

**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-3507**

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")

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 LOTS 838, 839, 840 AND 841 OF TRACT NO. 7710, AS PER MAP RECORDED IN BOOK 83, PAGES 94 THROUGH 95 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LYING WITHIN THE FOLLOWING DESCRIBED PARCEL OF LAND:

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 POINT BEARS SOUTH 37°06'19" WEST; THENCE SOUTHEASTERLY ALONG SAID CENTERLINE OF MORENO DRIVE AND SAID CURVE 90.18 FEET THROUGH A CENTRAL ANGLE OF 02°57'27"; THENCE RADIAL TO SAID CURVE, NORTH 34°08'52" EAST, 30.00 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID LOT 839, SAID POINT BEING ON A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 1716.96 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 34°08'52" WEST, SAID POINT BEING THE **POINT OF BEGINNING**; SAID POINT OF BEGINNING ALSO BEING ON A NON-TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 1084.50 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 56°28'02" EAST; THENCE NORTHEASTERLY ALONG LAST SAID CURVE 136.66 FEET THROUGH A CENTRAL ANGLE OF 07°13'13" TO THE NORTHWESTERLY LINE OF SAID LOT 839; THENCE NORTH 50°43'18" EAST, 149.58 FEET ALONG SAID NORTHWESTERLY LINE AND THE NORTHWESTERLY LINE OF SAID LOT 838 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 70°27'45" EAST; THENCE SOUTHWESTERLY ALONG SAID CURVE 281.33 FEET THROUGH A CENTRAL ANGLE OF 13°57'43" TO A POINT ON THE SOUTHWESTERLY LINE OF SAID LOT 841, SAID POINT BEING ON A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 1716.96 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 31°48'56" WEST; THENCE NORTHWESTERLY ALONG LAST SAID SOUTHWESTERLY LINE, AND THE SOUTHWESTERLY LINES OF SAID LOTS 840 AND 839, AND SAID CURVE 69.88 FEET THROUGH A CENTRAL ANGLE OF 02°19'55" TO THE **POINT OF BEGINNING**.

THE UPPER ELEVATION LIMIT OF THE SUBSURFACE EASEMENT HEREIN DESCRIBED, IS A HORIZONTAL PLANE WITH AN ELEVATION OF +201.00 FEET AND THE LOWER ELEVATION LIMIT OF THE SUBSURFACE EASEMENT HEREIN DESCRIBED IS A HORIZONTAL PLANE WITH AN ELEVATION OF +149.00 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 IS APPROXIMATELY 49 FEET BELOW FINISH GRADE (EXISTING SURFACE ELEVATION IN JANUARY OF 2011), AND THE LOWER LIMIT OF THIS EASEMENT IS APPROXIMATELY 101 FEET BELOW FINISH GRADE (EXISTING SURFACE ELEVATION IN JANUARY OF 2011). THESE ELEVATIONS WERE DETERMINED FROM THE LOS ANGELES COUNTY METRO WESTSIDE PURPLE LINE 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: 4319-005-900

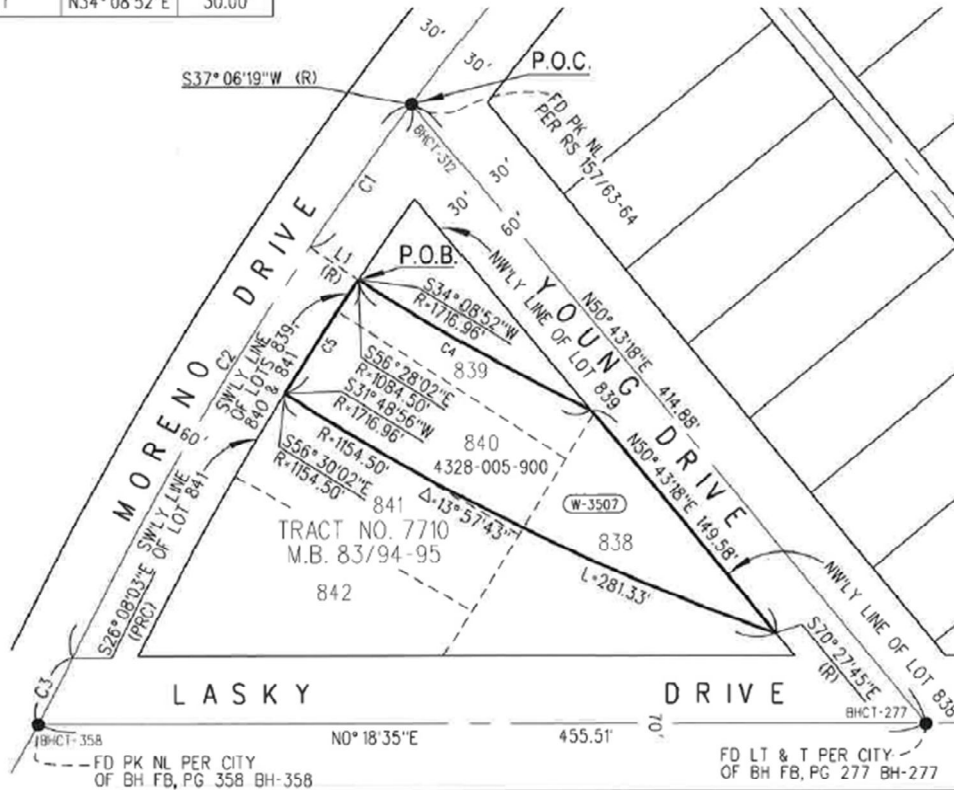
**EXHIBIT B
PLAT MAP**

Plat Map of the Required Subsurface Easement, Parcel W-3507

GRANTOR : BEVERLY HILLS 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 LOTS 838, 839, 840 & 841 OF TRACT NO. 7710, M.B. 83/94-95			
BENCH MARK :			
TITLE REPORT : ORANGE COAST TITLE NO. 997-23060295-A-M.3	ADDRESS : NO SITUS, BEVERLY HILLS, CA 90212		
ASSESSOR'S REF. : 4328-005-900	R.O.W. REFERENCE : R-3035; W-3507	NO.	DATE
			REVISION DESCRIPTION

LINE SEGMENT	BEARING	DISTANCE
L1	N34°08'52"E	30.00'

EXHIBIT "B"



CURVE	RADIUS	Δ	LENGTH
C1	1746.96'	02°57'27"	90.18'
C2	1746.96'	10°58'15"	334.51'
C3	891.51'	02°28'50"	38.59'
C4	1084.50'	07°13'13"	136.66'
C5	1716.96'	02°19'55"	69.88'

PARCEL	TOTAL	W-3507	
AREA - SQUARE FEET	40,683	14,793	

<p>LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY</p> <p>JAMES L. ELLIOTT NO. 6334</p> <p><i>[Signature]</i></p> <p>MTA PROJECT MANAGER</p>	<p>APPROVED BY:</p> <p><i>[Signature]</i></p> <p>DATE</p>	<p>CONTRACT NO./DESIGN UNIT</p>	
		<p>SCALE 1"=80'</p> <p>DATE 09/25/2018</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-3507</p> <p>SHEET 1 OF 1</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 "Permitees" (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.

3210172.1