

**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
WESTBOUND SR-91 ALONDRA BOULEVARD TO SHOEMAKER AVENUE
IMPROVEMENT PROJECT, ("PROJECT") APN: 7030-001-049 CPN: 81511-1**

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 48-month Temporary Construction Easement ("TCE"), as described more specifically in the legal description Exhibit "A-1" and depicted in the plat map Exhibit "B-1" (hereinafter, the "Property Interests"). The TCE is required to construct a soundwall. The TCE term shall have a duration up to forty-eight (48) months. The TCE is scheduled to begin upon Project Right of Way Certification or as soon thereafter as agreed by the underlying fee owner or ordered by the Court, and in all events will automatically expire no later than September 30, 2026. The TCE term shall include exclusive use by the easement holder of the TCE which is estimated to run approximately six (6) to twelve (12) concurrent months at parcel 81511-1, ("Construction Period"), with the remainder of the 48-month TCE term non-exclusive allowing fee owner's use of the TCE area to the extent it does not interfere with any Project construction activities.

Section 4.

(d.) The acquisition of the above-described Property Interests is necessary for the development, construction, operation, and maintenance of the Westbound SR-91 Alondra Boulevard to Shoemaker Avenue Improvement Project ("Project");

(e.) The Project Approval and Environmental Document (PAED) Phase of the project was approved by Caltrans in January 2019. A Mitigated Negative Declaration/Finding of No Significant Impact (MND/FONSI) was prepared pursuant to the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), respectively.

(f.) 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:

(e.) The public interest and necessity require the proposed Project;

(f.) 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;

(g.) The Property sought to be acquired, which has been described herein, is necessary for the proposed Project;

(h.) 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 26th day of January 2023.

COLLETTE LANGSTON
LACMTA Board Clerk

Date: _____

ATTACHMENTS

Exhibit A-1 - Legal Description

Exhibit B-1- Plat Map

LEGAL DESCRIPTION

TEMPORARY CONSTRUCTION EASMENT - PARCEL 81511-1

That portion of Lot 1 of Tract No. 73036, in the City of Cerritos, County of Los Angeles, State of California, as per Map filed in Book 1388, Pages 79 to 81, Inclusive of Maps, in the Office of the County Recorder of said Los Angeles County, described as follows:

BEGINNING at the Northwest corner of said Lot 1; thence along the Northeasterly line of said Lot 1, South 58°30'33" East, 1.97 feet; thence South 53°10'24" East, 232.42 feet; thence leaving said Northeasterly line, South 36°49'36" West, 2.00 feet; thence North 53°11'15" West, 232.94 feet to the Westerly line of said Lot 1; thence along said Westerly line, North 00°42'11" West, 2.36 feet to the **POINT OF BEGINNING**.

EXCEPTING therefrom all minerals, oil, gases and other hydrocarbon substances in or under the land above described without, however, the right to Drill, Dig or Mine through the surface thereof, as reserved by the City of Cerritos, a Municipal Corporation, in Deed recorded December 16, 1969 as Instrument No. 600 Official Records.

TOGETHER WITH an Easement for Drainage purposes In, On, Across and Through the Southerly 20 feet, measured at right angles to the Southerly line of that portion of the Southwest Quarter of Section 29, Township 3 South, Range 11 West, in the Rancho Los Coyotes, in the City of Cerritos, County of Los Angeles, State of California, as shown on Map recorded in Book 41819, Page 141, et seq., of Official Records, in the Office of the County Recorder of said Los Angeles County, described as follows:

BEGINNING at a point in the Southerly line of that certain real property conveyed to the State of California by Deed recorded in Book D-277, Page 215, of Official Records, distant along said Westerly line, North 0° 53' 40" West, 84.07 feet from the Southwesterly corner of said certain property; thence North 86° 12' 29" East 136.00 feet; thence North 51° 14' 38" West, 176.40 feet to said Westerly line; thence along said Westerly line, South 0° 53' 40" East, 119.45 feet to the **POINT OF BEGINNING**.

CONTAINING: 474 Square Feet more or less.

Unless otherwise noted, all bearings and distances are in terms of the California Coordinate System (CCS83), Zone 6, based on the North American Datum of 1983 Epoch 1993.1 as locally adjusted by Caltrans. All distances are grid, divide distances by 0.9999601897 to obtain ground distances.

SUBJECT TO all Covenants, Rights, Rights-of-Way and Easements of Record. Rights to the above described temporary easement shall cease and terminate on January 31, 2025. Said rights may also be terminated prior to the above date by **STATE** upon notice to **GRANTOR**.

EXHIBIT "B-1"

PLAT MAP Parcel 81511-1 Temporary Construction Easement

