMILY TRUST DATED OCTOBER 11, 1991, AS TO AN UNDIVIDED 4.262% INTEREST, SUBJECT TO ITEM NO. 8 OF SCHEDULE B; PETER WERNECKE AND RENEE DEFOREST, HUSBAND AND WIFE AS JOINT TENANTS, AS TO AN UNDIVIDED 10.580% INTEREST; DONALD MAHAFFEY AND ELAINE MAHAFFEY, AS TO AN UNDIVIDED 6.045% INTEREST; AND EDWARD H. OWENS, TRUSTEE OF THE EDWARD H. OWENS DECLARATION OF TRUST DATED APRIL 2, 2002, AS TO AN UNDIVIDED 47.263% INTEREST.



TOTAL AREA OF PROPERTY	RC-449	REMAINDER PARCEL AREA	ESTATE
10,834 SQ. FT. (NET AREA)	51 SQ. FT. (NET AREA)	10,783 SQ. FT. (NET AREA)	SSE

	APPROVED BY: <i>Simon Ray</i> 9/25/12 PROJECT MANAGER DATE	REGIONAL CONNECTOR	DATE: 12/16/11
	PREPARED BY: <i>Stephanie Wagner</i> WAGNER ENGINEERING & SURVEY, INC. 10000 Parklawn St., Suite 100 Northridge, CA 91323		SCALE: 1" = 60'
The Connector Partnership	CHECKED BY: LS: 5752	CITY OF LOS ANGELES	REV. No. 1 DATE: 06/12/12 REV. No. DATE: PARCEL No. RC-449



EXHIBIT "A-2"

LEGAL DESCRIPTION FOR GROUTING EASEMENT PURPOSES  
PARCEL NUMBER RC-449-1

THOSE PORTIONS OF LOTS 9 THROUGH 13 OF THE WOODWORTH TRACT, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 12 PAGE 92 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOW:

COMMENCING AT THE MOST SOUTHERLY CORNER OF SAID LOT 13, SAID CORNER ALSO BEING IN THE NORTHEASTERLY LINE OF 2ND STREET, 60.00 FEET WIDE, AS SHOWN IN SAID TRACT; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 13 N38°27'38"E 13.00 FEET TO A LINE PARALLEL WITH AND DISTANT NORTHEASTERLY 13.00 FEET FROM THE SOUTHWESTERLY LINE OF SAID LOTS 12 AND 13; THENCE ALONG SAID PARALLEL LINE N51°33'13"W 30.11 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE CONTINUING ALONG SAID PARALLEL LINE N51°33'13"W 94.63 FEET; THENCE N38°26'47"E 11.04 FEET TO A POINT IN THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 2,532.35 FEET, A RADIAL LINE THROUGH SAID POINT BEARS S35°55'25"W; THENCE SOUTHEASTERLY ALONG SAID CURVE AN ARC LENGTH OF 57.64 FEET THROUGH A CENTRAL ANGLE OF 01°18'15" TO A POINT IN THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 748.20 FEET, A RADIAL LINE THROUGH SAID POINT BEARS S34°28'34"W; THENCE SOUTHEASTERLY ALONG SAID CURVE AN ARC LENGTH OF 43.03 FEET THROUGH A CENTRAL ANGLE OF 03°17'41" TO A POINT IN THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 566.23 FEET, A RADIAL LINE THROUGH SAID POINT BEARS S31°59'28"W; THENCE SOUTHEASTERLY ALONG SAID CURVE AN ARC LENGTH OF 16.66 FEET THROUGH A CENTRAL ANGLE OF 01°41'08" TO A POINT IN THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 544.47 FEET, A RADIAL LINE THROUGH SAID POINT BEARS S30°09'43"W; THENCE SOUTHEASTERLY ALONG SAID CURVE AN ARC LENGTH OF 7.96 FEET THROUGH A CENTRAL ANGLE OF 00°50'15" TO SAID SOUTHEASTERLY LINE; THENCE ALONG SAID SOUTHEASTERLY LINE S38°27'38"W 17.85 FEET TO A POINT IN THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 584.00 FEET, A RADIAL LINE THROUGH SAID POINT BEARS S28°48'11"W; THENCE NORTHWESTERLY ALONG SAID CURVE AN ARC LENGTH OF 22.34 FEET THROUGH A CENTRAL ANGLE OF 02°11'31"; THENCE N55°48'40"W 8.05 FEET TO THE **TRUE POINT OF BEGINNING**.

THE UPPER LIMIT OF THE SUBSURFACE EASEMENT HEREIN ABOVE DESCRIBED IS A HORIZONTAL PLANE HAVING AN AVERAGE ELEVATION OF +263 FEET ABOVE MEAN SEA LEVEL PER THE CITY OF LOS ANGELES BENCH MARK NO. 12-03189. THIS EASEMENT IS APPROXIMATELY +/-5 FEET BELOW FINISH GRADE (SURFACE ELEVATION). THIS DEPTH ELEVATION WAS DETERMINED FROM THE L.A. METRO REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT PRELIMINARY ENGINEERING PLANS.

CONTAINS: 1,849 SQUARE FEET.

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 26, 2012*  
DATE:



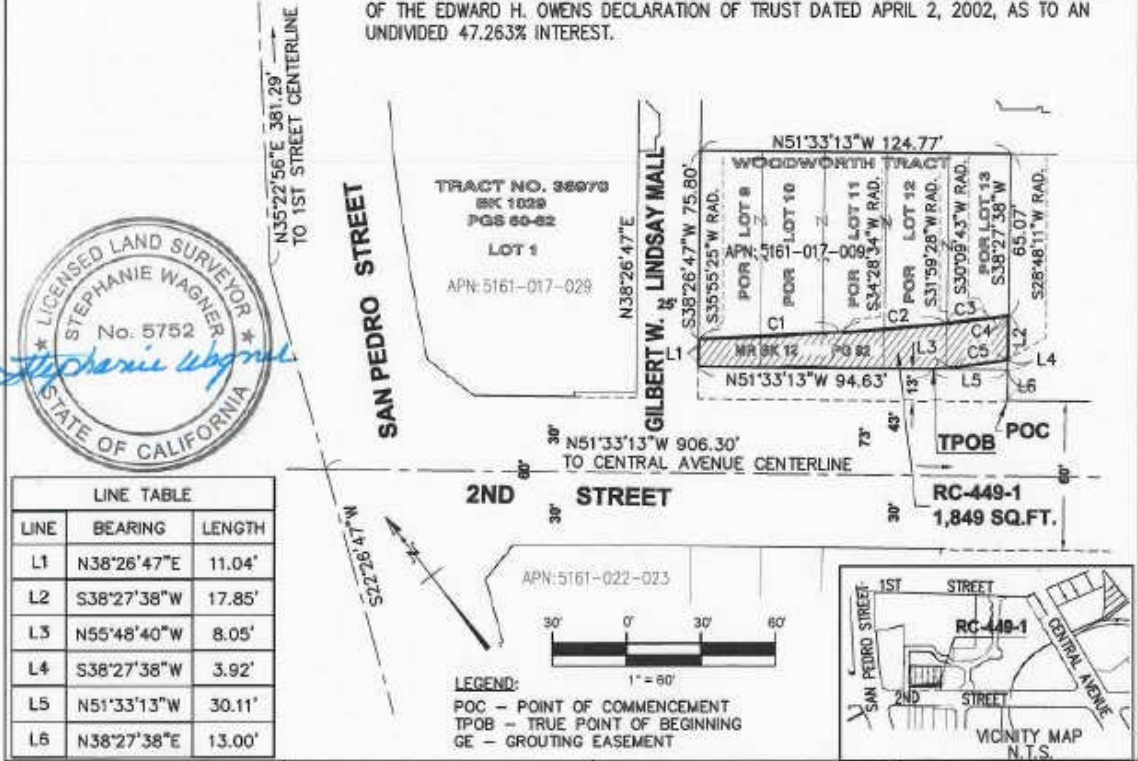
EXHIBIT "B-2"

Grantor: SEE BELOW	THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARINGS AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.		
Description: WOODWORTH TRACT, BOOK 12 PAGE 92	PORTIONS OF LOTS 9 TO 13, CITY OF LOS ANGELES		
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA			
Title Report: CHICAGO TITLE COMPANY ORD. # 116740332-X02			
Assessor's Ref: 5161-017-009	ROW Ref: R-106 & RC-107	No. Date	Revision Description

**GRANTOR:** DANIEL AND SHAWNE MOYLAN, TRUSTEES FOR THE MOYLAN FAMILY TRUST, A MOYLAN FAMILY TRUST LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 2.840% INTEREST; VIJAY PAVULURI AND PADMAJA AKKINENI, HUSBAND AND WIFE AS JOINT TENANTS, AS TO AN UNDIVIDED 5.458% INTEREST; NEOTERIC ALPHA LLC, AN ILLINOIS LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED .852% INTEREST; LARRY PARKER, AS TO AN UNDIVIDED 2.74% INTEREST; BIRNBAUM 321, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 3.090% INTEREST; READ C 321, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 3.4% INTEREST; EDWARD BLESS AND DENA BLESS, TRUSTEES OF THE BLESS FAMILY TRUST DATED MAY 4, 2001, OR ANY SUCCESSOR TRUSTEE THEREUNDER, AS TO AN UNDIVIDED 4.530% INTEREST; EMATLI, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 5.600% INTEREST; EMATLI, LLC, AS TO AN UNDIVIDED 3.340% INTEREST; THE STAVRUM FAMILY TRUST DATED OCTOBER 11, 1991, AS TO AN UNDIVIDED 4.262% INTEREST, SUBJECT TO ITEM NO. 8 OF SCHEDULE B; PETER WERNECKE AND RENEE DEFOREST, HUSBAND AND WIFE AS JOINT TENANTS, AS TO AN UNDIVIDED 10.580% INTEREST; DONALD MAHAFFEY AND ELAINE MAHAFFEY, AS TO AN UNDIVIDED 6.045% INTEREST; AND EDWARD H. OWENS, TRUSTEE OF THE EDWARD H. OWENS DECLARATION OF TRUST DATED APRIL 2, 2002, AS TO AN UNDIVIDED 47.263% INTEREST.

CURVE	RADIUS	LENGTH	DELTA
C1	2532.35'	57.64'	1°18'15"
C2	748.20'	43.03'	3°17'41"
C3	566.23'	16.66'	1°41'08"
C4	544.47'	7.96'	0°50'15"
C5	584.00'	22.34'	2°11'31"

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.



LINE	BEARING	LENGTH
L1	N38°26'47"E	11.04'
L2	S38°27'38"W	17.85'
L3	N55°48'40"W	8.05'
L4	S38°27'38"W	3.92'
L5	N51°33'13"W	30.11'
L6	N38°27'38"E	13.00'

TOTAL AREA OF PROPERTY	RC-449-1	REMAINDER PARCEL AREA	ESTATE		
10,834 SQ. FT. (NET AREA)	1,849 SQ. FT. (NET AREA)	8,985 SQ. FT. (NET AREA)	GE		
 APPROVED BY: <i>Conn Roy</i> 9/26/12 PROJECT MANAGER	PREPARED BY: WAGNER ENGINEERING & SURVEY, INC. 28553 Parkside St., Suite 100 Hawthorne, CA 90240	REGIONAL CONNECTOR			
		CITY OF LOS ANGELES			
		DATE: 05/30/12	SCALE: 1" = 60'	REV. No. 1	DATE: 06/26/12
		REV. No.	DATE:	PARCEL No.	RC-449-1





DE-CERTIFICATION MEMORANDUM  
REGIONAL CONNECTOR TRANSIT PROJECT

Tuesday, June 9, 2015

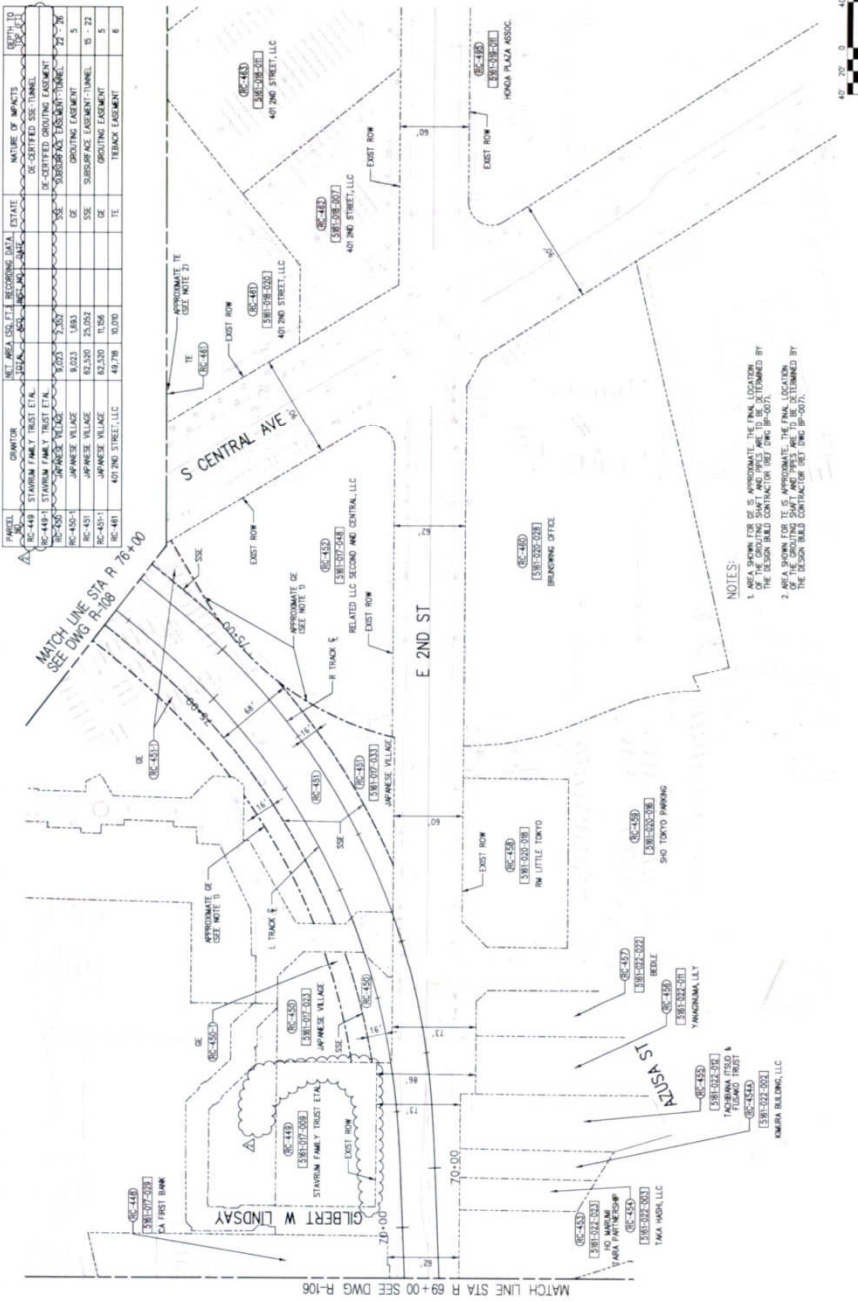
Parcel Numbers: Subsurface Easement – RC-449  
Grouting Easement – RC-449-1

This memorandum de-certifies the acquisition of the parcels RC-449 and 449-1 identified as APN 5161-017-009. These acquisitions are no longer required since the contractor's design and approach eliminates the need for permeation grouting and grouting easement. There is about a foot clear from outside diameter of tunnel lining allowing for all factors to the closest point of subsurface easement (SSE). The small SSE is not needed .



Girish Roy, P.E.

Deputy Executive Officer,



NO.	DATE	BY	APP.	REV.	DESCRIPTION
1	12/17/12	---	---	---	ISSUED FOR SOLICITATION
2	12/17/12	---	---	---	REVISION
3	12/17/12	---	---	---	REVISION

THE INFORMATION ON THIS DRAWING IS THE PROPERTY OF THE STATE OF CALIFORNIA. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED ON THIS DRAWING.

PROJECT: REGIONAL CONNECTOR TRANSIT CORRIDOR  
 PROJECT DEFINITION DRAWINGS  
 RIGHT OF WAY PLAN  
 STA R 69+00 TO STA R 76+00

CONTRACT NO. C0980  
 DRAWING NO. R-107  
 SHEET NO. 1  
 SCALE: 1"=40'

DATE: 12/07/2012

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY  
 Metro  
 The Connector Partnership

DESIGNED BY: L. MORRIS  
 CHECKED BY: L. MORRIS  
 DATE: 12/07/2012

NOTES:  
 1. AREA SHOWN FOR R.E. IS APPROXIMATE. THE FINAL LOCATION OF THE TRACKS WILL BE DETERMINED BY THE DESIGN BIDD CONTRACTOR (DB/BCO).  
 2. AREA SHOWN FOR T.E. IS APPROXIMATE. THE FINAL LOCATION OF THE TRACKS WILL BE DETERMINED BY THE DESIGN BIDD CONTRACTOR (DB/BCO).