

**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")**

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 Underground Utility Easement ("PUUE") and a 13-month Temporary Construction Easement ("TCE"), as described more specifically in the legal descriptions Exhibits "A-1" and "A-2", respectively, and depicted in the plat maps Exhibit "B-1" and "B-2", respectively, (hereinafter, the "Property Interests"). The PUUE is required for installation of LACMTA underground conduit. The area of the PUUE is located within a portion of the parking lot along the Sepulveda Boulevard frontage. The 13-month TCE is required to facilitate installation of the LACMTA underground conduit. The TCE surrounds the perimeter of the PUE and grants temporary access to the subject area within the Property. The TCE will remain in place during the Project construction period and shall have a duration of thirteen (13) months.

Section 4.

(a.) 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");

(b.) 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

(c.) 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:

(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 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 27th day of January 2022.

COLLETTE LANGSTON
LACMTA Board Clerk

Date: _____

ATTACHMENTS

Exhibit A-1 and A-2 – Legal Description

LEGAL DESCRIPTION

EXHIBIT A

LEGAL DESCRIPTION

PERMENANT UNDERGROUND UTILITY EASEMENT

APN# 2242-025-026

That certain parcel of land situated in the City of Los Angeles, County of Los Angeles, State of California, being that portion of parcel A of Parcel Map L.A. No. 2015-0842, recorded September 24, 2015 in book 383, pages 95 and 96 of Parcel Maps, of official records of said Los Angeles County, being more particularly described as follows:

BEGINNING at the northwest corner of said parcel A, thence along the northerly line of said parcel, South 89°53'00" East (North 89°53'48" East, per PM No. 2015-0842), a distance of 11.00 feet to the **TRUE POINT OF BEGINNING** ; thence continuing along said line South 89°53'00" East, a distance of 4.00 feet; thence leaving said line South 00°13'27" West, a distance of 20.00 feet to the southerly line of said parcel; thence along said line, North 89°53'00" West (North 89°53'48" East, per PM), a distance of 4.00 feet; thence leaving said line, North 00°13'27" East, a distance of 20.00 to the **TRUE POINT OF BEGINNING**.

Containing 80.0 square feet, more or less.

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

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.

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



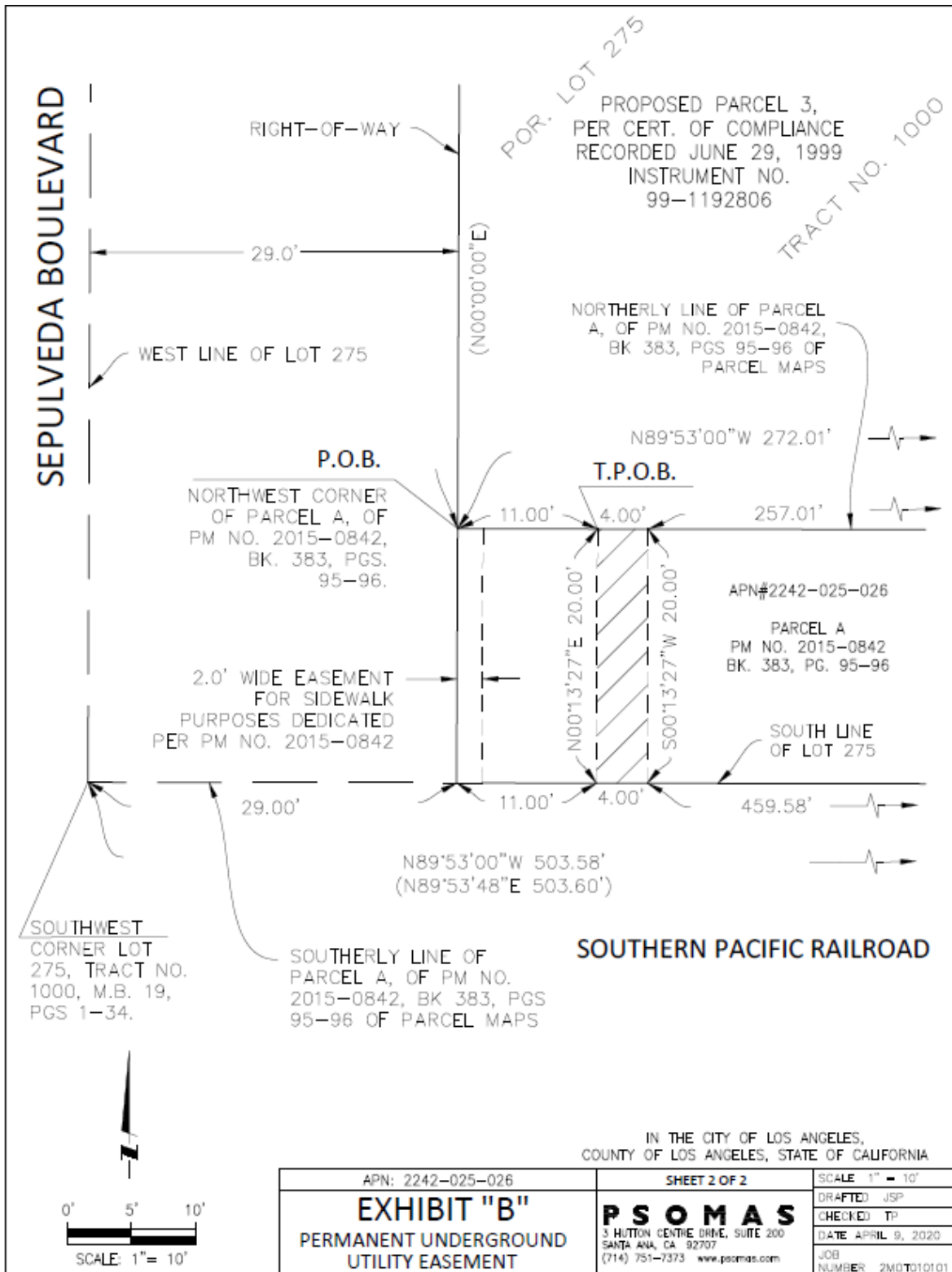
Thomas P. Pilarski, PLS 8732

04-09-20

Date



PLAT MAP



LEGAL DESCRIPTION

EXHIBIT A
LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT
APN# 2242-025-026

That certain parcel of land situated in the City of Los Angeles, County of Los Angeles, State of California, being that portion of parcel A of Parcel Map L.A. No. 2015-0842, recorded September 24, 2015 in book 383, pages 95 and 96 of Parcel Maps, of official records of said Los Angeles County, being more particularly described as follows:

BEGINNING at the northwest corner of said parcel A, thence along the northerly line of said parcel, South 89°53'00" East (North 89°53'48" East, per PM No. 2015-0842), a distance of 32.00 feet; thence leaving said line South 00°13'27" West, a distance of 2.00; thence, North 89°53'00" West a distance of 12.00 feet; thence South 00°13'27" West, a distance of 18.00 feet to the southerly line of said parcel; thence along said line, North 89°53'00" West (North 89°53'48" East, per said PM), a distance of 14.00 feet; thence leaving said line, North 00°13'27" East, a distance of 18.00 feet; thence North 89°53'00" West, a distance of 6.00 feet westerly line of said parcel A; thence along said line North 00°13'27" East, a distance of 2.00 feet to the **POINT OF BEGINNING**.

Containing 315.9 square feet, more or less.

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

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.

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



Thomas P. Pilarski, PLS 8732

04-29-20

Date



PLAT MAP

