

**RESOLUTION OF THE
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
DECLARING CERTAIN REAL PROPERTY NECESSARY FOR PUBLIC PURPOSES
AND AUTHORIZING THE ACQUISITION THEREOF FOR
THE ROSECRANS/MARQUARDT GRADE SEPARATION PROJECT PARCEL
RM-03**

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 the Rosecrans/Marquardt Project ("Project") and 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 interests consist of the acquisition of a Utility Overhang Easement and a Temporary Construction Easement as described more specifically in the Legal Descriptions (Exhibit A and Exhibit A-1) and depicted on the Plat Maps (Exhibit B and Exhibit B-1), 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 Project;

(b) As per Section 21080.13 of CQA, all railroad grade separation projects are exempt under CEQA. The Notice of Exemption was given February 29, 2016 from the Governor's Office of Planning & Research. The Draft Environmental Assessment report was issued by the Federal Railroad Administration (FRA) in

April 2018, pursuant to 42 USC § 4332, 49 USC § 303 and 64 FR 28545.

Accordingly, LACMTA has fulfilled the necessary prerequisites to acquire the Property by eminent domain.

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) The California Environmental Quality does not apply to railroad grade separation projects which eliminate an existing grade crossing, and therefore no environmental document is required for this Project.

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.

The 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 the 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, subject to approval by the Board when required, 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, MICHELE 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 5th day of December, 2019.

MICHELE JACKSON
LACMTA Secretary

Date: _____

ATTACHMENTS

- 1 - Legal Descriptions (Exhibit "A" and Exhibit "A-1")
- 2 - Plat Maps (Exhibit "B" and Exhibit "B-1")

**EXHIBIT A
UTILITY OVERHANG EASEMENT
LEGAL DESCRIPTION**

PARCEL A (A.P.N. 8059-029-009)

THAT PORTION OF THE LAND, IN THE CITY OF SANTA FE SPRINGS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DESCRIBED IN THE GRANT DEED RECORDED JANUARY 30, 2002 AS INSTRUMENT NO. 02-0232047, OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING A 5.00 FOOT WIDE STRIP OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID LAND;

THENCE ALONG THE WESTERLY LINE OF SAID LAND NORTH 00°22'54" WEST, 5.00 FEET TO A LINE THAT IS PARALLEL WITH AND 5.00 FEET NORTHERLY, MEASURED AT RIGHT ANGLES, OF THE SOUTHERLY LINE OF SAID LAND;

THENCE LEAVING SAID WESTERLY LINE AND ALONG SAID PARALLEL LINE NORTH 89°37'06" EAST, 100.00 FEET TO THE EASTERLY LINE OF SAID LAND;

THENCE LEAVING SAID PARALLEL LINE AND ALONG SAID EASTERLY LINE SOUTH 00°24'45" EAST, 5.00 FEET TO THE SOUTHEASTERLY CORNER OF SAID LAND;

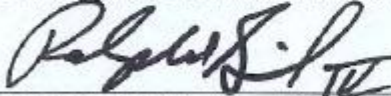
THENCE LEAVING SAID EASTERLY LINE AND ALONG SAID SOUTHERLY LINE SOUTH 89°37'06" WEST, 100.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 500 SQUARE FEET OR 0.011 ACRES, MORE OR LESS.

SUBJECT TO COVENANTS, CONDITIONS, RESERVATIONS, RESTRICTIONS, RIGHTS OF WAY, AND EASEMENTS OF RECORD, IF ANY.

ALL AS MORE PARTICULARLY SHOWN ON EXHIBIT "B", ATTACHED HERETO AND MADE A PART HEREOF.

THIS DOCUMENT HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT.



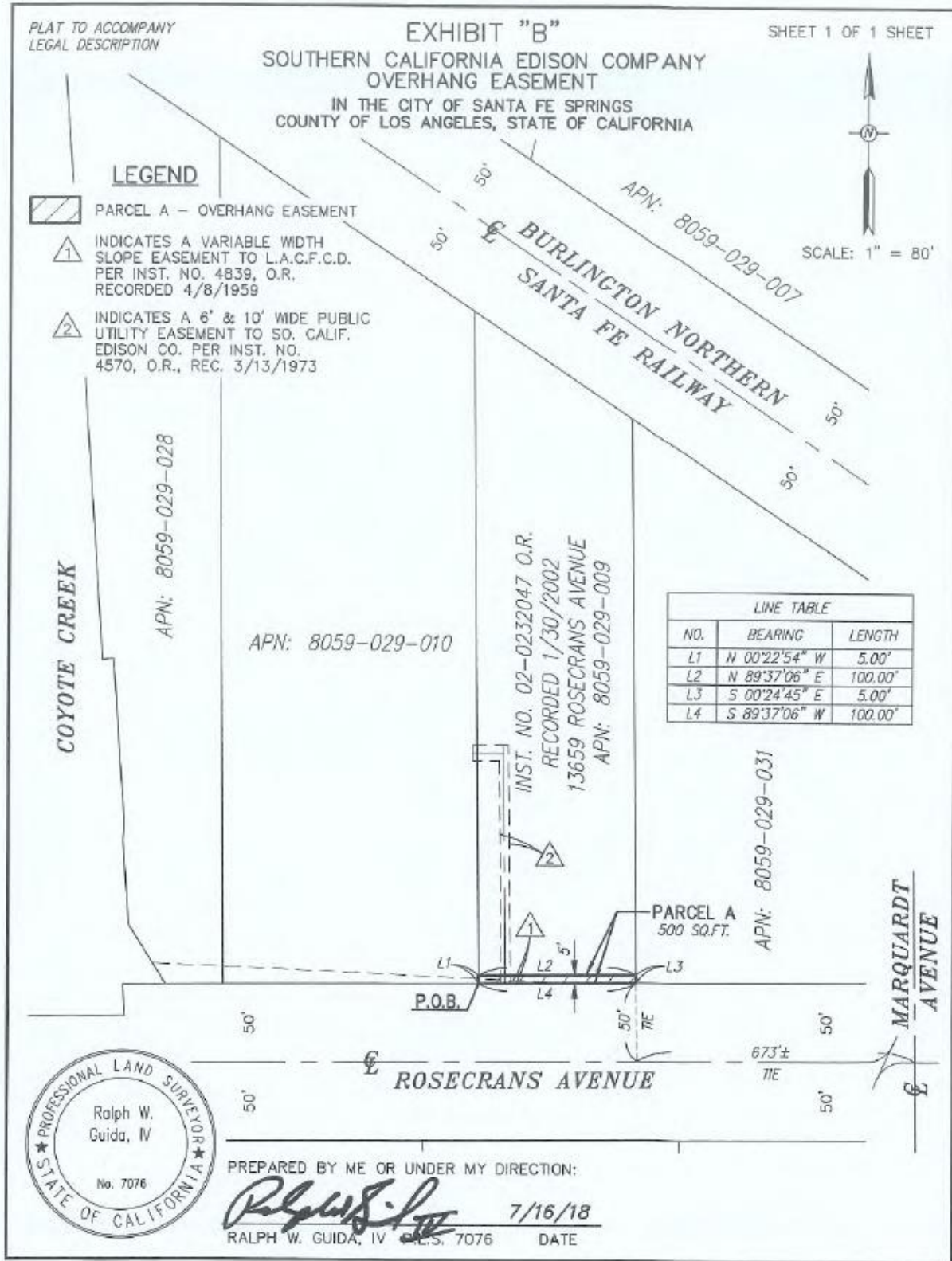
RALPH W. GUIDA, IV, P.L.S. 7076

7/16/18

DATE



EXHIBIT B
 Plat Map of the Required Parcel – Utility Overhang Easement



**EXHIBIT A-1
TEMPORARY CONSTRUCTION EASEMENT
LEGAL DESCRIPTION**

PARCEL A (TEMPORARY CONSTRUCTION EASEMENT)

THAT PORTION OF THE LAND DESCRIBED IN A DEED TO ROSECRANS ASSOCIATES, L.P., A CALIFORNIA LIMITED PARTNERSHIP, IN THE CITY OF SANTA FE SPRINGS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, PER DOCUMENT RECORDED JANUARY 30, 2002, AS INSTRUMENT NO. 02-0232047, OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LAND AS DESCRIBED IN SAID INSTRUMENT, SAID CORNER ALSO BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF ROSECRANS AVENUE, 100 FEET WIDE;

THENCE ALONG THE WESTERLY LINE OF SAID LAND AS DESCRIBED IN SAID INSTRUMENT NORTH 00°24'45" WEST, 80.20 FEET;

THENCE LEAVING SAID WESTERLY LINE NORTH 90°00'00" EAST 7.00 FEET;

THENCE SOUTH 00°24'45" EAST 9.08 FEET;

THENCE NORTH 89°35'15" EAST 37.78 FEET;

THENCE SOUTH 00°20'12" EAST 61.00 FEET;

THENCE NORTH 89°39'26" EAST 55.30' FEET TO THE EASTERLY LINE OF SAID LAND;

THENCE ALONG SAID EASTERLY LINE SOUTH 00°24'45" EAST 10.06 FEET TO THE SOUTHEASTERLY CORNER OF SAID LAND, SAID CORNER BEING ON SAID NORTHERLY LINE OF ROSECRANS AVENUE, 100.00 FEET WIDE

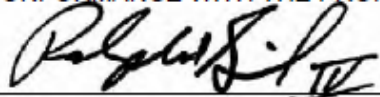
THENCE ALONG SAID NORTHERLY LINE OF SAID ROSECRANS AVENUE SOUTH 89°37'06" WEST 100.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 3,801 SQUARE FEET OR 0.087 ACRES, MORE OR LESS.

SUBJECT TO COVENANTS, CONDITIONS, RESERVATIONS, RESTRICTIONS, RIGHTS OF WAY, AND EASEMENTS OF RECORD, IF ANY.

ALL AS MORE PARTICULARLY SHOWN ON EXHIBIT "B", ATTACHED HERETO AND MADE A PART HEREOF.

THIS DOCUMENT HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT.



RALPH W. GUIDA, IV, P.L.S. 7076

2019/04/15

DATE



EXHIBIT B-1

Plat Map of the Required Parcel – Temporary Construction Easement

